

## Single European Act - Articles concerning a European area without frontiers (Luxembourg, 17 February 1986, and The Hague, 28 February 1986)

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Section II Provisions relating to the foundations and the policy of the Community.....  
Sub-section I — Internal market.....  
Sub-section II — Monetary capacity.....

[...]

## **Section II**

### **Provisions relating to the foundations and the policy of the Community**

#### **Sub-section I — Internal market**

##### **Article 13**

The EEC Treaty shall be supplemented by the following provisions:

*‘Article 8a*

The Community shall adopt measures with the aim of progressively establishing the internal market over a period expiring on 31 December 1992, in accordance with the provisions of this Article and of Articles 8b, 8c, 28, 57 (2), 59, 70 (1), 84, 99, 100a and 100b and without prejudice to the other provisions of this Treaty.

The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of this Treaty.’

##### **Article 14**

The EEC Treaty shall be supplemented by the following provisions:

*‘Article 8b*

The Commission shall report to the Council before 31 December 1988 and again before 31 December 1990 on the progress made towards achieving the internal market within the time limit fixed in Article 8a.

The Council, acting by a qualified majority on a proposal from the Commission, shall determine the guidelines and conditions necessary to ensure balanced progress in all the sectors concerned.’

##### **Article 15**

The EEC Treaty shall be supplemented by the following provisions:

*‘Article 8c*

When drawing up its proposals with a view to achieving the objectives set out in Article 8a, the Commission shall take into account the extent of the effort that certain economies showing differences in development will have to sustain during the period of establishment of the internal market and it may propose appropriate

provisions.

If these provisions take the form of derogations, they must be of a temporary nature and must cause the least possible disturbance to the functioning of the common market.’.

## **Article 16**

1. Article 28 of the EEC Treaty shall be replaced by the following provisions:

*‘Article 28*

Any autonomous alteration or suspension of duties in the common customs tariff shall be decided by the Council acting by a qualified majority on a proposal from the Commission.’.

2. In Article 57 (2) of the EEC Treaty, the second sentence shall be replaced by the following:

‘Unanimity shall be required for directives the implementation of which involves in at least one Member State amendment of the existing principles laid down by law governing the professions with respect to training and conditions of access for natural persons.’.

3. In the second paragraph of Article 59 of the EEC Treaty, ‘unanimously’ shall be replaced by ‘by a qualified majority’.

4. In Article 70 (1) of the EEC Treaty, the last two sentences shall be replaced by the following:

‘For this purpose the Council shall issue directives, acting by a qualified majority. It shall endeavour to attain the highest possible degree of liberalization. Unanimity shall be required for measures which constitute a step back as regards the liberalization of capital movements.’.

5. In Article 84 (2) of the EEC Treaty, the term ‘unanimously’ shall be replaced by ‘by a qualified majority’.

6. Article 84 (2) of the EEC Treaty shall be supplemented by the following paragraph:

‘The procedural provisions of Article 75 (1) and (3) shall apply.’.

## **Article 17**

Article 99 of the EEC Treaty shall be replaced by the following provisions:

*‘Article 99*

The Council shall, acting unanimously on a proposal from the Commission and after consulting the

European Parliament, adopt provisions for the harmonization of legislation concerning turnover taxes, excise duties and other forms of indirect taxation to the extent that such harmonization is necessary to ensure the establishment and the functioning of the internal market within the time limit laid down in Article 8a.’.

## **Article 18**

The EEC Treaty shall be supplemented by the following provisions:

### *‘Article 100a*

1. By way of derogation from Article 100 and save where otherwise provided in this Treaty, the following provisions shall apply for the achievement of the objectives set out in Article 8a. The Council shall, acting by a qualified majority on a proposal from the Commission in co-operation with the European Parliament and after consulting the Economic and Social Committee, adopt the measures for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market.
2. Paragraph 1 shall not apply to fiscal provisions, to those relating to the free movement of persons nor to those relating to the rights and interests of employed persons.
3. The Commission, in its proposals envisaged in paragraph 1 concerning health, safety, environmental protection and consumer protection, will take as a base a high level of protection.
4. If, after the adoption of a harmonization measure by the Council acting by a qualified majority, a Member State deems it necessary to apply national provisions on grounds of major needs referred to in Article 36, or relating to protection of the environment or the working environment, it shall notify the Commission of these provisions.

The Commission shall confirm the provisions involved after having verified that they are not a means of arbitrary discrimination or a disguised restriction on trade between Member States.

By way of derogation from the procedure laid down in Articles 169 and 170, the Commission or any Member State may bring the matter directly before the Court of Justice if it considers that another Member State is making improper use of the powers provided for in this Article.

5. The harmonization measures referred to above shall, in appropriate cases, include a safeguard clause authorizing the Member States to take, for one or more of the non-economic reasons referred to in Article 36, provisional measures subject to a Community control procedure.’.

## **Article 19**

The EEC Treaty shall be supplemented by the following provisions:

### *‘Article 100b*

1. During 1992, the Commission shall, together with each Member State, draw up an inventory of national

laws, regulations and administrative provisions which fall under Article 100a and which have not been harmonized pursuant to that Article.

The Council, acting in accordance with the provisions of Article 100a, may decide that the provisions in force in a Member State must be recognized as being equivalent to those applied by another Member State.

2. The provisions of Article 100a (4) shall apply by analogy.

3. The Commission shall draw up the inventory referred to in the first subparagraph of paragraph 1 and shall submit appropriate proposals in good time to allow the Council to act before the end of 1992.’.

## **Sub-section II — Monetary capacity**

### **Article 20**

1. A new Chapter 1 shall be inserted in Part Three, Title II of the EEC Treaty reading as follows:

#### *‘CHAPTER 1*

#### **CO-OPERATION IN ECONOMIC AND MONETARY POLICY (ECONOMIC AND MONETARY UNION)**

##### *Article 102a*

1. In order to ensure the convergence of economic and monetary policies which is necessary for the further development of the Community, Member States shall co-operate in accordance with the objectives of Article 104. In so doing, they shall take account of the experience acquired in co-operation within the framework of the European Monetary System (EMS) and in developing the ECU, and shall respect existing powers in this field.

2. In so far as further development in the field of economic and monetary policy necessitates institutional changes, the provisions of Article 236 shall be applicable. The Monetary Committee and the Committee of Governors of the Central Banks shall also be consulted regarding institutional changes in the monetary area.’.

2. Chapters 1, 2 and 3 shall become Chapters 2, 3 and 4 respectively.

[...]