

The signing of Spain's Treaty of Accession to the European Communities

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Last updated: 08/07/2016

The signing of the Treaty of Accession to the European Communities

Ana Gonzales

One of the successes of the recently reinstated Spanish democracy was undoubtedly its accession to full membership of the European Communities. Spain and its neighbour Portugal joined on 1 January 1986, following the signing of the Treaty of Accession.

The signing took place in Madrid's Palacio de Oriente and was presided over by His Majesty King Juan Carlos I, who delivered a speech welcoming the numerous foreign delegations in attendance at the ceremony. Following this opening address by the Head of the Spanish State, a few words were spoken by the Italian Prime Minister and European Council President, Bettino Craxi, Italy's Minister for Foreign Affairs and President-in-Office of the Council of Ministers of the EEC over the previous six months, Giulio Andreotti, and the President of the European Commission, Jacques Delors, who stressed Spain's importance within the European Community in the following terms: 'The building of Europe, and the hopes of Europe, would have remained partial and incomplete without your membership and your participation'.

The European delegations attending the ceremony notably included the Heads of Government of Denmark, Ireland, Italy and Portugal, as well as the French Prime Minister. However, most conspicuous by their absence were the President of the French Republic, the British Prime Minister and the German Chancellor, who sent their respective foreign ministers to the ceremony, as did Belgium and Greece. Luxembourg, meanwhile, was represented by its Deputy Prime Minister.

Once the opening speeches had been made, it was time to sign the Treaty of Accession and the acts concluding the negotiations. An address by the Spanish Prime Minister, Felipe González, marked the close of the ceremony.

The Treaty, known by its full title as the *Treaty concerning the accession of the Kingdom of Spain and the Portuguese Republic to the European Economic Community and to the European Atomic Energy Community*, was in itself a very short document, consisting of a preamble and three articles.

Article 1 provided for Spain and Portugal to become members of the European Economic Community and the European Atomic Energy Community, but made no mention of the European Coal and Steel Community, as accession to this last was enacted by decision and not through a treaty.

Article 2(2) of the Treaty stated that it would enter into force on 1 January 1986 provided that all the instruments of ratification had been deposited before that date and that all the instruments of accession to the European Coal and Steel Community were deposited on that date.

The same paragraph noted that if one of the acceding states had not deposited its instruments of ratification and accession in due time, the Treaty would enter into force for the state that had done so.

Annexed to the Treaty was an act which for its part was very lengthy. Its full title was *Act concerning the conditions of accession and the adjustments to the Treaties*. It was composed of 403 articles, along with 36 annexes and 25 protocols, which, according to Article 400 of the Act of Accession, formed an integral part of it. There was also a Final Act consisting of 49 related declarations, some of which were joint declarations by the Twelve, while others were joint declarations by the Ten and Spain or the Ten and Portugal, declarations by one of the acceding states or, finally, declarations by the Government of the Federal Republic of Germany.

Spain's entry into the European Community brought with it huge structural changes affecting the country's economy, legislation and society. These changes had been set out in the chapters forming the negotiation documents and entailed Spain's full adaptation to its new status as a member of the Community.

This adjustment process would take place gradually by means of 'transitional periods' and temporary

derogations from certain aspects of the Community *acquis* that Spain had not adopted on accession. The arrangements for the gradual adoption, in the course of these transitional periods, of those aspects of Community law subject to temporary derogations had also been laid down in the negotiations.

For instance, the measure that had attracted the heaviest criticism in a number of economic sectors was the application of value added tax, which was to replace 24 existing taxes.

In terms of the Customs Union, 1 January 1986 marked the beginning of a seven-year transitional period during which the tariffs in place between Spain and other countries of the Community would be dismantled. Full freedom of movement for workers would not be achieved until 1993, although the rights of Spanish workers in Community countries were guaranteed. The transitional periods applicable with regard to agriculture were some of the longest, stretching to 10 years in the case of vegetables.

Numbers within the European institutions increased with the arrival of Spanish and Portuguese representatives. The European Commission went from 14 to 17 members, with the addition of two Commissioners from Spain and one from Portugal, while the European Parliament gained 69 new Members from Spain and 24 from Portugal.

Manuel Marín and Abel Matutes served as European Commissioners and were joined in the safeguarding of Spanish interests in Brussels by the new State Secretary for Relations with the European Community, Pedro Solbes, and Carlos Westendorp, who was appointed Spain's Permanent Representative to the EEC.

It is important to stress how much this metaphorical return to Europe meant to Spain; the process was strengthened by the consensus among all political parties and the wide coverage it received in the media, which helped to spread a genuine enthusiasm for Europe among the Spanish population.