

*The final act lists the binding protocols and non-binding declarations*

# Final act

THE CONFERENCE OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, convened in Brussels on 30 September 2003 to adopt by common accord the Treaty establishing a Constitution for Europe, has adopted the following texts:

## ***The constitution***

I. Treaty establishing a constitution for Europe

## ***Protocols***

II. Protocols annexed to the treaty establishing a constitution for Europe

*Role of the parliaments*

1. Protocol on the role of national parliaments in the European Union

*Subsidiarity and proportionality*

2. Protocol on the application of the principles of subsidiarity and proportionality

*Court*

3. Protocol on the Statute of the Court of Justice of the European Union

*Central bank*

4. Protocol on the Statute of the European System of Central Banks and of the European Central Bank

*Investment bank*

5. Protocol on the Statute of the European Investment Bank

*Seats*

6. Protocol on the location of the seats of the institutions and of certain bodies, offices, agencies and departments of the European Union

*Immunities*

7. Protocol on the privileges and immunities of the European Union

*Accession*

8. Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden

*Accession 2004*

9. Protocol on the Treaty and the Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic

<i>Deficit</i>	10. Protocol on the <u>excessive deficit</u> procedure
<i>Convergence</i>	11. Protocol on the <u>convergence criteria</u>
<i>Euro Group</i>	12. Protocol on the <u>Euro Group</u>
<i>EMU - UK and Ireland</i>	13. Protocol on certain provisions relating to the United Kingdom of Great Britain and Northern Ireland as regards <u>economic and monetary union</u>
<i>EMU - Denmark</i>	14. Protocol on certain provisions relating to <u>Denmark</u> as regards <u>economic and monetary union</u>
<i>Danish national bank</i>	15. Protocol on certain tasks of the <u>National Bank of Denmark</u>
<i>CFP-franc</i>	16. Protocol on the <u>Pacific Financial Community franc system</u>
<i>Schengen</i>	17. Protocol on the <u>Schengen acquis</u> integrated into the framework of the European Union
<i>UK and Ireland - area without frontiers</i>	18. Protocol on the application of certain aspects of article <u>III-130</u> of the constitution to the <u>United Kingdom and to Ireland</u>
<i>UK and Ireland - justice and home affairs</i>	19. Protocol on the position of the <u>United Kingdom and Ireland</u> on policies in respect of border controls, asylum and immigration, judicial cooperation in <u>civil matters</u> and on <u>police cooperation</u>
<i>Danish derogations</i>	20. Protocol on the <u>position of Denmark</u>
<i>Border control</i>	21. Protocol on external relations of the on external relations of the Member States with regard to the crossing of <u>external borders</u>
<i>Asylum</i>	22. Protocol on <u>asylum</u> for nationals of Member States
<i>Defence</i>	23. Protocol on permanent <u>structured cooperation</u> established by Article I-41(6) and article III-312 of the Constitution
<i>Defence</i>	24. Protocol on <u>article I-41(2)</u> of the Constitution
<i>Dutch antilles</i>	25. Protocol concerning <u>imports</u> into the European Union of petroleum products refined in the <u>Netherlands Antilles</u>
<i>Second homes</i>	26. Protocol on the acquisition of <u>property in Denmark</u>
<i>Public broadcasting</i>	27. Protocol on the system of <u>public broadcasting</u> in the Member States

	Member States
<i>Equal pay</i>	28. Protocol concerning <u>Article III-214</u> of the Constitution
<i>Cohesion</i>	29. Protocol on <u>economic, social and territorial cohesion</u>
<i>Greenland</i>	30. Protocol on special arrangements for Greenland
<i>Abortion</i>	31. Protocol on Article 40.3.3 of the Constitution of Ireland
<i>Human rights</i>	32. Protocol relating to Article I-9(2) of the Constitution on the accession of the Union to the European <u>Convention on the Protection of Human Rights and Fundamental Freedoms</u>
<i>Acts and treaties</i>	33. Protocol on the <u>Acts and Treaties</u> which have supplemented or amended the Treaty establishing the European Community and the Treaty on European Union
<i>Transitional measures</i>	34. Protocol on the <u>transitional provisions</u> relating to the institutions and bodies of the Union
<i>Coal and steel</i>	35. Protocol on the financial consequences of the expiry of the Treaty establishing the European <u>Coal and Steel Community</u> and the Research Fund for Coal and Steel
<i>Euratom</i>	36. Protocol amending the <u>Treaty</u> establishing the <u>European Atomic Energy Community</u>
	III. Annexes to the Treaty establishing a Constitution for Europe:
<i>Food products</i>	1. Annex I – List referred to in Article <u>III-226</u> of the Constitution
<i>OCT-countries</i>	2. Annex II – Overseas countries and territories to which Title IV of Part III of the Constitution applies
	The Conference has adopted the following <u>declarations</u> annexed to this Final Act.
	A. Declarations concerning provisions of the Constitution
<i>Primacy of EU-law</i>	1. Declaration on Article I-6
<i>Human Rights</i>	2. Declaration on Article I-9(2)
<i>Demographic differences</i>	3. Declaration on Articles I-22, I-27 and I-28
<i>The presidency of the council</i>	4. Declaration on Article I-24(7) concerning the European Council decision on the exercise of the Presidency of the Council
<i>Voting in the council</i>	5. Declaration on Article I-25

<i>Smaller commission</i>	6. Declaration on Article I-26
<i>Commission president</i>	7. Declaration on Article I-27
<i>National experts</i>	8. Declaration on Article I-36
<i>Solidarity against terror</i>	9. Declaration on Articles I-43 and III-329
<i>Personal data and national security</i>	10. Declaration on Article I-51
<i>Small neighbours</i>	11. Declaration on Article I-57
<i>Charter explanations</i>	12. Declaration concerning the explanations relating to the Charter of Fundamental Rights
<i>Violence at home</i>	13. Declaration on Article III-116
<i>Social security</i>	14. Declaration on Articles III-136 and III-267
<i>Restrictive measures</i>	15. Declaration on Articles III-160 and III-322
<i>Division of Germany - aid</i>	16. Declaration on Article III-167(2)(c)
<i>Growth and stability pact</i>	17. Declaration on Article III-184
<i>Labour law</i>	18. Declaration on Article III-213
<i>Islands</i>	19. Declaration on Article III-220
<i>Division of Germany - transport</i>	20. Declaration on Article III-243
<i>Research</i>	21. Declaration on Article III-248
<i>Energy</i>	22. Declaration on Article III-256
<i>Prosecutions</i>	23. Declaration on Article III-273(1), second subparagraph
<i>EU foreign office</i>	24. Declaration on Article III-296
<i>International agreements</i>	25. Declaration on Article III-325 concerning the negotiation and conclusion of international agreements by Member States relating to the area of freedom, security and justice
<i>Financial frames</i>	26. Declaration on Article III-402(4)
<i>Deepening clause</i>	27. Declaration on Article III-419
<i>Mayottes status</i>	28. Declaration on Article IV-440(7)
<i>Official languages</i>	29. Declaration on Article IV-448(2)
<i>EU Summit after rejections</i>	30. Declaration on the ratification of the Treaty establishing a Constitution for Europe
	<b>B. Declarations concerning Protocols annexed to the Constitution</b>
	Declarations concerning the Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden
<i>Åland islands</i>	31. Declaration on the Åland islands

<i>Sami people</i>	32. Declaration on the Sami people Declarations concerning the Protocol on the Treaty and the Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic
<i>UK-base in Cyprus</i>	33. Declaration on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus
<i>Commission on Cyprus</i>	34. Declaration by the commission on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus
<i>Ignalina Nuclear Plant</i>	35. Declaration on the Ignalina Nuclear Power Plant in Lithuania
<i>Kaliningrad transit</i>	36. Declaration on the transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation
<i>Nuclear plant in Slovakia</i>	37. Declaration on Unit 1 and Unit 2 of the Bohunice V1 nuclear power plant in Slovakia
<i>Division in Cyprus</i>	38. Declaration on Cyprus
<i>Danish derogations</i>	39. Declaration concerning the Protocol on the position of Denmark
<i>Bulgaria and Romania</i>	40. Declaration concerning the Protocol on the transitional provisions relating to the institutions and bodies of the Union
<i>Backward regions in Italy</i>	41. Declaration concerning Italy
	Furthermore, the Conference has noted the declarations listed hereafter and annexed to this Final Act:
<i>Dutch net payments</i>	42. Declaration by the Kingdom of the Netherlands on Article I-55
<i>Dutch Antilles</i>	43. Declaration by the Kingdom of the Netherlands on Article IV-440
<i>Nuclear treaty</i>	44. Declaration by the Federal Republic of Germany, Ireland, the Republic of Hungary, the Republic of Austria and the Kingdom of Sweden
<i>Gibraltar</i>	45. Declaration by the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland
<i>UK "citizens"</i>	46. Declaration by the United Kingdom of Great Britain and Northern Ireland on the definition of the term "nationals"
<i>Spain about EU citizenship</i>	47. Declaration by the Kingdom of Spain on the definition of the term "nationals"
<i>UK about EP voting rights</i>	48. Declaration by the Kingdom of the United Kingdom of Great Britain and Northern Ireland on the franchise for elections to the European Parliament

*Belgium chambers*

*Spelling of euro*

49. Declaration by the Kingdom of Belgium on national parliaments

50. Declaration by the Republic of Latvia and the Republic of Hungary on the spelling of the name of the single currency in the Treaty establishing a Constitution for Europe.

Done at Rome, this twenty-ninth day of October in the year two thousand and four

.....  
(all languages)

For .....

.....

The following have also signed this Final Act, in their capacity as candidate States for accession to the European Union, having been observers to the Conference:

For Bulgaria, .....

For Romania, .....

For Turkey, .....