



BILLE NA gCOMHPHOBAL EORPACH (LEASÚ), 1993
EUROPEAN COMMUNITIES (AMENDMENT) BILL, 1993

Mar a ritheadh ag dhá Theach an Oireachtais
As passed by both Houses of the Oireachtas

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Amendment of section 1 of Act of 1972.
3. Amendment of section 2 of Act of 1972.
4. Adaptations to take account of EEA Agreement.
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6. Amendment of section 4 of Act of 1972.
7. Short title, collective citation, construction and commencement.

ACTS REFERRED TO

European Communities Act, 1972	1972, No. 27
European Communities Acts, 1972 to 1992	
European Communities (Amendment) Act, 1973	1973, No. 20
European Communities (Amendment) Act, 1992	1992, No. 24
Petty Sessions (Ireland) Act, 1851	1851, c. 93



**BILLE NA gCOMHPHOBAL EORPACH (LEASÚ), 1993
EUROPEAN COMMUNITIES (AMENDMENT) BILL, 1993**

BILL

entitled

AN ACT TO AMEND THE EUROPEAN COMMUNITIES ACT, 5
1972, AND TO PROVIDE FOR OTHER CONNECTED
MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—(1) In this Act—

“the Act of 1972” means the European Communities Act, 1972; 10

“EEA Agreement” means the Agreement on the European Economic Area signed in Oporto on the 2nd day of May, 1992, as adjusted by the Protocol to that Agreement done at Brussels on the 17th day of March, 1993.

(2) In this Act, a reference to any enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment including this Act. 15

Amendment of
section 1 of Act of
1972.

2.—(1) Subsection (1) of section 1 of the Act of 1972 is hereby amended by— 20

(a) the substitution in paragraph (l) of “13th” for “12th”, and

(b) the insertion, in the definition of “the treaties governing the European Communities” after paragraph (p) (inserted by the European Communities (Amendment) Act, 1992) of the following:

“and 25

(q) the Act amending the Protocol on the Statute of the European Investment Bank, empowering the Board of Governors to establish a European Investment Fund, signed at Brussels on the 25th day of March, 1993, together with the Treaty amending certain provisions of the Protocol on the Statute of the European Investment Bank, signed at Brussels on the 10th day of July, 1975.”. 30

(2) The text of the definition of "the treaties governing the European Communities" in the said section 1, as amended by *subsection (1)* of this section and by previous amendments, is set out in the Table to this section.

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TABLE

"the treaties governing the European Communities" means—

- (a) "the ECSC Treaty", that is to say, the Treaty establishing the European Coal and Steel Community, signed at Paris on the 18th day of April, 1951,
- 10 (b) "the EEC Treaty", that is to say, the Treaty establishing the European Economic Community, signed at Rome on the 25th day of March, 1957,
- (c) "the Euratom Treaty", that is to say, the Treaty establishing the European Atomic Energy Community, signed at Rome on the 25th day of March, 1957,
- 15 (d) the Convention on certain Institutions common to the European Communities, signed at Rome on the 25th day of March, 1957,
- (e) the Treaty establishing a single Council and a single Commission of the European Communities, signed at Brussels on the 8th day of April, 1965,
- 20 (f) the Treaty amending certain Budgetary Provisions of the Treaties establishing the European Communities and of the Treaty establishing a single Council and a single Commission of the European Communities, signed at Luxembourg on the 22nd day of April, 1970,
- (g) the Treaty relating to the accession of Ireland to the European Economic Community and to the European Atomic Energy Community, signed at Brussels on the 22nd day of January, 1972,
- 25 (h) the decision, of the 22nd day of January, 1972, of the Council of the European Communities relating to the accession of Ireland to the European Coal and Steel Community,
- 30 as supplemented or amended by treaties or other acts of which the dates of entry into force are dates not later than the 1st day of January, 1973, and
- (i) the Treaty amending certain financial provisions of the treaties establishing the European Communities and of the Treaty establishing a single Council and a single Commission of the European Communities, signed at Brussels on the 22nd day of July, 1975, and
- 35 (j) the Treaty relating to the accession of the Hellenic Republic to the European Economic Community and to the European Atomic Energy Community, signed at Athens on the 28th day of May, 1979, and
- (k) the decision, of the 24th day of May, 1979, of the Council of the European Communities relating to the accession of the Hellenic Republic to the European Coal and Steel Community, and
- 40 (l) the Treaty amending, with regard to Greenland, the Treaties establishing the European Communities, signed at Brussels on the 13th day of March, 1984, and
- (m) 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, signed at Lisbon and Madrid on the 12th day of June, 1985, and
- 45 (n) the decision, of the 11th day of June, 1985, of the Council of the European Communities relating to the accession of the Kingdom of Spain and the Portuguese Republic to the European Coal and Steel Community, and
- 50 (o) the following provisions of the Single European Act (done at Luxembourg on the 17th day of February, 1986, and at The Hague on the 28th day of February, 1986), namely, Article 3.1; Title II; Articles 31 and 32; and, in so far as they relate to the said Article 3.1, the said Title II and the said Articles 31 and 32, Articles 33 and 34, and
- 55 (p) the following provisions of the Treaty on European Union, namely, Titles II, III and IV; in Title VII, Articles L, M and P, and the other provisions of that Title in so far as they relate to any of the treaties governing the

European Communities as defined by this subsection; together with the Protocols (whether expressed to be annexed to the Treaty establishing the European Community, or to the said Treaty on European Union and the Treaties establishing the European Communities), done at Maastricht on the 7th day of February, 1992, and

- (q) the Act amending the Protocol on the Statute of the European Investment Bank, empowering the Board of Governors to establish a European Investment Fund, signed at Brussels on the 25th day of March, 1993, together with the Treaty amending certain provisions of the Protocol on the Statute of the European Investment Bank, signed at Brussels on the 10th day of July, 1975.

Amendment of section 2 of Act of 1972.

3.—Section 2 of the Act of 1972 is hereby amended by the insertion of the following subsection:

“(2) Without prejudice to subsection (1) of this section, from the coming into force of the EEA Agreement, the provisions of that Agreement and the acts to be adopted by institutions established by that Agreement which, pursuant to the treaties governing the European Communities, will be binding on the State and an integral part of the legal order of those Communities, shall have the force of law in the State on the conditions laid down in those treaties and in that Agreement.”,

and accordingly the said section 2 as originally enacted shall be subsection (1) of the said section 2.

Adaptations to take account of EEA Agreement.

4.—(1) Without prejudice to the future exercise of the powers conferred by section 3 of the Act of 1972, any regulations made under the said section 3 which are in force immediately before the coming into operation of section 3 of this Act, and any enactment, or instrument made under an enactment, which implements obligations of the State under the treaties governing the European Communities, shall, as far as practicable, be construed as if, on the coming into operation of section 3 of this Act, they were adapted as required by or under the EEA Agreement.

(2) Without prejudice to the generality of subsection (1) of this section, in any regulations made under section 3 of the Act of 1972, and in any enactment, or instrument made under an enactment, any reference to the Member States of the European Communities or to any person who is affected by the treaties governing those Communities shall, in so far as may be necessary to give effect to the obligations of the State pursuant to the EEA Agreement, be construed as including a reference to those States (not being Member States of the said Communities) which are contracting parties to the EEA Agreement and any person who is affected by the EEA Agreement.

Regulations under Act of 1972.

5.—(1) Without prejudice to the future exercise of the powers conferred by section 3 of the Act of 1972, all regulations made under section 3 of the Act of 1972 prior to the passing of this Act are hereby confirmed as on and from the date upon which they purported to come into operation.

(2) Subsection (1) of this section shall operate to confirm regulations or any provision of any regulation to the extent only that such confirmation is in accordance with the Constitution.

(3) Nothing in subsection (1) or (2) of this section shall be construed

to mean that but for this Act, any regulations or provision of regulations would for any reason be invalid having regard to the provisions of the Constitution or otherwise.

- 5 (4) Notwithstanding section 10 (4) of the Petty Sessions (Ireland) Act, 1851, proceedings in respect of offences committed after the passing of this Act under regulations (whether made before or after such passing) under the Act of 1972 may be instituted at any time within two years from the date of the commission of the offence.

- 10 (5) *Subsection (1)* of this section shall apply to all regulations made under section 3 of the Act of 1972 prior to the passing of this Act subject to any adaptation, amendment or revocation thereof whether by regulations made under the said section 3 or by any Act of the Oireachtas or instrument thereunder.

- 15 6.—(1) On and from such day as the Minister for Foreign Affairs shall by order appoint, section 4 (inserted by the European Communities (Amendment) Act, 1973) of the Act of 1972 shall stand amended by the substitution for “Joint Committee on Secondary Legislation of the European Communities” of “Joint Committee on Foreign Affairs”. Amendment of section 4 of Act of 1972.

- 20 (2) An order shall not be made under *subsection (1)* of this section before the establishment by both Houses of the Oireachtas of a Joint Committee to be known as the “Joint Committee on Foreign Affairs”.

- 7.—(1) This Act may be cited as the European Communities (Amendment) Act, 1993. Short title, collective citation, construction and commencement.

- 25 (2) The European Communities Acts, 1972 to 1992, and this Act may be cited together as the European Communities Acts, 1972 to 1993, and shall be construed together as one Act.

- 30 (3) *Sections 2* and *3* of this Act shall come into operation on such day or days as may be appointed by order or orders made by the Minister for Foreign Affairs.

BILLE NA gCOMHPHOBAL EORPACH
(LEASÚ), 1993

EUROPEAN COMMUNITIES
(AMENDMENT) BILL, 1993

BILLE

dá ngairtear

Acht do leasú Acht na gComhphobal Eorpach,
1972, agus do dhéanamh socrú i dtaobh nithe
comhghaolmhara eile.

BILL

entitled

An Act to amend the European Communities
Act, 1972, and to provide for other connected
matters.

*Ritheadh ag dhá Theach an Oireachtais,
13 Iúil, 1993*

*Passed by both Houses of the Oireachtas,
13th July, 1993*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais,
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