COMMISSION OPINION

of 31 May 1985

on the applications for accession to the European Communities by the Kingdom of Spain and the Portuguese Republic

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 98 thereof,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 237 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 205 thereof,

Whereas the Kingdom of Spain and the Portuguese Republic have applied to become members of those Communities;

Whereas, in its opinions of 19 May and 20 November 1978, the Commission has already had an opportunity of expressing its views on certain essential aspects of the problems arising in connection with these applications;

Whereas the terms for the admission of these States and the adjustments to the Treaties necessitated by their accession have been negotiated in conferences between the Communities and the applicant States; whereas the uniqueness of Community representation was ensured with due regard for the institutional dialogue provided for by the Treaties;

Whereas, on the completion of those negotiations, it is apparent that the provisions so agreed are fair and proper; whereas, this being so, the Community's enlargement, while preserving its internal cohesion and dynamism, will enable it to take a fuller part in the development of international relations;

Whereas, in joining the Communities, the applicant States accept, without reserve, the Treaties and their political objectives, all decisions taken since their entry into force and the options taken in respect of the development and strengthening of the Communities;

Whereas it is an essential feature of the legal order introduced by the Treaties establishing the Communities that certain of their provisions and certain acts adopted by the institutions of the Communities are directly applicable, that Community law takes precedence over any national provisions which might conflict with it, and that procedures exist for ensuring the uniform interpretation of Community law; whereas accession to the Communities implies recognition of the binding nature of these rules, observance of which is indispensable to guarantee the effectiveness and unity of Community law;

Whereas the principles of pluralist democracy and respect for human rights form part of the common heritage of the peoples of the States brought together in the European Communities and constitute therefore essential elements of membership of the said Communities;

Whereas enlargement of the Communities through the accession of the Kingdom of Spain and the Portuguese Republic will help to strengthen safeguards for peace and freedom in Europe,

HEREBY DELIVERS A FAVOURABLE OPINION:

on the accession to the European Communities of the Kingdom of Spain and the Portuguese Republic.

This opinion is addressed to the Council.

Done at Brussels, 31 May 1985.

For the Commission