36. PROTOCOL AMENDING THE TREATY ESTABLISHING THE EUROPEAN ATOMIC ENERGY COMMUNITY

THE HIGH CONTRACTING PARTIES,

RECALLING the necessity that the provisions of the Treaty establishing the European Atomic Energy Community should continue to have full legal effect;

DESIRING to adapt that Treaty to the new rules laid down by the Treaty establishing a Constitution for Europe, in particular in the institutional and financial fields,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe and which amend the Treaty establishing the European Atomic Energy Community as follows:

Article 1

This Protocol shall amend the Treaty establishing the European Atomic Energy Community (hereinafter referred to as the 'EAEC Treaty') in its version in force at the time of entry into force of the Treaty establishing a Constitution for Europe.

Notwithstanding the provisions of Article IV-437 of the Treaty establishing a Constitution for Europe and without prejudice to the other provisions of this Protocol, the legal effects of the amendments made to the EAEC Treaty by the Treaties and Acts repealed pursuant to Article IV-437 of the Treaty establishing a Constitution for Europe and the legal effects of the acts in force adopted on the basis of the EAEC Treaty shall not be affected.

Article 2

The heading of Title III of the EAEC Treaty 'Institutional provisions' shall be replaced by the heading: 'Institutional and financial provisions'.

Article 3

The following chapter shall be inserted at the beginning of Title III of the EAEC Treaty:

'CHAPTER I

APPLICATION OF CERTAIN PROVISIONS OF THE TREATY ESTABLISHING A CONSTITUTION FOR EUROPE

Article 106a

1. Articles I-19 to I-29, Articles I-31 to I-39, Articles I-49 and I-50, Articles I-53 to I-56, Articles I-58 to I-60, Articles III-330 to III-372, Articles III-374 and III-375, Articles III-378 to III-381, Articles III-384 and III-385, Articles III-389 to III-392, Articles III-395 to III-410,

Articles III-412 to III-415 and Articles III-427, III-433, IV-439 and IV-443 of the Treaty establishing a Constitution for Europe shall apply to this Treaty.

2. Within the framework of this Treaty, the references to the Union and to the Constitution in the provisions referred to in paragraph 1 and those in the protocols annexed both to the Treaty establishing a Constitution for Europe and to this Treaty shall be taken, respectively, as references to the European Atomic Energy Community and to this Treaty.

3. The provisions of the Treaty establishing a Constitution for Europe shall not derogate from the provisions of this Treaty.'

Article 4

Chapters I, II and III of Title III of the EAEC Treaty shall be renumbered II, III and IV.

Article 5

1. Article 3, Articles 107 to 132, Articles 136 to 143, Articles 146 to 156, Articles 158 to 163, Articles 165 to 170, Articles 173 and 173A, Article 175, Articles 177 to 179a, and Articles 180b, 181, 183, 183A, 190 and 204 of the EAEC Treaty shall be repealed.

2. The Protocols previously annexed to the EAEC Treaty shall be repealed.

Article 6

The heading of Title IV of the EAEC Treaty 'Financial provisions' shall be replaced by the heading: 'Specific financial provisions'.

Article 7

1. In the third paragraph of Article 38 and the third paragraph of Article 82 of the EAEC Treaty the references to Articles 141 and 142 shall be replaced by references to Articles III-360 and III-361 respectively of the Constitution.

2. In Article 171(2) and Article 176(3) of the EAEC Treaty the references to Article 183 shall be replaced by references to Article III-412 of the Constitution.

3. In Article 172(4) of the EAEC Treaty the reference to Article 177(5) shall be replaced by a reference to Article III-404 of the Constitution.

4. In Articles 38, 82, 96 and 98 of the EAEC Treaty the term 'directive' shall be replaced by the term 'European regulation'.

5. In the EAEC Treaty the term 'decision' shall be replaced by 'European decision' save in Articles 18, 20 and 23 and the first paragraph of Article 53 and in cases where a decision is taken by the Court of Justice of the European Union.

6. In the EAEC Treaty the term 'Court of Justice' shall be replaced by 'Court of Justice of the European Union'.

Article 8

Article 191 of the EAEC Treaty shall be replaced by the following:

'Article 191

The Community shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of its tasks, under the conditions laid down in the Protocol on the privileges and immunities of the European Union.'

Article 9

Article 198 of the EAEC Treaty shall be replaced by the following:

'Article 198

Save as otherwise provided, the provisions of this Treaty shall apply to the European territories of the Member States and to the non-European territories under their jurisdiction.

They shall also apply to the European territories for whose external relations a Member State is responsible.

The provisions of this Treaty shall apply to the Åland Islands with the derogations which were originally set out in the Treaty referred to in Article IV-437(2)(d) of the Treaty establishing a Constitution for Europe and which have been incorporated in 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.

Notwithstanding the first, second and third paragraphs:

(a) this Treaty shall not apply to the Faroe Islands or to Greenland;

(b) this Treaty shall not apply to the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus;

(c) this Treaty shall not apply to the overseas countries and territories having special relations with the United Kingdom of Great Britain and Northern Ireland which are not mentioned in the list in Annex II to the Treaty establishing a Constitution for Europe;

(d) this Treaty shall apply to the Channel Islands and the Isle of Man only to the extent necessary to ensure the implementation of the arrangements for those islands originally set out in the Treaty referred to in Article IV-437(2)(a) of the Treaty establishing a Constitution for Europe and which have been incorporated in 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.'

Article 10

Article 206 of the EAEC Treaty shall be replaced by the following:

'Article 206

The Community may conclude with one or more States or international organisations agreements establishing an association involving reciprocal rights and obligations, common action and special procedures.

These agreements shall be concluded by the Council, acting unanimously after consulting the European Parliament.

Where such agreements call for amendments to this Treaty, these amendments shall first be adopted in accordance with the procedure laid down in Article IV-443 of the Treaty establishing a Constitution for Europe.'

Article 11

In Article 225 of the EAEC Treaty, the second paragraph shall be replaced by the following:

'The Czech, Danish, English, Estonian, Finnish, Greek, Hungarian, Irish, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish and Swedish versions of the Treaty shall also be authentic.'

Article 12

The revenue and expenditure of the European Atomic Energy Community, except for those of the Supply Agency and Joint Undertakings, shall be shown in the budget of the Union.