

PROTOCOL No 2
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 on European Union and by the Treaty on the Functioning of the European Union, in particular in the institutional and financial fields,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty of Lisbon 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 of Lisbon.

(The second paragraph does not apply to the English version.)

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 ON EUROPEAN UNION AND OF THE
TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION

Article 106a

1. Article 7, Articles 9 to 9 F, Article 48(2) to (5), and Articles 49 and 49 A of the Treaty on European Union, Article 16 A, Articles 190 to 201b, Articles 204 to 211a, Article 213, Articles 215 to 236, Articles 238, 239 and 240, Articles 241 to 245, Articles 246 to 262, Articles 268 to 277, Articles 279 to 280 and Articles 283, 290 and 292 of the Treaty on the Functioning of the European Union, and the Protocol on Transitional Provisions, shall apply to this Treaty.

2. Within the framework of this Treaty, the references to the Union, to the “Treaty on European Union”, to the “Treaty on the Functioning of the European Union” or to the “Treaties” in the provisions referred to in paragraph 1 and those in the protocols annexed both to those Treaties 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 on European Union and of the Treaty on the Functioning of the European Union 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 respectively.

Article 5

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 173 , Article 175, Articles 177 to 179a, and Articles 180b, 181, 183, 183 , 190 and 204 of 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 226 and 227 respectively of the Treaty on the Functioning of the European Union.

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 279 of the Treaty on the Functioning of the European Union.

3. In Article 172(4) of the EAEC Treaty the reference to Article 177(5) shall be replaced by a reference to Article 272 of the Treaty on the Functioning of the European Union.

4. In the EAEC Treaty the words ‘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 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 48(2) to (5) of the Treaty on European Union.'

Article 10

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.
