

Changes to Legislation: as of 6 June 2024, there are changes to this Act which have not been implemented by the Revised Acts editorial team, see highlighted entries [here](#). Note that some amendments may not be in force until commenced by a commencement order or other provision.



Number 27 of 1972

EUROPEAN COMMUNITIES ACT 1972

REVISED

Updated to 26 August 2020

This Revised Act is an administrative consolidation of the *European Communities Act 1972*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020* (13/2020), enacted 6 August 2020, and all statutory instruments up to and including *European Union (Common Fisheries Policy) (Point System) Regulations 2020* (S.I. No. 318 of 2020), made 26 August 2020, were considered in the preparation of this Revised Act.

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ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. General provision.
3. Power to make regulations.
- 3A. Regulations to which section 3(3) of Act of 1972 applies.
4. Effect and confirmation of regulations.
5. Report to Houses of Oireachtas.
6. Short title.



Number 27 of 1972

EUROPEAN COMMUNITIES ACT 1972

REVISED

Updated to 26 August 2020

AN ACT TO MAKE PROVISION WITH RESPECT TO MEMBERSHIP OF THE STATE OF THE EUROPEAN COMMUNITIES. [6th December, 1972]

BE IT ENACTED BY THE OIREACTHAS AS FOLLOWS:

Definitions.

1.—(1) In this Act—

“the European Communities” means the European Economic Community, the European Coal and Steel Community and the European Atomic Energy Community;

F1[‘European Union’ means the European Union, established by virtue of the Lisbon Treaty, and the European Atomic Energy Community;]

F1[‘Lisbon Treaty’ means the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon on the 12th day of December 2007;]

“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,
- (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,
- (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,
- (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,

(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,

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 F2[, 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] F3[and

(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,] F4[and

(l) the Treaty amending, with regard to Greenland, the Treaties establishing the European Communities, signed at Brussels on the F5[13th] day of March, 1984] F6[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

(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,] F7[and

(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,] F8[and

(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,] F9[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,] F10[and

(r) the Treaty concerning the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union signed at Corfu on the 24th day of June, 1994, in so far as that Treaty relates to the European Communities,] F11[and

(s) the following provisions of the Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts, namely, Articles 1.13 and 2 to 12 together with the annexed Protocols whether expressed to be annexed to—

- (i) the Treaty on European Union and to the Treaty establishing the European Community,
 - (ii) the Treaty establishing the European Community, or
 - (iii) the Treaty on European Union and the Treaties establishing the European Community, the European Coal and Steel Community and the European Atomic Energy Community,
- signed at Amsterdam on the 2nd day of October, 1997,] F12[and
- (t) the following provisions of the Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts, namely, Articles 1.15 and 2 to 10 together with the annexed Protocols whether expressed to be annexed to—
 - (i) the Treaty on European Union and to the Treaties establishing the European Communities,
 - (ii) the Treaty on European Union, to the Treaty establishing the European Community and to the Treaty establishing the European Atomic Energy Community, or
 - (iii) the Treaty establishing the European Community,signed at Nice on the 26th day of February 2001,] F13[and
 - (u) the Treaty concerning the 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 to the European Union done at Athens on the 16th day of April 2003, in so far as that Treaty relates to the European Communities,] F14[and
 - (v) the Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union signed at Luxembourg on the 25th day of April 2005, in so far as that Treaty relates to the European Communities.]
- F15[‘treaties governing the European Union’ means—
- (a) the Treaty on European Union,
 - (b) the Treaty on the Functioning of the European Union,
 - (c) the Lisbon Treaty, and
 - (d) the treaties governing the European Communities,
- (other than the provisions to which the first paragraph of Article 275 of the treaty referred to in paragraph (b) applies), as amended by—
- (i) the Protocol amending the Protocol on transitional provisions annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community, done at Brussels on the 23rd day of June 2010,]
- F16[(ii) the European Council Decision of 25 March 2011 amending Article 136 of the Treaty on the Functioning of the European Union with regard to a stability mechanism for Member States whose currency is the euro,
- (iii) the Treaty concerning the accession of the Republic of Croatia to the European Union, done at Brussels on the 9th day of December 2011, and

(iv) the Protocol on the concerns of the Irish people on the Treaty of Lisbon, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, done at Brussels on the 16th day of May 2012.]

(2) (a) In the foregoing subsection “treaties or other acts of which the dates of entry into force are dates not later than the 1st day of January, 1973” does not include a treaty or other act of which the date of entry into force is later than the 22nd day of January, 1972, unless the Government have, not later than the 1st day of January, 1973, by order declared that this section applies to it.

(b) Where an order under this section is proposed to be made, a draft thereof shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.

General provision.

2.—F17[(1) The following shall be binding on the State and shall be part of the domestic law thereof under the conditions laid down in the treaties governing the European Union:

(a) the treaties governing the European Union;

(b) acts adopted by the institutions of the European Union (other than acts to which the first paragraph of Article 275 of the Treaty on the Functioning of the European Union applies);

(c) acts adopted by the institutions of the European Communities in force immediately before the entry into force of the Lisbon Treaty; and

(d) acts adopted by bodies competent under those treaties (other than acts to which the first paragraph of the said Article 275 applies).]

F18[(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.]

F19[(3) Without prejudice to subsection (1) of this section, from the coming into force of the Agreements (within the meaning of the European Communities and Swiss Confederation Act, 2001), the provisions of those Agreements and the acts to be adopted by the institutions established by those Agreements 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 those Agreements.]

Power to make regulations.

3.—(1) A Minister of State may make regulations for enabling section 2 of this Act to have full effect.

(2) Regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister making the regulations to be necessary for the purposes of the regulations (including provisions repealing, amending or applying, with or without modification, other law, exclusive of this Act).

F20[(3) Regulations under this section may—

(a) make provision for offences under the regulations to be prosecuted on indictment, where the Minister of the Government making the regulations considers it necessary for the purpose of giving full effect to—

F21[(i) a provision of the treaties governing the European Union, or

(ii) an act, or provision of an act, adopted by an institution of the European Union, an institution of the European Communities or a body competent under those treaties, and]

(b) make such provision as that Minister of the Government considers necessary for the purpose of ensuring that penalties in respect of an offence prosecuted in that manner are effective and proportionate, and have a deterrent effect, having regard to the acts or omissions of which the offence consists, provided that the maximum fine (if any) shall not be greater than €500,000 and the maximum term of imprisonment (if any) shall not be greater than 3 years.]

(4) Regulations under this section may be made before the 1st day of January, 1973, but regulations so made shall not come into operation before that day.

F22[(5) In this section—

‘maximum fine’ means the maximum fine to which a person shall be liable on conviction on indictment of an offence;

‘maximum term of imprisonment’ means the maximum term of imprisonment to which a person shall be liable on conviction on indictment of an offence.]

F23[Regulations to which section 3(3) of Act of 1972 applies.

3A.— Every regulation to which subsection (3) (inserted by section 2(a) of the European Communities Act 2007) of section 3 of this Act applies shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House sits after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.]

Effect and confirmation of regulations.

4.—F24[(1) (a) Regulations under this Act shall have statutory effect.

(b) If the F25[Joint Committee on European Affairs] recommends to the Houses of the Oireachtas that any regulations under this Act be annulled and a resolution annulling the regulations is passed by both such Houses within one year after the regulations are made, the regulations shall be annulled accordingly and shall cease to have statutory effect, but without prejudice to the validity of anything previously done thereunder.

(2) (a) If when regulations under this Act are made, or at any time within one year thereafter and while the regulations have statutory effect, Dáil Éireann stands adjourned for a period of more than ten days and if, during the adjournment, at least one-third of the members of Dáil Éireann by notice in writing to the Ceann Comhairle require Dáil Éireann to be summoned, the Ceann Comhairle shall summon Dáil Éireann to meet on a day named by him being neither more than twenty-one days after the receipt by him of the notice nor less than ten days after the issue of the summons.

(b) If when regulations under this Act are made, or at any time within one year thereafter and while the regulations have statutory effect, Seanad Éireann stands adjourned for a period of more than ten days and if, during the adjournment, at least one-third of the members of Seanad Éireann by notice in writing to the Cathaoirleach require Seanad Éireann to be summoned, the Cathaoirleach shall summon Seanad Éireann to meet on a day named by him being neither more than twenty-one days after the receipt by him of the notice nor less than ten days after the issue of the summons.

(c) Paragraphs (a) and (b) of this subsection shall not apply to regulations in relation to which a resolution for their annulment has been refused by either House of the Oireachtas.]

S. 5

[No. 27.]

European Communities Act
1972

[1972.]

Report to Houses
of Oireachtas.

F26[5.—In each year, beginning with the year 2003, the Government shall make a report to each House of the Oireachtas on developments in the European Communities and the European Union.]

Short title.

6.—This Act may be cited as the European Communities Act, 1972.



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EUROPEAN COMMUNITIES ACT 1972

REVISED

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About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment and preserves the format in which it was first passed.

Related Legislation

European Communities Acts 1972 to 2012: this Act is one of a group of Acts included in this collective citation (*European Communities (Amendment) Act 2012* (21/2012), s. 2(2)). The Acts in this group are:

- *European Communities Act 1972* (27/1972)
- *European Communities (Amendment) Act 1973* (20/1973)
- *European Communities (Amendment) Act 1977* (5/1977)
- *European Communities (Amendment) Act 1979* (32/1979)
- *European Communities (Amendment) Act 1985* (1/1985)
- *European Communities (Amendment) (No. 2) Act 1985* (19/1985)
- *European Communities (Amendment) Act 1986* (37/1986)
- *European Communities (Amendment) Act 1992* (24/1992)
- *European Communities (Amendment) Act 1993* (25/1993)
- *European Communities (Amendment) Act 1994* (30/1994)
- *European Communities (Amendment) Act 1995* (6/1995)
- *European Communities (Amendment) Act 1998* (25/1998)
- *European Communities and Swiss Confederation Act 2001* (41/2001)
- *European Union (Scrutiny) Act 2002* (25/2002), s. 4
- *European Communities (Amendment) Act 2002* (27/2002)
- *European Communities (Amendment) Act 2003* (38/2003)
- *European Communities (Amendment) Act 2006* (18/2006)
- *European Communities Act 2007* (18/2007)
- *European Union Act 2009* (33/2009)
- *European Communities (Amendment) Act 2012* (21/2012)

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation

may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.