

Act empowering the EIB to establish a European Investment Fund (25 March 1993)

Caption: Act amending the protocol on the statute of the European Investment Bank empowering the Board of Governors to establish a European Investment Fund, signed in Brussels on 25 March 1993.

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Act amending the protocol on the statue of the European Investment Bank empowering the Board of Governors to establish a European Investment Fund

Information concerning the date of entry into force of the Act amending the Protocol on the Statue of the EIB, signed in Brussels on 25 March 1993 (1).....

HIS MAJESTY THE KING OF THE BELGIANS,
HER MAJESTY THE QUEEN OF DENMARK,
THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,
THE PRESIDENT OF THE HELLENIC REPUBLIC,
HIS MAJESTY THE KING OF SPAIN,
THE PRESIDENT OF THE FRENCH REPUBLIC,
THE PRESIDENT OF IRELAND,
THE PRESIDENT OF THE ITALIAN REPUBLIC,
HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,
HER MAJESTY THE QUEEN OF THE NETHERLANDS,
THE PRESIDENT OF THE PORTUGUESE REPUBLIC,
HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

DETERMINED to provide for the necessary financial instruments for the strengthening of the internal market and economic and social cohesion,

WHEREAS the European Council in Edinburgh requested that urgent consideration be given to the establishment of a European Investment Fund in order to promote economic recovery in Europe,

AFFIRMING the benefits of close co-operation between the Community, the European Investment Bank and other financial institutions in the Member States with an interest in the objectives of the Fund,

HAVE DECIDED to amend the Statute of the Bank in order to empower the Board of Governors to establish a European Investment Fund and to this end have designated as their plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS,

Philippe DE SCHOUTHEETE DE TERVARENT,
Ambassador,
Permanent Representative,

HER MAJESTY THE QUEEN OF DENMARK,

Gunnar RIBERHOLDT,
Ambassador,
Permanent Representative,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

Jochen GRÜNHAGE,

Deputy Permanent Representative,

THE PRESIDENT OF THE HELLENIC REPUBLIC

Leonidas EVANGELIDIS,
Ambassador,
Permanent Representative,

HIS MAJESTY THE KING OF SPAIN,

Camilo BARCIA GARCIA-VILLAMIL,
Ambassador,
Permanent Representative,

THE PRESIDENT OF THE FRENCH REPUBLIC,

François SCHEER,
Ambassador,
Permanent Representative,

THE PRESIDENT OF IRELAND,

Pádraig MAC KERNAN,
Ambassador,
Permanent Representative,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

Federico DI ROBERTO
Ambassador,
Permanent Representative,

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG

Jean-Jacques KASEL,
Ambassador,
Permanent Representative,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

B. R. BOT,
Ambassador,
Permanent Representative,

THE PRESIDENT OF THE PORTUGUESE REPUBLIC,

José César PAULOIRO DAS NEVES,
Ambassador,
Permanent Representative,

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Sir John KERR,
Ambassador,

Permanent Representative,

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Article A

The Protocol on the Statute of the European Investment Bank, annexed to the Treaty establishing the European Economic Community shall be completed by the addition of the following Article:

'Article 30

1. The Board of Governors may, acting unanimously, decide to establish a European Investment Fund, which shall have legal personality and financial autonomy, and of which the Bank shall be a founding member.
2. The Board of Governors shall establish the Statute of the European Investment Fund by unanimous decision. The Statute shall define, in particular, its objectives, structure, capital, membership, financial resources, means of intervention and auditing arrangements as well as the relationship between the organs of the Bank and those of the Fund.
3. Notwithstanding the provisions of Article 20 (2), the Bank shall be entitled to participate in the management of the Fund and contribute to its subscribed capital up to the amount determined by the Board of Governors acting unanimously.
4. The European Economic Community may become a member of the Fund and contribute to its subscribed capital. Financial institutions with an interest in the objectives of the Fund may be invited to become members.
5. The Protocol on the Privileges and Immunities of the European Communities shall apply to the Fund, to the members of its organs in the performance of their duties as such and to its staff.

The Fund shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Fund has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the activities of the Fund and of its organs carried out in accordance with its Statute shall not be subject to any turnover tax.

Those dividends, capital gains or other forms of revenue stemming from the Fund to which the members, other than the European Economic Community and the Bank, are entitled, shall however remain subject to the fiscal provisions of the applicable legislation.

6. The Court of Justice shall, within the limites hereinafter laid down, have jurisdiction in disputes concerning measures adopted by organs of the Fund. Proceedings against such measures may be instituted by any member of the Fund in its capacity as such or by Member States under the conditions laid down in Article 173 of this Treaty.'

Article B

1. This Act shall be ratified by the High Contracting Parties in accordance with their respective constitutional requirements. The instruments of ratification shall be deposited with the Government of the Italian Republic.
2. This Act shall enter into force on the first day of the month following the deposit of the instrument of

ratification by the last signatory State to take this step.

Article C

This Act, drawn up in a single original in the Danish, Dutch, English, French, German, Greek, Irish, Italian, Portuguese and Spanish languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which will transmit a certified copy to each of the Governments of the other signatory States.

En fe lo cual, los plenipotenciarios abajo firmantes suscribem la presente Acta.

Til bekræftelse heraf har undertegnede befuldmaegttede underskrevet denne akt.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter diesen Rechtsakt gesetzt.

Εις πίσωψη των ανώερω, σι υπογεγραμμένοι πληρεξούοισι έεσαν τις υπογραφές τους σιην παρούοια πράξη.

In witness whereof the undersigned Plenipotentiaries have signed this Act.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent acte.

Dá fhianú sin, chuir na Lánchumhachtaigh thíos-sínihe a lámh leis an Ionstraim seo.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente atto.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Akte hebben gesteld.

Em fé do que, os plenipotenciários abaixo assinados apuseram as suas assinaturas no final do presente acto.

Hecho en Bruselas, el veinticinco de marzo de mil novecientos noventa y tres.

Udfaerdigest i Bruxelles, den femogtyvende marts nitten hundrede og treoghalvfems.

Geschehen zu Brüssel am fünfundzwanzigsten März neunzehnhundertdreiundneunzig.

Έγινε στις Βρυξέλλες στις είχοσι πέντε Μαρτίου χίλια εννιαχόσια εννενήντα τρία.

Done at Brussels on the twenty-fifth day of March in the year one thousand nine hundred and ninety-three.

Fait à Bruxelles, le vingt-cinq mars mil neuf cent quatre-vingt-treize.

Arna dhéanamh sa Bhruiséil, an cúigiú lá fichead de Mhárta, mile naoi gcéad nócha a tri.

Fatto a Bruxelles, addi venticinque marzo millenovecentonovantatré.

Gedaan te Brussel, de vijfentwintigste maart negentienhonderd drieënnegentig.

Feito em Bruxelas, em vinte e cinco de Março de mil novecentos e noventa e três.

Pour Sa Majesté le Roi des Belges
Voor Zijne Majesteit de Koning der Belgen

[Signature]

For Hendes Majestaet Danmarks Dronning

[Signature]

Für den Präsidenten der Bundesrepublik Deutschland

[Signature]

Για τον Πρόεδρο της Ελληνικής Δημοκρατίας

[Signature]

Por su Majestad el Rey de España

[Signature]

Pour le Président de la République française

[Signature]

Thar ceann Uachtarán na hEireann
For the President of Ireland

[Signature]

Per il Presidente della Repubblica italiana

[Signature]

Pour Son Altesse Royale le Grand-Duc de Luxembourg

[Signature]

Voor Hare Majesteit de Koningin der Nederlanden

[Signature]

Pelo presidente da República Portuguesa

[Signature]

For Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland

[Signature]

Information concerning the date of entry into force of the Act amending the Protocol on the Statue of the EIB, signed in Brussels on 25 March 1993 (1)

The Act amending the Protocol on the Statue of the EIB, empowering the Board of Governors to establish a European Investment Fund, signed in Brussels on 25 March 1993, entered into force on 1 May 1994, in

accordance with Article B (2) thereof, the last instrument of ratification having been deposited on 29 April 1994.

(¹) See page 14 of this Official Journal.