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9067041823 - The European Community, the European Union and the International Law of Treaties:

A Comparative Legal Analysis of the Community and Union's External Treaty-Making Practice

Delano R. Verwey

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*To my beloved late parents.
May I have made them proud.*

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PREFACE

This book contains a study comparing the treaty making practices and rules of the European Communities (EC) and the European Union (EU) with those of the International Law of Treaties. Here notably the Vienna Conventions of 1969 and 1986, concluded in the framework of the United Nations, are of importance.

The study illustrates the growing importance of the EC and the EU as international players in an ever globalizing world.

The book is unique to the extent that up to this moment only limited literature is available on this subject.

The European Constitution which has been politically agreed upon on 18 June 2004 by the Representatives of the Member States of the EU, aims at abolishing the pillar structure of the EU, integrating the European Communities into the EU and, finally but not least, formally granting legal personality to the single remaining international organisation, the European Union. In doing so the Constitution, once entered into force, certainly will give more impetus to the state-like characteristics and the identity of the European Union and, thus, to its capacity to act internationally as a fully recognized subject of international law.

The author, Dr Delano R. Verwey, is a specialist both of EU law and of public international law, and therefore pre-eminently well placed to write the book which is in front of you.

Let us hope that the book will give rise to further reading, research and writing regarding the relationship between the European Union legal order and International Law taken in its broadest sense.

Rotterdam, July 2004

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AA	Ars Aequi
ACP States	African, Caribbean and Pacific Group of States
AG	Advocate General
AJIL	American Journal of International Law
AVR	Archiv des Völkerrechts
BiH	Bosnia and Herzegovina
Bull.	Bulletin of the European Union
Calif.W.Int'l.L.J.	California Western International Law Journal
CDE	Cahiers de Droit Européen
CFI	Court of First Instance
CFSP	Common Foreign and Security Policy
C.M.L. Rev.	Common Market Law Review
COP	Conference of Parties
COREPER	Committee of Permanent Representatives
EAEC	European Atomic Energy Community
EC	European Community
ECB	European Central Bank
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECJ	European Court of Justice
ECR	European Court Reports
ECSC	European Coal and Steel Community
EDF	European Development Fund
EEA	European Economic Area
EEC	European Economic Community
E.F.A. Rev.	European Foreign Affairs Review
EFTA	European Free Trade Agreement
E.L.Rev.	European Law Review
EU	European Union
EUF	European-led Forces
EUMM	European Union Monitoring Mission
EUPM	European Union Police Mission
FYROM	Former Yugoslav Republic of Macedonia
FRY	Federal Republic of Yugoslavia
GATS	General Agreement on Trade in Services
GDR	German Democratic Republic
GYIL	German Yearbook of International Law
Hague Yb.	Hague Yearbook of International Law
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organization
I.C.J.	International Court of Justice

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ABBREVIATIONS

I.L.C.	International Law Commission
I.L.M.	International Legal Materials
ILO	International Labour Organization
IMO	International Maritime Organization
JCMS	Journal of Common Market Studies
JHA	Justice and Home Affairs
LIEI	Legal Issues of Economic Integration
MJ	Maastricht Journal of European and comparative law
NATO	North Atlantic Treaty Organization
Neth.Yb.Int'l.L.	Netherlands Yearbook of International Law
NILR	Netherlands International Law Review
NTER	Nederlands Tijdschrift voor Europees Recht
OECD	Organization for Economic Cooperation and Development
OJ	Official Journal
ÖZoR	Österreichische Zeitschrift für öffentliches Recht
P.C.I.J.	Permanent Court of International Justice
RTD eur.	Revue trimestrielle de Droit européen
SEW	Sociaal Economische Wetgeving
TEU	Treaty on European Union
TRIPS	Trade-Related Aspects of Intellectual Property Rights
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
v	versus
WTO	World Trade Organization
YEL	Yearbook of European Law
Yale.J.Int'l.L.	Yale Journal of International Law
ZaöRV	Zeitschrift für ausländisches öffentliches Recht und Völkerrecht