

THE EUROPEAN COMMUNITY,
THE EUROPEAN UNION
AND THE
INTERNATIONAL LAW OF TREATIES



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



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

Assistant Professor of European Law Erasmus University Rotterdam

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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

Jaap W. DE ZWAAN
Professor of the Law of the European Union
Erasmus Law School
Erasmus University Rotterdam
The Netherlands



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ABBREVIATIONS

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 Europeén
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

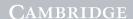
FRY Federal Republic of Yugoslavia

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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XII	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 öffentlisches Recht
P.C.I.J.	Permanent Court of International Justice
RTD eur.	Revue trimestrielle de Droit europeén
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