

Working Group III

Working document 5

## **Working group III « Legal personality »**

**Subject: Document by Dr. W. van Eekelen**

In his exposé in the working group of July, 10, Mr Westendorp referred to the Dutch proposal for the IGC in 1997 to confer legal personality on the European Union.

In this proposal the legal personalities of the three organizations were being replaced by the legal personality of the European Union:

#### QUOTE

1. By this Treaty, the HIGH CONTRACTING PARTIES establish among themselves a EUROPEAN UNION, hereinafter called „the Union“.

This Treaty marks a new stage in the process of creating an ever-closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen.

The Union shall replace and succeeds to the European Community, the European Coal and Steel Community and the European Atomic Energy Community. Its task shall be to organize, in a manner demonstrating consistency and solidarity, relations between the Member States and between their peoples.

2. The Union shall have legal personality.
3. In each of the Member States, the Union shall enjoy the most extensive legal capacity accorded to legal persons under their laws; it may, in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings. To this end, the Union shall be represented by the Commission.
4. In international relations, the Union shall enjoy legal capacity to the extent necessary for the exercise of its functions and the fulfilment of its purposes.

Where this Treaty provides for the conclusion of agreements between the Union and one or more States or international organization in areas falling under [parts] [Titles] ..., the provisions of Article ... (now 300 EC) shall apply.

Where this Treaty provides for the conclusion of agreements between the Union and one or more States or international organizations in areas falling under [parts] [Titles] ... (CFSP, JHA), the provisions of Article ... (now 24 EU) shall apply.

-----UNQUOTE

This proposal did not change the pillarstructure. However, the proposal is still valid even if the pillar structure will be changed.

In paragraph 4 the specific procedures for concluding treaties were mentioned. This seems not sufficient anymore, as was pointed out in Mr. Dashwood's contribution to the working group. This means that either article 24 has to be changed to be more in conformity with article 300/310 EC, or a separate procedure has to be designed for the conclusion of treaties that fall under the classic Community competences and the Common Foreign and Security Policy.

-----

15/07/2002