

CONV 297/02

WG III 15

NOTE

from :	Secretariat
to :	Working Group on Legal Personality
Subject :	Summary of meeting on 19 September 2002

1. The Chairman announced that the Group would begin by examining document WD15 on the implications of the explicit conferral of legal personality on the Union.
2. Firstly, the legal nature of the Union was discussed. Members of the Group pointed out that this matter was not directly linked with the conferral of legal personality on the Union. Members then examined the draft report. Consensus was reached on the first section, concerning acceptance of the principle of the single legal personality of the Union.
3. On the question of the procedure for negotiating international agreements, some members asked that the report should contain a clear criterion for who should negotiate agreements concerning several current pillars. One part of the Group insisted that the criterion of "preponderant subject-matter" should be reintroduced into the text of the report. However, one member was sceptical about the application of that criterion.

4. A majority of the Group agreed to the amendment proposed in the report concerning Article 24 TEU, namely the deletion of the last two sentences (implying a national ratification procedure), since that ensued from the conferral of legal personality on the Union. However, two members wanted the text of Article 24 TEU to contain a reference to the possibility for a Member State to use the constructive abstention provided for in Article 23(1) TEU.
5. Regarding the external representation of the Union, a large majority of the Group insisted that the treaty should contain arrangements to ensure that the Union could speak with a single voice. Part of the Group favoured just one person combining the functions of High Representative and of Commissioner for External Relations. Others felt that this question should rather be examined by the Working Group on External Action. The Chairman asked the members of the Group to state their views in writing within 24 hours, to clarify the Group's position on this point.
6. The majority of the Group was also in favour of the synergy, or indeed fusion, of the administrations working under the responsibility of the person combining the roles of High Representative and Commissioner, and asked that this issue should appear in the final report.
7. Some members pointed out that the report gave the impression of only making proposals "à droit constant" (on the basis of established law), which was simplistic. They advocated adding a paragraph to state that the amendments proposed in the report could be reviewed or supplemented, depending on the line taken by the Convention in future.
8. Finally, the part of the report relating to judicial review and to the European Parliament obtained general agreement (although two members asked for the assent of the European Parliament).

9. On the simplification of the Treaties, members of the Group examined the draft report (document WD 16) which received wide support, although some members wanted it to go more deeply into certain aspects. The Chairman indicated that discussion on this subject would continue in the Convention. Broad consensus was reached in favour of the merger of the Treaties into a single instrument in two parts, of which the first would contain the provisions of a constitutional nature.
 10. On the presentation of conclusions, a majority of the Group was in agreement. However, some members of the Group asked that they should be shorter, or that there should be two types of conclusions (some general and others more technical).
 11. The Chairman undertook to present a revised version of the draft report taking account of the positions taken up by the members at the meeting, with the recognition that this version had to reflect the majority positions of members on all the matters examined in the report. It was agreed that the final draft report should be distributed to members by 26 September 2002, so that they had time to study it carefully and be able to adopt it at the final Group meeting on 30 September 2002.
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