

**NOTE**

---

from:	Secretariat
to:	Working Group III on Legal Personality
Subject :	Summary of the meeting on 30 September 2002

---

1. The Chairman presented the Working Group with the draft final report (WD 29), drawn up to take account of the comments made at the last meeting on 19 September 2002. He indicated the main changes in the text compared with the previous draft, in particular:
  - in paragraph 38, the deletion of the fields or international organisations concerned;
  - in the first subparagraph of paragraph 46 and in general recommendation No 3, the addition of the words "and, where appropriate, Euratom" after the reference to the TEC;
  - in the second subparagraph of paragraph 46, replacement of "the right to be a party to legal proceedings" with "these rights".These changes were approved by the Working Group by a broad consensus.
  
2. Members then spoke and asked for changes to be made to the text on the following three points:
  - as regards mixed agreements coming under several "pillars" (paragraph 24), it was stressed that this paragraph needed to be aligned on paragraph 37, which states that a single Union delegation is necessary to strengthen the Union's position in the negotiation of international agreements; for this purpose it is proposed that paragraph 24 be supplemented to state that a double delegation would be formed only in certain "exceptional" cases;

- as regards the staff who would be responsible for assisting the High Representative/Commissioner for External Relations if these two posts are to be merged (paragraph 28), it was emphasised that there were two positions within the Working Group. However, it was agreed to mention that the majority position was to propose creating a single structure in order to give consistency to the conduct of external policy and avoid needless overlap between administrations;
- lastly, as regards review by the Court of Justice, it was proposed that a sentence be added to the end of paragraph 44 stating that the arrangements for the Court of Justice's jurisdiction in this area should be examined in greater depth later.

3. In response to these comments, the Chairman undertook to amend the final report on these points. The Working Group then adopted the final report by a very broad consensus (with one member against), taking the view that it was a faithful reflection of the Group's proceedings as a whole.

---