

The Institutional and Legal Basis of European Union International Relations

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1 The European Union

1.1 The Role of the European Community

The European Union is setting out a lot of activities in the field of international relations. For this purpose the Union currently has one hundred and twenty-eight Delegations and Offices around the world. The European Community Treaty requires the Delegations and the Member States' diplomatic missions to cooperate in ensuring that the common positions and actions are complied with and implemented.

To perform these tasks the European Community decided to establish a Unified External Service in 1994. In the External Service Internet Presentation of the European Community, you can read one of the first sentences giving the gist of the organization's mission: To become a real global player the European Union needs to be strong internally and to speak with a single voice externally. As will be shown in both of these requirements the characteristic problems of the institutional and legal basis of the European Union international relations are being reflected.

To mention in passing a problem of secondary importance the European Union until now cannot act by itself but only under the auspices of the European Community which is the central and representative part of the Union.¹ However the treaty establishing a constitution for Europe will expressly make the Union itself a legally responsible international counterpart. Here I will generally address the nature of the Union and will distinguish the Union from the Community only if necessary in the particular case.

1.2 The Supranational Feature

Before explaining the legal and institutional basis of the European Union international relations I will repeat that the Union consists of twenty-five Member States and is an International Organization with a special feature. The speciality is formed by a central supranational legislative sovereignty exercised by the Union with priority over the Member States. The legislative powers of the Member States have been partly transferred to the Union. Therefore within the area of its competencies the European Community can act with legal binding nature. But the Union can make politics only if there is Union competence. Therefore to pursue the international activities Union competency is necessary.

2 The Legal Basis of the International Relations

2.1 The Commercial Policy and Economic Policy Competencies

The European Union has been vested with supranational competence relating to the Common commercial policy.² So the Union is competent to manage the foreign commercial relations. An example in this respect is the exclusive Community competence for fixing the external tariffs. As the Court of Justice of the European Union has ruled, the Union in addition to its explicitly laid down commercial policy competencies can exercise all its internal economic policy competencies implicitly as appropriate external ones. Therefore the Union can expand its interna-

¹ Art. 281 Eur. Comm. Tr. provides the legal responsibility of the Community, which enables it to act under international law.

² Art. 133 Eur. Comm. Tr.