

## Negotiation and representation in external relations

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The basic Treaties establishing the European Communities include provisions relating to the conclusion of international agreements.

In cases where the Treaty establishing the European Community (EC) provides for the conclusion of agreements between the Community and one or more States or international organisations, the Commission makes recommendations to the Council, which authorises the Commission to open the necessary negotiations. The Commission conducts these negotiations in consultation with special committees appointed by the Council and within the framework of such directives as the Council may issue to it. The signing and the conclusion of agreements are determined by the Council on a proposal from the Commission, but the Commission may be empowered by the Council to approve modifications on behalf of the Community (Article 300).

The Commission negotiates agreements in the following areas covered by the EC Treaty:

- economic and monetary policy: formal agreements on an exchange-rate system for the ECU in relation to non-Community currencies (Article 111);
- common commercial policy: tariff and trade agreements (Article 133);
- research and technological development (Article 170);
- the environment (Article 174);
- development cooperation (Article 181),
- association agreements (Article 310).

Agreements or conventions with a third State, an international organisation or a national of a third State provided for under the Treaty establishing the European Atomic Energy Community (EAEC or Euratom) are also negotiated by the Commission in compliance with Council directives; they are concluded by the Commission with the approval of the Council. However, if their implementation does not require action by the Council and can be effected within the limits of the relevant budget, they are negotiated and concluded by the Commission, provided that the Council is kept informed (Article 101). Article 206 does not provide for Commission participation in the conclusion of association agreements.

Another aspect of Community representation in external relations is participation in international organisations. The Commission is responsible for maintaining relations with the organs of the United Nations and its specialised agencies and such relations as are appropriate with all international organisations (Article 302 of the EC Treaty and Article 199 of the ECSC Treaty; see also Article 93 of the EAEC Treaty, which expired 23 July 2002).

Commission involvement may take different forms depending on the degree of cooperation that is established. Accordingly, the European Communities may have observer status (for example, at the United Nations General Assembly), consultative status (being able to participate in sessions of United Nations subsidiary bodies), or contracting party status (in the World Trade Organisation – WTO). Given that powers are very often shared by the Community and the Member States, joint representation is provided by the Commission (for issues falling within the sphere of activities of the Community) and by the Presidency of the Council (for matters where common positions may be adopted).