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European Communities

EUROPEAN PARLIAMENT

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Report

drawn up on behalf of the Legal Affairs Committee

on the position of the European Communities in Public International Law

Rapporteur: Mr L. JOZEAU-MARIGNÉ

PE 47.680 /fin.

By letter of 31 May 1972, the Legal Affairs Committee requested authorization to draw up a report on the European Communities in Public International Law.

At the sitting of 16 June 1972, the President informed Parliament that the Legal Affairs Committee had been authorized to draw up this report.

At its meeting of 11 July 1972, the Legal Affairs Committee appointed Mr Jozeau-Marigné rapporteur.

At its meeting of 21 June 1977, the Legal Affairs Committee held an exchange of views on this matter and instructed the Legal Service to draw up a documentary survey dealing in particular with the positions Parliament had adopted on the Communities' relations in international law.

The documentary survey drawn up by the legal service was considered at the meeting of 21 February 1978 and is included as sections V and VI of the explanatory statement.

At the meeting of 27 February 1978, the motion for a resolution and the report as a whole were adopted unanimously.

Present: Sir Derek Walker-Smith, chairman; Mr Jozeau-Marigne, vice-chairman and rapporteur; Lord Ardwick, Mr Bayerl, Mr Berkhouwer (deputizing for Mr Pintat), Mr Bouquerel, Mr Fletcher-Cooke, Mr Geurtsen, Mrs Iotti, Mr Lemp (deputizing for Mr Broeksz), Mr Luster, Lord Murray of Gravesend, Mr Plebe, Mr Poher, Mr Radoux (deputizing for Sir Geoffrey de Freitas), Mr Scelba, Mr Schwörer, Mr Sieglerschmidt and Mr Vergeer.

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* Documentary survey drawn up by the Legal Service (Directorate-General for Research and Documentation) at the request of the Legal Affairs Committee.

A

The Legal Affairs Committee hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

on the position of the European Communities in Public International Law

The European Parliament,

- having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 6 thereof,
- having regard to the Treaty establishing the European Economic Community, and in particular Articles 113, 114, 210, 228, 235 and 238 thereof,
- having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 101, 184, 203 and 206 thereof,
- noting the increasing activity of the European Communities in international relations, and fully aware of the role of the European Communities with regard to third countries and international organizations,
- having regard to the specific legal characteristics of the European Communities which set them apart from intergovernmental organizations of the traditional type, both as regards the objectives assigned to them by the treaties establishing them, and as regards the distribution of powers between the Communities and the Member States, particularly in foreign affairs,
- considering that in the true Community spirit the Treaties should be interpreted both in the light of their objectives and having regard to the provisions in the text,
- having regard to the report of the Legal Affairs Committee (Doc.567/77),
 1. Reaffirms that the activities of each of the European Communities in the area of international relations have their legal basis in the provisions of the respective Treaties;
 2. Fully supports the principles laid down and affirmed in the opinions¹ of the Court of Justice, whereby:
 - (a) the power of the Communities to enter into commitments with third countries derives implicitly from the provisions of the Treaties granting the Communities powers over internal matters provided that the aim is the achievement of one of the objectives of the Communities;

¹ OJ No. C 268, 22 November 1975, p. 18 and OJ No. C 107
3 May 1977, p. 4

(b) all Community powers to conclude trade agreements with third countries preclude - by their very existence - the exercise of any concurrent powers by the Member States.

3. Emphasizes the implications of the judgments¹ of the Court of Justice asserting the Communities' authority to negotiate and conclude external agreements whenever the international objectives are directly related to internal Community objectives;

4. Notes that such Community authority derives from the Treaties, that is to say, from the explicit provisions read in the context of the Treaties as a whole and their specified objectives, and from the necessary implications which flow from the provisions of the Treaties.

5. Urges the Council and the Commission, therefore, to use the instruments available to the Communities in such a way that the Communities' international relations further the achievement of the objectives laid down in the Treaties of Paris and Rome;

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6. Reaffirms the need to ensure democratic control of all Community action, and recalls its previous resolutions aimed - particularly in the light of the budgetary powers it now possesses - at greater and more effective participation by the European Parliament in the conclusion of the Communities' external agreements.

7. Notes that the Heads of State and of Government meeting at the Hague summit of December 1969, went beyond a literal interpretation of the Treaties establishing the Communities and set up the machinery for political cooperation between the Member States, thus paving the way for a true foreign policy, which is an essential feature of any future European union.

8. Stresses the special contribution which the European Parliament has always made to the Communities' international relations, both through meetings between its delegations and the parliamentary delegations of third countries, and through its well-established and continuous cooperation with the Council of Europe and in particular its Parliamentary Assembly.

¹ Court of Justice, 31 March 1971 (AETR, case 22/70), Court Reports 1971, p. 263
Court of Justice, 12 December 1972 (International Fruit Company, cases 21 - 24/72), Court Reports 1972, p. 1219
Court of Justice, 30 April 1974 (Haegeman, case 181/73), Court Reports 1974, p. 449
Court of Justice, 14 May 1974 (J. Nold, case 4/73), Court Reports 1974, p. 491
Court of Justice, 24 July 1976 (Kramer, cases 3, 4 and 6/76)
Court Reports 1976, p. 1279
Court of Justice, 15 December 1976 (Donckerwolcke, case 41/76), Court Reports 1976, p. 1921

9. Solemnly reaffirms the position it has adopted in numerous resolutions supporting resolute action by the Communities in their relations in international law, both as regards Community measures and those concerning the coordination of Member States' foreign policies.

10. Instructs its President to forward this resolution and the report of its committee to the Council and Commission of the Communities and, for information, to the parliaments and the governments of the Member States.

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EXPLANATORY STATEMENTI. CONTEXT

- (a) The Legal Affairs Committee requested authorization to draw up this report when some of its members raised doubts about whether the Communities could act officially on the international scene and, in particular, be a party to international agreements, particularly those not specifically referred to in the Treaty¹.
- (b) Relying on observation of the facts, your Committee decided to consider the matter from a strictly legal point of view (analysis of the text of the treaties and the case law of the Court of Justice of the European Communities), while at the same time working within the political context of the achievement not only of the immediate objectives but also of the 'virtual' or 'potential' objectives of the three Community treaties, that is to say the establishment among the Member States of a political union in a form yet to be determined.
- (c) Speaking of the Communities, a French politician has said that Europe is a 'non-person'; this is not the place for a debate on differing attitudes to Europe; suffice it to say that this statement is contradicted by the text of the Treaties establishing the Communities and by analysis of these texts and of the facts. The Court of Justice has, on several occasions, made just such an analysis and the European Parliament has also pronounced on these matters on numerous occasions.
- (d) Articles 6 of the ECSC Treaty, 210 of the EEC Treaty and 184 of the EAEC Treaty state that 'the Community shall have legal personality', which, in line with general legal theory, means that each Community can be subject to active and passive law, that is to say can have rights and obligations; fundamentally, the legal personality of an international organization is not the source of its powers but a consequence of its powers. The powers² of an international organization derive from the Treaties establishing it.

¹ See the opinion (Doc. 57/72), by Mr Springorum, on behalf of the Legal Affairs Committee, on 'the Euratom research programme decided upon by the Council on 21 December 1971 and on the agreements between European states on certain joint research projects to be undertaken in cooperation with the Commission of the European Communities (COST agreements)'.

² All powers are limited by the objectives assigned to each organization; a system of extensive and diversified powers should be matched by a fully organized legal control; this is the case for the Communities (see example EEC Treaty, Articles 164 to 188).

(e) The legal personality of the Communities - deriving from the powers which the Member States have granted them by concluding and ratifying the Treaties - are manifest both internally and externally:

- The Communities are a reality for the Member States and for their citizens: from the legal point of view, suffice it to mention the principles of the primacy of Community Law over national law and of the direct applicability of certain provisions of Community Law¹.
- The Communities are a reality in international relations. In establishing them, the Member States not only gave them legal personality but also assigned to them certain aims in international affairs and gave them the means to achieve them. The Communities are therefore able to maintain a legal position different from that of the Member States.

(f) However, this personality can be expressed in international affairs only:

- (i) if other persons in international law (states and other international organizations) 'recognize' the Communities, such recognition falls within the 'sovereignty' of these persons in international law; it is extremely important to point out that they are free to grant or withhold such recognition;
- (ii) It is clear that one of the conditions necessary for such recognition would be lacking if the Member States, in practice, retained some of the powers which they transferred to the Communities when ratifying the Treaties. In this case, third states and other international organizations might feel that in their relations with the Communities there was a danger that they would have to deal with a body which did not in fact or - as the case may be - in law, possess the necessary powers to fulfil its undertakings.
- (iii) But the foregoing condition is a negative one; and when it is fulfilled, it only becomes a sufficient condition if the Community institutions exercise fully, in the field of international relations, not only the powers granted them expressly by the Treaties, but also the powers which are implicitly derived therefrom².

¹ These two principles, reaffirmed on numerous occasions by Parliament, are discussed both in the report by Mr RIVIEREZ (Doc. 390/75, points 1 to 13) and in my report (Doc. 297/72, points 7 to 10).

² See note 1 to point 1 below.

(g) If the above two conditions are fulfilled, the Communities can use the legal instruments¹ available to them for the exercise of their powers in international affairs. Legal personality only confers actual personality when the person is in a position to act. If the law recognizes the existence of the Communities' legal personality, but the political will is lacking, then the governments of the Member States could justly be criticized for failing to fulfil all the obligations incumbent on them through the signing of the treaties.

(h) The motion for a resolution before you is aimed at allowing Parliament to make it clear on as wide a front as possible both in the light of an analysis of its position on this subject² over the last five years and in the light of the decisions and judgments of the Court of Justice³, that the Community can and must be actively involved in all discussions on matters falling within the sphere of one of the three European Communities or within the framework of the coordination procedures drawn up by the Member States for the implementation of political cooperation⁴.

¹ See section V below.

² See section VI below.

³ See section IV below.

⁴ For this point see the report (Doc. 427/77) drawn up on behalf of the Political Affairs Committee by Mr BLUMENFELD.

II. THE PLACE OF THE EUROPEAN COMMUNITIES WITHIN THE LEGAL CATEGORY OF INTERNATIONAL ORGANIZATIONS

General considerations

1. Unlike nation states, international organizations are not sovereign bodies possessing general and full powers. Their activities are restricted to a well-defined area covering the objectives they are intended to achieve. International organizations may be granted only those powers necessary for them to attain such objectives, which limit the activities and are the reason for the existence of the organizations.
2. This principle, which is analogous to that applied to public bodies under national law, has been defined as the principle of the particularity of international organizations. It provides their legal foundation, has been enshrined in their statutes and is confirmed by case law.
3. International organizations are in fact an instrument enabling the member states to achieve jointly objectives of mutual interest. They discharge the responsibilities given to them with a view to attaining their specific goals and are endowed with the powers necessary for this purpose¹.

4 and 5. Looking at the various types of international organization more closely it becomes apparent that their functions can be grouped into two broad categories, according to whether their underlying purpose is cooperation and coordination or unification and integration.

6. It is, however, apparent that all international organizations, regardless of the purpose for which they were set up and whatever their objectives, include among their aims cooperation and coordination. The attainment of these aims is in fact a minimum justification of their action in the service of international solidarity.

¹ In this connection mention may be made of the theory of implicit responsibility which is generally accepted in legal circles. This maintains that, in the light of the goal-oriented or functional conception of the responsibilities of international organizations, these organizations can only be assigned functions or powers directly linked to the purpose for which they were constituted. This implies that international organizations cannot be granted merely a part of the powers necessary to pursue the objectives for which they were set up, but must enjoy all the responsibilities connected with the achievement of their aims. The possibility thus remains open for the responsibilities of international organizations to be extended beyond the limits laid down in the acts establishing them.

7. Unification and integration, on the other hand, are the province of a specific type of international organization amongst which the European Communities have a leading role.

8. While presenting certain highly specific aspects, the general characteristics of the European Communities are such that they fall within the overall framework of international organizations as regards their legal personalities, responsibilities and institutions.

(a) Legal personality

9. Each Community is based on a treaty. These treaties are similar to those of other international organizations, but they also have a number of specific features. In addition to the special terminology used by their authors, these treaties also embody certain features proper to national constitutions. Thus, in the procedure for reviewing the treaties, the institutions established by the treaties themselves play a part and the traditional method, of passing a repealing act, does not apply. It should also be remembered that the EEC and EAEC Treaties were concluded for an indefinite period, which confirms the permanent nature of the Communities they established.

10. Each Community has its own legal personality, whereby it exercises the powers granted to it and defined in the treaties. The European Communities are characterized by an independence of purpose and possess a legal personality which takes its place in the international legal order, in the legal systems of the Member States and, lastly, in the specific legal system established by the various constitutive Acts¹.

11. It should be pointed out, however, that even though the general provisions of the treaties expressly define the legal personality of the European Communities², certain difficulties attach to any determination of the detailed content and the conditions for the exercise of this personality, particularly in the field of international relations, difficulties which the United Nations and other major international organizations have had to face.

12. The constitutive acts and the legal personality of international organizations together create a unique legal order whose basis is the activities of the bodies functioning within the framework of the organizations themselves.

¹ In this connection, see I. Brownlie, *Principles of Public International Law* (Oxford 1973), p.658, which summarizes the requirements of legal personality in international organizations as follows: (1) a permanent association of states pursuing legitimate aims and having the relevant organs; (2) separation of the responsibilities and aims of the organization itself from those of the Member States; (3) existence of responsibilities which can be effectively exercised at international level.

² See Art. 6 of the ECSC Treaty, Art. 210 of the EEC Treaty and Art. 184 of the EAEC Treaty.

In the majority of international organizations this legal order regulates the administrative matters connected with the organizations' activities (civil service, finances, organization of services) and, furthermore, all the acts of the international organization vis-à-vis the bodies falling under its jurisdiction and, in particular, vis-à-vis the Member States.

13. The Community's legal order is more vast and more varied than that of other international organizations. As the Court of Justice of the European Communities has stated, 'the Community constitutes a new legal order of international law'¹; this must be understood to mean that the specific characteristics of the Communities clearly set them apart from the traditional criteria hitherto applied to international organizations and to the responsibilities exercised by them.

(b) Responsibilities and normative acts

14. In considering the responsibilities given to an international organization, two aspects deserve consideration: the field in which these responsibilities are exercised and the legal form of the acts in which the exercise of these responsibilities finds expression.

15. The range of activities covered by the Communities and dealt with in the treaties, such as coal and steel production, the economy, developments in atomic energy, social welfare, agriculture, etc., are similar to those in which other international organizations are involved.²

16. What is different, however, is the legal form of the acts in which these responsibilities are articulated, since the Communities - unlike traditional types of international organization - are able to adopt acts which are binding in the Member States and (in the case of regulations) directly applicable in their domestic law.

17. Seen from this point of view the difference is apparent: the Communities do not follow the usual pattern of existing international organizations. Their role is in fact one of integration, independence vis-à-vis the national governments, and they exercise direct jurisdiction over the individual citizens of the Member States.

¹ See judgment in case 26/62, Reports of Cases before the Court, Vol. IX, 1963, p.12.

² It should be noted that the Communities' powers are essentially confined to the economic and social fields, international affairs in the strict sense (defence and foreign policy) being outside the scope of the treaties and remaining the sole responsibility of the Member States. Moreover, a large number of activities necessary to the development of the Communities (for example the coordination of economic, financial and monetary policy) can only be conducted under the rules applicable to international organizations for cooperation only.

(c) Institutions

18. It is not easy to classify the institutional system established by the treaties of the European Communities. Looking at the Communities in the general context of international organizations, it is apparent that they display far more highly evolved characteristics than those of an inter-governmental organization. Their institutions¹, which enjoy an individual personality and extensive powers, provide the means for implementing the Communities' responsibilities.

19. Under the treaty establishing a single Council and a single Commission of the European Communities², these two institutions were consolidated and now each carry out jointly the responsibilities assigned to them in the individual treaties. The European Parliament and the Court of Justice, on the other hand, were already common to all three Communities.

20. The enlargement of the European Communities, following the accession of the new Member States on 1 January 1973, brought no substantial innovations in the structure and responsibilities of the four Community institutions, either on the internal Community level or as regards external relations.

III. MAIN TREATY PROVISIONS GOVERNING THE COMMUNITIES' EXTERNAL RELATIONS

21. As regards the position of the Communities in international law, it should be noted at the outset that the Community legal system constitutes the foundation for an on-going process of construction destined to transcend its original form³. The proper political decisions will inevitably stimulate far-reaching internal developments affecting its very principles and legal foundations.

¹ European Parliament, Council, Commission and Court of Justice.

² This Treaty was signed in Brussels on 8 April 1965. It is probably responsible for the practice of commonly referring to the Community collectively. It should be noted, however, that reference to the Community is as a rule justifiable also as an implicit reference to the European Economic Community (EEC) which has the widest field of responsibilities of the three treaties. This 'error' points to the future role of the three Communities as the basis of a European Union with powers in all these fields.

³ Starting from the customs union, the first achievement of the EEC Treaty, the next phase is economic and monetary union as a step towards the final objective of political union (see final communiqué of the Paris Summit of 19-21 October 1972).

22. The treaties establishing the Communities contain differing texts regarding the substance of the Communities' international relations. The ECSC and EAEC Treaties, which cover highly specific areas, lay down general responsibilities as a function of the objectives or in relation to the specific responsibilities of the two Communities. The EEC Treaty, however, which covers a far wider area without precisely defined boundaries, assigns responsibilities in specific areas such as customs tariffs, the common commercial policy, associations with third States and relations with other international organizations.

(a) ECSC Treaty

23. The most explicit provision in this connection is Article 6 of the ECSC Treaty, which gives the Community legal personality and adds specifically that 'in international relations, the Community shall enjoy the legal capacity it requires to perform its functions and attain its objectives'.

The fact that the capacity to act internationally, explicitly granted to the ECSC to enable it to perform its functions and attain its objectives, does not figure amongst the provisions on international relations of the EEC and EAEC Treaties in no way affects the juridical reality of these Communities' existence at international level as regards their rights to perform their functions and attain their objectives¹.

¹ It has been pointed out in this connection that Article 6 of the ECSC Treaty does not specify the extent to which the Community has the legal capacity under international law to achieve its objectives and that this omission represents a factor of uncertainty for third countries. Nevertheless, once relations have been established and international obligations entered into, the ECSC acts independently of the Member States with a view to achieving its own objectives.

(b) EAEC Treaty

24. Article 184 of the EAEC Treaty lays down that 'the Community shall have legal personality'. Chapter X of the EAEC Treaty is concerned with the 'external relations' of this Community. Article 101 is of particular importance as regards this Community's capacities under international law. This concerns essentially the conclusion of agreements or conventions by this Community on matters falling within its terms of reference with a third State, an international organization or a national of a third State.

25. In view of the extremely technical nature of such agreements or conventions, the Commission is authorized not only to conduct the relevant negotiations in accordance with directives given to it by the Council, but also to conclude them with the approval of the Council. In certain cases, moreover, the Commission negotiates and concludes the agreement or convention; it then merely informs the Council.

26. Article 206 of the EAEC Treaty, however, takes over the text of Article 238 of the EEC Treaty as regards association agreements with a third State, a union of States or an international organization.

(c) EEC Treaty

27. The articles of the EEC Treaty on which the external relations of this Community are based are subdivided, in accordance with established practice, as follows:

- Art. 113, covers the conclusion of tariff, commercial and cooperation agreements
- Art. 238, covers association agreements.

These two articles, which are of central importance to the Community's responsibilities in the field of international relations, are complemented by Articles 114 and 228.

28. Article 113 lays down that, where agreements with third countries need to be negotiated, the Commission shall make recommendations to the Council. The latter shall authorize the Commission to open the necessary negotiations.

The Commission shall conduct these negotiations with the third State on the basis of directives issued to it by the Council. A special Committee, appointed by the Council, shall assist it during the negotiations.

29. Article 114 gives the Council the power to conclude, on behalf of the Community, agreements with third countries. This article requires the Council's decisions to be taken unanimously during the first two stages and by a qualified majority thereafter.

30. Article 238 of the EEC Treaty covers the conclusion of agreements of association between the Community and a third State, a union of States or an international organization. This article is the only provision relating to agreements which specifically provide for consultation of the European Parliament.

Association agreements are concluded by the Council, acting unanimously.

Where such agreements involve amendments to the Treaty, these amendments must first be adopted in accordance with the procedure laid down in Article 236 of the EEC Treaty¹.

31. Article 228 lays down the forms and procedures to be adopted in the conclusion of agreements between the Community and one or more States or an international organization. It provides that:

- (a) negotiations concerning such agreements are the responsibility of the Commission;
- (b) the conclusion of agreements thus negotiated is the responsibility of the Council;
- (c) where required by the Treaty, the European Parliament must be consulted;
- (d) if required, the Court of Justice can be requested, prior to the conclusion of the agreement, to give an opinion as to whether that agreement is compatible with the provisions of the Treaty;
- (e) where the Court of Justice declares the agreement to be incompatible with the provisions of the Treaty, the agreement may only enter into force following a modification of the Treaty pursuant to Article 236 of the EEC Treaty;
- (f) an agreement concluded under these conditions is binding both on the Member States and on each institution.

¹ Article 236 of the EEC Treaty provides for the calling of a conference of the permanent representatives of the governments of the Member States with a view to determining their common accord to the amendments to be made to the Treaty.

32. The provision of Article 228 of the EEC Treaty is thus unambiguous as regards the Commission's responsibilities and the pre-eminent role of the Council in concluding agreements. Conditions for the intervention of the Court of Justice are also clearly laid down. The provisions regarding the Parliament are less precise, merely calling in general terms for consultation 'where required by this Treaty'.

33. A further provision which may find application in the field of the Communities' international relations is Article 235 of the EEC Treaty. This provision is applicable when two conditions are fulfilled: firstly, if action by the Community should prove necessary to attain, in the course of the operation of the common market, one of the objectives of the Community; secondly, if the Treaty has not provided the necessary powers.

34. The widest possible application of this provision was expressly stipulated by the Conference of the Heads of State or government of the Member States meeting in Paris on 19-21 October 1972¹.

The suitability of this provision as the legal basis for agreements with third States or international organizations was confirmed, moreover, by the Court of Justice in its judgment of 31 March 1971 concerning the European road transport Agreement².

IV. THE COMMUNITIES' RESPONSIBILITIES UNDER INTERNATIONAL LAW ACCORDING TO THE COURT OF JUSTICE

35. The Court of Justice of the European Communities has pronounced on this matter on several occasions in the context of judgments and opinions.

¹ The proposal from the Commission to the Council for a decision concluding the European Convention on the protection of international watercourses against pollution (OJ No. C 99 of 2.5.75), and the proposal for a Council decision on the participation of the EEC in negotiations for the conclusion of the Convention for the prevention of sea-pollution from land-based sources (OJ No. C 114 of 27.12.73) were based on this provision. The latter proposal was withdrawn by the Commission after Parliament had given its opinion (OJ No. C2 of 9.1.74).

² See case 22-70, Reports of Cases before the Court, Vol. XVII (1971), p.263.

(a) Opinions of the Court

36. These opinions were delivered pursuant to the second paragraph of Article 228 (1) of the EEC Treaty. The first opinion delivered by the Court in this connection was on 11 November 1975 and concerned the compatibility with the EEC Treaty of a draft 'Understanding on a Local Cost Standard' drawn up by the OECD and, more particularly, on whether the Community had the power to conclude such an understanding. If it did, the Court was required to rule on whether that power was exclusive.

37. The Court ruled¹ that

'In the course of the measures necessary to implement the principles laid down in the abovementioned provisions, particularly those covered by Article 113 of the Treaty, concerning the common commercial policy, the Community is empowered, pursuant to the powers which it possesses, not only to adopt internal rules of Community law, but also to conclude agreements with third countries, pursuant to Article 113 (2) and Article 114 of the Treaty.'

38. As regards, in particular, the exclusive power of the Community, the Court concluded that

'Unilateral action on the part of the Member States would lead to disparities in the conditions for the grant of export credits, calculated to distort competition between undertakings of the various Member States in external markets. Such distortion can be eliminated only by means of a strict uniformity of credit conditions granted to undertakings in the Community, whatever their nationality.'

It cannot therefore be accepted that, in a field such as that governed by the Understanding in question, which is covered by export policy and more generally by the common commercial policy, the Member States should exercise the power concurrent to that of the Community, in the Community sphere and in the international sphere. The provisions of Articles 113 and 114 concerning the conditions under which, according to the Treaty, agreements on commercial policy must be concluded, show clearly that the exercise of concurrent powers by the Member States and the Community in this matter is impossible'.

39. The Commission wasted no time in drawing the consequences from this opinion and submitted a proposal to the Council with a view to obtaining authorization to open negotiations with the United States and Japan on export credits².

¹ OJ No. C 268 of 22.11.75, p. 18 ff.

² See Tenth Annual Report, 1976, p.262.

40. The Court's second opinion was given on 26 April 1977 and concerns the compatibility with the provisions of the Treaty of a draft Agreement establishing a European laying-up fund for inland waterway vessels¹.

41. This Agreement was the object of negotiations between the Commission, acting on behalf of the Community on the basis of a Council decision, and Switzerland. Delegations from six Member States (Belgium, Germany, France, Luxembourg, Netherlands and the United Kingdom) also participated in the negotiations as signatories of previous international agreements on the subject².

42. In point 5 of its opinion, the Court confirmed the Council's right, with a view to attaining the common transport policy, as provided in Articles 74 and 75 of the EEC Treaty, to lay down 'any other appropriate provisions' as provided in Article 75(1)(c). The Community is therefore not only entitled to enter into contractual relations with a third country in this connection but also has the power, while complying with the provisions of the Treaty, to cooperate with that country in setting up an appropriate organism such as the public international institution which it is proposed to establish under the name of the 'European laying-up fund for inland waterway vessels'.

43. Even though the Court concluded by finding the Agreement incompatible with the provisions of the EEC Treaty, point 4 of the opinion upholds the principle that the power to bind the Community vis-à-vis third countries derives by implication from the provisions of the Treaty creating an internal power whenever the Commission participates in an international agreement necessary for the attainment of one of the objectives of the Community.

(b) Judgments of the Court

44. In the area of international law, the Court has on several occasions pronounced on the obligations devolving upon the Community from treaties concluded with third countries or international organizations³.

¹ Opinion of the Court of Justice of the European Communities No. 1/76, OJ No. C 107 of 3.5.77, p. 4 ff.

² 'Amended convention on Rhine navigation' of 17 October 1968 (Mannheim Convention) and 'Convention on the canalization of the Moselle' of 27 October 1956.

³ Examples: judgment of 30.4.74 in case 181/73 (on the Association Agreement with Greece), judgment of 12.12.72 in joined cases 21-24/72 (on the conformity of certain Community regulations with Article XI of the GATT), judgment of 14.5.74 in case 4/73 (on the European Human Rights Convention).

45. Two judgments of the Court are of fundamental importance in determining the Community's position in international law.

46. First and foremost is the judgment already referred to on the European road transport agreement of 31 March 1971, on which the Court's 'ERTA case law' is based. In addition to the powers contained in the substantive provisions of the EEC Treaty, namely Articles 113 and 238, this judgment gives the Community an external negotiating capacity where the Community has laid down, in a given sector, 'common rules' as provided for by the Treaty. Once common rules have entered into force under the Community's legal order, the Member States no longer possess the right to act in respect of those matters in the field of international relations.

47. On the basis of this principle, the Commission has felt able to refer to the existence of common rules to justify its right to enter into negotiations with a view to concluding agreements on the part of the Council on behalf of the Community.

48. There can therefore be no exclusion of the possibility that the Community might in fact take specific action in the international sphere on matters for which the treaties do not contain provisions granting to the Community powers under international law, when such action has an indisputable link with objectives being pursued by the Community.

49. This principle was confirmed explicitly by the Court of Justice of the European Communities in its judgement of 14 July 1976 in the joined cases 3, 4 and 6/76¹. In point 17/18 of this judgment the Court confirmed that

'Article 210 provides that 'the Community shall have legal personality'. This provision, placed at the head of Part Six of the Treaty, devoted to 'General and Final Provisions', means that in its external relations the Community enjoys the capacity to enter into international commitments over the whole field of objectives defined in Part One of the Treaty, which Part Six supplements.'

50. Point 19/20 of the same judgment is still more explicit in this connection:

'To establish in a particular case whether the Community has authority to enter into international commitments, regard must be had to the whole scheme of Community law no less than to its substantive provisions. Such authority arises not only from an express conferment by the Treaty, but may equally flow implicitly from other provisions of the Treaty, from the Act of Accession and from measures adopted, within the framework of those provisions, by the Community institutions.'

¹ See Reports of Cases before the Court, 1976, Part 6, p. 1279 ff.

V. THE COMMUNITIES' MEANS OF ACTION IN THE FIELD OF INTERNATIONAL LAW

51. Since their foundation, the Communities have set up an ever more comprehensive network of external relations which has come to assume an unquestioned importance in the field of international law. The means they have used to pursue their objectives in this sphere are primarily those laid down in the treaties.

52. It should be noted at once that the EEC possesses powers internationally only in the sphere of commercial relations. Its external relations therefore reflect the implementation of the common commercial policy (Articles 3 and 110-116 of the EEC Treaty), the application of customs duties and the common customs tariff (Articles 12 ff. of the EEC Treaty), the attainment of the common agricultural policy (Articles 38 ff. of the EEC Treaty), the measures required to harmonize Member States' economic, monetary and conjunctural policies (Articles 103 ff. of the EEC Treaty) as well as, obviously, the application of the provisions relating to association (Articles 131/136 and 238 of the EEC Treaty) and cooperation with international organizations (Articles 228/231 of the EEC Treaty). The accession procedure, which is reserved for European states (Article 237 of the EEC Treaty), should also be included amongst the means at the Community's disposal for action in the field of international law.

53. It should be stressed that the Community frequently does not confine itself to links of an exclusively commercial nature in its relations with third countries. Consequently, whenever agreements between the Community and third countries go beyond the commercial trade sphere, the 'joint procedure' ¹ is applied, under which the agreements are signed not only by the Community but also by the Member States.

54. The machinery provided in the treaties enables the Community to implement its policies in the context of its commercial and trade policy with third countries and to cooperate with other international organizations.

Since this is a subject which is undergoing constant and rapid change, it would be appropriate to review - without drawing up a detailed list - the main mechanisms available to the Community in its external relations on the basis of the provisions of the treaties.

¹ See Council reply to Written Question No 396/77, OJ No C 277, 17 November 1977, page 8 and the debate at the plenary sitting of the Parliament of 14 December 1977 (Debates, provisional edition, page 217 et seq.)

(1) Common customs tariff

55. Since 1 July 1968 the Community has constituted a customs union making it, for customs purposes, a single territory separated from third States by the application of a common customs tariff. Pursuant to Article 113 of the EEC Treaty, which gives the Community organs general powers in regard to 'changes in tariff rates, the conclusion of tariff and trade agreements, the achievement of uniformity in measures of liberalization, export policy and measures to protect trade such as those to be taken in case of dumping or subsidies', the Community grants tariff quotas for the import of goods from third countries, to the extent that such imports are not prejudicial to the economy of the Member States concerned¹.

56. The Community thus applies the CCT in the light of its relations with third countries. Whilst the suspension of a duty allows preferential treatment for products from third countries in unlimited quantities, the tariff quotas are a far more flexible mechanism which make subtle distinctions possible in cases where complex economic interests are involved.

57. In view of the fact that the CCT is part of a customs system operating at world level, the problem of the representation of the Community in the relevant international organizations has been resolved, at least formally, by the adoption of a special procedure under which the Community participates as such in negotiations and in the conclusion of international agreements on customs matters².

¹ See, e.g., OJ No C 298, 10 December 1977, page 2 and OJ No C 304, 17 December 1977, pages 2 - 4.

² Eighth General Report on the Activities of the European Communities, p.60.

(2) External trade and fisheries

58. Trade with third countries is of fundamental importance for the Community's economy. This importance results quite clearly from the inter-dependence which exists between foreign trade policy as pursued by the Community and the monetary, agricultural, energy, transport policies, etc.

59. Parallel to its customs policy, the Community pursues a commercial policy which has made it possible to significantly reduce the quantitative restrictions on international trade. Exports, with certain rare exceptions, have been completely liberalized. Quantitative restrictions on imports have an extremely limited incidence. Despite levies in the agricultural sector, the Community still accounts for a large part of world imports of agricultural products.

60. The Community's external commercial policy is reflected in the conclusion of various types of bilateral or multilateral agreements, in accordance with objectives determined by the Community itself.

(a) Free trade agreements

61. The main agreements of this type are those concluded between the Community and the member and associated states of EFTA which did not apply for accession. These include agreements between the EEC and Austria, Switzerland, Sweden, Finland, Portugal, Iceland and Norway, together with agreements between these countries and the ECSC and its Member States. These countries have concluded an agreement with the Community whereby, from 1 July 1977, a vast free trade area for industrial products in western Europe was set up.

(b) Generalized preferences

62. The system of generalized preferences is designed to help the gradual adaptation of economic relations between the industrialized and developing countries, in order to create a more harmonious balance between these two groups of countries. This system, which the 'Third World', after years of discussion, succeeded in obtaining in 1969, was applied by the Community from 1 July 1971. The Community was thus the first group of industrialized countries to apply this general development policy. Other industrialized countries followed the Community's example, in particular the United States, Japan and Canada. It should be stressed that the offer of tariff preferences by the Community depends on all the main industrialized countries of the OECD not only granting preferences but also matching the Community's efforts to help the developing countries.

(c) Non-preferential agreements

63. These agreements are in general based on the principle that the two sides grant one another, in respect of their imports and exports, most favoured nation treatment and a high degree of liberalization; they have been concluded by the Community with a number of countries to which, in many cases, it has also granted certain types of cooperation aimed at boosting trade. Non-preferential agreements have been concluded, for example, between the Community and Yugoslavia, the Federal Republic of Brazil, other Latin-American countries, Canada, etc. However, at the end of 1976, Yugoslavia and Brazil joined the circle of countries benefitting from the generalized preferences scheme. Since Yugoslavia, in December 1976, expressed a wish to strengthen its economic and commercial ties with the Community, the Council may well be inclined to deepen and diversify the various forms of cooperation with Yugoslavia¹.

(d) World and international agreements

64. This category compromises agreements on raw materials and primary commodities (wheat, sugar, tin, coffee, etc.). On 29 April 1976 the Community signed, following the expiry of the fourth agreement on tin, to which it was already a signatory², the fifth international agreement on tin which will formally enter into force on 1 July 1977.

65. The international grain agreement, concluded in 1971, expired on 30 June 1974. The Council, after accepting the Commission's proposal to extend this agreement until mid-1975, agreed on 28 May 1975 to the Community becoming party to the protocols extending the international grain agreement by two years. The Community will attend the new negotiations starting in spring 1978 in its official capacity.

66. Coffee and cocoa, two of the most important agricultural exports of the developing countries, are now to be the subject of international cooperation. The third international agreement on coffee and the second international agreement on cocoa entered into force, on a provisional basis, on 1 October 1976. Acting on a Commission proposal, the Council decided that the Community should be party to these agreements³.

¹ See Commission document COM(77) 599 and the Commission reply to Written Question No 814/76 by Mr Cousté, OJ No C 94 of 18.4.77, p.17.

² Seventh General Report, p. 371

³ Tenth General Report, p. 249.

67. The 1968 international sugar agreement expired on 31 December 1973. The Community has not joined the new international sugar agreement which was negotiated under the auspices of UNCTAD in 1973. The new international sugar agreement, concluded after the Conference in Geneva from 12 September to 7 October 1977, entered into force on 1 January 1978. The Conference included an article in the agreement which provides for the Community's accession when it has concluded its own negotiations with the parties to the agreement.

(e) Agreements with State-trading countries

68. With effect from 1 January 1973 the Community alone is empowered to negotiate commercial agreements with these countries. However, in the absence of Community agreements and with a view to assuring continuity in the context of commercial commitments entered into under long-term agreements already concluded by Member States with State-trading countries, the Council has authorized the Member States to extend the validity of the commercial protocols concluded in the framework of these long-term agreements.

69. Since, in accordance with decisions taken by the Community authorities, bilateral relations between the Member States and the State-trading countries ought not to have been prolonged beyond the end of 1974, in November of that year the Community sent a memorandum to the State-trading countries containing an outline agreement between the two sides.

70. The contacts opened in 1974 with the Council for Mutual Economic Aid (CMEA) have been maintained principally by exchanges of letters¹. At the meeting in Brussels on 21 September 1977, the representatives of the Community and a delegation from the CMEA agreed to open negotiations for an agreement in the first half of 1978.

71. On the basis of the outline trade agreement proposed in 1974, the Chinese authorities have also declared their willingness to conclude with the Community a non-preferential trade agreement of the traditional type. Negotiations for the conclusion of this agreement, for a period of five years, and aimed at intensifying trade between the parties and improving access to their markets should begin early in 1978.

¹ See Answer to Written Question No 245/77, OJ No 223, 19 September 1977, page 12.

(f) Fisheries agreements

72. These agreements differ from those referred to above to the extent that they do not have a strictly commercial content but regulate relations between the Community and third countries in the context of the recent establishment of 200-mile exclusive fishing zones by a number of coastal states¹ and the subsequent establishment of a Community fishing zone of 200 miles, effective from 1 January 1977.

73. On 17 May 1977 the Commission forwarded to the Council a proposal for a regulation establishing a licensing system for controlling the fishing activities of third countries in waters falling within the sovereignty or jurisdiction of the Member States². Moreover, the United States and the Community signed an agreement on 15 February 1977 on fishing activities by Member States of the Community off the coast of the United States. This agreement entered into force on 9 June 1977 and is the first bilateral agreement on fisheries signed between the Community and a third country³.

74. The Commission has recently presented a Communication to the Council on the Community's accession as a body to the convention on fisheries in the Baltic Sea. This accession, which should be welcomed by the two Member States who are parties to the convention, the Federal Republic of Germany and Denmark, would be valuable since it would allow the Community to participate directly in negotiations on fishing in the Baltic Sea.

(3) Associations

75. According to Article 131 of the EEC Treaty the purpose of association is to promote the economic and social development of the non-European countries and territories which have special relations with Member States of the Community, and to establish close economic relations between them and the Community as a whole.

Moreover, association is primarily intended to further the interests and prosperity of the inhabitants of these countries and territories in order to ensure for them the economic, social and cultural development to which they aspire.

¹ United States, Canada, Mexico, Morocco, Iceland, Norway, Russia, China, Japan, etc..

² Doc. COM(77) 200 final.

³ OJ No L 147, 15 June 1977.

76. The links of association set up by the Community of the Six¹ were placed on a new footing through the Lomé Convention, which entered into force on 1 April 1976 and has come to assume a special position among the instruments used by the Community in its external relations. The signatories of this Convention include nineteen states which previously belonged to the Yaoundé Conventions, twenty-one Commonwealth countries (three of which were signatories of the Arusha Convention), and other African states. The Lomé Convention unites the principles on which association is based with the specific features of another instrument used by the Community in its external relations, namely cooperation in its various forms².

77. The success of this new model of relations with the ACP countries is shown by the fact that the forty-six original ACP member states of the Convention have been recently joined by other former overseas countries and territories (Surinam, the Seychelles and the Comoro Islands) and by new independent countries (Sao Tome and Principe, Cape Verde, Papua New Guinea), bringing the total number of Community partner countries to fifty-two.

Other countries may accede to the Lomé Convention or sign other forms of agreement with the Community³.

78. In the Mediterranean area, association agreements are currently in force with Greece, Turkey, Cyprus and Malta. Relations of association with these countries extend from the economic and cooperation spheres to the search for solutions geared to a global approach to the problems of the Mediterranean area. Such solutions are discussed in the framework of institutions set up by the agreements, the Association Council and the Joint Parliamentary Committee.

(4) Cooperation

79. The cooperation machinery, in all its forms, where it is the main purpose of an agreement, is used by the Community in respect of third countries with a view to developing relations of a more than merely commercial nature.

80. This mechanism is therefore not used solely in the framework of the association agreements with the Mediterranean countries already referred to or the Lomé Convention, which has established a new model of relations between industrialized and developing countries based on the complete equality of the signatories. This is also a feature of relations between the Community and other countries, such as the Latin American States, which in December 1977 reaffirmed their desire for closer cooperation with the Community.

¹ Conventions of association with the AASM, three East African States and various Mediterranean countries.

² Commercial cooperation, implementation of the protocol on sugar, stabilization of export earnings, financial and technical cooperation, industrial cooperation.

³ See answer to Written Question No 549/77, OJ No C 289, 1 December 1977, page 16

81. In April and October 1976, in fact, the Community concluded a series of 'global cooperation' agreements with various Mediterranean states¹ reflecting the Community's policies in this area.

82. Moreover, procedures for broader economic and commercial cooperation form part of the Framework Agreement signed on 6 July 1976 between Canada and the European Communities, the first bilateral and non-preferential agreement to be concluded between the Communities and an industrialized country.² Wide-ranging forms of cooperation are also contained in the agreement between the Community and Israel, which entered into force on 1 July 1975, and was followed by a supplementary protocol and a protocol on financial cooperation. The agreement with India, which entered into force on 1 April 1974, and the agreement with Sri Lanka, effective from 1 December 1975, provide for commercial cooperation. The agreement with Mexico, which entered into force on 1 November 1975, also falls within the category of economic and commercial cooperation.

83. The Community has adopted formal cooperation procedures, in the shape of exchanges of information on environmental protection, with the United States, Canada, Switzerland and Japan. The Commission has recently proposed to the Council the extension of this cooperation to include relations between the Community and Sweden.

(5) Aid

84. Aid granted by the Community constitutes an important aspect of its activities at international level. Such aid may be in the form of food aid (cereals, milk powder, etc.,) or emergency action to help the victims of famine or natural disasters or, again, financial and technical aid to non-associated developing countries.³

85. Direct aid to the various countries - associated and non-associated - is allocated according to a number of criteria: need, per capita income, foreign balance of payments etc. As regards control of the use of food aid, the Commission has drawn up for each of the products in question a questionnaire to be completed by the authorities of the beneficiary country and returned to the Commission in support of any request for aid.⁴

¹ Algeria, Morocco and Tunisia (Maghreb countries), together with Egypt, Jordan and Syria (Mashrek countries). Morocco and Tunisia have been associated with the Community since 1969. The agreements provide for a whole range of assistance for economic and social development in these countries.

² In the context of industrial cooperation with this country, the Council signed a provisional agreement on 20 December 1977 on supplies of uranium for the Community.

³ Mainly countries in Asia and Latin America.

⁴ See answer to Written Question No 194/77, OJ No C 233, 29 September 1977, p. 2.

(6) Accession to international conventions

86. The Community as such has signed conventions concluded at international level by numerous countries, including its own Member States.

For example, it signed the Barcelona Convention for the protection of the Mediterranean against pollution on 16 February 1976 and the Convention for the protection of the Rhine from chemical pollution on 3 December 1976¹.

87. The Commission has recently recommended that Member States ratify a convention providing for a code of conduct in conferences on shipping drawn up by the UN three years ago. Ratification of this convention by the Member States should be subject to two conditions: firstly, the Community's special requirements must be taken into consideration and secondly, the Community as such must be able to attend future negotiations amending or updating this code of conduct.

(7) Participation in the work of international organizations

88. In accordance with the provisions of Article 229 of the EEC Treaty, the Community plays an active part in the framework of the United Nations with a view to safeguarding the coherence of Community activities and objectives within the various negotiating bodies². It also takes part in work of the International Labour Organization (ILO), FAO and UNESCO³.

89. Article 230 of the EEC Treaty states that the Community shall establish all appropriate forms of cooperation with the Council of Europe. Moreover, Article 6 of the Protocol to the ECSC Treaty on relations with the Council of Europe states:

'Agreements between the Community and the Council of Europe may, among other things, provide for any other type of mutual assistance and cooperation between the two organizations and indicate the appropriate forms thereof'.

The Commission follows the work of the Consultative Assembly and attends meetings of the Committee of Ministers. As an example of practical cooperation between the two organizations, suffice it to mention that by a decision of 28 October 1977 the Council decided, on a recommendation from the Commission, that the Community would become a contracting party to a European agreement drawn up at the initiative of the Council of Europe,⁴

¹ see OJ No L 240, 19 September 1977

² The Community takes part in the work of the UN's Economic and Social Council (ECOSOC), the Economic Commission for Europe (ECE), the United Nations Industrial Development Organization (UNIDO), etc.,

³ In the Nairobi Protocol of November 1976, which extended the exemptions laid down in the agreement on the import of educational, scientific and cultural materials (Florence Agreement), the Community obtained the insertion of a clause making it a contracting party to the Protocol.

⁴ See OJ No L 295, 18 November 1977, page 7

90. In the Organization for Economic Cooperation and Development (OECD), the Community takes part in the work of the OECD Council and the various committees of that organization¹.

91. The Community recently concluded three new agreements with the International Energy Agency. Two of these agreements concern research and development in the field of fusion, while the third covers research and development in the field of hydrogen production from water. The signing of these new agreements brings up to six the total number of agreements in force between the Community and the Agency. Previous agreements covered nuclear safety, research in the field of neutrons and solar energy.

92. With a view to improving the exchange of information and consultations between the Member States acting in international organizations in shipping matters, the Council has adopted a decision setting up a consultation procedure on relations between Member States and third countries in these matters and on action relating to such matters in international organizations².

(8) Multilateral negotiations and conferences

93. In the field of multilateral negotiations, the Community participates actively in the work of GATT, the Conference on International Economic Cooperation (North-South dialogue), UNCTAD, the Law of the Sea Conference, etc.

94. At present, in the context of GATT, the Community is participating in the 'Tokyo Round' and has proposed a system of customs tariffs on a new basis, whereby all the signatory states would align their customs valuation systems on Article VII of GATT. In the sensitive sector of the textile industry³, the Council approved on 20 December 1977 the results of the bilateral negotiations with the main exporting countries and was consequently able to give its consent to the renewal of the 'Multifibre' Agreement.

95. The Conference on International Economic Cooperation will meet in plenary session in March 1978 in Geneva. The new programme of work recently drawn up by a special committee no longer refers to the traditional forms of 'aid', but stresses the aspects of cooperation and mutual interest arising in the world economy.

96. The Euro-Arab dialogue has progressively extended its activities to a wide field of subjects, in which the search for new ways and means of cooperation between two enormous regional groupings represents a new and complex undertaking. The subjects under discussion cover not only the technical aspects of trade relations, industrialization, scientific, cultural and social cooperation, etc., but also the specifically political aspects of the Middle East.

¹ Trade committee, agricultural committee, development aid committee, etc.,

² See OJ No L 239, 17 September 1977, page 23.

³ See Written Question No 474/77, OJ No C 289, 1 December 1977, page 10

97. In March 1978 UNCTAD intends to pursue its work on the developing countries' foreign debts. In particular it intends to examine the difficulties of the least developed, island or landlocked developing countries.

98. Mention should be made here of the Community's participation as a body - for subjects within its responsibility - in the economic summits held periodically between the United States, Canada, Japan and the four major Member States of the Community. The Community is represented at these summits by the presidents of the Council and of the Commission.

(9) Negotiations with third states wishing to accede to the Communities

99. Article 237 of the EEC Treaty, finally, lays down that 'any European state may apply to become a member of the Community'¹. This provision, too, regulates the Community's external relations, in this case those whose purpose is the establishment of the closest and most binding links which can exist between the Community and a state wishing to accede.

100. The accession procedure is at present under way between the Community and Greece, an associated state which submitted its application for membership on 12 June 1975. Negotiations were officially opened on 27 July 1976 and have entered the practical stage of the details of accession and consideration of Community secondary legislation which will have to be incorporated into Greek legislation.

101. Portugal officially submitted its application for accession to the European Communities on 28 March 1977, while Spain presented on 28 July of the same year its application for accession to the Communities.

102. In accordance with Article 237 of the EEC Treaty, the Council has asked the Commission to deliver its opinion on Portugal's accession to the Community. The Commission is at present carrying out the studies necessary to draft this opinion, which is not likely to be published before spring 1978. The Council considered Spain's application on 20 September 1977 and expressed its consent to the opening of the procedure provided for under Article 237 of the EEC Treaty².

(10) Measures in the field of the foreign policy of the Nine

103. The Nine are at present coordinating their foreign policies with a view to bringing into line external relations not specifically referred to in the Treaties.

¹ See also Article 98 of the ECSC Treaty and Article 205 of the EAEC Treaty.

² See answer to Written Question No 450/77, OJ No 265, 7 November 1977, page 23.

European political cooperation, initiated in 1970, takes place through periodic meetings of the Nine Foreign Ministers which are also attended by the Commission of the European Communities. It was on this basis that the Community took part in the Conference on Security and Cooperation in Europe and signed the Helsinki Agreement. It is also taking part in the work of the Euro-Arab dialogue set up at the end of 1973 in the context of the Nine's common foreign policy. Furthermore, the Community is preparing to participate in the forthcoming Belgrade Conference on Security and Cooperation in Europe.

104. At present the political committee ('Davignon Committee') meets regularly. It is also convened when its members attend meetings of the General Assembly of the United Nations or of the European Council. Within this committee groups of experts have been set up to consider various matters of interest to the foreign ministers of the Nine.

In the context of political cooperation, the foreign ministers of the Member States of the Community were, at the end of 1977, considering the following aspects of foreign policy:

- (a) the political initiative of the Egyptian President, Mr Sadat and the situation in the Middle East;
- (b) the situation in Africa, with particular reference to policy towards South Africa;
- (c) the Belgrade Conference and the coordination of Member States' positions on future work.

VI. DECLARATIONS BY THE EUROPEAN PARLIAMENT CONCERNING THE COMMUNITY'S RELATIONS IN INTERNATIONAL LAW^{*}

105. The European Parliament has declared its views on all aspects of action by the European Communities at international level. Its position is summed up in the declaration contained in the resolution on the adoption of and prospects for a system of basic prices for imported primary energy sources within the framework of a Community energy policy¹:

'emphasizes that it is in the Community's interest to speak with one voice at international level'.

A. PROCEDURAL ASPECTS

106. It should be said at the outset that the Community's intense activity in the field of external relations has prompted Parliament to insist on being more deeply involved in the conclusion of treaties between the Community and third countries or international organizations. An example of this is the resolution adopted by the European Parliament on 13 February 1973² in which it requested that the opening of negotiations with third countries, based on Article 113 of the EEC Treaty, be 'preceded by an exchange of views between the Commission of the Communities and the appropriate parliamentary committees, to enable a policy debate to be held if necessary in the European Parliament'.

107. This request by Parliament for the introduction of a procedure more suited to the changed relationship between the Community institutions was again put forward in the resolution adopted during the sitting of 11 May 1973³. In this resolution, Parliament stressed 'the inadequacy of the procedure followed hitherto, by which the European Parliament is not consulted on trade Agreements concluded by the Community on the basis of Article 113 of the EEC Treaty'.

108. Parliament's request contained in the resolution of 13 February 1973 found a response in the Council. At its meeting of 15 October 1973 the Council adopted a series of 'measures' to improve its relations with the European Parliament on the basis of Point 15 of the declaration of intent made at the close of the Paris summit conference (19-21 October 1972).

^{*}As from the 1973-1974 session.

¹ European Parliament, Resolutions 1976-1977, p. 204

²OJ No. C 14, 27.3.1973, p. 16.

³European Parliament, Resolutions 1973-1974, p. 58.

109. These 'measures' were laid down in the following text

'Relations with the European Parliament in the field of trade agreements

Further to the Resolution adopted by the European Parliament on 13 February 1973, fuller participation by the European Parliament in the field of trade agreements could be envisaged along the following lines:

- prior to the opening of negotiations concerning a trade agreement with a third country, and in the light of information supplied by the Council to the appropriate parliamentary committees, a debate could, where appropriate, be held in the European Parliament;

- when negotiations are completed, but before the signing of the agreement, the President of the Council or his representative would confidentially and unofficially acquaint the competent committees with the substance of the agreement;

- bearing in mind the European Parliament's interest in trade agreements concluded by the Community, the Council would acquaint the European Parliament with the content of such agreements, after their signing and before their conclusion'.¹

110. The budgetary powers won by the European Parliament have highlighted its duty to watch over the financial effects of agreements reached by the Community with third countries. This principle was reaffirmed by Parliament in its resolution² on the Council Decision on the conclusion of a Financial Protocol between the Community and Turkey. Parliament

'considers that consultation of Parliament on the financial implications of these agreements - in particular on the budgetized loans and aids - should take place before operative decisions are taken by the Council, that is, in most cases, before the opening of negotiations'.

B. COMMUNITY INSTRUMENTS

111. Following the scheme used above to outline the instruments employed by the Community in its action at international level it is worth noting here Parliament's efforts to bring its influence to bear on this fundamental activity of the Community.

1) Common Customs Tariff

112. With the aim of clearly defining the customs territory of the Community after the accession of the new Member States, Parliament, in its resolution of 16 November 1973³ approved 'the Commission's proposal, which prevents any possibility, under the Treaty of Accession, of discrimination against intra-Community trade by imports from third countries'.

¹ Bulletin of the European Communities No. 10 (1973), p. 90.

² OJ No C 266, 7 November 1977, p. 49.

³ European Parliament, Resolutions 1973-1974, p. 138.

113. Aware of the close interdependence between internal customs arrangements and international negotiations on customs problems, Parliament requested, in a resolution on the Community's approach to the multilateral negotiations in GATT,¹ that there should be 'no discussion during the negotiations of the Customs Union and Common policies already put into effect, which are now mainstays of the building of Europe'.

114. Thus, on the basis of a negotiating mandate given to the Commission, the Community in June 1974 became a Contracting Party to the International Convention for the Simplification and Harmonization of Customs Procedures² and Parliament welcomed the Commission's recommendation to the Council for a decision accepting on behalf of the Community several Annexes to the Convention as 'a further step towards the liberalization of international trade'.³

115. In order better to assess the significance of this instrument of international action, it should be pointed out that Parliament, in its resolution on the advisability of enlarging the Community's competence in the field of external economic relations⁴, recognized

'that the Community's ability to offer trade concessions inevitably confers upon it considerable political influence; welcomes the use which has been made of that influence in certain cases in the past, and believes that the Community should continue to use its influence to support the cause of liberty and democracy'.

116. But although the Community uses the common customs tariff as an instrument contributing to the liberalization of international trade, it must also use it to protect the achievements of the Community. This is the thinking behind the resolution, adopted on 16 December 1977 by Parliament, on the crisis in the textile industry. In its resolution⁵, Parliament stated that it:

'places the greatest importance on the urgency of successful renegotiation of the Multifibre Arrangement as the framework within which international trade in textiles should be regulated and expansion be effected;
requires the Community, in the event of failure to achieve international agreement by 31 December 1977, to introduce and implement unilaterally a policy of import regulation without which the Community textile industry can have no viable future'.

¹ European Parliament, Resolutions 1973-74, p. 85

² Eighth General Report, p. 50

³ European Parliament, Resolutions 1975-1976, p. 173

⁴ European Parliament, Resolutions 1976-1977, p. 191

⁵ See Minutes (PE 51.759), p. 28

(2) Foreign trade and fisheries

117. In giving its opinion of the Seventh General Report on the Activities of the Communities in 1973, Parliament, having recalled 'the increased responsibilities of the Community in the world and the fact that it plays a part in a vast system of relations with third countries and international organizations', had this to say on the subject of the external economic relations of the Community¹:

'endorses the Commission's attempts to have the Community recognized as such at international level and hopes that the Community clause in Member States' bilateral agreements will be systematically developed;

notes that the common commercial policy became legally operative on 1 January 1973 and insists that agreements covering external economic relations which still come under the competence of the Member States should be included in the Community framework;

notes with satisfaction that agreements concluded between the Community and other EFTA countries made possible the creation of a free-trade area for industrial products and services in 1973;

endorses the Commission's attempts to implement an overall Mediterranean policy and invites the Council to give the Commission further powers towards that end'.

118. These clauses sum up the basic guidelines of the action subsequently carried out by the Community in the field of external relations.

(a) Free trade agreements

119. With reference to the principles and formal aspects of these agreements, Parliament in approving them² stressed that they

'establish clearer and more equitable trade relations which are beneficial to all the partners, while fully respecting the independent decision-making power of each contracting State and complying with the appropriate rules laid down in the General Agreement on Tariffs and Trade'.

120. However Parliament followed this positive assessment of the agreements with a less favourable judgment on the procedure for concluding them:

'reserves the right to consider at a later stage the institutional and procedural aspects, concerning in particular the European Parliament's participation in the formation and implementation by the Community of acts under international law, more especially those which have a bearing on the Community's own resources'.

121. Parliament returned to this aspect of the procedure for concluding agreements between the Community and third countries in its resolution on the agreement between the Community and Kingdom of Norway³ in the following terms:

'reiterates the demand, expressed in the Resolution of 15 March 1973, that the Commission of the Communities should study the problem of the participation of the Parliament in the ratification of commercial agreements signed by the Community and make proposals on this subject before 31 December 1973 so as to ensure that full information be given thus allowing for real democratic control'.

¹ European Parliament, Resolutions 1974-1975, p. 52

² European Parliament, Resolutions 1973-1974, p. 3.

³ European Parliament, Resolutions 1973-1974, p. 121

122. This criticism was not however repeated when the agreement was concluded between the Community and the Republic of Finland¹ on which Parliament, having recalled its previous resolution of 15 March 1973, merely noted 'with satisfaction that the series of Agreements signed between the Community and the EFTA Member and Associated States should now make it possible to establish an industrial free trade area between 16 European countries on 1 July 1977'.

(b) Generalized preferences

123. A clear assessment of Parliament's attitude to this instrument is to be found in its opinion on the improvement to the generalized tariff preferences for the year 1974², in which it drew attention once again to the fact that 'the Community formulated its offer on the assumption that all major industrialized countries belonging to the OECD grant similar preferences and for that purpose make similar sacrifices', thus evaluating these preferences as assistance owing by the industrialized world to the less prosperous countries.

124. With regard to the procedural aspects, Parliament welcomed in its resolution on the Agreement between the Community and the Arab Republic of Egypt³, 'the fact that the appropriate committees of the European Parliament were informed of the essential content of the trade Agreement with the Arab Republic of Egypt by the Council before the agreement was signed, considering that this Agreement is based on Article 113 of the Treaty of Rome, which is a new departure'.

125. In giving its opinion on the proposals from the Commission on the application of generalized tariff preferences in 1977⁴, Parliament, having welcomed the increase in the volume and value of the preferences offered, hoped

'that in the competent international negotiating bodies, the Community will propose all necessary measures to achieve harmonization of the various preference systems, since this would result in a qualitative improvement of the system'.

¹ European Parliament, Resolutions 1973-1974, p. 206. See also the Resolution of 5 July 1977 on the economic relations between the European Community and the Nordic countries outside the EEC, OJ No. C 183, 1.8.1977, pp. 30-31.

² Ibid., p. 162.

³ Ibid., p. 54.

⁴ OJ No. C 266, 7.11.1977, p.17.

(c) Non-preferential agreements

126. This type of agreement often tends to develop closer links between the Community and third countries. Parliament's approval of this process was noted for example in its resolution on the Trade Agreement concluded between the Community and the Federative Republic of Brazil¹.

In its opinion on this agreement whose fundamental aim is the development, within an institutional framework, of commercial and economic relations between the two parties, Parliament welcomed 'the increasing development of economic and trade relations with the Latin American countries which will result from the entry into force of the EEC-Brazil Agreement, following the Agreements signed with the Argentine and Uruguay' and expressed

'the hope that, within the EEC-Brazil Joint Committee, the two parties will examine the possibilities for extending their cooperation to the financial and industrial sectors'.

(d) International and world agreements

127. Parliament, in its opinion on the outcome of the World Food Conference and on the Community's position as regards a world food policy² considered

'that the Community and its Member States ought to collaborate in a positive manner in establishing a new international agreement on cereals that should include in particular provisions concerning stocks, so that adequate world reserves may be set up in accordance with the principle and aims set out in the international undertaking on the security of world food supplies'.

128. The non-participation by the Community in the negotiations on a new sugar agreement referred to in the Seventh General Report³ was openly criticised by Parliament which, in the section on external economic relations of its resolution on the Seventh General Report,⁴ expressed regret that 'the Community has been unable to take part in the negotiations on the new international sugar agreement' and hoped 'that in future it will be able to subscribe to any further international agreements on basic products'.

¹ European Parliament Resolutions 1974-1975, p.5.

² European Parliament Resolutions 1975-1976, p.171.

³ see p. 374.

⁴ European Parliament Resolutions 1974-1975, p.53.

129. In giving its opinion on the renewal of the Multifibre Agreement, to which the Community acceded in 1974, Parliament stated¹ that it supported

'the objectives of the Commission and the Council, the aim of which is inter alia:

- (a) to stabilize imports of textile products,
 - (b) to prevent the Member States of the Community from taking autonomous protectionist measures,
 - (c) not to call into question the policy of bilateral and multilateral cooperation with the countries concerned (ACP countries, Mediterranean countries, Greece and Turkey)'
-
- (e) Agreements with state-trading countries

130. The Community's position vis-à-vis state-trading countries is made clear in Parliament's resolution on economic and trade relations between the European Community and the People's Republic of China², where it

'points out that, since 1 January 1973, the Community has had sole authority to administer the Nine's commercial policy and to negotiate with the People's Republic of China a new agreement which will replace the existing bilateral conventions between the Member States and that country'.

131. Parliament had previously in its resolution on the European Community's relations with the East European State-trading countries and COMECON³ noted 'with regret that, despite the declaration of intent made by the Member States of the European Community at the close of the 1972 Paris summit conference, the commitments deriving from the EEC Treaty to formulate a common commercial policy, in particular towards the State-trading countries, have not yet been met'.

Having strongly urged the Commission and the Council to 'improve information and consultation procedures on common measures in the field of external economic relations', Parliament declared its support for 'a balanced development of external trade with the COMECON countries based on the principle of reciprocity, thus ensuring equality of advantages and obligations, with due account taken of the difference in economic systems'.

¹ OJ No. C 266, 7.11.1977, p. 47.

² OJ No. C 183, 1.8.1977, p. 28.

³ European Parliament Resolutions 1974-1975, p. 200.

(f) Fishing agreements

132. On the subject of the unilateral creation by many coastal states of exclusive 200-mile fishing zones, Parliament, in its resolution of 14 October 1976 on the extension of the Community Member States fishing zones to 200 miles on 1 January 1977, fishing agreements with non-Community nations and a revised common fishing policy¹ stated:

'calls upon the Commission to open discussions on the fishing agreements with non-Community nations, and to begin immediately negotiations with Iceland'.

133. Furthermore, in the section on external fisheries policy of the resolution on a proposal for a regulation establishing a Community system for the conservation and management of fishery resources², Parliament, having noted that 'the extension of fishing zones to 200 miles by a number of third countries has created a situation urgently requiring a Community external fisheries policy and an internal fisheries system', considered

'that the Commission should initiate negotiations on international agreements for the conservation of resources, going beyond the limited competences given to existing fisheries commissions'.

134. With regard to the agreement between the Community and the United States of America on fishing off the coasts of the United States,³ Parliament had this to say in its resolution of 13 May 1977:

'expresses deepest concern at the manner in which the United States Congress seeks to impose a pre-established agreement upon the Community without consideration of the Community's special interest and its contribution to the improvement of fishing resources;

believes that the Community should seek as soon as possible or at the latest at the time of the review provided for two years after the entry into force of the Agreement, to include provisions for:

- closer consultation between the Community and the United States, particularly with regard to levels of quotas and by species and their allocation between Member States,
- and the examination and settlement of disputes;

and insists furthermore that the overall trade relationships with the United States should be taken into account at the time of such a review of the Agreement'.

¹ European Parliament, Resolutions 1976-1977, p. 114.

² European Parliament, Resolutions 1976-1977, p. 209.

³ OJ No. C 133, 6.6.1977, p. 54.

3) Association

135. The association relationship which the Community has with third countries can today be subdivided into two large geographical areas: the association with the countries of the Mediterranean basin and the association with the AASM/OCT. Relations with the second group of countries have been set on new foundations in the Convention of Lomé.

(i) Mediterranean

(a) EEC-Greece Association

136. The association between Greece and the Community goes back to 1961 but from 1967 to July 1974, relations between Greece and the Community were limited to 'routine administration'.

137. In its resolution of 26 September 1974¹, Parliament, while welcoming the replacement of a military regime in Greece by a civilian government, considered that 'the positive attitude concerning an early return to parliamentary democracy already shown by the Greek Government justifies the immediate 'defreezing' of the economic and commercial aspects of the association, under conditions to be arranged by the Council of Association' and further considered that 'the association can be fully resumed after free parliamentary elections have been held'.

138. Following the application for accession to the Community presented by Greece on 12 June 1977 and the opening of negotiations in January 1976, Parliament affirmed in its resolution on the recommendations adopted by the Joint Parliamentary Committee of the EEC-Greece Association² that

'the further development and consolidation of the association consequent upon the opening of the accession negotiations now assume special importance and significance inasmuch as progress towards accession also depends on the results obtained under the association'.

(b) EEC-Turkey Association

139. Referring to the recommendations adopted by the Joint Parliamentary Committee of the EEC/Turkey Association adopted on 11 October 1974, Parliament welcomed³ 'the resolve expressed on that occasion to strengthen political cooperation and consultation between the association partners in order to help maintain peace and develop democracy in the eastern Mediterranean'.

¹ European Parliament, Resolutions 1974-1975, p. 121.

² OJ No. C 83, 4.4.1977, p. 17.

³ European Parliament, Resolutions 1974-1975, p. 201.

140. Parliament's constant concern to maintain unchanged Turkey's position in the framework of the Association¹ with regard to other third countries which enjoy generalized preferences or other benefits, is expressed in Parliament's resolution on the conclusion of a Financial Protocol between the Community and Turkey². Parliament drew attention :

'to the serious problems which beset the Turkish economy, in spite of the Turkish Government's determined and, in many respects, successful efforts to develop it'.

(c) EEC-Cyprus Association

141. The Association Agreement between the Republic of Cyprus and the Community entered into force on 1 June 1973. Parliament adopted a resolution on cooperation and contacts between itself and the House of Representatives of Cyprus³, in which it proposed setting up a joint body composed of delegations of the two parliaments to examine all matters relevant to the Association and the future of the Communities.

142. The events of 1974, which led to separate administration of the two ethnic groups on the island, obliged the Community to take measures to guarantee the interests of the Cypriot people as a whole and to contribute to the maintenance and consolidation of peace in this important region of the Eastern Mediterranean. In its resolution of 16 December 1977 on the conclusion of a Financial Protocol and an Additional Protocol to the Association Agreement⁴, Parliament declared that it

'believes that this Agreement offers possibilities to improve the economic position of Cyprus as a whole and could form an important element in initiatives which are being prepared by the two communities by foreign ministers of the EEC countries, and on a wider international scale to achieve a final settlement in Cyprus'.

(d) EEC-Malta Association

143. This association instituted in 1972 has been adapted to the 'overall approach' pursued by the Community in its relations with Mediterranean countries. Two protocols were signed on 4 March 1976. They provide for some concessions on the part of the Community to Malta in the agricultural sector and extend relations between the parties to financial cooperation.

¹ European Parliament, Resolutions 1973-1974, pp. 88 and 162.

² OJ No. C 266, 7.11.1977, p. 49.

³ European Parliament, Resolutions 1973-1974, p. 84.

⁴ Working Doc. 411/77, 7 December 1977. See Minutes (PE 51.759), p. 57.

144. In the resolution adopted on 18 December 1977 on the conclusion of the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Malta, Parliament stated¹ that it:

'considers that the deepening and strengthening of economic and trade links between the European Community and Malta may help to strengthen further the political ties between the two parties'.

II. Africa, the Caribbean, Indian and Pacific Oceans

(e) AASM/OCT

145. The concern to maintain unchanged the association relationship with the AASM even while adapting these relations to the evolution proceeding from the enlargement of the Community was expressed by Parliament at its sitting of 9 May 1973². Furthermore Parliament, giving its opinion on the 6th general report on the activities of the Communities in 1972³, expressed itself in the following terms:

'endorses the view of the European Commission that the association with the AASM should be strengthened and improved, and that no weakening of its three fundamental elements of trade, financial cooperation and institutions should be permitted'.

146. On the subject of the negotiations following on from the Lomé Convention, Parliament⁴ reaffirmed 'its belief in the value of the Association in view of the profound historical ties between Europe and Africa and the importance of the two continents maintaining as constructive a contact as possible in the modern era'. In noting 'with satisfaction that 44 states are currently negotiating with the Community', Parliament emphasized that 'in addition to bringing in countries outside Africa, namely in the Caribbean, the Indian Ocean and the Pacific, thereby holding out a prospect for a broader base for the Community's Association policy, this also brings up the number of African States negotiating to the full number of those in independent black Africa'.

(f) ACP countries

147. Under the terms of Protocol 22 to the Act of Accession the Community offered the independent countries of the Commonwealth the opportunity to regulate relations with it according to one of three formulas:

¹ OJ No. C 299, 12.12.1977, p. 59.

² European Parliament, Resolutions 1973-1974, p. 60

³ Ibid, p. 42

⁴ European Parliament, Resolutions 1974-1975 p. 11

- participation in an association convention on the same lines as the one with the AASM;
- conclusion of one or more separate association conventions;
- conclusion of commercial agreements.

148. In its resolution on the negotiations between the EEC and the ACP countries on the renewal and enlargement of the association¹, Parliament emphasized that 'the existing form of cooperation between the Community and the AASM is the only practical example of development policy in the world to have a wide range of policy instruments at its disposal, based on the mutual interests of all the contracting parties' and that 'the association is the result of a political decision and that closer political and economic cooperation would in the long run be beneficial to all the partners'.

149. Having affirmed its conviction that 'the association is helping to break the present vicious circle of underdevelopment and thereby to improve the degree of integration of the economies and the level of supplies to the population, together with the socio-economic infrastructure and the educational level of the people', Parliament welcomed the fact that 'the countries listed in Protocol 22 have decided in favour of an association with the EEC rather than the simple conclusion of trade Agreements'.

150. The Convention of Lomé between the EEC and some African, Caribbean and Pacific States signed on 28 February 1975 came into force on 1 April 1976. In its resolution of 16 October 1975², Parliament pointed out that this convention was the logical sequel to the association policy carried out by the Community to date and approved the Community's innovative policy which the Convention introduced in the spheres of commercial, industrial, financial and technical cooperation.

¹European Parliament, Resolutions 1974-1975, p.162

²European Parliament, Resolutions 1975-1976, p.141

(4) Cooperation

151. In a resolution on the Community's overall development cooperation policy¹, Parliament, having stressed that 'the Community and the Member States, in granting aid to developing countries, should on no account interfere in the internal political affairs of such countries', hoped that 'the European Community will gradually succeed in consolidating its development cooperation policy'.

152. In its resolution on the cooperation Agreements concluded between the European Economic Community and the Republic of Tunisia, the People's Democratic Republic of Algeria and the Kingdom of Morocco², Parliament expressed the opinion

'that these Agreements bear witness to the Community's desire to establish a new pattern of relations between developed and developing states and to participate in the creation of a new world economic order corresponding more closely to the interests of the latter'.

153. On the conclusion of a Cooperation Agreement between the Community and the Lebanese Republic, Parliament expressed its opinion as follows on the Community's policy in the Mediterranean basin³:

'welcomes the Cooperation Agreement signed on 3 May 1977 between the Community and the Lebanese Republic, which followed very quickly after the conclusion of the Cooperation Agreements with Egypt, Jordan and Syria, and approves the contents thereof;

notes with satisfaction that the Community's overall approach to relations with the Mediterranean countries decided upon at the Paris Summit Conference of 19 October 1972 has been rounded off by the signing of this Agreement'.

¹ European Parliament, Resolutions 1975-1976, p. 35/36

² European Parliament, Resolutions 1976-1977, p. 112.

³ OJ No. C 266, 7.11.1977, p. 18.

(5) Aid

154. The aid granted by the Community is a further instrument of its action at international level. Parliament has at various times given its opinion on supply of food aid, the consequences of the drought in Africa¹, the free distribution of goods to disaster victims², aid to the Sahel countries affected by drought³, the neutralization of certain international price movements for the most affected developing countries⁴, the situation of refugees in Indochina⁵, Community financial and technical aid to non-associated developing countries⁶, the outcome of the World Food Conference and the Community's position as regards a world food policy⁷.

155. Referring to the communication from the Commission concerning a three-year indicative food aid programme (1977 to 1979)⁸, Parliament drew attention to the fact that

'the Community's food-aid programme should be made an integral part of the common agricultural policy and that the aid should be allocated with reference both to the needs and market conditions in the recipient countries',

and welcomed the Commission's proposal to establish a medium-term programme allowing the Community to grant a substantial volume of aid, while promoting in parallel indigenous production.

(6) Accession to international conventions

156. Parliament has always advocated full participation by the Community as such in the conclusion of international conventions.

¹ European Parliament, Resolutions 1973-1974, p.24

² Ibid., p.96

³ Ibid, p.154

⁴ European Parliament, Resolutions 1974-1975, p.101

⁵ European Parliament, Resolutions 1975-1976, p.28

⁶ Ibid., p.66

⁷ Ibid., p.170

⁸ European Parliament, Resolutions 1976-1977, p. 156

157. With reference to the participation of the Community in the negotiations for the conclusion of a Convention for the prevention of the pollution from land-based sources, Parliament urged the Council to authorize the Commission without delay to participate in negotiations at the Paris Conference¹ and expressed itself in the following terms in a later resolution²:

'invites the Council to adopt a decision on the accession by the Community in its own name to the Paris convention for the prevention of marine pollution from land-based sources;

believes that the Commission of the European Communities should be represented in the Commission set up by the Paris convention where, for all matters falling within the Community's sphere of competence, it should be entitled to as many votes as there are Member States signatories of the Convention;

hopes that the Community will participate on similar terms in all future conferences and conventions concerned with the pollution of the Mediterranean'.

158. At its sitting of 13 December 1974 Parliament had the following to say on the reduction of pollution caused by certain dangerous substances discharged into Community waters³:

'aware of the necessity to standardise the provisions on the aquatic environment contained in the international conventions - the Paris convention, the Strasbourg convention, the Rhine convention - and to coordinate them with the Community's programme of action on the environment,

.....

approves the proposal for a Decision which has the merit of coordinating the provisions of the various Conventions on the aquatic environment'.

¹ European Parliament, Resolutions 1973-1974, p.163.

² European Parliament, Resolutions 1974-1975, p.118.

³ Ibid, p.178-179.

159. In the same spirit Parliament delivered a favourable opinion¹ on the conclusion by the Community of the European Convention for the protection of international watercourses against pollution and approved the proposal concerning the accession of the Community to the European Convention for the protection of animals during international transport².

160. Reference may be made here to the resolution on the conclusion of the European Convention on the protection of farm animals³ in which Parliament, while accepting the principle of conclusion on behalf of the Community, specifically stated that its approval

'of the conclusion of the Convention by the Community shall not be taken to include approval of measures adopted by the Community in the framework of the Convention'.

161. Finally, in its opinion on the conclusion of the Convention on the protection of the Mediterranean Sea against pollution and a Protocol on the prevention of the pollution of the Mediterranean Sea by dumping from ships and aircraft⁴, Parliament having noted that the Community had already signed the Convention on 13 September 1976, declared that

'the ratification of this convention by the European Economic Community will make an important contribution to closing the gap in the system of protection of the sea'.

162. Parallel to this resolution is one on a directive concerning the dumping of wastes at sea⁵ in which Parliament 'notes that all Member States have signed the London Convention, the global agreement on the dumping of wastes at sea, but that not all of these Member States have ratified it' and that 'various Member States have signed three other international agreements on the dumping of wastes at sea - the Oslo Convention, the Barcelona Convention and the Baltic Convention - but that not all of these Member States have ratified them' and therefore

'expresses the hope that the Community will sign and ratify the London, Oslo, Baltic and Barcelona Conventions'.

¹ European Parliament, Resolutions 1975-1976, p.10.

² Ibid, p.149.

³ OJ No. C 83, 4.4.1977, p.43

⁴ European Parliament, Resolutions 1976-1977, p. 119

⁵ European Parliament, Resolutions 1976-1977, p. 149

(7) Participation in the work of international organizations

163. Use of this instrument of action in the international sphere is particularly frequent as can be seen from the number of resolutions adopted by Parliament on the subject.

At its sitting of 18 November 1976, Parliament, giving its opinion on the proposal from the Commission to the Council concerning a decision adopting the annual report on the economic situation in the Community and laying down the economic policy guidelines for 1977¹ drew attention to

'the Community's share of responsibility for the world economy as a whole and for its weaker Members in particular and believes that everything should be done to enable the Community, in accordance with the letter (Article 116, EEC Treaty) and the spirit of the Treaties, to take up a common position at international meetings'.

(a) UNO

164. Parliament attaches great importance to respect for the principles of the United Nations Charter. In a resolution on the economic situation in the Community², it called for 'vigilance in ensuring that neither the banking system nor any other economic sector is affected by any discrimination contrary to the spirit of the EEC Treaty or to the principles enunciated in the UN Charter'.

165. As to participation by the Community in the work of the United Nations, Parliament has affirmed the need for this on various occasions:

- in a resolution on the legal aspects of participation by the European Communities in the work of the various UN bodies³, Parliament maintained that 'the European Community must, within the matters relating to the Community sphere as defined by the Treaties aforesaid, be recognized as a single entity in all international bodies' and that 'the European Community alone can enter into obligations with third countries in matters which are its sole responsibility and guarantee their fulfilment';

¹ European Parliament, Resolutions 1976-1977, p. 143

² European Parliament, Resolutions 1975 - 1976, p.7

³ European Parliament, Resolutions 1973 - 1974, p.98

- on the subject of the Community's overall development cooperation policy¹, Parliament urged 'that the Community as such play an active and constructive part in current work within the United Nations on the definition of a new economic order';
- referring to the third United Nations Conference on the Law of the Sea², Parliament welcomed the fact that 'the Community will participate as such on certain matters falling within its competence'.

166. In its resolution of 15 June 1976 on the situation in Lebanon³, Parliament having deeply regretted 'that the Community as such has once again proved unable to take concrete steps that might have led to a cease-fire and restored peace', urged

'the Council and the Governments of the Member States to coordinate their positions and their actions, especially within the UN, so as to put into immediate effect any measure which might prevent the conflict spreading and bring about a return to the peaceful dialogue which alone can lead to an acceptable solution to the current serious problems'.

167. Finally, on the outcome of the Seventh Special Session of the UN General Assembly on development problems⁴, Parliament expressed itself in the following terms:

'believes that it is imperative for the Member States of the EEC in future to intensify their efforts towards coordination and harmonization of development aid and to restrain their own interests for the benefit of the Community, and in this connection views the North-South conference in Paris and the forthcoming fourth UNCTAD conference in Nairobi as an important test for the Community'.

(b) Council of Europe

168. The Community participates actively in the work of the Council of Europe and in order to facilitate contacts and exchanges of information between the Council of Europe and the Community, the Committee of Ministers of the Council of Europe has set up a Council of Europe liaison office in Brussels⁵.

¹ European Parliament, Resolutions 1975-1976, p.36

² European Parliament, Resolutions 1974-1975, p.59

³ European Parliament, Resolutions 1976-1977, p.44

⁴ European Parliament, Resolutions 1975-1976, p.207

⁵ Ninth General Report, p.244

169. Parliament has come out in favour of the conclusion by the Community of the European Convention on the protection of farm animals¹ promoted by the Council of Europe. It has also, in its resolution on the European Convention on the Suppression of Terrorism², called upon the Governments and Parliaments of the Member States of the Community to ratify immediately the European Convention on the Suppression of Terrorism drawn up within the framework of the Council of Europe.

170. The most recent case of effective collaboration between the Council of Europe and the Community concerns Parliament's current work on the Commission proposal for a directive concerning liability for defective products³. The provisions of this directive are such that they can be incorporated into the European convention on product liability in regard to personal injury and death drawn up by the Council of Europe and open for signature from 27 January 1977 to all Member States of the Council of Europe.

c) OECD

171. In a resolution for the Conference of Heads of State or Government held in Paris on 9 and 10 December 1974, Parliament called upon⁴ the conference to decide on the creation of an overall Community policy designed to

'-implement a Community energy and raw materials policy to safeguard supplies, while maintaining the necessary solidarity, and to organise a dialogue between the producer and consumer countries; a precondition for a common energy policy and for successful cooperation between the energy producing and energy consuming countries is full participation by the European Community in the OECD International Energy Supply Agency'.

172. Referring to the conclusion of an international agreement by Member States of the OECD to safeguard energy supplies and to set up an international petroleum supply agency⁵, Parliament considered:

¹ OJ No. C 83, 4.4.1977, p. 43

² European Parliament, Resolutions 1976-1977, p. 197

³ Doc. 351/76

⁴ European Parliament, Resolutions 1974-1975, p. 155

⁵ European Parliament, Resolutions 1974-1975, p. 165

'it inadequate for the European Communities to play the role of a mere observer in the OECD, and therefore urges the Council to take immediate steps to ensure that the European Communities accede to this agreement as soon as possible and apply for full membership of the international petroleum supply agency to be set up in the OECD, the creation of which meets with its approval'.

173. In its resolution of 20 April 1977 on sea transport problems in the Community¹, Parliament formulated the principle whereby

'the Community must develop a common programme of action against flag discrimination in collaboration with those international organizations which, like the OECD, are already tackling these problems'.

174. On the proposal for a directive on aid to shipbuilding, Parliament stressed²

'the need to conclude international agreements under the aegis of the OECD and/or through bilateral agreements between the Community and the major shipbuilding countries, to ensure the survival of the shipbuilding industry within the Community'.

d) FAO

175. In the resolution on aid to the Sahel countries affected by drought³, Parliament hoped

'that the Community will take the necessary measures to set up, in cooperation with the appropriate international bodies and the FAO in particular, a world food plan not only to make up deficits foreseeable in the short term, but also, and above all, to re-establish food crop equilibrium and security of food supplies, in terms of both quantity and quality, in the countries whose structures are threatened'.

¹ OJ No. C 118, 16.5.1977, p. 42

² Doc. 465/77. p. 5

³ European Parliament, Resolutions 1973-1974, p. 156

176. In the section dealing with public health of its resolution on the sixth General Report by the Commission on the activities of the Communities in 1972¹ Parliament urged the Council 'to take immediate action concerning the Commission's proposals so that Community action in the field can provide a decisive stimulus to the preparation, at world level, of the Programme on Food Standards (in the framework of FAO and WHO)'.

177. In its resolution on the outcome of the World Food Conference and on the Community's position as regards a world food policy², Parliament stressed 'the importance of the World Food Conference, which - constituting a first step towards international consultation in this sphere - has made it possible to view the food problem in a world-wide context' and expressed the opinion

'that the Community ought to participate actively in the work of the World Food Council, which presupposes recognition of the Community as a full member and the immediate adaptation of the internal rules of that Council'.

(e) ILO

178. Cooperation between the Communities and the International Labour Organisation dates back to the beginnings of the Community. Formal cooperation agreements were concluded between the ECSC and the ILO in 1953³ and between the EEC and EAEC and the ILO in 1959⁴.

179. In the resolution on the third report from the Commission on the possibilities and difficulties of ratification by the Member States of the first list of conventions concluded within other international organisations in the fields of social legislation and labour legislation, and on relations between the European Communities and the International Labour Organisation⁵, Parliament noted

'that the objectives of the International Labour Organisation and those of the European Community in the social field largely coincide and therefore believes both for reasons of principle and for practical reasons that, in this area, cooperation between the two institutions should be as close as possible'.

¹European Parliament, Resolutions 1973-1974, p. 37.

²European Parliament, Resolutions 1975-1976, p. 171.

³OJ No. 11/53.

⁴OJ No. 27/59 and 18/61.

⁵OJ No. C 118, 16.5.1977, p. 48.

(f) Other organizations

180. Turning to the subject of other international organizations, Parliament has dealt in its resolutions with cultural cooperation arranged by UNESCO¹, reform of the world monetary system by the IMF², the need for the IMF to give more attention to the interests of developing countries³, NATO security policy⁴, coordination of air transport by IATA⁵, Eurocontrol's responsibilities for air traffic safety⁶, Community participation in the International Fund for Agricultural Development (IFAD)⁷ and close collaboration with the World Health Organization (WHO)⁸.

8. Multilateral negotiations and conferences

a) GATT

181. In the section on external economic relations of its resolution of 9 May 1973⁹ on the Sixth General Report by the Commission, Parliament urged

'the Commission and the Council of Ministers to make, according to their respective competences, a constructive contribution to the forthcoming trade negotiations in GATT in order to achieve the harmonious expansion and further liberalization of world trade on a reciprocal basis'.

182. As Parliament made clear in its resolution of 4 July 1973 on the Community's approach to the multilateral negotiations in GATT¹⁰, the purpose of these negotiations is not to solve any specific problem, but the ultimate aim is the social and economic development of all the countries involved, whether industrialized or developing'.

Parliament therefore declared that 'the Community's objective in these negotiations is to establish a more outward-looking, balanced and fairer system of international trade'.

¹ European Parliament, Resolutions 1973-1974, p. 44.

² Ibid., p. 64.

³ European Parliament, Resolutions 1975-1976, p. 207.

⁴ European Parliament, Resolutions 1973-1974, p. 120.

⁵ Ibid., p. 15.

⁶ European Parliament, Resolutions 1975-1976, p. 155.

⁷ European Parliament, Resolutions 1976-1977, p. 21

⁸ OJ No. C 83, 4.4.1977, p. 44.

⁹ European Parliament, Resolutions 1973-1974, p. 41.

¹⁰ Ibid., p. 85.

183. In its resolution of 30 April 1975 on the temporary suspension of the autonomous common customs tariff duties on certain agricultural products¹, Parliament invited the Commission

'with a view to bringing about a much-needed increase in the supply of certain agricultural products little produced within the Community, from now on to employ in the first place the instrument of generalized preferences and negotiations within the framework of GATT with regard to exports of these products from developing countries, and also to take account of the interests of the processing industry in those countries'.

184. Referring more specifically to the Community's position in the GATT negotiations, Parliament, having welcomed² 'the opening of the new multilateral negotiations in GATT, which demonstrate the desire of the participating countries to oppose the disorganization of world trade and to give a new impetus to international trade exchanges', requested the Commission 'to advocate liberalization of international trade based on the principle of reciprocity between all countries'.

185. More recently, on the subject of economic and trade relations between the European Community and Japan³, Parliament took the view that 'notwithstanding the differences of opinion that have arisen in recent years in the trade sector, the two parties have to face similar challenges and difficulties, which implies a community of interests' and expressed the hope

'that given this community of interests, widespread cooperation will be possible between the two parties, especially in multilateral matters (North-South dialogue and GATT for instance) and also in the areas of energy policy, research and pollution control'.

b) UNCTAD

186. Referring to the problems of development and cooperation on which it gave its opinion in its resolution of 9 May 1973⁴, Parliament accepted that during the Third UN Congress on Trade and Development at Santiago the Member States

'were not able to carry through, as a Community, a coherent policy towards the developing countries'

and therefore pointed to

¹ European Parliament, Resolutions 1975-1976, p. 40.

² Ibid., p. 64.

³ OJ No. C 83, 4.4.1977, p. 25.

⁴ European Parliament, Resolutions 1973-1974, p. 42.

'the need for the Council to lay down, as soon as possible, initial guidelines for a general Community policy towards the developing countries, and to note the implications for the Community's internal policy'.

187. Parliament then went on, in its Resolution of 14 May 1974¹, to request the Commission 'to submit proposals for special aid to the least-developed countries along the lines of the recommendations made at the Third UNCTAD Conference'.

188. In its resolution on the preparation, conduct and outcome of the fourth United Nations Conference on Trade and Development², Parliament emphasised that 'UNCTAD, for all its faults, is the world's major forum for discussions of questions relating to development and therefore hopes that the EEC will not be limited to an observer's role'.

189. It was in this spirit that Parliament in its resolution of 19 April 1977 on the Community's supplies of raw materials³ urged

'the Council and the Commission to ensure that, for the future work of UNCTAD and the North-South dialogue, in which it must play a major role in encouraging, the Community, acknowledging the importance of these conferences for the security and terms of its supply, should adopt a common position without delay',

whilst in its resolution of 20 April 1977 on sea transport problems in the Community⁴, 'in view of the great importance of sea transport for the Community's trade and in particular its relations with third countries', it put forward the following principle:

'the Community must evolve and adopt, particularly in UNCTAD, a common position as regards countries wanting to build up their own merchant fleets'.

c) Conferences

190. In a resolution on the preparation of the conference on international economic cooperation⁵, Parliament expressed its conviction 'of the need for the Community to speak with a single voice on such occasions' and urged all Member States to concert their views in preparation for this conference.

¹ European Parliament, Resolutions 1974-1975, p. 53

² European Parliament, Resolutions 1976-1977, p. 111

³ OJ No. C 118, 16.5.1977, p. 28

⁴ Ibid, p. 41

⁵ European Parliament, Resolutions 1975-1976, p. 144

191. More recently, in its resolution on the state of the North-South dialogue¹ Parliament expressed itself in these terms:

'therefore expects the Community to demonstrate clearly its determination to reach a positive conclusion, particularly as regards the debts of the developing countries and the need to preserve their purchasing power'.

192. Referring to the outcome of the World Food Conference and the Communities' position as regards a world food policy, Parliament maintained² that 'by submitting an outline for an agreement on cereals - which includes in particular a storage system - the EEC has made a positive start to the international discussions on this matter'. It went on to call on the Community and its Member States 'to participate as soon as possible in the International Fund for Agricultural Development' and welcomed 'the decision of the Council and the Member States to join the Worldwide Food and Agriculture Information and Early-warning System, these two bodies being essential to ensure world food security'.

193. Parliament had already made known its views on the Community's participation in the third United Nations Conference on the Law of the Sea in its resolution of 11 June 1974³. The Sixth Session of this conference which opened in New York on 23 May 1977 was preceded - during Parliament's sitting of 13 May - by a resolution⁴ in which Parliament stated:

'considers it essential, however, for the Community as such to take an increasing part in the Conference, since the questions to be discussed concern in whole or in part sectors in which the Community has sole competence to draw up Community-wide regulations and to contract obligations vis-à-vis third countries;

draws attention to the need for Member States to make all necessary efforts to ensure the adoption by the Conference of a provision, such as that proposed on behalf of the Community at the Fifth Session in September 1976, under which the Community as such would be able to become a party to the future Convention'.

¹ European Parliament, Resolutions 1976-1977, p. 105

² European Parliament, Resolutions 1975-1976, p. 171

³ European Parliament, Resolutions 1974-1975, p. 59

⁴ OJ No. C 133, 6.6.1977, p. 50

194. As regards environmental matters, Parliament adopted a resolution on the outcome of the Fourth International Parliamentary Conference on the Environment held in Kingston (Jamaica) from 12 to 14 April 1976¹. In this resolution Parliament

'once more calls upon the European Communities as a whole to prepare, in consultation with other governments and international organizations, worldwide environmental protection programmes based on existing programmes in the Community, since active participation by the Communities in the drawing up of international agreements on the protection of the environment can only serve to enhance their reputation in the world'.

195. In a resolution on the participation of the Community as such at the Western Economic Summit held in London on 6 and 7 May 1977, Parliament², having recalled 'the undertaking given by the European Council of 12 and 13 July 1976 after the Puerto Rico Conference to respect Community procedures and systems at international conferences', insisted

'that the Community as such - Council and Commission - be represented at the forthcoming Western Economic Summit in London'.

9. Accession of third States to the Communities

196. Parliament has always considered the accession of new European States to the Community as a positive factor for the Community itself and for Europe. It expressed this belief in its resolution on the Sixth General Report on the activities of the Communities in 1972³ in the following terms:

'welcomes the accession to the Communities on 1 January 1973 of the Kingdom of Denmark, the Republic of Ireland, and the United Kingdom of Great Britain and Northern Ireland and hopes that this enlargement of the Communities will provide a new impetus for European integration which will enable Europe to better fulfil its responsibilities in the world'.

197. With regard to Greece which submitted an application for accession to the Community on 12 June 1975, Parliament had already declared at its sitting of 26 September 1974⁴:

'expresses its hope that Greece will become a full Member of the European Economic Community as soon as the development of its economy permits this'.

¹ OJ No. C 118, 16.5.1977, p. 12

² OJ No. C 93, 18.4.1977, p. 3

³ European Parliament, Resolutions 1973-1974, p. 33

⁴ European Parliament, Resolutions 1974-1975, p. 121

198. With regard to Portugal which also submitted an application for accession to the Community on 28 March 1977, Parliament, in its resolution of 11 April 1975, on the situation in Portugal¹, recalled 'that the European Community has always closed the doors to any prospects of accession by the previous authoritarian régime in Portugal'.

199. After the change in the political climate in Portugal, at the sitting of 16 September 1977 Parliament adopted a resolution on economic and trade relations between the European Community and Portugal². After emphasizing 'the advantages for both parties of strengthening and extending their economic, trade and cooperation relations', Parliament defined the role of the Community in the accession negotiations in these terms:

'affirms that the establishment of the economic conditions necessary for Portugal to attain full membership of the EEC is the joint responsibility of both parties'.

200. Referring to the situation in Spain, Parliament in its resolution of 25 September 1975³ had invited 'the Commission and the Council to freeze existing relations until such time as freedom and democracy are established in Spain'.

201. Recalling this resolution, Parliament in a further resolution of 12 May 1976⁴ reiterated 'its desire to see Spain join the European Community when it has evolved towards a genuinely democratic regime' on condition that individual, political and trade union freedoms are restored.

¹ European Parliament, Resolutions 1975-1976, p. 29

² OJ No. C 241, 10.10.1977, p. 48

³ European Parliament, Resolutions 1975-1976, p. 130

⁴ European Parliament, Resolutions 1976-1977, p. 30

202. Lastly, Parliament's interest in the progress of the accession negotiations is borne out in the following resolution¹, adopted at the sitting of 12 October 1977:

'The European Parliament,
- aware of the political and economic importance of the accession of the new countries that have applied for membership of the European Community,
- anxious to follow the development of the accession negotiations,
1. Instructs the Commission to report regularly to Parliament on the stage reached in the negotiations'.

10. Actions within the framework of the external policy of the Nine

203. With reference to the Community's external policy, Parliament has tirelessly urged that this instrument of defence of its own interests should be included in those used for Community action at international level.

204. In its resolution on the activities of the Communities in 1972², Parliament welcomed 'the progress that has already been made concerning the development of concerted Community attitudes towards major foreign policy issues, within the framework of the Political Committee, notably with respect to the preparation of the forthcoming Conference on Security and Cooperation in Europe'.

It further considered

'that the Community should play an increasingly active role concerning world developments such as the new political and economic relations to be established with the United States, the promotion of lasting peace in the Middle East, aid to the developing countries, and the solution of environmental problems, and, also, that the Community should make a positive contribution to the Conference on Security and Cooperation in Europe and its follow-up, and looks to the Commission to initiate courageous proposals concerning problems of this kind which it hopes that the Council will implement'.

¹ OJ No. C 266, 7.11.1977, p. 28

² European Parliament, Resolutions 1973-1974, p. 34/35

205. Turning to the outcome of the Conference of Heads of State or Government held in Copenhagen on 14 and 15 December 1973 and on measures taken as a result¹, Parliament expressed gratification

'with the principles of European identity solemnly affirmed by the Heads of State or Government, but insists that they should rapidly be made tangible by more efficient and compelling procedures for common action, particularly in the field of foreign policy and defence'.

206. On the subject of the Conference on Security and Cooperation in Europe (CSCE), Parliament in its resolution of 9 April 1975² strongly urged 'the Governments of the nine Member States of the European Community, having due regard to the legal bases and objectives of the Rome and Paris Treaties,

'to ensure that any follow-up negotiations concerning issues for which competence has been transferred from the Member States to the Community are conducted by the Commission of the European Communities'.

207. In its resolution on the preparatory meeting of 15 June 1977 in Belgrade as provided for by the Final Act of the Helsinki Conference on Security and Cooperation in Europe³, Parliament, 'having regard to the role played by the Governments of the Nine and the European Community in the preparation of a joint approach to the questions discussed during the Helsinki and Geneva Conferences', urged the nine Governments of the Member States and the Commission of the European Communities

- '1. to ensure that each of the 10 principles set out in the Final Act is respected by all the Governments of the participant States;
2. to ensure that priority is given to the full implementation of all the decisions taken at Helsinki'.

¹European Parliament Resolutions 1973-1974, p.177

²European Parliament, Resolutions 1975-1976, p.22

³OJ No. C 133, 6.6.1977, p.32

208. Going on to consider developments in the Middle East, Parliament in its resolution on the meeting between the President of the Arab Republic of Egypt and the Head of the Government of the State of Israel¹, adopted on 15 December 1977:

'urgently appeals to the Community institutions and the governments of the Member States to encourage, within the framework of Community activities and of European political cooperation, progress towards the establishment of a just and lasting peace in the Middle East'.

209. Lastly, Parliament expressed its views in greater detail on European political cooperation², requesting the governments of the Member States, among other things

'to instruct the foreign ministers to seek agreement on the political and related aspects of negotiations with third countries before the Council of Ministers gives a mandate to the Commission to open negotiations and to establish this mandate in the light of an orientation debate held by Parliament'

and

'to ensure that the Commission represents the Community in all major multilateral economic negotiations following agreement by the foreign ministers on the political and related aspects of such negotiations'.
o o -

210. As an example of Parliament's contribution to the Community's relations at international level, mention may be made of Parliament's resolution on the present state of economic and commercial relations between the Community and the United States of America³:

'notes with satisfaction that the six-monthly meetings between the delegations from the American Congress and the European Parliament have created a better understanding of the attitudes prevailing on both sides of the Atlantic and considers it vital for these meetings to be continued in order to improve even further the relationship between the United States and the Community'.

¹ Working Doc. 423/77, 6.12.1977. See minutes (Doc. PE 51.758), p. 30

² Working Doc. 427/77, 13.12.1977

³ European Parliament, Resolutions 1976-1977, p. 189

VII. CONCLUSIONS

211. Although the European Communities take their place in the general framework of international organizations, they have specific features which distinguish them clearly from the classical type of international organization.

212. The Community's international legal powers are based on the provisions of the treaties. The Court of Justice of the European Communities has, in various judgments, and in opinions delivered pursuant to the second subparagraph of Article 228(1) of the EEC Treaty, made it clear that the Communities are empowered to negotiate and conclude agreements with third countries and with international organizations.

213. The Communities have various instruments for action in international relations. This wide range of powers, which can be strengthened and extended, should be fully used to ensure that the Community is constantly and fruitfully represented in international matters. Here an increasingly important role is being played by cooperation between the Member States on foreign policy.

214. The European Parliament has always supported the Communities' action in international affairs as is demonstrated by the countless resolutions in which it has given its opinion on the Communities' position on European or world affairs. It therefore reaffirms the need for participation by Parliament in the Communities' acts in international law in line with its budgetary powers and the need for democratic control.