





Procedure file

Basic information		
INI - Own-initiative procedure	2001/2021(INI)	Procedure completed
The legal personality of the European Union		
Subject 8 State and evolution of the Union		

Key players			
European Parliament	Committee responsible		Rapporteur
	 Constitutional Affairs		Appointed 13/02/2001
			PSE CARNERO GONZÁLEZ Carlos
	Committee for opinion		Rapporteur for opinion
	 Foreign Affairs, Human Rights, Common Security, Defense		Appointed 20/06/2001
			PPE-DE LASCHET Armin
	 Legal Affairs and Internal Market		11/04/2001
			PPE-DE PALACIO VALLELERSUNDI Ana

Key events			
15/03/2001	Committee referral announced in Parliament		
20/11/2001	Vote in committee		Summary
20/11/2001	Committee report tabled for plenary	A5-0409/2001	
13/03/2002	Debate in Parliament		
14/03/2002	Decision by Parliament	T5-0126/2002	Summary
14/03/2002	End of procedure in Parliament		
27/02/2003	Final act published in Official Journal		

Technical information	
Procedure reference	2001/2021(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 54

Stage reached in procedure	Procedure completed
Committee dossier	AFCO/5/14559

Documentation gateway

Committee report tabled for plenary, single reading		A5-0409/2001	20/11/2001	EP	
Text adopted by Parliament, single reading		T5-0126/2002 OJ C 047 27.02.2003, p. 0420-0594 E	14/03/2002	EP	Summary

The legal personality of the European Union

The committee adopted the own-initiative report by Carlos CARNERO GONZÁLEZ (PES, E) on the legal personality of the European Union. The report reiterated Parliament's often-repeated call for a comprehensive reform of the treaties leading to a clearer and more readily understandable Union structure. The present complex situation was the product of successive layers resulting in the coexistence of the Union, without legal personality, and the Communities, with functions being split between the different entities. The committee pointed out that public opinion nevertheless perceived the complex organisation of the Union as an autonomous and unitary system, even though in formal terms it still lacked legal personality. This issue should therefore be addressed within the context of the Convention set up to prepare for the next Intergovernmental Conference on the future of the EU. The report said that a simple, transparent and comprehensible structure should be established by combining the existing Communities and pillars into a single Union, which alone would have legal personality, accompanied by a unification of the treaties into a coherent Treaty on European Union. This would improve the Union's image and was an essential step towards increasing the coherence, visibility and efficiency of its external action. It would also help remedy the dysfunctions caused by the pillar structure and make it easier for citizens to identify with the Union. Furthermore, it would be a key element in establishing a system for the protection of fundamental rights at Union level. The committee also argued that the attainment of political union implied giving the EU legal personality and that the process of constitutionalisation must, therefore, lead to a definition of this legal personality. ?

The legal personality of the European Union

The European Parliament adopted its own-initiative report drafted by Carlos CARNERO GONZALEZ (PES, Spain) on the legal personality of the European Union. (Please refer to the document dated 20/11/01). The EU's lack of legal personality creates a legal vacuum in so far as neither the Charter of Fundamental Rights of the European Union, even if it were to take the form of an instrument under Community law, nor any other instrument of international public law designed to protect the rights of the individual and to which Member States have subscribed, are enforceable vis-a-vis the Union. It is essential to stop the dismemberment of the institutional system and to establish a simple structure by combining the existing Communities and pillars into a single Union, which alone would have legal personality. The alternative of giving the Union legal personality alongside the legal personalities of the Communities would not provide the necessary clarity and transparency as the terms "Union" and "Communities" would have to be maintained in parallel within a single unified Treaty. Giving the EU legal personality also, inter alia, improves the Union's image and its capacity to take action by facilitating the Union's political and contractual activities at bilateral and multilateral level on the international stage, and its presence in international organisations, even if different procedures apply internally. It is an essential step towards increasing the coherence, visibility and efficiency of its external action.?