THE INTERFERENCE OF EUROPEAN UNION LAW WITH PUBLIC INTERNATIONAL LAW

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Abstract
The European Union Law is an unique legal phenomenon developed in the process of European integration within the framework of the European Communities and the European Union; a result of the implementation of the supranational authority of the European institutions. The European Union law is a specific legal system having independent sources and principles that developed at the border-line of international law and domestic law of the EU's Member States. The authonomy of the European Union law is affirmed by a case-law of the Court of Justice of the European Union.
The European Union has its own legal order which is separate from international law and forms an integral part of the legal systems of the Member States. The legal order of the Union is founded on various different sources of law. The different nature of these sources has imposed a hierarchy among them. At the pinnacle of this hierarchy we find primary law, represented by the Treaties and general legal principles, followed by international treaties concluded by the Union and secondary law founded on the Treaties.

Keywords: *EU law, international law, domestic law, sources of law, international treaties.*

Introduction

In this paper, we intend to present and argue the fact that between European Union law which, currently, represents a system of law analyzed distinctly from international law, and public international law, is a close relationship, but not only in terms of respecting the international legal order by the first.

We believe that creating a unified legal system, as the one of the European Union, is no innovation at international level, as long as at the basis of what today forms *the European Union law*, we find several international treaties concluded under the existing rules of international law. In this respect, we consider, first, the three treaties establishing the European Communities, and which, from the viewpoint of international law, have at least three fundamental characteristics, namely: first, they express the legal bond between member states of the Communities, secondly, they represent an organized set of legal rules, and thirdly, documents drawn up under these treaties, by bodies with responsibilities in this regard, produce legal effects in States Parties.

Paper Content

1. The constituent treaties are authentic international treaties

Concluding international treaties requires a set of procedures that must be fulfilled in order for a treaty to be created, to become binding on parties and to enter into force. According to Nguyen Quoc Dinh[1], the conclusion of an international treaty "is a process involving multiple issues", such as:

- adopting the text of the treaty and certifying it;
- the state consent to be bound by the treaty ;

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[1] Nguyen Quoc Dinh, Patrick Daillier, Alain Pellet, „*Droit international public",* 7th Edition, (L.G.D.J, 2002), p. 125.

- the international notification of the consent;
- the treaty entry into force, according to its terms, on states that have expressed their consent.

The international notification of the state consent to become party in a treaty and the entry into force of the treaty are subject exclusively to international law, while expressing the state consent to be bound by that treaty is governed solely by the law of that State. Given this, it is undisputed that treaties constituting the European Communities and the European Union have been concluded by sovereign states, which have willingly expressed their approval. Thus, states became *"contracting parties"*[2] to three multilateral treaties, before becoming *"Member states"* of some organizations whose primary purpose was the economic integration.

Although Community treaties have entered into force over 60 years ago (one of these treaties even ceased to have legal effect because the period for which it had been concluded, has ended), that purpose has not been yet achieved, the process of economic integration continuing even today; this is why, we believe that member states, despite the fact that "they have limited, only in some areas, their sovereign rights and have created a system of law applicable to nationals and states themselves"[3], they are still contracting parties, keeping, naturally, their sovereignty. This aspect was stressed whenever the issue of concluding new EU treaties, in order to amend the constituent treaties, by negotiating reciprocal rights and obligations, arose.

The constituent treaties contain both obligations, but also rights for States Parties. At a closer examination of these international legal instruments, we see that they contain general obligations, but also some special obligations.

1.1. The rights of States Parties

The constituent treaties confer certain rights to states, as contracting parties, which are, in fact essential for the functioning of the Union. Thus, we find: the participation of states to the establishment of common institutions and entities, the right of action before the Court of Justice of the European Union in order to ensure compliance with treaties, immunity from execution, the right to decide on the accession of new member states, the right of revising treaties.

A. Under the constituent Treaties, States Parties have the right to take part, according to certain criteria, in establishing the main institutions of the European Communities[4] and subsequently of the European Union. In this respect, each state has one representative at ministerial level in decision-making institutions. Member states governments appoint Commission members - the true executive of the European Union. As for the Court of Justice, its members are appointed by the common agreement of member states governments.

B. States Parties to the constituent treaties have the right to bring before the Luxembourg Court of Justice, a claim against any contracting party; this claim aims at ensuring compliance with Community law and, more recently, with European Union law.

C. Another right granted to States Parties to the constituent Treaties is the immunity from execution, as resulting from the fact that these Treaties contain no provisions concerning the enforcement of states in case they do not fulfil their obligations[5]. In this situation, we believe that the

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[2] Under the Preambles of the three constituent treaties.

[3] Court Order of July 15th, 1964, *Costa v./ ENEL*, C-6/64.

[4] According TCECA: the Special Council of Ministers, the High Authority, the Common Assembly, the Court of Justice. Each one of Treaties establishing EEC and Euratom sets the following institutions: the Council, the Commission, the Assembly, the Court of Justice.

[5] The situation was, however, different in the case of the Treaty of Paris which initially provided in art. 88, paragraph (3), two penalties for the state failing to enforce its obligations, namely: the suspension of payment by CECA to the state in cause and the authorization given by the High Authority of member states to take, notwithstanding the common market principles, measures of defense or retaliation on the state concerned (see http://eur-lex.europa.eu/fr/treaties/dat/11951K/tif/TRAITES_1951_CECA_1_FR_0001.pdf).

immunity from execution applies on grounds of states sovereignty. It is clear that if the EU Court of Justice gives an order against a state that did not fulfil its obligation, this judgement is, in fact only a matter of principle, because it is not likely to be enforceable. This situation was considered in the specialized literature as "essential for understanding the Community institutional system. Unlike what happens in a federal state in which the federal power has the means to reduce a possible resistance of the federal state against the federal order, in the Community, there is no community enforcement"[6]. Within the European Union, member states keep their sovereignty; nevertheless, if they voluntarily refuse to execute their obligations, then the non enforcement exception applies *("non adimpleti contractus")*. By invoking this exception, a suspension of the Union's own obligations towards that member state is obtained until the moment it will fulfil its incumbent obligations.

However, there is still a way to penalize the member state which is guilty of failure of obligations. Thus, if by not fulfilling the obligations, that state breaches individual rights and interests, persons aggrieved may appeal to national jurisdictions and obtain, under certain circumstances, compensation for the damage caused, like, for example, the conviction of the state to refund illegally collected taxes.

D. EU accession of a state entails, among other things, the agreement of all other member states. In other words, any EU member state is entitled to express its consent or, conversely, to make use of its right of veto on the accession of new member states.

E. The constituent treaties contain a clause under which any revision can be made only with the unanimous agreement of all member states. The review is achieved through a diplomatic treaty subject to ratification. Thus, no commitment can be altered without formal consent.

1.2. The obligations of member states

Naturally, States Parties to the constituent treaties acquire, next to rights, also a series of obligations, which we shall classify into general and special.

General obligations. Although not numerous, they are fundamental and specific to international law.

A. A first general obligation is loyalty to the Union. Constituent treaties contain a clause of loyalty to the Union, under which States Parties should implement the treaties in good faith and take action to ensure the achievement of objectives. This clause is nothing more than a way of expressing the principle of international law, *pacta sunt servanda*[7]. The idea, from which the obligation to fulfil and act in good faith results, is found in art. 5[8] of the Treaty establishing the EEC[9], under which member states shall take all appropriate measures, either general or particular to comply with obligations under this Treaty or under acts of Community institutions. At the same time, it facilitates its mission. Under the same article, member states must refrain from any action likely to endanger the achievement of objectives of this Treaty.

Moreover, the Court of Justice, even from its early decisions, has resorted, in its motivations, to this general obligation of cooperation and loyalty to member states, either by citing articles that consecrate it, or by referring, in a more general form, to the obligation of solidarity between member

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[6] Pierre Pescatore, *„L'ordre juridique des Communautés Européennes. Etude des sources du droit communautaire", (*Presses Universitaires de Liège, A.S.B.L., 1975), p. 54.

[7] For modifying treaties, the Vienna Convention of 1969 on the Law of treaties is also relevant; in art. 26, it provides that: "Every treaty in force is binding upon parties and must be executed by them in good faith".

[8] The current art. 4 TEU.

[9] Similar clauses are found in art. 192 of the Euratom Treaty, but also the Treaty of Paris contained such clauses in art. 86, para. (1) and (2).

states. In this respect, we find several court orders, of which we mention the first data of the Court, in this field:

- the 1969[10] court order of the ECJ mentions that "solidarity is the basis of the whole Community system, according to the agreement provided in art. 5 of the Treaty";

- the *Scheer* court order[11] of 1970, in which the Court orders the following: at the beginning of the implementation process of the common agricultural policy, during which the Commission could not fully assume its role, member states were entitled and were bound to take measures of the national legislation in order to facilitate the proper implementation of EU law;

- the court orders of 1971: *Commission v. / France*[12] and *Commission v. / Italy*[13]. In the first court order, the Luxembourg Court speaks of a general obligation of cooperation provided in art. 192 of the EAEC Treaty, under which parties must use the means offered by the Treaty to resolve any legal uncertainty that states are required to overcome in order to cover the fact of not fulfilling their obligations;

- the court order of July 13, 1972[14], in which the Court states that the Community law effect, considered as having force of judgement by the Republic of Italy, involves the competent national authorities' refraining from applying a national prescription recognized as incompatible with the Treaty and the obligation to take all necessary measures to facilitate the effect of Community law.

B. Another general obligation has as object the coordination of national policy in order to ensure the common interest, established initially in art. 6 of the EEC Treaty. According to the Treaty, member states commit to coordinate their economic policies in order to achieve objectives of the Treaty. Unlike the principle of good faith that exists in all three constituent treaties, this obligation is not provided, in similar terms, in ECSC and Euratom Treaties. However, in the last two treaties, we find a general clause which gives to the Council of Ministers, the task of coordinating national policies with the Communities action[15].

C. The financial contribution is another obligation of States Parties to the constituent Treaties. This obligation is found in the Treaties of Rome, but it is absent in the Treaty of Paris. This absence is not a shortcoming, but has a reasonable explanation in the sense that this Community had its own resources in the form of samples of the coal and steel production[16]. The obligation of financial contribution no longer exists today because, since 1970, national contributions of member states have been gradually replaced by own resources[17].

D. The obligation of responsibility for Communities / Union actions towards third states. Although this general obligation is not covered by any of the three treaties, we believe that it should, however be taken into consideration, because it results from the general rules of international law.

Special obligations. By joining the constituent Treaties, member states have undertaken a number of obligations resulting from the economic character and main objective of the European Communities, which is the creation of a Common Market. It is about taking action, about obligations characteristic, in particular for the transition period, in other words, about the States Parties' commitment. We mention that this is not about rules directly applicable to member states subjects. Given the large number of these special obligations, we will only do a listing of those that we

[10] ECJ Judgement of December 10th, 1969, *Commission v. / France*, C-6/69.

[11] ECJ Judgement of December 17th, 1970, *Scheer v. / Einfuhr- und Vorratsstelle für Getreide und Futtermittel,* C-30/70.

[12] ECJ Judgement of March 31st, 1971, *Commission v. / Conseil*, C-22/70.

[13] ECJ Judgement of December 14th, 1971, *Commission v. / France*, C-7/71.

[14] ECJ Judgement of July 13th, 1972, *Commission v. / Italy*, C-48/71.

[15] Art. 26 TCECA and art. 115 TCEEA.

[16] Art. 49 TCECA.

[17] Under the Treaty of April 22nd, 1970.

consider as being illustrative for the achievement of the major Communities objective, namely the economic integration. Thus, we find:

- the obligation to gradually eliminate, national customs rates and replace them with a common customs rate;
- the obligation to abolish quantitative restrictions within the Common Market;
- the obligation to establish the free movement of workers;
- the obligation to establish the freedom of residence and to provide services;
- the obligation to liberalize the financial services;
- the obligation to renounce at the state aid;
- the obligation to eliminate tax differences, etc.

2. Institutional systems under the constituent Treaties

As known, under international law, one of the constituent elements of international intergovernmental organizations is the existence of an institutional system. The constituent Treaties of the European Communities, and subsequently the European Union are not limited only to achieve mutual legal relations between the contracting parties, but they also create one institutional system, for each organization that they found. In other words, constituent treaties provide the establishment of an "organized social ensemble towards a common goal, which is totally different from the result of national interests in attendance. This ensemble is provided with entities, invested, to a certain extent, with autonomy and capable to work towards achieving a common interest"[18].

A significant part of the constituent treaties content is reserved to the European Union institutions.

3. The Revision of instituting Treaties

Under international law, international treaties in force may be changed under the conditions when reasons for which they have been completed or conditions of application require the transformation of some provisions in order to be adapted to the new requirements. Treaties usually, contain express clauses on modification procedures, through amendments that are being adopted by unanimity or by qualified majority of two thirds or by simple majority. In general, amendment is the generic term which indicates any change to the text of a treaty. However, terms used for such changes vary and are often equivalent: amendment, revision. The amendment relates to certain changes, partial and of minor importance, and the revision designates substantial and extensive changes to the text of a treaty[19]. In any case, there are two general rules on the modification of Treaties (Art. 39, Vienna Convention, 1969):

- any treaty can be amended only with the parties' agreement;
- in order for changes to take effect, this agreement must follow, in principle, all prescribed steps for signing the Treaty[20].

Within the European Union law, revision is defined as any change or addition to institutive Treaties, and is a legal intervention that has the same legal value as the original Treaties. Unlike international law, where we find two rules on revising treaties, the European Union law distinguishes between classical revision, specific revision of international law and independent revision.

[18] Pierre Pescatore, *op. cit*., p. 56.

[19] For details, see Dumitra Popescu, Adrian Nastase, *"Public International Law",* (Chance Publishing House, Bucharest, 1997); Ion M. Anghel, *"The Law of Treaties"*, vol. 1 and 2, second edition, revised and enlarged, (Lumina Lex Publishing House, Bucharest, 2000); Nguyen Quoc Dinh, Patrick Daillier, Alain Pellet, *op. cit*., etc.

[20] Negotiation, adoption, ratification and entry into force.

1.3.1. The classical revision, under international law

Each constituent treaty contains a revision clause. So, we remember that the Treaty of Paris provided that "after the expiration of the transitional period, the government and the High Authority of each member state can propose amendments to this Treaty. The proposal will be presented to the Council. This issues, by a two thirds majority, a favourable assent in a conference of representatives of member states governments, which will be immediately convened by the President of the Council, in order to reach a common agreement on amendments to the Treaty. Amendments shall enter into force for all member states, after being ratified by all member states in accordance with their respective constitutional rules"[21]. Similar provisions can be also found in the Treaties of Rome, as it follows: the government of any member state or the Commission may submit to the Council, proposals on the revision of this Treaty (EECT respectively EECAT n n.[22]). In case the Council, after consulting the Assembly, even in cases received from the Commission, issues a favourable assent, in a conference of representatives of member states governments, convened by the President of the Council in order to reach a common agreement on amendments to this Treaty. Amendments shall enter into force after being ratified by all member states in accordance with their respective constitutional rules[23].

Currently, provisions relating to the revision of EU Treaties are found in art. 48 of the Treaty on European Union. According to that article, treaties can be amended in accordance with an ordinary revision procedure. Also, they can be amended in accordance with simplified revision procedures. As for the ordinary procedure, the following aspects are important: the Government of any member state, the European Parliament or the Commission may submit proposals for treaties revision, to the Council. These proposals may aim, among others, either at increasing or at reducing competences conferred in Treaties, to the Union. These proposals shall be submitted to the European Council, by the Council and shall be notified in national Parliaments. If the European Council, after consulting the European Parliament and the Commission, adopts by simple majority a decision in favour of examining amendments proposed, the president of the European Council shall convene a Convention composed of representatives of national Parliaments, Heads of State or Government of member states, of the European Parliament and of the Commission. The European Central Bank is also consulted if institutional changes in the monetary field occur. The Convention analyzes the proposals for revision and adopts, by consensus, a recommendation addressed to the Conference of representatives of member states governments. The European Council can decide, by simple majority, with the European Parliament's approval, not to convene a Convention if it is not justified by the extent of amendments. In the latter case, the European Council shall define the terms for the Conference of representatives of member states governments. The President of the Council convenes a Conference of representatives of member states governments in order to adopt, by common agreement, the amendments that are to be brought to treaties. Amendments shall enter into force after being ratified by all member states in accordance with their constitutional rules.

Referring to the simplified revision procedures, it should be mentioned that they only apply if the total or partial revision of the provisions of Part III of the Treaty on the functioning of European Union concerning the internal Union policies and actions is wanted. The initiative belongs to the government of any member state, Parliament or Commission. The draft for total or partial revision is submitted to the Council. The European Council may adopt a decision of totally or partially amending the provisions of Part III of the Treaty on the functioning of the European Union. The European Council shall decide unanimously, after consulting the European Parliament and the Commission, but also the European Central Bank, in the case of institutional changes in the monetary

[21] Article 96 TCECA (1951 version).
[22] Our reference.
[23] Art. 236 TCEE and art. 204 TCEEA (1957 version).

area. This decision shall enter into force only after the approval of member states, in accordance with their constitutional rules.

To a careful analysis of texts presented above, we note that the revision procedure has a preparatory stage, with community character and a diplomatic stage. Thus, we note that the preparatory phase, which develops within the Union, consists of the fact that the initiative of Treaties revision can be of a member state government, of the Commission or European Parliament. The draft is then submitted to the European Council which must consult, in turn, the European Parliament, and in case the initiative belongs to one of the member states governments, then it must be submitted to the Commission. Subsequently, the European Council will convene a convention in order to revise the Treaty in question. Once the decision to convene a convention is made, the diplomatic phase begins. The Convention's mission is to reach a common agreement on the total or partial revision of a European Union Treaty. We believe that within the Convention, nothing happens other than the completion of negotiations on amending the Treaty, by signing it, by representatives of Member States, since negotiations are held within the preceding phase. In other words, the amendments are negotiated and agreed within the European Council and the convention's object is represented by the required formality of signing. The amendments shall enter into force only after all member states have expressed their consent, according to their national constitutional rules.

In conclusion, the European Union Treaties can be revised in whole or in part, in accordance with the rules of classical international law, under which the amendment of treaties in force follow the procedure stipulated for their conclusion, namely: negotiation, signature and ratification by all States Parties to the original Treaty.

1.3.2. The independent revision

Treaties establishing the European Communities and European Union have provided and still provide the possibility for EU institutions to amend certain provisions. However, this procedure is not specific to the European Union, being also used for other treaties concluded under the auspices of other international organizations. For example, we bring the following to the forefront of attention:

- art. XX of the Constitutive Act of the United Nations Organization for Food and Agriculture[24] allows to the Organization's Conference to amend the Constitutive Act, by the vote of two thirds of the votes cast. Amendments adopted by the Conference must not, however, establish any new obligations on member states;
- art. XII of the UNESCO Constitution[25] allows the adoption, by the General Assembly, of some amendments to the constitutive act, by a majority of two thirds of the votes. This time too, it is expressly provided that the amendments must not represent "fundamental changes" in the organization's purpose;
- art. 41 of the Statute of the Council of Europe[26] contains a provision under which the Committee of Ministers can adopt amendments to the Statute.

4. The compatibility of international law with EU law

The European Union has a legal order which can be confused neither with the international order, nor with the state order, but rather, stems from these two, being different from them in its essential points. Those features, which highlight the unique character of the construction which Jean Monnet imagined, have important consequences for the legal and political institutions of the system, whose development is carried out according to integration steps of the Union.

[24] October 16th, 1945 (http://www fao.org/docrep/003/x8700e/x8700e01 htm#20).
[25] November 16th, 1945 (http://www.un-documents net/unesco-c htm).
[26] May 5th, 1949 (www.coe ro).

Regarding the existing relation between EU legal order and rules of public international law, the Luxembourg Court admitted the compatibility of the two systems in a number of areas such as: the extraterritorial effect of the right to competition, the law of the sea, the basic principles of international liability or international criminal law. Likewise, ECJ often applies, as rightful source of EU law, the rules of international law in defining treaties, as well as methods of interpretation of their effects, by invoking the Vienna Conventions of 1969[27] and 1986[28] or based on customary international law[29].

Thus, in case of interpretation or coverage of gaps of EU law, it does not resort directly to specific principles of international law, but indirectly; they can be used only if ECJ determines their compatibility with EU legal order. Conversely, EU law can not claim that it directly contributes to the development of public international law.

However, the Union, as object of international law, is subject to compliance with general international law, and certain rules or principles of the latter create for the Union, obligations which are likely to produce effects within the EU legal system; their compliance is required both to institutions and member states.

A careful study of ECJ jurisprudence shows that it proves certain reluctance on the principles of international law. In this respect, the European Court of Justice rejects the use of any principle regarded as incompatible with the legal nature of EU institutional structure. Thus, the EU principle of public international law which entitles member states to do justice by themselves, can not be applied in EU legal order; Treaties establishing the European Union contain a complex system of judicial tools used in case of default, from a state, of obligations under the Treaty.

The principle of reciprocity also enters the category of international law principles to which the Court does not recognize the applicability within the EU system.

However, the Court admits the possibility of using some originating principles of international law provided that they meet the specific requirements of Community law. In this way, if there is a conflict between an EU treaty and a convention relating a member state to another state or a third party, the Court states that, under the principle of international law, a state that assumes a new obligation contrary to its rights recognized by a previous treaty, by this action, it renounces to the execution of the new obligation[30].

Among principles of international law frequently used by the Court are, in particular, the followings: the principle under which a state can not refuse its nationals the entry into and staying on its territory[31], the principle of continuity in matters of states succession and the principle of good faith. The First Court[32] took into consideration the principle of good faith, in order to point out that signatories of an international agreement can not adopt, before the entry into force of that agreement, acts likely to deprive it from its object or purpose, as a customary rule recognized by international jurisprudence, being imposed to the Community.

I believe, however, that due to the increased role of the European Union, as an actor of the international community, through the proliferation of agreements with many countries, the presence in international organizations, the diplomatic relations involving both the representation in the European Union and its foreign delegations, as well as the development of foreign policy and common security, all this will lead to a development of using the principles of international law in ECJ jurisprudence.

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[27] Vienna Convention of 1969 on the law of treaties.

[28] Vienna Convention of 1986, on the law of treaties concluded between states and international organizations or between international organizations.

[29] Denys Simon, *„Le système juridique communautaire",* 2nd edition,(PUF, Paris, 2000), p. 215.

[30] ECJ Judgement of February 27th, 1962, *the EEC Commission v. / Italy*, C-10/61.

[31] ECJ Judgement of December 4th, 1974, *Yvonne van Duyn v. / Home Office*, C-41/74.

[32] The Law court, today.

Conclusions

In conclusion, we note that the Treaties which established the European Communities and, subsequently the European Union are international legal instruments governed by rules of public international law. The negotiation, conclusion, expression of consent, amendment of Community Treaties, and of ones of the European Union are specific phases for the entry into force of any international treaty, being governed by the same rules of international law.

As an argument, we mention, by way of example, the Treaty of Accession of Romania to the European Union, which is a modifying treaty of European Union constituent Treaties. Thus, as methodology, procedurally speaking, in order to conduct negotiations for Romania's accession to the European Union, the national authorities have prepared to be sent to the European Union Council, one position paper corresponding to each negotiation chapter. The position papers were drawn up under the commitments that Romania had and could assume within the negotiation chapter.

Once developed, the position papers were submitted for adoption, by the Government. Once adopted, consultations were held with the relevant committees, for each chapter of negotiations, in accordance with the provisions of the Constitution. To the position papers of Romania, the EU Council responded with common positions, in which the position of Romania was accepted or our country was asked to change its views on certain specific issues. In the latter case, Romania adopted a new position paper on that chapter, modified depending on requests received and on its own interests and possibilities.

On December 14, 2004 in the 12th ministerial meeting of the Conference of Romania's accession to the EU, it was shown that our country had successfully completed the first phase of the timing of accession, namely the completion of negotiations in 2004. Based on the outcome of this Conference, the European Council of December 17th politically confirmed the closure of Romania's accession negotiations, moving on, so the next phase: adopting and signing the Accession Treaty. Once accession negotiations completed, since December 2004, Romania has started the formalities for drawing up the Treaty of Accession. The Treaty of Accession to EU is the legal act of accession of a State to the European Union. The English version for the Accession Treaty was completed in late January, so that on February 4th, 2005, it was agreed by Member States of the EU in Brussels, within the COREPER[33]. A week later, Romania was agreeing on the text. After translating the Treaty in all 20 official EU languages, as well as in Romanian and Bulgarian, texts were officially transmitted to the member states, Parliament, European Commission, Romania and Bulgaria. On April 13th, 2005 the European Parliament gave its assent[34] to the accession of Romania and Bulgaria to the European Union.

The assent, introduced by the Single European Act[35], is a way of the European Parliament of approving a proposal from the Council. Thus, the legislative act must be approved by Parliament in order to be adopted. However, the procedure does not allow the Parliament to act directly. For example, it can not propose or require amendments in the assent procedure, its role is only to approve or reject the proposed act.

[33] COREPER, the French acronym under which is known the Permanent Representatives Committee, is composed of the permanent representatives (ambassadors) of member states and, in a stage which involves preliminary negotiations, assists the Council of Ministers (Council of European Union) in dealing with issues on the agenda. This Committee occupies an essential position in the union decision-making system; at the same time, COREPER is a forum for dialogue (among permanent representatives and between them and the capitals that they are representing) and a body of exercising political control.

[34] With 497 votes for, 93 against and 71 abstentions, the recommendation of the rapporteur for Romania, Mr. Moscovici, on Romania's accession to the European Union was adopted.

[35] It entered into force in 1986.

The assent from Parliament in Strasbourg gave the possibility to go further through with the procedure of Romania's accession to the EU. Thus, on April 20th, 2005, Member States agreed in COREPER, the draft of EU Council Decision on the Treaty of Accession of Romania and Bulgaria.

The official signing of the Treaty of Accession of our country to the EU took place on April 25th, 2005, in the presence of member states representatives, and of representatives of Romania and Bulgaria.

It is known that signing the text of a treaty, according to international regulations, does not usually commit parties under any aspect, because the signing only authenticates the text. However, starting from the signature of the Treaty of our country accession to the EU, new rights and obligations on the parties have been created.

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