

THE COMMERCIAL POLICY OF THE EUROPEAN UNION - PART OF THE WORLD TRADE ORGANIZATION POLICY

CLAUDIU-IULIAN FUEREA *

Abstract

The common commercial policy is a pillar for the external relations of the European Union. It is based on a set of uniform rules under the Customs Union and the Common Customs Tariff and governs the commercial relations of the Member States with Non-EU Member Countries. The EU has evolved during the process of globalization by aiming for the harmonious development of world trade and fostering fairness and sustainability. It actively encourages the opening of the markets and the development of trade in the multilateral framework of the World Trade Organization (WTO). At the same time, it supports developing countries and regions through bilateral relations with a view to involving them in world trade using preferential measures.

Keywords: *The common commercial policy; European Union; World Trade Organization; Member States; globalizations*

1. Preliminary considerations

Article 206¹ of the Treaty on the Functioning of the European Union (TFEU) provides that, “by establishing a customs union”, the European Union is contributing “to the development (...) of world trade, the progressive abolition of restrictions on commercial international trades and direct external investments, and to the lowering of taxes and other barriers”. It should be noted that the customs union, as stage of economic integration has been accomplished since 1968, being the result of the suppression of all customs duties between Member States of the European Community at that time, of the elimination of quantitative restrictions for intra-Community trade and not least, of the progressive implementation of a customs tariff², common in relation with third countries.

The common commercial policy (CCP) is one of the policies laid down since the establishment of the European Economic Community, being regulated even in the Treaty of Rome in 1957³. The purpose of this policy was and still is to contribute to the integration of national markets into a single market. This common commercial policy has been conceived because the free movement of goods and services in the European Union “could not be achieved through different national policies generating negative outsourcing”⁴.

The fact that this policy is carried out by reference to principles and objectives of the Union’s external action, must be taken into consideration. There is an exclusive⁵ competence of the Union within CCP, meaning that the right of legislative initiative belongs exclusively to the European Union, so this field is one of those where Member States have agreed that, once they acquire the statute of membership, they have to give up their power to legislate. We should also mention that Member States can act within this trade policy only if they are expressly authorized by the Union institutions. Thus, we consider useful to present in short, the fields reserved for the European Union and those for which Member States are competent. In this respect, we take into

* Ph. D. Candidate, Doctoral School, Law Faculty, University of Bucharest (email: claudiu-iulian.fuerea@drept.unibuc.ro).

¹ Former art. 131 of the Treaty on European Community (TEC).

² By establishing the common customs tariff, the free trade area has been transformed into the customs union.

³ The Treaty establishing the European Economic Community (TCEE), which entered into force in 1958.

⁴ Adrian Dobre, “*The European Union’s common commercial policy*”, Legal Universe Publishing House, Bucharest, 2010, p.71.

⁵ Under article 3 paragraph (1) letter e) TFEU.

consideration, first, art. 207⁶ TFEU, that we can consider the “core text”⁷, in terms of explicit powers. According to the article cited, the scope of exclusive competence of the EU common commercial policy is extended, namely: changes in tariff rates, tariff and trade agreements on trade in goods and services, commercial aspects of intellectual property, foreign direct investments, uniformity in measures of liberalization, export policy and measures to protect trade (especially dumping and subsidies). It results from the text analysis that the free movement of persons, in their capacity as traders, is not included in the scope of exclusive competence, which leads us to appreciate that the Union can not conclude international agreements which do not have as exclusive object, the commodities. The trade liberalization is not limited, naturally, only to goods. Services may be taken into consideration by the common commercial policy, being, thus, within the exclusive competence of the Union; however, as outlined in the specialized literature, “in the agreements negotiated, the services are considered commodities”⁸.

Without going into further details, we notice that the doctrine in the field mentioned has identified, in addition to this exclusive jurisdiction, also the possibility of implicit powers of the Union, taken from art. 207 TFEU⁹. The issue of implicit powers of the Union arose at the same time with the gradual development of the secondary legislation in the common commercial policy. Regulations, directives and decisions may give rise to restrictive common legal rules that could be implemented only if Member States kept the freedom to negotiate. Considering, however, that the legislative harmonization is still partial, the possibility of concurrent jurisdictions for states and the Union, in matter of negotiating, should be analyzed. The more difficult is to determine parts of an international agreement which correspond to a complete harmonization within the Union, the more complex the situation is. In notification no. 1 / 94, of 15 November 1994, the European Court of Justice (ECJ)¹⁰ refers to the obligation of Member States to cooperate, as shown in article 10¹¹ of the Treaty establishing the European Community. According to the Court, “as the object of an agreement or a convention falls, partly, within the competence of the Community and, partly, within the competence of Member States, it is important to ensure a close cooperation between state and Community institutions, both in the negotiation and conclusion process, as well as in fulfilling their commitments. This obligation of cooperation stems from the requirement of a cooperative international unit representing the Community”¹². The duty of cooperation, says the Court, is particularly imposed in the case of agreements, as those annexed to the Agreement of the World Trade Organization (WTO). Thus, in the absence of close cooperation, in the situation where a Member State had, within its sphere of competence, to be duly authorized to take retaliatory measures, but it considered that they were ineffective if they were adopted in the areas covered by The General Agreements on Trade in Services (GATS¹³) or by Trade Agreements on Intellectual

⁶ Former art. 133 TEC.

⁷ Christian Gavalda, Gilbert Parleani, „*Droit des affaires de l'Union européenne*”, 6^e édition, Litec, Paris, p. 60.

⁸ Augustin Fuerea, “*European Business Law*”, second edition, Legal Universe Publishing House, Bucharest, 2006, p. 64.

⁹ Christian Gavalda, Gilbert Parleani, *op. cit.*, pag. 60-61.

¹⁰ Currently, after the entry into force of the Treaty of Lisbon on December 1st, 2009, the new name of the ECJ is the Court of Justice. This, together with the Tribunal (T) and the Civil Service Tribunal (CST), are forming the European Court of Justice (ECJ).

¹¹ The current article 4, paragraph (3) of the Treaty on European Union (TEU). According to the article, “Under the principle of loyal cooperation, the Union and Member States respect and assist each other in carrying out tasks which are resulting from the Treaties. Member States shall take any general or specific measures to ensure the fulfillment of obligations under the Treaties or resulting from the acts of Union institutions. Member States shall facilitate the achievement of the Union’s tasks and refrain from any measure which could jeopardize the attainment of its objectives”.

¹² Section 108 of Approval no. 1 / 94.

¹³ The *General Agreement on Trade in Services*.

Property Rights (TRIPS¹⁴), that state does not have, under the Community / EU law, the power to take retaliatory measures in the field of trade in goods, whereas in any case, this matter falls within the exclusive competence of the Community / Union. On the contrary, in the absence of the same close cooperation, if the Community / Union obtains the right of retaliation in the area of goods, but it is considered unable to exercise it, the Union becomes unable to take legal retaliatory measures in the areas covered by GATS and TRIPS, this responsibility falling within the jurisdiction of states.

Regarding this issue, article 207 TFEU, in paragraph (6) provides that the exercise of powers conferred on the Union, in the common commercial policy field “does not affect the delimitation of competences between the European Union and Member States and does not involve the harmonization of laws, regulations and administrative provisions of Member States insofar as the Treaties exclude such harmonization”.

The role of the Union institutions within the common commercial policy is provided in the very Treaty on the Functioning of the European Union, in paragraphs (2) and (3) of article 207. So, we keep in mind that in the case of negotiation and conclusion of agreements with one or more third countries or international organizations, the following procedure provided in article 218 TFEU is applied: the Council is authorizing the opening of negotiations, is adopting negotiating directives, is authorizing the signing of agreements and is concluding them. The Commission is giving recommendations to the Council for a decision authorizing the opening of negotiations. The negotiator’s appointment or the appointment of the chief of the negotiating team falls within the same competence of the Union. Throughout negotiations, the negotiator may receive directives from the Council. It should be noted that negotiations are conducted in consultation with a committee appointed by the Union Council. The decision authorizing the signing of the agreement and, where necessary, its provisional application before its entry into force is adopted by the same Council, but at the negotiator’s proposal. The Council adopts the decision regarding the conclusion of the agreement, after consulting the European Parliament. The latter issues its approval within a time limit which the Council may set depending on the urgency of the matter. In the absence of a notification elaborated within that period, the Council may decide. It should be noted that for the conclusion of an agreement, the Council can authorize the negotiator to approve, on the Union’s behalf, modifications to the agreement if it provides that these modifications must be adopted, under a simplified procedure or by a body set up by that agreement. The Council may attach specific conditions to such authorization. During the procedure, the Council decides by qualified majority. Also, we mention that a Member State, the European Parliament, the Council or the Commission may obtain the approval of the Court of Justice, on the compatibility of an agreement complying with provisions of the Treaties. In the case of a negative notice of the Court, the agreement can enter into force after its amendment or after the review of Treaties.

There is however provided, an exception to this procedure, in article 207 paragraphs (3) - (6) TFEU. Unlike the usual procedure, in this case, the Commission is the one which shall make recommendations to the Council, authorizing it to open the necessary negotiations. The Council and the Commission are responsible to make sure that the agreements negotiated are compatible with internal Union policies and rules. These negotiations are conducted by the Commission, in consultation with a committee specially appointed by the Council to assist it in this mission, and complying with directives that the Council might give. The Commission shall report regularly to the European Parliament, on the progress of negotiations. For the negotiation and conclusion of agreements with one or more third countries or international organizations, the Council decides by qualified majority. For the negotiation and conclusion of agreements on trade in services and commercial aspects of intellectual property, as well as in foreign direct investments, the Council shall act unanimously where such agreements include provisions for which unanimity is required, for the adoption of internal rules. The Council shall also unanimously decide for the negotiation and

¹⁴ The Agreement on Trade-Related Aspects of Intellectual Property Rights.

conclusion of agreements in the following areas: trade in cultural and audiovisual services, where these agreements risk prejudicing the Union's cultural and linguistic diversity; trade in social, education and health services, where these agreements risk seriously disturbing the national organization of such services and prejudicing the responsibility of Member States to deliver them. The negotiation and conclusion of international agreements in the field of transport are covered by article 218 TFEU.

2. The European Union strategy for a competitive common commercial policy

On October 4, 2006, the European Commission presents to the Council, European Parliament, Economic and Social Committee and Regions Committee, a Communication entitled "Europe's competitiveness in a globalized economy"¹⁵. The document aims to present the contributions that trade policy has in stimulating the economic growth and the creation of jobs in Europe. There are explained the ways in which, in a world economy that rapidly turns, can be achieved "a more comprehensive, integrated and forward-looking trade policy that contributes more to European competitiveness"¹⁶. The need to adapt the tools of EU trade policy to new challenges in establishing new partnerships is emphasized, and all to make sure that Europe remains opened to the world, but that other markets too remain opened to Europe. The Communication mentions also the existent relationships between policies applied in the Union, on the one hand and the extra unional space, on the other hand. Globalization has resulted, among others, in removing the distinction between internal and external policies, this aspect having a major influence on the external competitiveness of the European Union. Given these issues, the Commission presents an analysis of the grounds of trade policy and EU competitiveness, proposing also a number of steps to follow in order to implement a series of priorities to cope with globalization. Faced with these challenges, the European Union should strengthen competitiveness on the basis of transparent and efficient rules. In this respect, according to the Commission, the Union's competitiveness depends, first, on the existence of "sound national policies, namely"¹⁷: competitive market to promote competitiveness of European enterprises; economic openness (as opposed to protectionism, the opening to trades and international investments leads to competitive pressures that are profitable for innovation, new technologies and investment¹⁸); social justice (the Union must deal with the impact of opening markets, especially by accelerating the structural change resulting from the phenomenon of globalization). Also, the European competitiveness lies in the opening of markets, which requires that the trade policy focuses on the following: non-tariff barriers, access to resources and new sectors of growth, intellectual property rights, services, investment, public markets and competition.

To achieve these goals, the Commission proposes an action program for the revival of external competitiveness of the European Union which is structured on two pillars, namely: the internal pillar and the external pillar.

A. **The internal pillar.** Starting from the reality according to which European companies should benefit from the EU competitiveness, citizens should acquire a number of advantages, and the Lisbon strategy represents the cornerstone of EU competitiveness. The European Commission presented in May 2006, the Communication entitled "A project for citizens", in which it proposed a thorough examination of the single market in order to ensure competitiveness of companies through diversification, specialization and innovation.

According to the Commission, the developing process of EU policy must take into consideration its ability to meet existing challenges worldwide. A special importance is attributed to

¹⁵ COM (2006) 567 final (not published in the Official Journal of the European Union) - available on the website: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0567:FIN:FR:PDF>.

¹⁶ COM (2006) 567 final, p. 2.

¹⁷ http://europa.eu/legislation_summaries/external_trade/r11022_fr.htm.

¹⁸ *Idem*.

developing an international legal tool or a coherent European tool to conduct international and bilateral cooperation. Given the effects of the markets opening, the Commission and Member States must ensure that European citizens¹⁹ benefit of special import prices. The common customs system should also be modernized, being proposed in this respect, the revision of the Customs Code and the introduction of electronic customs systems (e-customs).

B. The external pillar. Externally, the Union must commit itself to accept and implement the “multilateralism”²⁰, which provides the means to eliminate barriers to trade, in a stable and sustainable manner. An important role is attributed to the relationship that the European Union must develop with the World Trade Organization. Consistent with the idea promoted by the Communication, the Commission considers that the Union should promote the trade liberalization in bilateral relations, through free trade agreements, highlighting that such agreements have the advantage of being able to cover areas not regulated by an international legal instrument or by WTO.

The Commission considers that transatlantic trades are the core of EU bilateral relations, especially in overcoming global challenges. Meanwhile, China is a very important partner, offering opportunities of economic growth and jobs.

The aspects referring to efforts of intellectual property rights are not omitted; these efforts should result in the conclusion of bilateral agreements, in particular, asserts the Commission, with Russia, China, Korea, Mercosur, Chile, Ukraine and Turkey.

The market access strategy (strategy dating from 1996, but that is to be renewed), as well as the trade defense instruments are also brought into discussion; the public markets of third countries should be opened to European suppliers.

Another important document for our analysis is another Communication of the European Commission, namely the “External Dimension of the Lisbon Strategy for Growth and Employment”²¹, presented on 16 December 2008. The Communication has as objective to provide better opportunities for EU companies in third countries and brings together external and internal policies. At the same time, the Communication is the first annual report on the access to markets, offering a perspective on the main existing barriers. Removing barriers will require, according to the Commission, “a strong expression, in one voice, of European commercial interests. The success of EU actions will continue to depend largely on the seriousness of the commitment of all stakeholders”²². Removing barriers to trade requires a coherent and targeted action. “The European Union must use all these tools strategically and ensure a better integration of foreign policy agenda for trade-offs and win-win solutions for all parties involved. The regulatory cooperation offers further benefits not only in terms of access to markets, but also in areas such as consumer protection, improving environmental standards and the collection of basic information needed to develop legislation and to reduce the cost of enterprises”²³. The Communication defines ways to remove the regulatory barriers and to improve the access to markets, to generate economic growth and create jobs. These efforts must be followed by further development of the Lisbon Strategy for Growth and Employment after 2010.

In summarizing the main steps of the European Commission, to relaunch the common commercial policy, in the context of the Union strategy for Europe’s competitiveness, one can not omit the Communication of 18 April 2007 entitled “Global Europe: a stronger partnership to deliver

¹⁹ COM (2006) 211 final.

²⁰ http://europa.eu/legislation_summaries/external_trade/r11022_fr.htm

²¹ COM (2008) 874 final (not published in the Official Journal of the European Union), available on the website <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0874:FIN:RO:PDF>

²² COM (2008) 874 final, p. 15.

²³ *Idem*.

market access for European exporters”²⁴. The Communication conclusions underline that “a stronger partnership for better access to the market is an essential component of the Global Europe strategy and a significant contribution to the Lisbon agenda for growth and employment. European companies - from strong global companies to large SMEs and developing SMEs- are struggling to succeed on global markets. A strong market access policy is a key function of the common commercial policy and a key area where the European Union can deliver real economic benefits for its Member States and for the European citizens and businesses. The European Union policy of 1996 should be strengthened and adapted to the changing global economy where markets to which we pursue to have access and barriers that prevent this are changing”²⁵. At the end of the document, we find several proposals of the Commission, of which we mention the following: establishing a stronger relationship between the Commission, Member States and EU companies, in order to directly support businesses in overcoming specific difficulties that they are facing with, when they have access to third country markets, in a manner and framework consistent with the commercial reality; decentralizing the current system and encouraging the local initiative in third countries, by establishing local teams of EU market access which include representatives of delegations of the Commission, of embassies of Member States and of business organizations; restoring the database on the European Commission’s market access; improving efficiency and transparency in the Commission’s analysis of complaints about trade barriers, including a new streamlined system for registering complaints, etc.

3. The place and role of European Union’s common commercial policy in relation to WTO

Established in 1995, as successor of the General Agreement on Tariffs and Trade (GATT), the World Trade Organization aims to liberalize trade in goods and services worldwide. In retrospect, we see that, immediately after the Second World War, negotiations were launched, among other things, on establishing a United Nations institution dedicated to trade on the one hand, and to the lowering of customs barriers, on the other hand. In this respect, Havana Charter was signed in 1948 and it provided the establishment of a World Trade Organization; the Charter had never entered in force because of the failure of many countries (especially the U.S.) to ratify it. However, in October 1948, 23 states signed the General Agreement on Tariffs and Trade, Agreement which was aiming at reducing tariffs. It should be mentioned that this agreement has never been established as an international organization. During 1947-1994, the main activity of the GATT was to organize multilateral trade negotiations for global trade liberalization. Since the entry into force of the GATT and up until the establishing of the WTO, there were eight rounds of negotiation. The first five rounds, conducted between 1947 and 1967, had been focused specifically on the suppression of quantitative restrictions and on reducing tariffs.

At the moment of conclusion of the Treaty establishing the European Economic Community²⁶, Member States²⁷ had already been bound by the General Agreement on Tariffs and Trade. “They could not evade the existing obligations to third countries, as consequence of an act passed between them. The intention of Member States to meet commitments of the General Agreement was manifested, in particular, in art. 110²⁸ of the Treaty establishing the European Economic Community (TCEE), containing an affiliation to Community objectives of the General Agreement, and in art. 234²⁹ paragraph (1) which provided that rights and obligations arising from

²⁴ COM(2007) 183 final (not published in the Official Journal of the European Union) – available on the website: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0183:FIN:RO:PDF>

²⁵ COM (2007) 183 final, p. 10.

²⁶ 1957.

²⁷ France, Germany, Italy, Netherlands, Belgium and Luxembourg.

²⁸ The current art. 206, the Treaty on the Functioning of the European Union (TFEU).

²⁹ The current art. 351 TFEU.

agreements concluded before the entry into force of the Treaty, in particular from the multilateral agreements concluded with Member States, were not affected by the Treaty provisions. The Community has assumed, gradually during the transitional period, and totally at the end, pursuant to article 111³⁰ and article 113³¹ of the Treaty – the specific competences of the tariff and trade policy. By entrusting those duties to the Community, Member States were expressing their will to subject it to contractual obligations, under the General Agreement. Since the entry into force of the EEC and, in particular since the implementation of the common external tariff, the transfer of power, occurred between Member States and the Community, has resulted in different ways, under the General Agreement and has been recognized by other contracting parties. In particular, from this period, the Community, acting through its own institutions, has become a partner in tariff negotiations and part of agreements of any kind, concluded under the General Agreement, in accordance with article 114³² of the EEC Treaty providing that tariff and trade agreements “are concluded on behalf of the Community”³³. Since the Community has assumed, under the EEC Treaty, powers previously exercised by Member States in applying the General Agreement, the provisions of this agreement have the effect of creating obligations for the Community.

Thus, with the ruling by the Court of Justice of the European Community, in the case *International Fruit*³⁴, the European Economic Community and now, the European Union, became party of the GATT. As a consequence, the Community is a founding member of this international organization, which is the WTO.

As it can be observed, the European Union played an important role in the negotiations on trade liberalization, especially in the Doha Round, which began in 2001. The purpose of those negotiations was to reduce tariffs and remove other barriers to the world trade. “The Doha negotiations were slowly advancing. Persistent differences between rich and poor countries were emerging, on the mutual access to markets and on the much discussed issue of agricultural subsidies. Many crises appeared during negotiations. (...) The European Union was actively involved in order to make of Doha Round a success”³⁵. The Union believes that the WTO system based on rules constitutes a guarantee of legal certainty and transparency in the carrying out of international trade. The WTO sets rules under which its members can defend themselves against unfair practices like dumping, whereby exporters compete with local rivals. Also, the WTO provides the legal framework for solving disputes.

Assuming that trade rules are multilateral, but the trade itself is bilateral, the European Union, in addition to its participation in the Doha Round and previous rounds of negotiations in the WTO, has developed a network of bilateral trade agreements with countries and regions around the world. The Union has also concluded partnerships and cooperation agreements with countries of the Mediterranean Basin and Russia and other republics of the former Soviet Union. On the contrary, the Union has not concluded specific trade agreements with its major trading partners among the developed countries, like USA and Japan. Trade relations with them are based on WTO mechanisms, although in some sectors, there are many agreements between the EU and the two countries. The WTO framework also applies to trades between the European Union and China, which joined the organization in 2001. Currently, China is the second commercial partner of the Union, after the United States of America³⁶.

³⁰ Currently, repealed by the Treaty of Maastricht in 1992.

³¹ The current art. 207 TFEU.

³² Currently, repealed by the Treaty of Maastricht.

³³ ECJ Judgement of 12 December 1972, *International Fruit*, Joined Cases 21 - 24/72.

³⁴ Cited above.

³⁵ http://europa.eu/pol/comm/index_ro.htm

³⁶ According to http://europa.eu/pol/comm/index_ro.htm

By Decision 94/800/CEE³⁷, the following multilateral agreements and acts were approved on behalf of the Community, regarding the share of competence of the European Community:

- the Agreement establishing the World Trade Organization;
- the General Agreement on Tariffs and Trade in 1994 (which also included the one in 1947);
- the Agreement on agriculture;
- the Agreement on the application of sanitary and phytosanitary measures;
- the Agreement on textiles and clothing;
- the Agreement on technical barriers to trade;
- the Agreement on measures relating to investment and trade relations;
- the Agreement on anti-dumping measures;
- the Agreement on customs evaluation;
- the Agreement on pre-shipment inspection;
- the Agreement on rules of origin;
- the Agreement on import licensing procedures;
- the Agreement on subsidies and countervailing measures;
- the Agreement on safeguard measures;
- the General agreement on services (GATS);
- the Agreement on trade related aspects of intellectual property rights (TRIPS), including trade in counterfeit goods;
- the Agreement on trade in civil aircraft;
- the Agreement on public procurement;
- the International Agreement on the dairy sector³⁸;
- the International Agreement on beef³⁹.

The main objectives of the European Union activity in the World Trade Organization are: “the opening of markets for goods, services and investments in accordance with clear rules and consistent with a timetable, to enable their implementation in all countries; the transformation of the World Trade Organization into a more open, more accountable and more effective entity, by engaging in discussions with other groups and organizations; totally including developing countries in the decision-making process within the World Trade Organization, helping them, thus to integrate into the world economy⁴⁰”.

4. Conclusions

The core material for the common commercial policy is given by articles 3 and 207 TFEU. The first confers exclusive competence on the European Union, while the second provides that “the common commercial policy is based on uniform principles, particularly in regard to changes in tariff rates, tariff and trade agreements on trades in goods and services and commercial aspects of intellectual property, foreign direct investments, uniformity in measures of liberalization, export policy and measures to protect trade, such as those to be taken in the event of dumping or subsidies”.

We mention that Romania, as Member State, with absolute rights and obligations of the European Union from January 1st, 2007, must know and comply with the Union provisions, in matters of common commercial policy, mainly by undertaking not to implement divergent policies

³⁷ Council Decision 94/800/EC of 22 December 1994 concerning the conclusion, on behalf of the European Community, regarding matters within its competence, of agreements reached during the multilateral trade negotiations in the Uruguay Round (1986-1994), published in the Official Journal of the European Community L336 / 1 of December 23, 1994.

³⁸ Repealed in 1997.

³⁹ *Idem*.

⁴⁰ ***, “*Trade and Development Policy*”, the European Institute of Romania, series Micro monographies - European Policies, 2005, p. 11.

from those of the Union, unless it is authorized, expressly for this purpose, by European Union institutions.

The new priorities of the European Union's common commercial policy are necessary to relaunch European competitiveness and to identify opportunities created by international openness. These new perspectives are included in several action programs initiated by the European Commission. The common commercial policy will be able to meet the objectives of growth and employment from the Lisbon Strategy, while facing the challenge of globalization.

In **conclusion**, we maintain the assertion that, currently, the World Trade Organization is the core of the international system based on rules governing the world trade.

References:

- Dobre, Adrian, *"The European Union's common commercial policy"*, Legal Universe Publishing House, Bucharest, 2010;
- Fuerea, Augustin, *"European Business Law"*, second edition, Legal Universe Publishing House, Bucharest, 2006.
- Gavalda, Christian; Parleani, Gilbert, *„Droit des affaires de l'Union européenne"*, 6^e édition, Litec, Paris, 2010.
- Council Decision 94/800/EC of 22 December 1994 concerning the conclusion, on behalf of the European Community, regarding matters within its competence, of agreements reached during the multilateral trade negotiations in the Uruguay Round (1986-1994), published in the Official Journal of the European Community L336 / 1 of December 23, 1994.
- COM (2006) 567 final (not published in the Official Journal of the European Union) - available on the website: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0567:FIN:FR:PDF>
- COM (2006) 211 final.
- COM (2008) 874 final (not published in the Official Journal of the European Union), available on the website <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0874:FIN:RO:PDF>
- COM(2007) 183 final (not published in the Official Journal of the European Union) – available on the website: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0183:FIN:RO:PDF>
- http://europa.eu/legislation_summaries/external_trade/r11022_fr.htm
- ECJ Judgement of 12 December 1972, *International Fruit*, Joined Cases 21 - 24/72.
- http://europa.eu/pol/comm/index_ro.htm
- ***, *"Trade and Development Policy"*, the European Institute of Romania, series Micro monographies - European Policies, 2005.