

A SEAT AT THE TABLE: THE EUROPEAN UNION'S EVOLVING LEGAL STATUS IN INTERNATIONAL ORGANISATIONS

Maria-Cristina SOLACOLU*

Abstract

The European Union sits in different chairs at different international organisations: as a full member at the World Trade Organization, as an “enhanced observer” at the United Nations General Assembly under Resolution 65/276, as a de facto observer at the Arctic Council, and, for over fifteen years, as a non-party to the European Convention on Human Rights, an accession that Article 6(2) of the Treaty on European Union requires.

As an entity possessing full legal personality but not statehood, the Union must participate in institutions whose constituent treaties were drafted between 1945 and 1996, by states, for states. This article examines how that mismatch has produced a patchwork of accommodations that is doctrinally coherent yet institutionally fragmented. The first part surveys the Union’s participation in universal organisations, ranging from full membership to negotiated observer arrangements. The second part examines regional and informal frameworks, with ECHR accession as the central case study. The European Union’s pending accession illustrates, with unusual clarity, how its internal architecture, namely the autonomy of EU law as elaborated in Opinion 2/13 of December 2014, can constrain its external action even where the Treaties themselves require that action to be taken. The November 2025 referral of Opinion 1/25, following the Court of Justice’s clarification of CFSP jurisdiction in KS and KD v Council in September 2024, may resolve what has been the longest-running gap in the Union’s external participation.

It becomes apparent that, while the Union’s competence determines what it may do externally, the host organisation’s constituent treaty determines where the Union can sit. Where these layers align, typically in technical and economic fields, full membership is possible. Where they diverge, the Union relies on negotiated observer arrangements, informal accommodations, or, in the case of the Council of Europe, on a separate and complex accession process. The conclusion is that such a variable geometry in the Union’s external participation is unlikely to give way to uniformity, and that the institutional landscape will continue to be navigated case by case.

Keywords: external representation, international organisations, ECHR accession, observer status, EU competences.

1. Introduction

In the sphere of international governance, the European Union occupies markedly different positions from one context to another. At the World Trade Organization,¹ it sits as a full member alongside its Member States, casting votes and signing agreements in its own name. At the United Nations General Assembly,² it speaks before any individual state during the general debate, but cannot vote, co-sponsor a resolution, or field a candidate for any post. For over four decades, it has been negotiating accession to the European Convention on Human Rights³,

* PhD Candidate, Faculty of Law, „Nicolae Titulescu” University of Bucharest (e-mail: maria.solacolu@gmail.com).

¹ The World Trade Organization (WTO) was established by the Marrakesh Agreement of 15 April 1994 and began operations on 1 January 1995. It administers the multilateral trading system, oversees trade negotiations, and operates a binding dispute settlement mechanism. Its membership comprises 166 states and customs territories, including the European Union as a full member alongside its 27 Member States.

² The United Nations, established by the Charter signed in San Francisco on 26 June 1945, is the largest universal international organisation, with 193 member states. The General Assembly is its plenary deliberative organ, in which each member state has one vote (Article 18 of the Charter). The General Assembly’s resolutions are, with limited exceptions, recommendations rather than binding instruments.

³ The European Convention on Human Rights (formally, the Convention for the Protection of Human Rights and Fundamental Freedoms) was adopted by the Council of Europe in Rome on 4 November 1950 and entered into force on 3 September 1953. It is enforced by the European Court of Human Rights, sitting in Strasbourg, which hears applications from individuals and states alleging violations by any of the 46 Contracting Parties.

an accession the Treaties expressly require, but has yet to become a party. And at the Arctic Council,⁴ the Union has been a de facto observer since 2013, formally affirmed but never formally admitted, watching proceedings from a chair that has no clear legal name or qualification.

Same legal personality, four radically different seats.

The conventional explanation invokes the Union's *sui generis*⁵ character: the EU is neither a state, nor a classical international organisation, and it must therefore negotiate its presence on the global stage one organisation at a time. That description is accurate, but it treats this fragmentation as a form of EU exceptionalism, when in fact it reflects a simpler reality: the legal architecture of most international organisations was designed between 1945 and 1949, by states, for states, at a time when EU legal personality did not exist and could not have been anticipated.⁶ The Union, endowed with full legal personality only by the Treaty of Lisbon in 2009,⁷ has spent the past decades trying to fit into pre-existing institutional structures. The result is a participation regime shaped less by the Union's own competences than by the legal architecture of each host organisation.

The article argues that the Union's diverse status across international organisations is coherent, in the sense that it reflects the attribution of competences between the Union and its Member States, but institutionally costly. The Union's competence determines what it may do externally; the host organisation's constituent treaty determines what it can do as a matter of institutional law. Where these two layers align, full membership is possible. Where they diverge, the Union must rely on observer arrangements of varying depth, on bilateral accommodations with each organisation, or on informal frameworks that side-step the question of legal status altogether. All this is laid out in three sections. The first section presents the foundations: the Union's legal personality, its competences, its treaty-making power, and the duty of sincere cooperation that binds Union and Member States in their external action. The second section examines the Union's participation in universal international organisations as a typology, ranging from full membership in technical and economic bodies to "enhanced observer" status at the UN General Assembly to ordinary observer status across the UN's specialised agencies. The third section focuses on regional and informal frameworks, with the Union's pending accession to the European Convention on Human Rights as the central case study, that is, a treaty-mandated accession blocked for over a decade by the Union's own constitutional autonomy doctrine, and now once again before the Court of Justice in Opinion 1/25. The article concludes by drawing out three observations on the doctrinal coherence, institutional cost, and practical trajectory of the Union's external participation.

The picture that emerges is one of patchwork participation: not by deliberate design, but by accretion.⁸ Each seat reflects the negotiated outcome between the Union's internal architecture and a host organisation's external one. Whether that patchwork is sustainable, and whether the longest-running gap in it, ECHR accession, is finally about to close, remains to be seen.

2. The foundations

To understand why the Union sits in different chairs in different organisations, it is necessary to begin with what the Union is, in legal terms, and what it may do on the international plane. Four aspects have direct bearing

⁴ The Arctic Council was established by the Ottawa Declaration of 19 September 1996. It is the main intergovernmental forum for cooperation on Arctic issues among the eight Arctic states (Canada, Denmark including Greenland and the Faroe Islands, Finland, Iceland, Norway, Russia, Sweden, and the United States), with formal participation also accorded to indigenous peoples' organisations as "Permanent Participants." The Arctic Council is not founded on a treaty; the Ottawa Declaration is a political instrument, and the Council has no separate legal personality.

⁵ For more on the EU's *sui generis* character, see A. Fuerea, *Manualul Uniunii Europene*, 7th ed., Universul Juridic Publishing House, Bucharest, 2026.

⁶ The Charter of the United Nations (1945), the Statute of the Council of Europe (1949), the Constitution of the World Health Organization (1946), and the General Agreement on Tariffs and Trade (1947, the predecessor to the WTO) were all drafted in the immediate post-war period, when European integration was a political aspiration rather than a legal reality. The European Coal and Steel Community, the first of the European Communities, was established only in 1951 by the Treaty of Paris.

⁷ The Treaty of Lisbon, signed on 13 December 2007 and entered into force on 1 December 2009, amended the existing Treaty on European Union and renamed the Treaty Establishing the European Community as the Treaty on the Functioning of the European Union. Among its most consequential reforms were the conferral of legal personality on the Union (Article 47 TEU), the abolition of the pillar structure, and the creation of the offices of President of the European Council and High Representative of the Union for Foreign Affairs and Security Policy.

⁸ On the use of the term "patchwork" to describe the Union's regional engagements, see E. Lannon, P. Van Elsuwege, "The EU and its neighbourhood: A patchwork of regional strategies and institutions from the Mediterranean to the Arctic" in R. A. Wessel and J. Odermatt (eds.), *Research Handbook on the EU and International Organizations*, Edward Elgar Publishing House, 2019, pp. 546-567.

on the analysis: legal personality, competences, treaty-making power, and the duty of sincere cooperation. Each aspect is straightforward in isolation, but their interaction generates the complexity that defines the Union's external presence.⁹

2.1. Legal personality

Article 47 of the Treaty on European Union (TEU) provides: "The Union shall have legal personality." That short sentence, inserted by the Treaty of Lisbon in 2009, ended a long-running debate. Before Lisbon, only the European Community possessed legal personality; the European Union, established by the Treaty of Maastricht in 1992/1993, was a political construct overlaid on three "pillars," only the first of which (the Community) could conclude treaties or appear before international courts in its own name. The pre-Lisbon period thus produced a division of external action, in which the Community signed trade agreements while the Union conducted foreign policy through coordinated Member State positions.

The Union having legal personality matters for two reasons. First, it allows the Union to enter into legal relations with third states and other international organisations: to conclude treaties, to bring or face claims, and to exercise rights and assume obligations under international law.¹⁰ Second, it allows the Union to be admitted to international organisations in its own name, provided, of course, that the host organisation's constituent treaty permits non-state membership. It is this last condition that gives rise to most of the difficulties examined in the sections that follow.

2.2. The competence framework

The Union may act externally only where it is competent to do so. Articles 2 to 6 of the Treaty on the Functioning of the European Union (TFEU) divide competences into three categories.

Exclusive competences, listed in Article 3 TFEU, are areas in which only the Union may legislate and conclude legally binding acts. These include the customs union, common commercial policy, monetary policy for Member States whose currency is the euro, the conservation of marine biological resources under the common fisheries policy, and the conclusion of international agreements where their conclusion is required by a legislative act, is necessary to enable the Union to exercise its internal competence, or may affect common rules.

That last category, namely exclusive external competence by virtue of internal action,¹¹ derives from the Court of Justice's foundational ruling in ERTA,¹² in which the Court held that the conclusion of international agreements by Member States in areas where the Community had adopted internal rules would risk affecting those rules, and that external competence in such areas had therefore been implicitly transferred to the Community. The ERTA doctrine, refined by Opinion 1/76¹³ and a long subsequent line of cases, was codified in Article 3(2) TFEU at Lisbon.

Shared competences, listed in Article 4 TFEU, cover most of what the Union does on the global stage that is not commercial policy: the internal market, environment, transport, energy, area of freedom security and justice, and so on. In these areas, both the Union and its Member States may act, with Member State competence pre-empted to the extent the Union has exercised its own.

Supporting competences (Article 6 TFEU), such as health, culture, and education, allow the Union to support, coordinate, or supplement Member State action without harmonising national laws.

⁹ For a comprehensive treatment of the Union's external relations architecture, see J. Wouters, F. Hoffmeister, G. De Baere and T. Ramopoulos, *The Law of EU External Relations: Cases, Materials, and Commentary on the EU as an International Legal Actor*, 3rd ed., Oxford University Press, 2021. The book builds on earlier editions initiated by P. J. Kuijper.

¹⁰ The defining opinion on the legal capacities of an international organisation possessing legal personality is the International Court of Justice's Advisory Opinion in *Reparation for Injuries Suffered in the Service of the United Nations*, in which the Court held that the United Nations possessed objective international legal personality, opposable to all states, regardless of whether said states had recognised the UN as such. The same principles are generally applied, *mutatis mutandis*, to the European Union.

¹¹ For more on this type of competences of the EU, see A. Fuerea, *Dreptul Uniunii Europene. Principii, acțiuni, libertăți*, Universul Juridic Publishing House, Bucharest, 2016, and M. A. Niță, O. M. Salomia, *Dreptul Uniunii Europene II*, 3rd ed., Universul Juridic Publishing House, Bucharest, 2025.

¹² Case 22/70, *Commission v Council (ERTA)*, EU:C:1971:32. The case concerned the European Road Transport Agreement and established that, where the Community had adopted internal rules in a given area, Member States could no longer conclude agreements with third states that affected those rules.

¹³ Opinion 1/76, *Draft Agreement establishing a European laying-up fund for inland waterway vessels*, EU:C:1977:63, in which the Court of Justice held that the Community had implied external competence to conclude an international agreement where this was necessary for the attainment of a specific Community objective.

For external relations, the operational question is simple: when the Union wishes to participate in an international organisation or a treaty, what kind of competence does it have over the subject matter? Exclusive competence means the Union acts alone (or, more precisely, that Member States act through the Union); shared competence typically means “mixity” (discussed below); supporting competence means the Union may speak but rarely adopts legally binding acts.

2.3. Treaty-making power and mixity

Article 216(1) TFEU sets out when the Union may conclude an international agreement: when the Treaties so provide, when conclusion is necessary to achieve a Treaty objective, when it is provided for in a legally binding act of the Union, or when it is likely to affect common rules or alter their scope. Once concluded, such agreements are “binding upon the institutions of the Union and on its Member States” (Article 216(2) TFEU), and form an integral part of Union law, ranking above secondary legislation but below the Treaties themselves.

Where the subject matter of an agreement falls partly within Union competence and partly within Member State competence, the agreement is concluded as a mixed agreement: both the Union and all Member States are parties.¹⁴ Mixity can be cumbersome, as every Member State must ratify the agreement, often through national parliamentary procedures (reminiscent of the procedures specific to classical cooperation international organisations), but it is the institutional response to shared competence in external action.

The contours of mixity have been refined in a series of recent Opinions. In Opinion 2/15,¹⁵ the Court of Justice held that the EU–Singapore Free Trade Agreement fell almost entirely within exclusive Union competence, except for non-direct foreign investment and investor-state dispute settlement, which required Member State ratification. In Opinion 1/17,¹⁶ the Court found the Comprehensive Economic and Trade Agreement between the EU and Canada compatible with Union law on its investment chapter. Together, these Opinions narrowed the practical scope of mixity in trade, although they left untouched its application in many other fields, from environmental agreements to human rights instruments.

2.4. The duty of sincere cooperation

Article 4(3) TEU obliges the Union and its Member States, “in full mutual respect, [to] assist each other in carrying out tasks which flow from the Treaties.” Externally, this duty translates into two requirements: that the Union and Member States coordinate their positions on an international level, and that Member States refrain from acting unilaterally in ways that would undermine the Union’s positions or competence.

The Court of Justice has enforced this duty. In *Commission v Sweden*,¹⁷ Sweden was found to have breached Article 4(3) TEU by unilaterally proposing the listing of perfluorooctane sulfonate under the Stockholm Convention on Persistent Organic Pollutants, while the Council was still considering a coordinated Union position. The case is a useful illustration of how sincere cooperation operates not as an abstract principle but as a legally binding constraint on Member State conduct in mixed external forums.

2.5. The Union’s external presence

The internal architecture is coherent: the Union has legal personality; it has competences over defined subject matters; it may conclude treaties within those competences; it must coordinate with its Member States in doing so. From the Union’s perspective, these rules provide a clear answer to the question “may the Union act externally on this matter?” in any given case.

What they do not provide, however, is a clear answer to the question “may the Union sit in this chair?” That question is governed not by Union law but by the constituent treaty of the host organisation. The Charter of the United Nations admits “states” as members (Article 4); the Statute of the Council of Europe admits “European States” (Article 4); the Ottawa Declaration establishing the Arctic Council in 1996 reserves member status to the eight Arctic states. None of these instruments anticipated, or could have anticipated, an entity like

¹⁴ For the leading scholarly treatment, see C. Hillion and P. Koutrakos (eds.), *Mixed Agreements Revisited: The EU and its Member States in the World*, Hart Publishing House, 2010.

¹⁵ Opinion 2/15, *Free Trade Agreement between the European Union and the Republic of Singapore*, EU:C:2017:376.

¹⁶ Opinion 1/17, *Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States (CETA)*, EU:C:2019:341.

¹⁷ Case C-246/07, *Commission v Sweden*, EU:C:2010:203.

the Union when they were drafted. The Union's external presence, accordingly, depends on the host organisation's willingness to accommodate it, whether by amending its constituent treaty (as the Food and Agriculture Organization did in 1991), by negotiating a tailored observer arrangement (as the General Assembly did in 2011), or by tolerating an informal *de facto* presence (as the Arctic Council does today).

The article will now analyse the typology of the various external accommodations available to the Union.

3. Universal international organisations

The European Union's participation across universal international organisations presents a layered typology. At one end stands full membership, exercised alongside or in place of the Member States in a small number of bodies whose constituent treaties were either drafted or amended to permit it. At the other end stand organisations in which the Union has no formal status at all, observing through coordinated Member State action. Between these extremes lies a spectrum of observer arrangements of varying institutional depth, the most legally developed of which the “enhanced observer” status is conferred on the Union by the UN General Assembly in 2011.

This section analyses the typology and extracts the legal logic that determines where on the spectrum the Union sits in any given organisation.

3.1. Full membership: the REIO model

A small number of universal organisations have amended their constituent instruments to admit regional economic integration organisations (REIOs) as members. The mechanism seems straightforward: the host organisation's treaty is revised to permit non-state membership, typically conditional on the entity demonstrating that its member states have transferred competence over the subject matter to it. In practice, this route has been taken by very few organisations, and almost exclusively in technical and economic fields where the Union's competence is exclusive or near-exclusive.

The clearest example is the World Trade Organization. The Union (then the European Communities) was a founding member of the WTO at its establishment in 1995, alongside its Member States, by virtue of the 1994 Marrakesh Agreement, which expressly regarded the European Communities as an original member. Voting is structured so as to avoid double counting: where the Union votes as a bloc, it casts a number of votes equal to the number of its Member States that are WTO members; where Member States vote individually, the Union does not vote at all (Article IX:1). In practice this matters little, because the WTO operates by consensus on almost all decisions of substance, and the Union's representation at the consensus table, exercised through the Commission on the basis of common commercial policy as an exclusive competence under Article 3(1)(e) TFEU, is institutionally settled.¹⁸

A second illustration is the Food and Agriculture Organization of the United Nations.¹⁹ In 1991, the FAO Constitution was amended to permit “regional economic integration organizations” to apply for membership, on condition that the majority of their member states were FAO members and that competence had been transferred to the regional organisation in matters within FAO's mandate, to avoid any potential legal conflicts. The Union acceded later that year. The system put in place is governed by the so-called “alternation rule”: before each FAO meeting, the Union and its Member States must declare which of them is competent on each agenda item, and only that party exercises voting rights, never both. This declaration mechanism, while relatively burdensome, is in fact an externalisation of the internal attribution of competence under Article 3 and Article 4 TFEU.

That said, the political logic behind these accommodations should not be reduced to a purely textual question. The WTO and the FAO admitted the Union as a member at moments (1995 and 1991, respectively) when the exclusivity of Union competence in trade and the depth of Union competence in agriculture had

¹⁸ For the foundational analysis of the Union's competence to conclude WTO agreements, see Opinion 1/94, Competence of the Community to conclude international agreements concerning services and the protection of intellectual property, EU:C:1994:384, in which the Court of Justice held that competence to conclude the WTO agreements was shared between the Community and the Member States, and that the agreements would accordingly require mixity.

¹⁹ The Food and Agriculture Organization of the United Nations was established in 1945 as a UN specialised agency tasked with leading international efforts to defeat hunger and improve nutrition and food security. As of 4 February 2026, its membership comprises 193 states plus the European Union and two associate members. The 1991 amendment to the FAO Constitution was the first instance of a UN specialised agency formally admitting a regional economic integration organisation as a member.

become so obvious that excluding the Union from the negotiating table would have generated more practical difficulties than admitting it would. The constituent text of the host organisation is the formal constraint; the political weight of the Union's competence in a given field is what determines whether the constraint is renegotiated.

The REIO model has been replicated, with variations, in a small number of other organisations: the International Renewable Energy Agency (IRENA), various regional fisheries management organisations, and the Codex Alimentarius Commission jointly run by FAO and the WHO. What unites these cases is not the Union's competence, which is shared in some cases and exclusive in others, but rather the willingness of the host organisation's drafters or amending parties to accommodate non-state membership in the constituent text.

3.2. Enhanced observer status at the UN General Assembly

Where the host organisation's constituent instrument cannot easily be amended to admit non-state members, the Union has pursued enhanced observer arrangements as a second-best solution. The most significant of these arrangements is General Assembly Resolution 65/276 of 3 May 2011, which conferred on the Union a tailored observer status going beyond the status previously enjoyed by the European Community since 1974.²⁰

The resolution wasn't easily agreed upon. A first draft, tabled in autumn 2010, was defeated when the UN General Assembly, on a procedural motion led by the Caribbean Community (CARICOM), voted to postpone consideration. The reasons were partly substantive, with concerns that the EU's proposed rights would set a precedent for other regional entities, and partly procedural, reflecting unease at what was perceived as an under-consulted Union initiative. A revised draft, the product of more extensive negotiations with non-EU members, was adopted on 3 May 2011 by 180 votes to none, with two abstentions (Syria and Zimbabwe).²¹

Resolution 65/276 confers on the Union, according to the Annex to the resolution, five rights of participation: to be inscribed on the list of speakers among representatives of major groups; to be invited to participate in the general debate; to have its communications relating to the sessions and work of the Assembly circulated directly and without intermediary as documents of the Assembly; to present proposals and amendments orally, which will be put to a vote at the request of a Member State; and to exercise the right of reply on positions of the Union, on the basis of one intervention per item.²²

The limits are equally important. As an observer, the Union does not have the right to vote, to co-sponsor draft resolutions or decisions, to put forward candidates for any post in the UN General Assembly, or to raise points of order. The resolution thus represents a procedural "upgrade" rather than a substantive one: it allows the Union to speak in the General Assembly with greater institutional standing, but it does not allow it to act as a member would. The first practical demonstration came on 22 September 2011, when the President of the European Council addressed the UN General Assembly in the general debate at the opening of its 66th session, the first time the Union's position had been delivered by a permanent Union representative rather than by the Member State holding the rotating Council Presidency.

The resolution's implementation, however, exposed an equally significant problem internal to the Union itself. Following the Treaty of Lisbon, certain Member States, most prominently the United Kingdom, blocked Union statements at the UN General Assembly on the ground that representation by the Union in fields of shared competence would itself constitute exercise of competence, and would therefore pre-empt Member State residual competence under Article 2(2) TFEU. The dispute was resolved as a practical matter by the Council's adoption in October 2011 of "general arrangements" on EU statements in multilateral organisations, which require each Union statement to be flagged at its outset as made "on behalf of the Union", "the Union and

²⁰ General Assembly Resolution 3208 (XXIX) of 11 October 1974 had granted the European Economic Community ordinary observer status, which permitted attendance at sessions but only limited speaking rights, exercised after all Member States had spoken.

²¹ For a comprehensive analysis of the negotiating dynamics and the institutional implementation of Resolution 65/276, see E. Paasivirta and T. Ramopoulos, "UN General Assembly, UN Security Council and UN Human Rights Council: The EU in state-centred multilateral frameworks" in R. A. Wessel and J. Odermatt (eds.), *Research Handbook on the EU and International Organizations*, Edward Elgar Publishing House, 2019, pp. 58-81. The chapter is particularly valuable for its first-hand institutional analysis, Paasivirta having served as a legal officer in the EU Delegation to the United Nations during much of the period it discusses. See also S. Blavoukos, D. Bourantonis and I. Galarotis, "In quest of a single European Union voice in the United Nations General Assembly: the politics of Resolution 65/276", in *Cooperation and Conflict*, Vol. 52, No. 4, December 2017, pp. 451-468.

²² UNGA Resolution 65/276, Annex, paragraph 1(a)-(e).

Member States”, or simply “the Member States”.²³ This is a small but telling illustration of the following pattern: the Union's external presence is shaped not only by the external politics of the host-organisation, but also by internal Union politics.

Resolution 65/276 has functioned, since its adoption, as a kind of model for what an enhanced observer arrangement might look like in other UN bodies. The Union's broader strategy for replicating it across the UN system was formalised in a December 2012 Commission Communication, “Strategy for the progressive improvement of the EU status in international organisations and other fora in line with the objectives of the Lisbon Treaty”,²⁴ which laid out a plan to upgrade the Union's status across dozens of multilateral bodies. To date, that strategy has produced only modest results outside the UN General Assembly itself.

3.3. The EU's status across the UN's specialised agencies

Beyond the General Assembly, the Union's status across the UN system is highly variable, reflecting the institutional logic of each agency rather than a consistent legal principle.

At the World Health Organization,²⁵ the Union holds ordinary observer status. The COVID-19 pandemic exposed the institutional cost of this arrangement: while the Union coordinated the procurement of vaccines for its Member States and shaped much of the European response, its representative at the World Health Assembly spoke through observer procedures, with the rotating Council Presidency continuing to deliver coordinated statements on behalf of the Member States. Proposals to upgrade the Union's status at the WHO have not been pursued to resolution.

At the International Labour Organization (ILO),²⁶ the structural obstacle to membership is not statehood but tripartism: the ILO's constituent structure grants formal participation to governments, employers, and workers, and the Union does not fit cleanly into any of the three categories. Member States accordingly act in their national capacities, with the Commission participating in ILO activities through observation and through targeted engagement. In February 2024, the European Commission joined, on behalf of the Union, the ILO's Global Coalition on Social Justice, an indication that operational engagement can substitute, partly, for formal status where the host organisation's structure resists it.

At the International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO), the Union holds observer status. Repeated attempts to upgrade Union participation at the IMO, in particular, have been blocked by Member States within and outside the Union, concerned about the precedent for regional blocs. The pattern is clear: where the host organisation's constituent treaty does not provide for non-state members, the Union's competences in the subject matter, which are extensive in maritime safety, aviation security, and environmental regulation, do not, on their own, generate institutional standing.

3.4. The pattern of participation

The examples analysed above form a clear pattern. Where the host organisation's constituent treaty either is open to non-state membership or has been amended to allow it (WTO, FAO, IRENA), the Union sits as a member, and the depth of its participation tracks the depth of its competence. Where the constituent treaty allows only for state membership, the Union sits as an observer, and the depth of that participation depends not on the Union's competence but on what the host organisation is politically willing to grant. UNGA Resolution 65/276 represents the height of negotiated observer status to date; the WHO, ICAO, and IMO illustrate the more typical, and considerably weaker, baseline.

This is the article's central observation: the Union's external competence determines what the Union may do, but not where it may sit; the constituent architecture of the host organisation is the binding constraint. This observation will be further fleshed out through the examination of regional and informal frameworks, where the

²³ Council of the European Union, EU Statements in multilateral organisations: General Arrangements, doc. 15901/11, 24 October 2011. For analysis, see Paasivirta and Ramopoulos (n 19) at 65–66.

²⁴ Communication to the Commission from the President in agreement with Vice-President Ashton, Strategy for the progressive improvement of the EU status in international organisations and other fora in line with the objectives of the Lisbon Treaty, C(2012) 9420 final, 20 December 2012.

²⁵ The World Health Organization (WHO), established by Constitution adopted on 22 July 1946 and entered into force on 7 April 1948, is the UN specialised agency responsible for international public health. As of January 2026 it has 194 member states. The WHO's Constitution does not provide for non-state membership.

²⁶ The International Labour Organization (ILO), founded in 1919 under the Treaty of Versailles and incorporated into the UN system as a specialised agency in 1946, addresses international labour standards.

gap between competence and seat reaches its most acute expression in the Union's delayed accession to the European Convention on Human Rights.

4. Regional and informal frameworks: ECHR accession

The Union's engagement with regional organisations and informal frameworks presents a different set of legal issues from those examined in the previous section. Universal organisations vary in whether they admit non-state members; regional organisations, almost without exception, do not. This is partly historical, with most regional organisations of relevance to the Union having been founded between 1949 and 1996, before EU legal personality existed, and partly structural, because the constituencies of regional organisations are typically defined by territorial or functional criteria that fit states rather than supranational entities. The Union's presence in regional frameworks is, accordingly, almost always shaped by accommodation rather than membership.

This section examines four situations, with the Union's pending accession to the European Convention on Human Rights as its central case study. Accession to the ECHR is, legally, the most consequential and most analysed example of the Union's external participation: a treaty-mandated obligation, blocked for over a decade by the Union's own constitutional doctrine, and now once again before the Court of Justice. The OSCE, the Arctic Council, and the G7/G20 frameworks are then examined as briefer counterpoints, illustrating how the Union's external presence varies when the host organisation's legal structures take a different form, or no form at all.

4.1. ECHR accession and the obstacles in front of it

Article 6(2) of the Treaty on European Union provides that “the Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms.” That obligation, introduced by the Treaty of Lisbon in 2009 and supplemented by Protocol No. 8 to the Treaties, is unique in international law. No other entity is under a legally binding internal obligation, enshrined in its own constituent treaty, to become a party to a separate international convention concluded by a separate international organisation. Yet, more than sixteen years after Article 6(2) TEU entered into force, the Union has still not acceded. The reasons illustrate, with unusual clarity, how the Union's internal constitutional architecture can affect and limit its external action even where the Treaties themselves require that action to be taken.

The Council of Europe,²⁷ the parent organisation of the Convention, was established in 1949 with a constituent statute that limits membership to “any European State” (Article 4 of the Statute of the Council of Europe). The Union, which is not a European State, cannot become a member of the Council of Europe itself, but only of specific conventions concluded under its auspices. The ECHR is one such convention, and Protocol No. 14 to the Convention, in force since 2010, was specifically drafted to permit Union accession.

A first Draft Accession Agreement was concluded between the Union and the then 47 Council of Europe Member States in April 2013, after three years of negotiation. The Commission, exercising its prerogative under Article 218(11) TFEU, requested an Opinion from the Court of Justice on the compatibility of the agreement with the Treaties. On 18 December 2014, the Court delivered Opinion 2/13.²⁸

Opinion 2/13 declared the Draft Agreement incompatible with EU law on five grounds, structured around the requirement to preserve “the specific characteristics and the autonomy of EU law” enshrined in Protocol No. 8. First, the agreement failed to coordinate Article 53 of the ECHR (which permits Contracting Parties to apply higher standards of human rights protection than those provided by the Convention) with Article 53 of the EU Charter of Fundamental Rights, generating a risk that Member States might invoke higher ECHR standards in ways that would undermine the primacy and effectiveness of EU law. Secondly, the agreement was likely to undermine the principle of mutual trust between Member States in the Area of Freedom, Security and Justice. Third, the relationship between the advisory opinion procedure under Protocol No. 16 to the ECHR and the

²⁷ The Council of Europe, established by the Treaty of London on 5 May 1949, is an international organisation distinct from the European Union, with 46 Member States. Its primary mandate is the protection of human rights, democracy, and the rule of law in Europe, exercised principally through the European Convention on Human Rights and the European Court of Human Rights. The Russian Federation was expelled from the Council of Europe on 16 March 2022 following its invasion of Ukraine. For a historical overview of EU-Council of Europe interaction since the establishment of the European Coal and Steel Community in 1951, see R. Lawson, “Council of Europe: Cooperation in the field of human rights, democracy and the rule of law” in R. A. Wessel, J. Odermatt (eds.), *Research Handbook on the European Union and International Organizations*, Edward Elgar Publishing House, 2019, pp. 507-528.

²⁸ Opinion 2/13, *Accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms*, EU:C:2014:2454.

preliminary ruling procedure under Article 267 TFEU was insufficiently regulated. Fourth, the agreement did not adequately exclude the possibility that disputes between Member States, or between Member States and the Union, concerning the ECHR within the scope of EU law could be brought before the European Court of Human Rights, contrary to the exclusive jurisdiction reserved to the Court of Justice under Article 344 TFEU. Fifth, and most relevant for what was to follow, the agreement was incompatible with the Treaties insofar as it would have given the European Court of Human Rights jurisdiction to review acts adopted under the Common Foreign and Security Policy (CFSP), an area in which the Court of Justice itself has only limited jurisdiction under Article 24(1) TEU and Article 275 TFEU.²⁹

Opinion 2/13 was widely received as a significant setback. A reflection period followed, during which the Union and the Council of Europe considered how to amend the Draft Agreement to address each of the Court's objections. Negotiations resumed formally in 2020 and proceeded in what became known as the "46+1 format", that is, the 46 Council of Europe Member States (Russia having been expelled from the Council of Europe in March 2022 following its invasion of Ukraine) negotiating with the Union as the additional party. On 17 March 2023, the negotiating group concluded a technical agreement on a Revised Draft Accession Agreement addressing each of the four substantive objections raised in Opinion 2/13 except the CFSP issue, which the Union committed to resolve internally within its own legal order.³⁰

The CFSP residual question was addressed, at least in part, by the Court of Justice itself. In *KS and KD v Council*,³¹ decided by the Grand Chamber on 10 September 2024, the Court ruled that it has jurisdiction to assess the legality of CFSP acts and omissions that are not "directly linked to political or strategic choices" made by the Union in the conduct of the CFSP. The case concerned an action for damages brought by family members of victims of disappearances and killings in Kosovo, alleging that the Union's Rule of Law Mission (Eulex Kosovo) had failed to investigate adequately. The Court drew a distinction between political and strategic choices, which remain outside its jurisdiction, and operational matters such as personnel decisions, procedural rules, and the establishment of remedial mechanisms, which fall within it.

The judgment is a procedural pronouncement, but its implications for ECHR accession are considerable, and contested. It can be read as significantly narrowing the gap that Opinion 2/13 had identified, by extending the Court of Justice's jurisdiction over CFSP matters to a degree that may now satisfy the requirement that the Court of Justice be able to rule on EU law issues before the European Court of Human Rights does so. An alternative reading, however, takes a more skeptical view: that *KS and KD* constructs a "political question" doctrine in EU law, and that the Court's lack of jurisdiction over the "core" of CFSP may equally serve as an escape clause through which the Court could declare the Revised Draft Accession Agreement incompatible with the Treaties.³²

On 21 November 2025, the European Commission filed a request with the Court of Justice for an Opinion under Article 218(11) TFEU on the compatibility of the Revised Draft Accession Agreement with the Treaties. This request, registered as Opinion 1/25, is, at the time of writing, pending. If the Court of Justice delivers a positive

²⁹ For a comprehensive analysis of Opinion 2/13, see D. Halberstam, "It's the Autonomy, Stupid! A Modest Defense of Opinion 2/13 on EU Accession to the ECHR, and the Way Forward", in *German Law Journal*, Volume 16, Issue 1, pp. 105-146; S. Peers, "The EU's Accession to the ECHR: The Dream Becomes a Nightmare", in *German Law Journal*, Volume 16, Issue 1, pp. 213-222; S. Peers, "The CJEU and the EU's accession to the ECHR: a clear and present danger to human rights protection", in *EU Law Analysis*, 18 December 2014, available at <http://eulawanalysis.blogspot.co.uk/2014/12/the-cjeu-and-eu-accession-to-echr.htm> (last accessed on 10 April 2026); A. Fuerea, *Deptul Uniunii Europene. Principii, acțiuni, libertăți*, op.cit., pp. 83-91.

³⁰ For a comprehensive analysis of the 2023 Revised Draft Accession Agreement, see the special issue K. Dzehtsiarou, V. P. Tzevelekos (eds.), *European Convention on Human Rights Law Review*, Brill Nijhoff Publishing House, 2025, in particular C. Giakoumopoulos, D. Milner, "Accession of the European Union to the European Convention on Human Rights: A View From Inside the Council of Europe", pp. 15-38; J. Polakiewicz and I. Suominen-Picht, "Now or Never – One Year After the Closure of the Second Negotiation Round for the EU's Accession to the ECHR" pp. 102-129. Giakoumopoulos and Polakiewicz are senior Council of Europe officials directly involved in the 46+1 negotiations, while Milner served as Secretary to the 46+1 group.

³¹ *Joined Cases C-29/22 P and C-44/22 P, KS and KD v Council and Others*, EU:C:2024:725.

³² The dual reading is set out at length in V. P. Tzevelekos, "The EU's Accession to the ECHR: The Future of the Revised Draft Accession Agreement and a Call to End the Bosphorus Doctrine", in K. Dzehtsiarou, V. P. Tzevelekos (eds.), *European Convention on Human Rights Law Review*, op.cit., pp. 7-10. For the more optimistic view, see J. Krommendijk, "One Step Closer After KS and KD: EU Accession to the ECHR" *REALaw blog*, 1 October 2024, available at <https://realaw.blog/2024/10/01/one-step-closer-after-ks-and-kd-eu-accession-to-the-echr-by-jasper-krommendijk/> (last accessed on 10 April 2026). For a more skeptical analysis, see L. Lonardo, "How the Court Tries to Deliver Justice in Common Foreign and Security Policy, Where the Need for Judicial Protection Clashes with the Principles of Conferral and Institutional Balance. *Joined Cases C-29/22 P and C-44/22 P KS and KD*", in *European Papers*, Vol. 9, No 2, 2024, pp. 830-844, and T. Verellen, "A Political Question Doctrine for the CFSP: The CJEU's Jurisdiction in the *KS and KD Case*", in *Verfassungsblog*, 24 September 2024, available at <https://verfassungsblog.de/political-question-doctrine/> (last accessed on 10 April 2026).

Opinion, and in light of KS and KD, this is no longer implausible, the path to ratification would open: unanimous Council approval, ratification by all 46 Council of Europe Member States, and entry into force.³³

The ECHR accession story can be considered the article's central thesis. A treaty-mandated external commitment, blocked for over a decade by the Union's own constitutional autonomy doctrine, has now been substantially renegotiated to fit that doctrine; whether it has been renegotiated successfully will be determined by the Court of Justice itself. The Union's seat at the Convention is, in this sense, doubly determined: it is simultaneously required by Article 6(2) TEU and constrained by the autonomy of EU law as interpreted by the Court of Justice. This situation is unique to the ECHR file but illustrates a broader pattern: while the Union's external participation depends on the willingness of host organisations to admit it, the Union's own internal capacity to be admitted on terms compatible with its own legal order plays just as big of a role, if not bigger, in its participation in other international structures and organisations.

4.2. The OSCE: participation without legal status

It is important to note that the Organization for Security and Co-operation in Europe (OSCE) presents the inverse of the problem encountered at the Council of Europe. Where the Council of Europe is a legally robust organisation that the Union cannot, as a fellow organisation, join, the OSCE is an organisation of practical importance whose own legal status is uncertain. The OSCE has no founding treaty; its constitutive documents, namely the Helsinki Final Act of 1 August 1975 and the Charter of Paris for a New Europe of 21 November 1990, are politically rather than legally binding instruments, and the question of whether the OSCE possesses international legal personality has been the subject of an inconclusive working group within the Organization itself for over two decades.

Where the host organisation has no clear legal personality, the question of the Union's legal status within it becomes, in practical terms, moot. The Union actively participates in OSCE activities through coordinated Member State positions, EU statements delivered by the EU Delegation in Vienna, and, on matters of foreign and security policy, by the High Representative. Sincere cooperation under Article 4(3) TEU covers most of the legal ground. The OSCE thus illustrates that the Union's external presence does not always require a legal status: if the host organisation operates on political rather than legal commitments, the Union's coordinated participation through its Member States and institutions is enough.

4.3. The EU as an observer at the Arctic Council

The Arctic Council, established by the Ottawa Declaration of 1996, restricts member status to the eight Arctic states but provides for observer status open to “non-Arctic states; inter-governmental and inter-parliamentary organizations, global and regional; and non-governmental organizations.” The Union applied for observer status in 2008. At the Kiruna Ministerial Meeting in May 2013, the Council “received the application of the EU for Observer status affirmatively” but deferred a final decision pending resolution of the Union's import ban on commercial seal products, to which Canada objected.³⁴ The dispute with Canada was resolved in 2014, after the WTO Appellate Body found a *de facto* violation of most-favoured-nation treatment in the EU's seal regime, and the Commission and Canada reached a joint statement framework reflected in a 2015 Implementing Regulation.

However, the formal grant of observer status has not followed. At the 2015 Iqaluit Ministerial Meeting, Russia prevented the upgrade. The most credible explanation in the scholarly literature appears to be that this was a response to the Union's restrictive measures prohibiting the export of oil-exploration technologies for use

³³ A comparative illustration of the doctrine of autonomy of EU law operating in the opposite direction is provided by the Union's withdrawal from the Energy Charter Treaty. The Energy Charter Treaty, signed in Lisbon on 17 December 1994 and entered into force on 16 April 1998, established a multilateral framework for energy cooperation, including investor-state arbitration provisions in Article 26. In Case C-741/19, *Republic of Moldova v Komstroy LLC*, EU:C:2021:655 (judgment of 2 September 2021), drawing on Case C-284/16, *Slovak Republic v Achmea BV*, EU:C:2018:158, the Court of Justice held that intra-EU investor-state arbitration under the Energy Charter Treaty was incompatible with the autonomy of EU law and the exclusive jurisdiction of the Court of Justice over questions of Union law. Subsequent attempts to modernise the Energy Charter Treaty failed to satisfy the Union's autonomy concerns, and on 30 May 2024 the Council formally adopted the decision authorising the Union's withdrawal from the Treaty (Council Decision (EU) 2024/1638). The Union's withdrawal took effect on 28 June 2025, one year after the depositary was notified. The Energy Charter Treaty file is the mirror image of the ECHR file: in the ECHR context, the autonomy of EU law has obstructed accession to a treaty that the Union is required to join; in the Energy Charter context, the autonomy of EU law has compelled withdrawal from a treaty that the Union had freely concluded.

³⁴ Arctic Council, Kiruna Declaration on the occasion of the Eighth Ministerial Meeting of the Arctic Council, 15 May 2013.

in the Arctic, adopted under Council Regulation (EU) No 833/2014 in response to Russia's actions in Ukraine.³⁵ Russia's effective absence from Arctic Council activities since 2022 has not, paradoxically, removed the blockage: the Council itself has been operating in a partial format, and decisions on the issue of observer status have been deferred.

The Union has, accordingly, occupied an unnamed chair: it participates in Arctic Council Working Groups, attends meetings, and contributes financially, but without the formal observer status it has sought for over fifteen years. In November 2025, the European Parliament adopted a recommendation calling for renewed efforts to secure full observer status, citing Greenland's chairmanship of the Council for 2025-2027 and the opening of the EU Office in Nuuk in March 2024 as opportunities for institutional consolidation. This situation suggests that even when the host organisation's constituent rules permit observer status for non-state organisations, and even where the Union's competences over the relevant subject matter (environment, fisheries, climate) are legally settled, the seat remains dependent on political factors. Competence is necessary but not sufficient to gain institutional standing.

4.4. Informal frameworks: the G7 and G20

The G7 and G20 represent the inverse of the legal systems presented above: they are forums in which the Union participates fully but in which the question of legal status does not arise, because the forums themselves have no constitutive treaty and no legal personality. The Union has participated in the G7 since 1977, originally as the European Economic Community, in a status that has been described as “non-enumerated”, meaning that the Union is a participant but is not counted in the “G7” numbering, which refers only to the seven member states. At the G20, the Union is a full participant alongside its largest Member States and other major economies.

In informal frameworks, the Union is represented by the President of the European Commission and the President of the European Council. The legal questions that dominate the analysis of formal organisations, namely competence, mixity, and observer rights, do not arise, because the framework itself produces no legally binding decisions. This informality is itself a feature of the arrangement, not a deficiency in it: it allows the Union to participate without negotiating a legal status, and it allows the framework itself to operate without the institutional rigidity that slows down formal organisations. It is interesting to note that the Union's external presence is most legally straightforward where the legal framework is weakest, and most legally constrained where the legal framework is most robust.

5. Conclusions

The Union's external participation across international organisations cannot be reduced to a single doctrine, a single rule, or a single institutional logic. It reflects, instead, dozens of bilateral negotiations between the Union's internal architecture and the host organisations' own constituent designs, most of which were drafted long before the EU had legal personality. The picture that emerges is one of patchwork participation – fragmented, uneven, and shaped as much by the bias for statehood, specific of mid-twentieth-century international institutions, as by the Union's internal structure.

Three observations follow from the analysis conducted in this article.

The first is that the internal attribution of competences between the Union and its Member States, codified in Articles 2 to 6 TFEU and elaborated in a long line of Court of Justice case law from ERTA to Opinion 2/15, provides clear answers to the question of whether the Union may act externally on a given subject matter. It does not, however, provide answers to the question of whether the Union can sit in a particular institutional chair. The latter question is governed not by Union law but by the constituent treaty of the host organisation. Where these two layers align, typically in technical and economic fields where the host treaty has been amended to admit REIOs, as in the WTO and the FAO, full membership is possible. Where they diverge, the Union's external presence depends on the host organisation's willingness to negotiate observer arrangements, on informal accommodation, or, in the case of the Council of Europe, on a separate and exceptionally complex accession process.

³⁵ Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine. On the Iqaluit blockage and its connection to the Russian sanctions, see E. Lannon, P. Van Elsuwege, “The EU and its neighbourhood: A patchwork of regional strategies and institutions from the Mediterranean to the Arctic”, *op.cit.*, section 5.

The second observation is institutional. The “enhanced observer” status conferred on the Union by UNGA Resolution 65/276 in 2011 represents the most legally developed observer arrangement the Union has obtained at any universal organisation. It is, in that sense, the institutional model the Union has tried to replicate elsewhere, with little success. Proposals to upgrade Union status at the World Health Organization, at the IMO, and across the wider UN system have not, to date, produced results. The reasons are partly internal to those organisations, reflecting a certain unease about precedent for the admission of other regional blocs, and partly external, reflecting the limits of the Union's own diplomatic capital in the post-Lisbon period. ECHR accession represents, in this sense, the structural anomaly: a treaty-mandated outcome that the Union's own internal constitutional doctrine has prevented for over a decade. The 2023 Revised Draft Accession Agreement and the Court of Justice's 2024 ruling in *KS* and *KD* together suggest that the doctrinal obstacles may be approaching resolution; this will be determined by the Court of Justice itself in Opinion 1/25, the most consequential pending pronouncement on Union external relations since Opinion 2/13.

The third observation is practical. Variable geometry in the Union's external participation is unlikely to facilitate uniformity. The institutional landscape the Union must navigate is too heterogeneous, the interests of host organisations too divergent, and the political costs of constituent-treaty amendment too high for any general settlement to be plausible. What the next decade will, instead, produce is a series of file-specific outcomes: Opinion 1/25 on ECHR accession; the slow consolidation of EU presence in Arctic governance under the Greenlandic chairmanship of the Arctic Council from 2025 to 2027 and the wider geopolitical reconfiguration following Russia's effective withdrawal; and the question of whether the Union can secure enhanced participation rights at the World Health Organization, particularly in the context of pandemic-preparedness instruments now under negotiation. Each of these will be resolved on its own terms, depending on the legal and political peculiarities of the host organisation, rather than by the establishment of any general principle of Union external relations law.

It follows that the Union's seat at the table of international governance is not determined simply by what the Union is, that is, a *sui generis* entity with full legal personality and extensive competences, but rather by what each host organisation can make space for, given its own constituent legal architecture. That architecture, drafted in another era for another set of actors, has endured, and the Union has spent the past half-century working within and around it. The patchwork of seats it now occupies is the cumulative product of that ongoing work, and there appears to be no reason to expect, in the foreseeable future, that the patchwork will yield to a single, unified pattern. However, it must be noted that the patchwork isn't inherently problematic: it is the coherent and expected result of an entity with legal personality, but without statehood, participating in institutions designed for states. Variable geometry, in this sense, is not a deficiency to be remedied but rather a feature to be understood, a feature that the Union and its partners will continue to negotiate as international governance itself continues to evolve.

References

- Spyros Blavoukos, Dimitris Bourantonis, Ioannis Galariotis, “In quest of a single European Union voice in the United Nations General Assembly: the politics of Resolution 65/276”, in *Cooperation and Conflict*, Vol. 52, No. 4, December 2017, pp. 451-468;
- Kanstantsin Dzehtsiarou, Vassilis P. Tzevelekos, (eds.), “The New Agreement on the EU Accession to the ECHR: Can It Succeed?”, special issue, *European Convention on Human Rights Law Review*, Brill Nijhoff Publishing House, 2025;
- Augustin Fuerea, *Dreptul Uniunii Europene. Principii, acțiuni, libertăți*, Universul Juridic Publishing House, Bucharest, 2016;
- Augustin Fuerea, *Manualul Uniunii Europene*, 7th ed., Universul Juridic Publishing House, Bucharest, 2026;
- Daniel Halberstam, “‘It's the Autonomy, Stupid!’ A Modest Defense of Opinion 2/13 on EU Accession to the ECHR, and the Way Forward”, in *German Law Journal*, Volume 16, Issue 1, 2015, pp. 105-146;
- Christophe Hillion, Panos Koutrakos, (eds.), *Mixed Agreements Revisited: The EU and its Member States in the World*, Hart Publishing House, 2010;
- Jasper Krommendijk, “One Step Closer After *KS* and *KD*: EU Accession to the ECHR”, in *REALaw* blog, 1 October 2024, available at <https://realaw.blog/2024/10/01/one-step-closer-after-ks-and-kd-eu-accession-to-the-echr-by-jasper-krommendijk/> (last accessed on 10 April 2026);
- Luigi Lonardo, “How the Court Tries to Deliver Justice in Common Foreign and Security Policy, Where the Need for Judicial Protection Clashes with the Principles of Conferral and Institutional Balance. Joined Cases C-29/22 P and C-44/22 P *KS* and *KD*”, in *European Papers*, Vol. 9, No. 2, 2024, pp. 830-844;

- Mihaela Augustina Niță (Dumitrașcu), Oana Mihaela Salomia, *Dreptul Uniunii Europene II*, 3rd ed., Universul Juridic Publishing House, Bucharest, 2025;
- Steve Peers, "The CJEU and the EU's accession to the ECHR: a clear and present danger to human rights protection", in *EU Law Analysis*, 18 December 2014, available at <http://eulawanalysis.blogspot.co.uk/2014/12/the-cjeu-and-eus-accession-to-echr.htm> (last accessed on 10 April 2026);
- Steve Peers, "The EU's Accession to the ECHR: The Dream Becomes a Nightmare", in *German Law Journal*, Volume 16, Issue 1, 2015, pp. 213-222;
- Thomas Verellen, "A Political Question Doctrine for the CFSP: The CJEU's Jurisdiction in the KS and KD Case", in *Verfassungsblog*, 24 September 2024, available at <https://verfassungsblog.de/political-question-doctrine/> (last accessed on 10 April 2026);
- Ramses A. Wessel, Jed Odermatt, (eds.), *Research Handbook on the EU and International Organizations*, Edward Elgar Publishing House, 2019;
- Jan Wouters, Frank Hoffmeister, Geert De Baere, Thomas Ramopoulos, *The Law of EU External Relations: Cases, Materials, and Commentary on the EU as an International Legal Actor*, 3rd ed., Oxford University Press, 2021;
- Case 22/70, *Commission v Council (ERTA)*, EU:C:1971:32;
- Opinion 1/76, *Draft Agreement establishing a European laying-up fund for inland waterway vessels*, EU:C:1977:63;
- Opinion 1/94, *Competence of the Community to conclude international agreements concerning services and the protection of intellectual property*, EU:C:1994:384;
- Case C-246/07, *Commission v Sweden*, EU:C:2010:203;
- Opinion 2/13, *Accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms*, EU:C:2014:2454;
- Opinion 2/15, *Free Trade Agreement between the European Union and the Republic of Singapore*, EU:C:2017:376;
- Case C-284/16, *Slovak Republic v Achmea BV*, EU:C:2018:158;
- Opinion 1/17, *Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States (CETA)*, EU:C:2019:341;
- Case C-741/19, *Republic of Moldova v Komstroy LLC*, EU:C:2021:655;
- Joined Cases C-29/22 P and C-44/22 P, *KS and KD v Council and Others*, EU:C:2024:725;
- *Reparation for Injuries Suffered in the Service of the United Nations*, Advisory Opinion, I.C.J. Reports 1949;
- Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, OJ L 229, 31.7.2014;
- Council Decision (EU) 2024/1638 of 30 May 2024 on the withdrawal of the Union from the Energy Charter Treaty, OJ L, 2024/1638, 5.6.2024;
- Communication to the Commission from the President in agreement with Vice-President Ashton, *Strategy for the progressive improvement of the EU status in international organisations and other fora in line with the objectives of the Treaty of Lisbon*, C(2012) 9420 final, 20 December 2012;
- Council of the European Union, *EU Statements in multilateral organisations: General Arrangements*, doc. 15901/11, 24 October 2011;
- UNGA Resolution 3208 (XXIX) of 11 October 1974, *Status of the European Economic Community in the General Assembly*;
- UNGA Resolution 65/276 of 3 May 2011, *Participation of the European Union in the work of the United Nations*;
- Arctic Council, *Kiruna Declaration on the occasion of the Eighth Ministerial Meeting of the Arctic Council*, 15 May 2013;
- Treaty on European Union (consolidated version), OJ C 202, 7.6.2016;
- Treaty on the Functioning of the European Union (consolidated version), OJ C 202, 7.6.2016;
- Charter of Fundamental Rights of the European Union, OJ C 202, 7.6.2016;
- Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), Rome, 4 November 1950;
- Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention, Strasbourg, 13 May 2004;
- Charter of the United Nations, San Francisco, 26 June 1945;
- Statute of the Council of Europe, London, 5 May 1949;
- Constitution of the Food and Agriculture Organization of the United Nations, Quebec, 16 October 1945, as amended in 1991;
- Constitution of the World Health Organization, New York, 22 July 1946;
- Marrakesh Agreement Establishing the World Trade Organization, Marrakesh, 15 April 1994;
- Ottawa Declaration on the Establishment of the Arctic Council, Ottawa, 19 September 1996;
- Energy Charter Treaty, Lisbon, 17 December 1994;
- Helsinki Final Act of the Conference on Security and Co-operation in Europe, Helsinki, 1 August 1975;
- Charter of Paris for a New Europe, Paris, 21 November 1990.