

# **Theory and Practice of EC External Trade Law and Policy**

By

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## PREFACE

While writing this book, I encountered two unexpected circumstances: First, a political agreement was reached at the European Council meeting of June 2007 to abandon the European Union (EU) Constitutional Treaty after it failed ratification in France and the Netherlands in 2005, despite having been ratified by more than 15 EU Member States. This meeting agreed on a fall-back revision treaty – the Lisbon Treaty – which confirms much of the substance of the EU Constitutional Treaty, including the provisions concerning external trade.<sup>1</sup> Therefore, an examination of these external trade provisions is amply justified, since they are still likely to enter into force, possibly in 2009.

In sharp contrast to the abandoned EU Constitutional Treaty, which would have replaced all previous Treaties in a single text, the Lisbon Treaty would merely create another layer of Treaty law, if it enters into force. An Intergovernmental Conference with a mandate to draft the Lisbon Treaty commenced work on 23 July 2007, encompassing a revised Treaty on European Union and a revised European Community Treaty, which is called the Treaty on the Functioning of the European Union. The European Council decided that the intergovernmental conference would conclude before the end of 2007, so that the Lisbon Treaty could be ratified by all 27 EU Member States before the European Parliament elections in June 2009.

The second unexpected circumstance was the fact that the Doha round should have been concluded some time ago. Many deadlines for the conclusion of the Doha round were missed. The Doha round was suspended in July 2006 and resumed in February 2007. Of course the Doha round is not over yet, so this book could not provide an analysis of the actual results of the Doha round negotiations in the field of services trade. However, the purpose of the latter part of this book was not to contribute to the academic literature of international services trade law, but rather to illustrate the general issues around European Community (EC) external trade relations dealt with in the earlier chapters by dealing with one topical area of EC international trade relations. Services trade is particularly interesting, from the intra-EU institutional perspective, because it is an area in which the dividing line between Member State

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<sup>1</sup> Presidency Conclusions of the Brussels European Council, 21-22 June 2007, 11177/07, CONCL 2.

and EC competence has long been, and continues to be, controversial, and one in which the EU Member States and the European Parliament particularly distrust the policy priorities of the European Commission. Because of the numerous missed deadlines, this book has therefore seen the light before the conclusion of the Doha round.

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