

## **Abstrakt práce v anglické jazyce**

### **External Competences of the European Community and the European Union**

In recent years, the issue of sovereignty has been largely discussed, especially in connection with the unsuccessful Constitution for Europe and with the Lisbon Treaty, which is at present in the process of ratification. On the one hand, these two treaties are criticised for limiting state sovereignty or even for depriving member states of their sovereignty. On the other hand, the Lisbon Treaty defendants argue for deeper integration and stronger position of the EU on the international scene. The purpose of my thesis is to analyse the most sensitive question for the member states (in light of the topic mentioned above): external relations of the Community/Union, situations, when it is the Community or Union who are parties of the international treaties instead of their member states.

The thesis is composed of six main chapters. The two first of them are introductory and are dealing with two main expressions that need to be explained, the concept of international legal personality and external treaties.

The core of the paper is divided in two parts. First one is focused on the external role of the European Community and the second one on the external activities of the European Union. The methodology of analysis chosen for each of these topics differs above all by virtue of the different legal position of these two entities.

Legal personality of the Community is not contestable at the present, so especially particular areas of the EC's external competence are discussed, regarding to their development during the history of European integration. The leading role of all of them belongs to Common Commercial Policy, but other policies have become important as well, e.g. cooperation with third countries via association treaties.

The second topic that chapter dealing with the European Community external competence investigates is the doctrine of implied powers recognized by the ECJ in its

famous ERTA case. The analysis of implied powers of the Community is also structured according to its historical development.

Contrary to the EC, the legal personality of the European Union remains still an open question. Chapter Five, addressed to the EU, thus concentrates in its first subchapter on problems resulting especially from this issue. To balance the study, the second subchapter looks more at various practical aspects of the external activity of the Union. Last years have shown that despite various legal problems and discussions, the European Union gains stronger and stronger position at the international level.

The last chapter preceding the conclusion of this paper describes main significant “Lisbon” changes, concerning both European entities as it will amend both EU's two core treaties. The notion of “European Communities” shall be finally replaced by “European Union” and the Union shall be granted with the legal personality. The so called “Community method”, so far applied only in the first pillar of EU's competences, shall be extended also on other areas. Nevertheless, the present second pillar, concerning common foreign and security policy, remains more or less in the intergovernmental level of cooperation. .

**Klíčová slova:** vnější pravomoci Evropského společenství, implicitní pravomoci, mezinárodní subjektivita Evropské unie.

**Key words:** external competences of the European Community, implied powers, international legal personality of the European Union.