

The Canada/European Communities Framework Agreement

On July 6, 1976 a Framework Agreement was signed in Ottawa by the Canadian Secretary of State for External Affairs and the President of the European Council and the Vice-President of the Commission of the Communities. The Agreement was the "contractual link" between Canada and the European Communities which has been the subject of much discussion and negotiation during the past few years. The document has a number of features which are of interest to the international lawyer because they reflect aspects of an evolving legal order governing the European Communities.

The three European Communities (the European Coal and Steel Community or ECSC, the European Economic Community or EEC and the European Atomic Energy Community or EURATOM) were all established by treaties which gave the Communities "European" responsibilities; the jurisdiction of the Communities has progressively expanded as member states relinquish their sovereign rights in such areas as customs tariffs, commercial and agricultural policies and competition policy. The evolving transfer of jurisdiction is resulting in a new and complex legal order governing the relationships between the Communities inter se, between the Communities and the member states, between the member states and other countries and between the Communities and other countries. The evolving transfer of jurisdiction has led to an active international role for the Communities as legal entities.

The Framework Agreement is evidence of the international role now assigned to the Communities but it also reflects the fact that the new jurisdictional responsibilities are still subject to the evolving legal order governing the relationship between the Communities and the member states. For example the main agreement was signed by only three parties -- Canada, the EEC and EURATOM. The ECSC became a party to the Agreement by the combined effect of Article VI and a separate Protocol between Canada and the ECSC which had eleven signatories -- Canada, the Commission and the nine member states.

Also of interest are articles dealing with the relation between the Framework Agreement and existing agreements, either at the Communities' level (Article V,2) or at the bilateral level between Canada and individual member states (Article V,3). Future bilateral agreements were dealt with in Article III,4. Worthy of special notice because of its relative novelty is the provision contained in Article V (3) to the effect that "identical" clauses from existing bilateral agreements would be replaced by those of the Framework Agreement.