Preface

During the 20 years I have been working in the area of EU law and policy, a considerable part of this experience has been devoted to advising and assisting EU Member State territories, both Governments and private sector. In working with these territories from an EU perspective, a number of factors have struck me, notably:

- The disparate nature of their relationships with the EU; whilst some territories chose to join the EU, others opted to remain outside; all, however, had negotiated derogations or special arrangements from the TEC
- The absence of any coherent overall EU policy in relation to these territories, despite their many broad similarities
- The piecemeal nature of their evolution vis à vis the EU.

In general, in my work for these territories, it was not always easy to find source materials that would, for example, clarify the precise nature of their legal relations with the EU or facilitate comparisons between territories or groups of territories in the context of the EU.

It was in order to address the dearth of source materials on EU Member State Territories as a whole that I wrote and published a book in 2004 on “EU and Member State Territories: The Special Relationship under Community Law”. The then European Commissioner for Development, Poul Nielsen acknowledged in a foreword to the book the “information deficit” on the subject.

Having written what was intended to be a straightforward reference book about the territories, I then began to consider the Treaty’s basic legal framework for relations between Member State Territories and the EU as set out (until the recent entry into force of the Lisbon Treaty) in Article 299 TEC. Once I had reviewed the individual relations with the EU particularly in the context of their evolution since 1957, I observed that Article 299 seemed somewhat incongruous as a broad legal framework for relations between Member States Territories and the EU, due

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1 Murray 2004.
particularly to the many developments that had taken place since the TEC was signed in 1957 which no longer seemed to fit appropriately into the current Article 299 framework. Therefore, I decided to investigate further:

- The origins of Article 299 as a legal framework for relations between the EU and territories as drafted in 1957
- The various developments that have taken place since 1957, including Member State accessions, the addition of new territories and the departure of former territories with independence, the emergence of new groups or associations of territories, the impact of the changing political and economic setting as compared to 1957, Treaty amendments including those that resulted from the Lisbon Treaty.
- On the basis of the first two elements above, to re-examine Article 299 and the current EU Treaties framework for EU/Member State territories and to argue the case for and propose a new model Treaties framework for relations between the EU and the relevant Member State Territories.

Many people have helped me in my research for this book, to whom I extend a general heartfelt thank you. I would like to extend my particular gratitude, however, to the following: to Professor Dr. Jaap W. De Zwaan for his unfailing patience, kindness, commitment and incisive comment throughout the period of research for this book. It has been a pleasure to know and to work with you. To Associate professor Dr. Flora Goudappel, thank you for generously giving of your time and experience. To Professor Dr. Jacques Ziller for his expert and helpful comments and especially for graciously agreeing to prepare the foreword to this book. To my publishers, particularly Philip van Tongeren, Marjolijn Bastiaans and Antoinette Wessels for their kind, patient and experienced guidance in the editing of this book. To my three sons, Fionn, Oisín and Áengus who provided tireless love, inspiration and encouragement to keep me going. And, last but not least, to my husband, Barry, who has supported and encouraged me unceasingly in this project and to whom I dedicate this work. I love you and thank you.

Reference

Murray F (2004) EU and Member State Territories: The Special Relationship under Community Law, Sweet & Maxwell
The European Union and Member State Territories: A New Legal Framework Under the EU Treaties
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