

## EXTERNAL RELATIONS OF THE EU AND EUROPEAN VALUES

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### READINGS

#### 1°) Handbook

P.Eeckhout, *EU External Relations Law*, OUP, 2<sup>nd</sup> ed., 2011

M.Cremona (ed.), *Structural Principles in EU External Relations Law*, Hart Publishing, 2018

P.J. Kuijper, J. Wouters, F. Hoffmeister, G. De Baere, *The Law of EU External Relations: Cases, Materials, and Commentary on the EU as an International Legal Actor*, 2015

Marc Maresceau (ed.) *The eu as a Global Actor – Bridging Legal Theory and Practice*, Brill Nijhoff, 2017 (EPREL)

#### 2°) Websites

[europa.eu](http://europa.eu);

[euractiv.com](http://euractiv.com);

[robert-schuman.eu](http://robert-schuman.eu) (fr);

[europeanlawblog.eu](http://europeanlawblog.eu);

[europeanpapers.eu](http://europeanpapers.eu)

#### 3°) Cases and articles referred to in the syllabus

**CONTENT OF THE LECTURE**

**#1.- INTRODUCTION TO EXTERNAL RELATIONS OF THE EU AND TO EXTERNAL RELATIONS AND EUROPEAN VALUES**

- **Treaty Provisions**
  - TEU: Title V
  - TFEU: Part 5 (The Union's External Action): 205-222
- **Goals and Consistency of the ER**
  - European Consensus on Development, signed by the Council, the Representatives of MS, EP and Commission (2006)
- **Implied External Powers and Exclusive competence**
  - Article 216(1) TFEU
  - Article 3(2) TFEU
  - ERTA case (1971)
  - Open Sky Cases (2002)

Opinion 2/15 (Singapore Free Trade Agreement) : **IKHLEF Imene et Mai Khanh Linh**

  - Tobacco Advertising case (2000)
  - Opinion 1/94
- **The Complementary Principle**
  - Opinion 1/76
  - Article 216(1) TFEU

*Readings:*

M. CHAMON, Implied exclusive powers in the ECJ's post-Lisbon Jurisprudence: the continued development of the ERTA doctrine, CMLRev. 2018 (**theo.schoelzel, étudiant Erasmus**)

S. SCHUNZ & R. TROBBIANI, Diversity without Unity: The European Union's Cultural Diplomacy vis-à-vis the United States (**DITIA, Pauline et ZEDDA Giacomo**)

2020-2021

Master 2 Droit européen – Parcours Systèmes juridiques et Master 2 Droit européen – Parcours REI

T. Henökl, "Changing Practices in European Foreign Policy". *European Foreign Affairs Review* 25, no. 1 (2020)

## **#2.- EUROPEAN VALUES – INTERNAL AND EXTERNAL DIMENSION**

### *Readings:*

Eleonor Spaventa, Should we "harmonize" fundamental rights in the EU? Some reflections about minimum standards and fundamental rights protection in the EU composite constitutionnal system", *CMLRev.*, 2018, p. 997 (**MENDES MARTINS; HAMMADI**)

Wallace, William. "Are Values Diverging across the Atlantic." *European Foreign Affairs Review*, vol. 21, no. 3, August 2016, p. 355-364 (**CULLIN**)

Paivi Leino & Roman Petrov, "Between Common Values and Competing Universals: The Promotion of the EU's Common Values through the European Neighbourhood Policy", 15 *EUR. L.J.* 654 (2009) (**ETTY**)

Verdonck, Lieslot. "Coherence in the EU's External Human Rights Policy: The Case of the Democratic Republic of Congo." *European Foreign Affairs Review*, vol. 20, no. 3, October 2015

## **#3.- THE ECJ AND THE EXTERNAL RELATIONS**

- **ECJ's role in defining ER**
- **The ECJ jurisdiction and external agreements**

- \* Opinion 1/91 (EEA)

Opinion 2/13 (accession to ECHR) – (**BOURGUEIL et BENYAHIA**)

- \* Opinion 1/09 (Unified patent litigation system)

- \* Achmea Case (2018)

Opinion 1/17 (Investment court system and CETA) (**KARPOUTZOGLOU**)

### *Readings:*

C. Contartese, The autonomy of the EU legal order in the ECJ's external relations case law: From the "essential" to the "specific characteristics" of the Union and back again, *CMLRev.*, 2017, p. 1627-1671 (**CHENEAU; FOFANA**)

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#### **#4.- MIGRATION POLICY AND EUROPEAN VALUES**

*Readings:*

Dagi, Dogachan. ‘The EU–Turkey Migration Deal: Performance and Prospects’. *European Foreign Affairs Review* 25, no. 2 (2020): 197–216 (MATHORE)

PAULA GARCÍA ANDRADE, EU external competences in the field of migration: how to act externally when thinking internally, *CMLRev.* (N.Carsten (Erasmus) and MUBENGA)

#### **# 5 COMMON FOREIGN AND SECURITY POLICY AND EUROPEAN VALUES**

*Readings:*

“A stronger Common Foreign and Security Policy for a self-reliant Union?”, *CMLRev.*, 2018, editorial

And

“We Perfectly Know What to Work For: The EU's Global Strategy for Foreign and Security Policy.” *Common Market Law Review*, vol. 53, no. 5, October 2016

DA SILVA GONCALVES

C. Timmermans, Eu Common Foreign and Security Policy and Protection of Fundamental Rights, in Marc Maresceau (ed.) *The eu as a Global Actor – Bridging Legal Theory and Practice*, Brill Nijhoff, 2017 295 (Lea Charlotte (Erasmus) and HASSUNALLY)

Paul James Cardwell, “Values in the European Union's Foreign Policy: An Analysis and Assessment of CFSP Declarations”, 21 *Eur. Foreign Aff. Rev.* 601

L.Lonardo, *Law and Foreign Policy Before the Court: Some Hidden Perils of Rosneft*, *Europeanpapers*, 2018 (CONKUS)

S. BLOCKMANS, The EU’s modular approach to defence integration: an inclusive, ambitious and legally binding PESCO?, *CML Rev.*, 2018 (RODRIGUES)

#### **# 6.- DIGITAL POLICY AND EUROPEAN VALUES**

*Readings*

2020-2021

Master 2 Droit européen – Parcours Systèmes juridiques et Master 2 Droit européen – Parcours REI

Patryk PAWLAK , The EU's Role in Shaping the Cyber Regime Complex, European Foreign Affairs Review 24, no. 2 (2019): 167–186 (Ines Attatfa – syst. Jur.)

## **#7 COMMON COMMERCIAL POLICY AND EUROPEAN VALUES**

### *Readings*

G. Marin Duran, “Sustainable development chapters in EU Free Trade Agreements: Emerging Compliance issues”, CMLRev. 2020 (Nantenen Konde - REI)

M. BRONCKERS and G. GRUNI, “Taking the enforcement of labour standards in the EU’s Free Trade agreements seriously”, CMLRev. 2019 (Jeanty Naydes – syst. Jur.)

## **#8 THE EU AND CHINA**

M.Reiter, The rule of law in the external relations of the european union with special focus on china, US-China Law Review, 2014 (SIRADZE)

A.Pepermans, "The Huawei Case and What It Reveals about Europe's Trade Policy", European Foreign Affairs Review, vol. 21, no. 4, December 2016 (CHITOU)

## **#9 – THE EU AND RUSSIA**

Presentation of A.Larareva