

EXTERNAL RELATIONS OF THE EU AND EUROPEAN VALUES

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<b>READINGS</b>
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**1°) Handbooks**

P.EECKHOUT, *EU External Relations Law*, OUP, last edition

R. WESSEL, J. LARIK, *EU External relations Law* (ed.), Hart, 2020

**2°) Websites**

europa.eu;

europeanlawblog.eu;

euractiv.com;

europeanpapers.eu

robert-schuman.eu (fr);

eulawlife.com

**3°) Reading referred to in the syllabus**

<b>ASSESSMENT</b>
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**50% final exam (oral); 50% oral presentation (15 minutes, with powerpoint, please send us your powerpoint BEFORE your presentation).**

<p><b>How to prepare the presentation?</b></p>
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**ALL the readings** of the class (and not only the readings indicated under the topic) can be useful - Don't hesitate to do **personal research** (and indicate the bibliography on the last slide of the **power point**)

- Students are required to make a **clear presentation**, focusing mainly on **legal issues** and trying to provide some answers. In sum, the presentation should NOT be too descriptive.

- **After a brief introduction, try to deal with the topic from the outset of your presentation**, and not only at the end, keeping in mind the whole lecture's plan and main issue.

- **Don't hesitate to give your personal opinion (always well-argued).**

**Bibliography on the last slide of the powerpoint**

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<b>CONTENT OF THE LECTURE</b>
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1. 09/07 (LCW) Presentation of the course and the syllabus
2. 09/14 (LCW) The EU as a Global Actor -
3. 09/21 (CB) The international instruments of EU External Relations : the conclusion of treaties
4. 09/28 (LCW) The ECJ and EU external relations
5. 10/05 (LCW) EU Values, internal and external dimensions
6. 10/12 (LCW) EU Values, : cross fertilisation ECHR EU
7. 10/19 (CB) The international instruments of EU External Relations : the participation in international organizations
8. 10/24 (CB) The EU as a global economic actor 1 - the Common commercial policy
9. 10/26 (CB) The EU as a global security actor 2 - the sanctions policy

<b>STUDENTS PRESENTATIONS</b>
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**See EPREL**

**#1 (09/07 - LCW): Presentation of the Course**

**#2 (09/14 - LCW) The European Union as a Global Actor**

Preparatory readings:

Compulsory

- Anu Bradford, The Brussels Effect, How the European Union Rules the World, OUP, 2020 (p. 1-65)
- TEU: Title V
- TFEU: article 3(2) Part 5 (The Union's External Action): art. 205-222
- ERTA case (1971)

Recommended

- Zaki Laïdi, La norme sans la force: l'énigme de la puissance européenne, Presses de Sciences Po, Paris, 2008.
- Open Sky Cases (2002)
- European Consensus on Development, signed by the Council, the Representatives of MS, EP and Commission (2006)
- Opinion 2/15 (Singapore Free Trade Agreement)

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- Tobacco Adverstising case (2000)
- Opinion 1/94
- Opinion 1/76

## 2.1 External action of the EU

European (Economic) Sovereignty – EU strategic autonomy

“The Brussels Effect”

## 2.2 Legal and Institutional Instruments

Internal and external competence

International agreements

The diplomatic service of the EU

The Court of justice of the EU

## # 3 (09/21 - CB) The international instruments of EU External Relations : the conclusion of treaties

Preparatory readings

### Compulsory

- Vienna Convention on the Law of Treaties, Article 2(1)(a)
- Article 207 TFEU
- Article 216 TFEU
- Article 218 TFEU

### Recommended

- RA Wessel, ‘Normative Transformations in EU External Relations: The Phenomenon of “Soft” International Agreements ’(2020) 43 West European Politics, 72-92 (<https://www.tandfonline.com/doi/full/10.1080/01402382.2020.1738094>)
- A Rosas, ‘Mixity Past, Present and Future: Some Observations ’in M Chamon and I Govaere (eds), EU External Relations Post-Lisbon: The Law and Practice of Facultative Mixity, Leiden, Brill/Nijhoff
- A Delgado Casteleiro, ‘EU Declarations of Competence to Multilateral Agreements: A Useful Reference Base? ’(2012) 17 European Foreign Affairs Review 491, 509 (<https://dro.dur.ac.uk/10603/1/10603.pdf?DDD19+xcnh62+dul4eg>)
- C Hillion, ‘Mixity and Coherence in EU External Relations: The Significance of the Duty of Cooperation ’in C Hillion and P Koutrakos (eds), Mixed Agreements Revisited: The EU and its Member States in the World (Oxford, Hart Publishing, 2010) 114

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### 3.1. The conclusion of international treaties

CJUE, Opinion 2/13, ECLI:EU:C:2014:2454 (Accession to the ECHR )  
Case C-658/11 Parliament v Council (Mauritius), ECLI:EU:C:2014:2025 (**STUDENT PRESENTATION**)

### 3.2. Mixity in international agreements

- Opinion 1/94 (WTO), ECLI:EU:C:1994:384, para 108
- Case C-246/07 Commission v Sweden (PFOS), ECLI:EU:C:2010:203. (**STUDENT PRESENTATION**)

## #4 (09/28-LCW) The ECJ and the External Relations

### Preparatory readings

#### Compulsory

- 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
- Opinion 1/91 (EEA)
- Opinion 2/13 (accession to ECHR)
- Opinion 1/09 (Unified patent litigation system)
- Achmea Case (2018)
- Opinion 1/17 (Investment court system and CETA)

#### Recommended

- R.Baratta, Accession of the EU to the ECHR: the rationale for the ECJ's prior involvement mechanism, CML Rev., 2013, P. 1305
- S. Douglas-Scott, Opinion 2/13 on EU accession to the ECHR: a Christmas bombshell from the European Court of Justice, Verfassungsblog
- Jan M.Passer, Opinion 2/13 and the limits of the impossible, Evolution des rapports entre les ordres juridiques de l'Union européenne international et nationaux, 2020, p.647, p. 335 – disponible sur EPREL

### 4.1 ECJ's role in defining ER

### 4.2 The influence of international law on the Court of justice's case law

### 4.3 The Advisory opinion procedure art. 218 TFEU

### 4.4 The ECJ jurisdiction and external agreements

- Opinion 1/91 (**STUDENT PRESENTATION**)
- Opinion 2/13 and the jurisdiction of the Court (**STUDENT PRESENTATION**)



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- C. KRENN, « Self-Government at the Court of Justice of the European Union: A Bedrock for Institutional Success », *German Law Journal*, 2018, n° 7, p. 2007
- Edouard Dubout, “In trust we trust. La confiance mutuelle dans les jurisprudences de la Cour de justice et de la Cour européenne des droits de l’homme », *Evolution des rapports entre les ordres juridiques de l’Union européenne internationale et nationaux*, 2020, p.647. Disponible sur EPREL
- Opinion 2/13, par. 153-194

### Recommended

- X.Groussot et G.Martinico, “Mutual Trust, the Rule of Law and the Charter: An new Age of Judicial Activism”, *EULawLive*, Jan 24, 2020

### 6.1 Institutional cross fertilisation: the ECJ and the Court of Human Rights

- Transparency and autonomy
- Accession of the EU to the ECHR
- Protocol n°16 and ECHR case law (**STUDENT PRESENTATION**)

### 6.2 Substantial cross fertilisation : Mutual trust in ECJ and ECHR Case Law

- Opinion of AG Richard de la Tour, Case C-392/22, X v Staatssecretaris van Justitie en Veiligheid, ECLI:EU:C:2023:593 (**STUDENT PRESENTATION**)

## # 7 (10/19-CB) The international instruments of EU External Relations : the participation in international organizations

Preparatory readings

### Compulsory

- Article 27 TEU
- Article 34 TEU
- Article 210 TFEU
- Article 211 TFEU
- Article 220 TFEU
- Council of the European Union, *General Arrangements for EU Statements in Multilateral Organisations*, 16901/11 (Brussels, 24 October 2011).

### Recommended

- KE Jørgensen and KV Laatikainen, ‘Introduction ’in KE Jørgensen and KV Laatikainen (eds) *Routledge Handbook on the European Union and International institutions:*

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*Performance, Policy, Power* (Abingdon, Routledge, 2013) 1–3  
(<https://www.book2look.com/embed/9781136186493>)

- 'European Union and the OECD' available at <https://www.oecd.org/eu/european-union-and-oecd.htm>
- F Hoffmeister, 'Outsider or Frontrunner? Recent Developments under International and European Law on the Status of the European Union in International Organizations and Treaty Bodies '(2007) 44 Common Market Law Review 41, 54. ([http://www.mzes.uni-mannheim.de/projekte/typo3/site/fileadmin/Final\\_Conference/papers/Hoffmeister%20Status%20of%20EU%20in%20IOs%20and%20Treaty%20Bodies.pdf](http://www.mzes.uni-mannheim.de/projekte/typo3/site/fileadmin/Final_Conference/papers/Hoffmeister%20Status%20of%20EU%20in%20IOs%20and%20Treaty%20Bodies.pdf))
- J Odermatt, R Wessel, « The European Union's engagement with other international institutions » , *Research Handbook on the EU and International Organizations* (Cheltenham, Edward Elgar, 2019) (<https://www.elgaronline.com/display/edcoll/9781786438928/9781786438928.00006.xml>)

#### 7.1. The Status of the EU within international organisations

- CJUE, Opinion 1/94, ECLI: ECLI:EU:C:1994:384
- Resolution A/RES/65/276, General Assembly of the UN, Participation of the European Union in the work of the United Nations, 3 May 2011 (**STUDENT PRESENTATION**)

#### 7.2. The duties governing MS behavior within international organizations

- Opinion 2/91 (ILO Convention No. 170), ECLI:EU:C:1993:106,
- Case C-45/07 Commission v Greece (International Maritime Organization), ECLI:EU:C:2009:81 (**STUDENT PRESENTATION**)

### # 8 (10/26 - CB) The EU as a global economic actor - the Common commercial policy - CB

#### Preparatory readings

##### *Compulsory*

- Article 206 TFEU
- Article 207 TFEU

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- CJUE, 15 November 1994, *Opinion 1/94*

*Recommended*

- WTO, Trade policy review of the EU (2023) - Executive report : [https://www.wto.org/english/tratop\\_e/tpr\\_e/s442\\_sum\\_e.pdf](https://www.wto.org/english/tratop_e/tpr_e/s442_sum_e.pdf)
- A Dimopoulos, 'The Effects of the Lisbon Treaty on the Principles and Objectives of the Common Commercial Policy '(2010) 15 *European Foreign Affairs Review* 153, 169  
([https://pure.uvt.nl/ws/files/1361591/Dimopoulos The Effects of the Lisbon Treaty 111104\\_publicis](https://pure.uvt.nl/ws/files/1361591/Dimopoulos_The_Effects_of_the_Lisbon_Treaty_111104_publicis))
- M. Bungenberg, « Going Global? The EU Common Commercial Policy After Lisbon », *European Yearbook of International Economic Law*, 2010, p. 123-151
- A Delgado Casteleiro and J Larik, 'The "Odd Couple": The Responsibility of the EU at the WTO 'in M Evans and P Koutrakos (eds) *The International Responsibility of the European Union* (Oxford, Hart Publishing, 2013) 253

### 8.1. Extensive EU competences under the CCP

- CJEU, 18 July 2013, C-414/11, *Daiichi Sankyo*
- CJEU, 17 may 2017, Opinion 2/15, FTA UE- Singapour **(STUDENT PRESENTATION)**

### 8.2. PCC at horizon 2030 and the objectives of EU economic external action

- Trade policy review : COM(2021) 66 final, Trade Policy Review, an open, sustainable and assertive trade policy, 2021, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52021DC0066> **(STUDENT PRESENTATION)**
- Towards economic sanctions to support sustainable development? COM(2022) 409 final, The power of trade partnerships: together for green and just economic growth, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022DC0409>
- EU external action at international economic institutions: COM(2021) 66 final, Annex 1 to the Trade policy review, Reforming the WTO:
- [https://eur-lex.europa.eu/resource.html?uri=cellar:5bf4e9d0-71d2-11eb-9ac9-01aa75ed71a1.0001.02/DOC\\_2&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:5bf4e9d0-71d2-11eb-9ac9-01aa75ed71a1.0001.02/DOC_2&format=PDF)



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**# 9 (TO BE DEFINED) THE EU AS A GLOBAL SECURITY ACTOR 2 - THE SANCTIONS POLICY**

## Preparatory readings

### *Compulsory*

- Articles 23 to 41 TEU
- Articles 215 and 351 TFEU
- UN Charter articles 24 and 25 ; 39 ; 41 ; 103

### *Recommended*

- CFI, 21 septembre 2005, Yassin Abdullah Kadi contre Conseil de l'Union européenne et Commission des Communautés européennes (Kadi I), T-315/01, Rec. II-0364649
- EEAS, Strategic communications on European Sanctions, 7 octobre 2021 : [https://www.eeas.europa.eu/eeas/european-union-sanctions\\_en](https://www.eeas.europa.eu/eeas/european-union-sanctions_en)
- ECHR, 12 September 2012, *Nada c. Suisse* (n°10593/08)
- CJEU, 28 March 2017, *Rosneft*, C-72/15

### 9.1 EU - MS and EU-UN relations in the field of sanctions

- ECJ, 6 April 1995, *Commission of the European Communities v. Hellenic Republic*, Conclusions of AG Jacobs ECLI:EU:C:1995:109 (STUDENT PRESENTATION)
- ECJ, 3 September 2008, *Yassin Abdullah Kadi, Al Barakaat International Foundation v. Council and Commission*, C-402/05 ; C-415/05 ECLI:EU:C:2008:461 (Kadi I)

### 9.2 Sanctions legal regime under EU Law

- CJUE, 18 July 2013, *Commission, Council and United Kingdom v. Yassin Abdullah Kadi*, C-584/10 ; C-593/10 ; C-595/10 ECLI:EU:C:2013:518 (Kadi II)
- CJEU, C-45/15 P, *Safa Nicu Sepahan Co. v. Council of the European Union*, ECLI:EU:C:2017:402 (STUDENT PRESENTATION)