



UNIVERSITY OF AMSTERDAM
Faculty of Humanities

Course Manual

Jean Monnet Module *External Relations of the European Union*



Study guide number: 111221576Y

Year: 2023-2024

BA European Studies



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1. Examiner, lecturers and contact

a. Examiner

Dr. Zamira Xhaferri

b. Lecturers

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c. Contact

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2. Study material

The study materials can be found on Canvas

3. Content and educational objectives

a. Content

This course aims to familiarise students with the external dimension of European integration. Over the past six decades of European integration, the role of the European Union has become increasingly important, to the point where the EU has become an international actor which is separate and distinctive from its Member States. First developed the Common Commercial Policy, through which the Union now possesses a broad competence to act before the World Trade Organization, a competence which is to the exclusion of the EU Member States. As political integration followed and economic integration widened, the EU became a distinct international actor in many more fields. With the Lisbon Treaty, foreign direct investment has become an exclusive competence of the Union; EU military actions to combat piracy in the Gulf of Aden are run through Operation Atalanta; international aviation is increasingly organised through EU agreements alone; extradition with the US is organised based on a mixed EU-Member State agreement negotiated by the Commission, and so on. Long gone are the days when the EU Member States conducted their foreign policies independently.

This course will look at the internal and external aspects of EU external relations law. Internal aspects are the legal organisation of the EU as an international actor; its distinct legal personality; its exclusive policy competencies and those its shares with the Member States; the legal nature of treaties concluded by both the EU and its Member States (mixed agreements); and the institutional framework of EU external relations.

The course will also delve into the decades-long history of EU enlargement, focusing on the political and legal dimensions of joining EU. The focus will be on the core normative accession criteria on democracy and the rule of law principles to restore credibility and consistency in the EU accession process.

b. Educational objectives

- To provide a thorough overview of the law governing the external action of the EU, its interaction with third states and international organisations, as well as, more generally, the role of the EU as a global legal actor.
- To provide a detailed examination of the constitutional and legal foundations of EU foreign relations law and the legal instruments through which the EU global actorness takes shape.
- To offer a twofold perspective on EU external relations law. The first, and more classical, is to look at the effects of international law on the EU's external action. The second, and perhaps more controversial, is to look at the effects on the international law of the EU's external action. That is to say, the influence exercised by the EU on the international community and its legal foundations. The second perspective investigates the role of the EU as a model and its ability to be regarded and to act effectively as an international value and norm setter that actively contributes to the shaping of new forms of governance of global issues.
- To familiarize students with the analytical and theoretical framework of EU Enlargement and
- To provide students with the analytical tools to critically think about the EU's role, its political objectives and policy mechanism towards EU enlargement dilemmas and deadlocks.

4. Assessment

a. Format

The final grade for the course will be determined based on two components:

Moot court: 30% of the final grade

Research paper: 70% of the final grade

b. Exam material

The primary literature for this course consists of a ground-breaking textbook edited by Ramses Wessel and Joris Larik (eds), *EU External Relations Law*, 2nd (Hart 2020).

In addition to the individual chapters in the book, students will be reading case law and other academic sources relevant to the weekly lectures and seminars. Short blog posts and newspaper articles on current topics will be posted on Canvas for the specific classes.

For more background readings, please consult:

- Jed Odermatt, *International Law and the European Union*, Cambridge University Press, 2021 (accessible online via the UvA library).
- Eleftheria Neframi, and Mauro Gatti (eds), *Constitutional Issues of EU External Relations Law*, Luxembourg Legal Studies, 2018 (accessible online via the UvA library).
- Panos Koutrakos, *EU International Relations Law*, Hart Publishing, 2016.
- Pieter Jan Kuijper, Jan Wouters, Frank Hoffmeister, Geert De Baere, and Thomas Ramopoulos. *The Law of EU External Relations: Cases, Materials, and Commentary on*

the EU as an International Legal Actor. 2nd edition Oxford: Oxford University Press, 2015.

Recommended readings:

Students can find additional literature at the end of each chapter in the Wessel & Larik textbook. Please note that the recommended bibliography is meant to draw further inspiration on each topic discussed weekly. Kindly note that such sources are optional for students to read and will not be discussed during the weekly classes. Students are expected to read the required readings in preparation for the weekly classes.

c. Exam dates/deadlines

Moot Court: Thursday 14 March 2024 (during the seminar in week 5)

Research Paper: Thursday 28 March 2024, 09.00 AM CET

d. Assessment and weighting

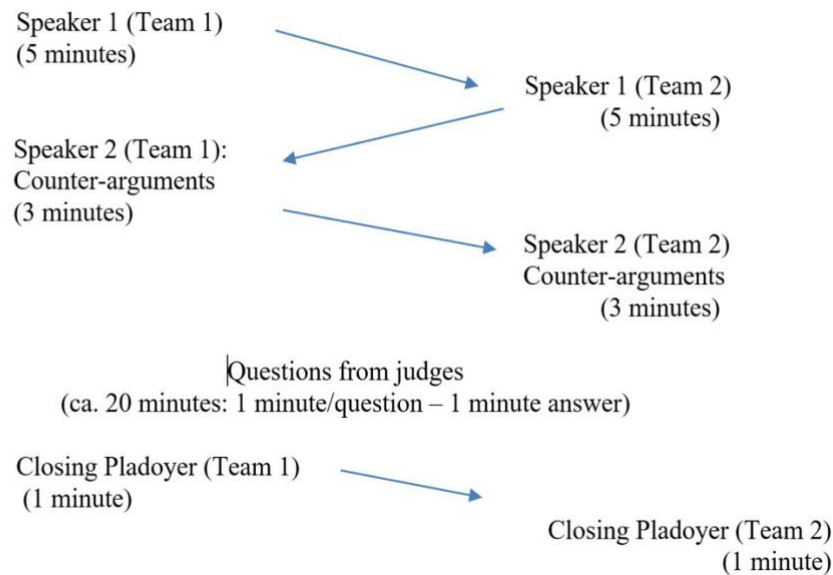
The final grade for the course will be determined based on two components:

Moot Court (30% of final grade):

A Moot Court is an imitation of oral proceedings in a Court. Just like in oral proceedings before a court, you have to argue why a specific action or law is either in compliance with or contrary to EU external relations law provisions.

- Team 1 represents the plaintiff and has to argue why an action or law does not violate EU external relations law provisions. Team 2 represents the claimants and has to provide arguments as to why an action or law is violated.
- Each team should include an equal number of students.
- Judges should include at most 7 students.
- Each team must prepare the arguments and decide on the order in which they are presented (which speaker says what?).
- Your arguments must be *legal* arguments supported by legal norms or case law. When preparing the arguments, you should also think of possible counterarguments by your opponent's team and how you could address these counterarguments.
- The time indication in the below structure is indicative. It can be adjusted based on the number of students enrolled in the course.

Structure:



Nota bene:

- **Speaker 1:** arguments should be the key arguments of your legal argumentation. Be prepared to be asked about the details of your arguments later by the judges.
- **Speaker 2** responds to the arguments made by the opponent team. The better you prepare possible counterarguments, the easier it will be to formulate counterarguments.
- **Closing plaidoyer:** sum up your arguments in light of the counterarguments that you faced.
- **Judges:** You also act as a judge for the other group. For example, if you are in Group 2, you act as a judge during the proceedings of Group 1, and vice versa. Your role is to ask critical questions to members of each team, e.g., ask them to elaborate on a specific point, ask them about possible non-desirable consequences if their argument was endorsed, or ask them about potential flaws in their arguments.
- In addition to preparing the arguments for the case you have been assigned to, you also have to familiarize yourself with the readings of the other group. The group acting as judges may distribute the readings to reduce the readings that each group member has to read.
- Students must sign up for one of the different teams **on Canvas by February 21st, at 09:00 AM CET**. The students will be assessed as a group for their written submissions (**deadline: 13 March 24th, 9:00 AM CET**) and performance during the simulation (**14th of March**)

Research paper (70% of final grade). **Deadline: Thursday, 28 March 2024, 09:00 AM CET**

Students should also write a research law paper (from now on referred to as 'paper') on one of the topics to publish on Canvas in due time. Details instructions for writing the paper can be found on Canvas.

- **Length: Max 2000 words (excluding footnotes)**, Times New Roman, Font 12, Line spacing 1,5. No 10% margin applies. If students exceed the word limit, the grade will be lowered with 1 point.

- The paper must be the result of original and individual work by the students—the presumption of fraud results in a grading with 0.
- **The paper should be uploaded in a word document on Canvas no later than 28 March 2024, 09:00 AM CET.**

Test results lapse after the end of the semester in which the final mark was awarded. If a student does not complete a course that is a compulsory part of their degree programme in one semester, they will have to retake the course at a later opportunity.

e. Results

The results will be posted on Canvas no later than 15 working days after the submission deadline has passed (and at least 5 working days before the resit).

f. Feedback and inspection

The examiner will provide feedback on the written submissions released on the same day the grades are published on Canvas. The students are kindly requested to reach out on Canvas to the examiner not later than 3 working days following the publication of the grades if they wish to inspect the marked submissions or have questions.

g. Resit

The department will not offer a new exam to students who miss the submission deadline due to illness or another impediment. Resits are designed to provide for such circumstances. Resits are therefore not intended to always allow students two opportunities to sit an exam.

Students who fail to pass the course or miss the submission deadline due to illness or another impediment are entitled to a resit. The submission deadline for the re-sit is April 24th, 09:00 AM CET. The requirements for the resit can be found on Canvas.

h. Fraud and plagiarism rules

The University of Amsterdam Fraud and Plagiarism regulations apply to the assessment of this course. These regulations can be consulted at the [Plagiarism and Fraud](#) page on the student website. Also take a look at the [Academic integrity guide: fraud and plagiarism \(pdf\)](#).

5. Social safety

If you experience an unsafe situation or undesirable behaviour in this course or study programme, you can turn to the [UvA Social Safety Support Guide for students](#).

6. Course overview by week

Week	Lecture	Seminar
Week 1	13 February 2024	15 February 2024
Week 2	20 February 2024	22 February 2024
Week 3	27 February 2024	29 February 2024
Week 4	5 March 2024	7 March 2024
Week 5	12 March 2024	14 March 2024

Week 6	19 March 2024	21 March 2024
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Lecture Week 1: 13 February 2024

Introduction & the EU as a global actor

The first session will introduce the course, its structure and the course evaluation. The second session will continue with an introduction to EU external relations of the EU and its main concepts. Externally, the EU has become a visible actor on the international stage, interacting, among others, with the UN, the WTO or the USA. However, both the substance (i.e. the policy field) and scope of EU external actions are determined by internal rules. In this introductory session, we thus discuss the basic internal principles that structure EU external actions and the key institutions that act externally. In the first week, students will be first introduced to the course, and we will subsequently look at some of the external and internal aspects of EU international relations law.

Required readings

- Wessels & Larik, Chapters 1 & 2 (uploaded on Canvas)

Seminar Week 1: 15 February 2024

Required readings

- [CJEU, Commission v Kingdom of Sweden, ECLI:EU:C:2010:203](#)

Lecture Week 2: 20 February 2024

EU external competences

The EU can only act internally and externally if it has been conferred competencies by the Member States to act. This week the class has a two-fold objective. First, we will look at the existence of competence, and whether the EU has the competencies to act in a specific policy field. Second, we will look at the nature and scope of competencies, i.e., which kind of competence (exclusive, shared) the EU has in a specific policy field and how far these competencies reach.

Required readings

- Wessel & Larik, Chapter 3 (read-only pp. 61-100) (uploaded on Canvas)

Seminar Week 2: 22 February 2024

Required readings

- [CJEU, Commission v Council \(European Agreement on Road Transport \(ERTA\)\), Case 22-70, 31.03.1971, ECLI:EU: C:1971:32](#)
- [CJEU, Joined Cases C-626/15 and C-659/16, Commission v Council \(AMP Antartique\), 11.2018, ECLI:EU: C:2018:925](#)
- [CJEU, Commission v Council \(PCA with Kazakhstan\), C-244/17, 04.09.2018, ECLI:EU: C:2018:662](#)

Lecture Week 3: 27 February 2024

Procedures and types of international agreements

This week, we look at the core instrument in the EU's toolbox of external relations instruments: international agreements. The teaching has a two-fold objective. First, we will discuss an international agreement and the distinction between legal and non-legal agreements. Second, we will discuss the mixed agreements vs EU-only agreements.

Required readings

- Wessel & Larik, Chapter 4 (only pp. 101-122);
- Wessel & Larik, Chapter 7 (only pp. 225- 229)

Seminar Week 3: 29 February 2024

Required readings

- [CJEU, European Parliament v Council \(Mauritius\), Case C 658/11, 24.06.2014, ECLI:EU: C:2014:2025](#)
- CJEU, Opinion 2/15 (EU-Singapore Free Trade Agreement), 16.05.2017, ECLI:EU: C:2017:934
<https://curia.europa.eu/juris/document/document.jsf?text=&docid=190727&doclang=EN>

Lecture Week 4: 5 March 2024

Autonomy of EU legal order

This week, we will focus on the principle of autonomy. We will focus on how the CJEU interprets the principle of autonomy of the EU legal order and what this means for Bilateral Investment Treaties (BITs) that the EU concludes with third countries.

Required readings

- Wessel & Larik, chapter 2 and chapter 5 (only pp.140-148)
- Wessel & Larik, chapter 7 (only pp. 225-229)

Seminar Week 4: 7 March 2024

Required readings

- [CJEU, Slovakia v Achmea BV, C-284/16, 06.03.2018, ECLI:EU: C:2018:158](#)
- [CJEU, Opinion 1/17, 30.4.2019, ECLI:EU: C:2019:341](#)

Lecture Week 5: 12 March 2024

Common Foreign and Security Policy

This week focuses on the relationship between international law and EU law and focuses on 'if' and 'to what extent the EU is bound by international law. Specifically, two issues will be addressed: the participation of the EU in international organisations, such as the UN, and then the Common Foreign and Security Policy (CFSP) as a substantive field of EU external relations. Regarding the latter, we will focus, on the special role of the CJEU in adjudicating CFSP instruments.

Required readings

- Wessel & Larik, chapter 5 (only pp. 140-148); chapter 6 (only pp. 184-208);
- Wessel & Larik, chapter 7 (only pp. 236-244), chapter 9

Seminar Week 5: 14 March 2024

Required readings

- [CJEU, Western Sahara Campaign UK, C-266/16, 27.2.2018, ECLI:EU: C:2018:118](#)
- [UNGA Resolution A/RES/65/276, 2011](#)
- [CJEU, PJSC Rosneft Oil Company v Her Majesty's Treasury, Case C-72/15, 28.3.2017, ECLI:EU: C:2017:236](#)

Lecture Week 6: 19 March 2024 (Dr. Dorian Jano)

EU Accession Criteria and Procedures

This week, we will delve into the historical background, prevailing challenges, and plausible future developments in the European Union's accession criteria and procedures. The focus will be on analysing the multifaceted nature of the accession criteria, the difficulties associated with their application, and the way forward. We will highlight the core normative accession criteria on democracy and the rule of law principles to restore credibility and consistency in the EU accession process.

Required readings

- Wessel & Larik, chapter 5 (only pp. 437- 441)
- Wessel & Larik, chapter 14.

Seminar Week 6: 21 March 2024

Required readings

- Kochenov, D., Behind the Copenhagen façade: The meaning and structure of the Copenhagen political criterion of democracy and the rule of law, European Integration Online Papers, 2004, p. 23.

Recommended reading

- Janse, R., The Evolution of the political criteria for accession to the European Community 1957–1973, European Law Journal, 2018 24(1), pp. 57 – 76.