



Faculty of Humanities

Bachelor of European Studies (2022-2023)

Jean Monnet Module EU International Relations Law



Study guide number: 111221576Y

Year: 2022-2023

BA European Studies

Course instructor :

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Co-funded by the
Erasmus+ Programme
of the European Union

Course 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 it 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. External aspects are the EU's participation in international organisations (for example, in combating terrorism and in the WTO) and the relationship between international law and EU law.

Course 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 explore the existential question concerning the EU's ability to set international standards and constitute a role model in the current international community.

Learning Outcomes

This course has specific learning outcomes:

- acquisition of legal knowledge on EU international relations law
- understand the legal foundations of EU external action
- analyse the role of the EU and the Member State in the field of external relations law

- assess the interaction between international law and EU law
- synthesise the knowledge acquired to ponder over the role of the EU as a global actor in current global governance
- learn how to formulate legal arguments, analytically separate legal reasoning from political arguments and argue how they interrelate in the context of EU external relations law
- critically assess why the law has such an important role in the EU as an international actor

Course Communication

Students will find all information about this course on Canvas. Please check your official UvA email regularly, as well as the course's Canvas for announcements (announcements in Canvas are simultaneously sent to the student email address by default setting—unless you change it). If you like to continue to use your private email address, I kindly suggest you set up forwarding in your UvA email account to your preferred email account. Students who wish to schedule individual meetings with the lecturer are kindly requested to reach out via the Canvas page.

Course assessment

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

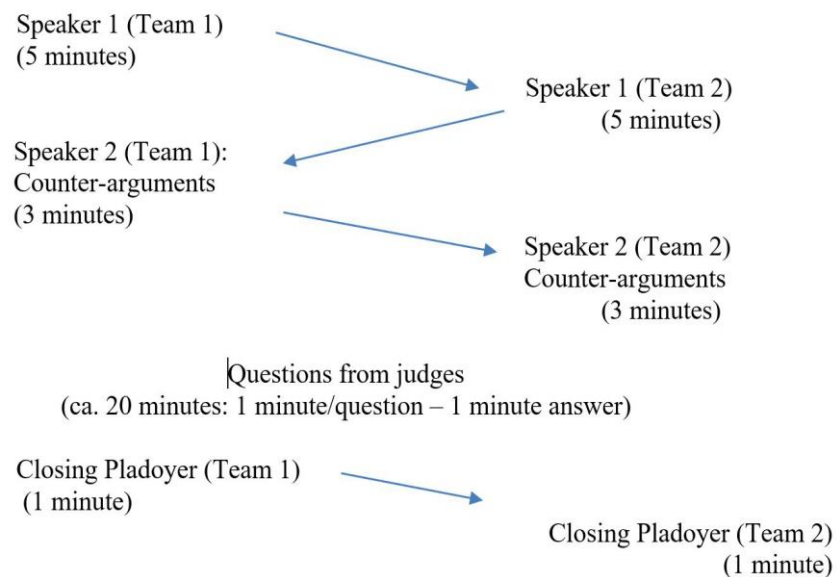
Moot Court (40% of final grade)

Friday: 17 March 2023, 15:00 – 17:00

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 provisions of EU external relations law.

- Team 1 represents the plaintiff and has to argue why an action or law does not violate provisions of EU external relations law. Team 2 represents the claimants and has to provide arguments why an action or law violates .
- The teams should include an equal number of students. The number of students per team should be maximum of 9 students.
- You have to prepare the arguments together as a group and decide on the order in which the arguments are brought forward (which speaker says what?).
- Your arguments must be *legal* arguments that are supported by legal norms or case law. When preparing the arguments, you should also think of possible counter arguments by your opponent team and how you could address these counter arguments.

Structure:



Take into account the following points when preparing the arguments:

- 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 have prepared possible counter arguments, the easier it will be to formulate counter-arguments.
- Closing plaidoyer: sum up your arguments in light of the counter arguments that you faced.
- Judges: you also act as a judge for the other group, i.e. if you are in Group 2, you act as judges 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 about possible flaws in their arguments etc.

This means that, in addition to preparing the arguments for the case that 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 individual group member has to read.

You have to sign up for the different teams **on Canvas until 1st of March 2023**. The students will be assessed together as a group on their written submissions (**deadline: 16 March 2023, 18:00 CET**) as well as their performance during the simulation.

Research paper (60% of final grade)

Thursday, 31 March 2023, 18:00 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 31 March 2023, 18:00 CET.**

Course structure

Weeks	Lectures	Tutorials
Week 1	15 Feb.	17 Feb.
Week 2	22 Feb.	24 Feb.
Week 3	1 March	3 March
Week 4	8 March	10 March
Week 5	15 March	17 March
Week 6	22 March	24 March

Social safety and health

Disclaimer: Studying in Exceptional Times

The course is taught in uncertain times during the Corona pandemic. We are aware that students (and lecturers) have to operate under difficult and unusual circumstances that may also change during the time of this course. The course is taught on location and is designed to be as flexible as possible allowing students to participate in a manner that fits their circumstances.

Please follow national and UvA's campus regulations in response to the Corona-Pandemic: <https://www.uva.nl/en/current/coronavirus/coronavirus.html> If conditions change or if circumstances demand, it may be necessary to adjust the format of the course and assessment. We kindly ask for everyone's cooperation.

Health-Related Requirements for On-Site Teaching

All lectures and tutorials will be offered on-site. Lectures and tutorials will take place on the allocated timeslots as advertised on the UvA – timetable: rooster.uva.nl. The number of participants joining on-site lectures is currently not restricted.

Self-tests: To keep the number of infections as low as possible, it is important for everyone who comes to campus to perform regular self-tests. These tests are available to order online free of charge. You can request a test through zelftestonderwijs.nl. The test will then be delivered to your home. The aim is to take at least two self-tests per week available to everyone.

Lectures and tutorials are not recorded in this course. However, all the course materials will be available on Canvas.

Creating a Positive and Safe Classroom: offline and online

Teachers have the professional responsibility to treat all students with understanding, dignity and respect, to guide classroom discussion and to set reasonable limits on how opinions are expressed. A similar responsibility applies to students. This means that diversity of opinion is always welcomed, but any discriminatory, racist or sexist comments or anything that may be perceived as such is unacceptable and may lead to expulsion from the class.

This applies to both the physical classroom setting but also the online environment. In all your interactions on Canvas, with your teachers and with your fellow students, please be respectful and professional: remember that all your comments and posts are formal course submissions so please treat

them as such. Your online engagement in the course should be considered in the same terms as your behaviour in a formal classroom setting and should be bound by the same rules of respect and appropriate professionalism. Your contributions should thus always be written in a proper academic style, not like social media posts or text messages.

See also: Social Safety Support Guide for students: <https://www.uva.nl/en/shared-content/studentensites/uva-studentensite/en/az/social-safety/social-safety.html>

Course readings

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 legal sources relevant to the weekly classes. Short blog posts and newspaper articles on current topics will be posted on Canvas for the specific classes.

For more background readings, please consult:

- 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.
- [Piet Eeckhout, *EU External Relations Law \(Second Edition\)*, OUP 2011.](#)

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.**

Lecture Schedule and Reading List

Lecture Week 1: 15 February 2023

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

Seminar Week 1: 17 February 2023

Required readings

- CJEU, Commission v Kingdom of Sweden, ECLI:EU:C:2010:203 (<https://curia.europa.eu/juris/liste.jsf?num=C-246/07>)

Lecture Week 2: 22 February 2023

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)

Seminar Week 2: 24 February 2023

Required readings

- CJEU, Commission v Council (European Agreement on Road Transport (ERTA)), Case 22-70, 31.03.1971, ECLI:EU: C:1971:32 (Links to an external site.)
- CJEU, Joined Cases C-626/15 and C-659/16, Commission v Council (AMP Antarctique), 11.2018, ECLI:EU: C:2018:925 (Links to an external site.)
- CJEU, Commission v Council (PCA with Kazakhstan), C-244/17, 04.09.2018, ECLI:EU: C:2018:662 (Links to an external site.)

Lecture Week 3: 1 March 2023

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: 3 March 2023

Required readings

- CJEU, European Parliament v Council (Mauritius), Case C-658/11, 24.06.2014, ECLI:EU: C:2014:2025 (Links to an external site.)
- CJEU, Opinion 2/15 (Singapore), 16.05.2017, ECLI:EU: C:2017:934 (Links to an external site.)



Lecture Week 4: 8 March 2023

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: 10 March 2023

Required readings

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

Lecture Week 5: 15 March 2023

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, first, on the special role of the CJEU in adjudicating CFSP instruments and, second, look at EU-Libya cooperation as a case study of CFSP cooperation.

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: 17 March 2023

Required readings

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

Lecture Week 6: 22 March 2023

EU Enlargement and Europeanisation; External Dimension of Joining the EU

This week, we will 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 procedures and criteria for EU membership changed since the first EU enlargement round. We will be discussing the successful rounds of EU accession, the reluctant and the awkward cases, and the ongoing (laggard) accession process in the Western Balkans.

Guest lecturer: Janna van der Linden, First secretary to the Permanent Representation of the Kingdom of the Netherlands to the EU.

Required readings

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

Seminar Week 6: 24 March 2023

Required readings

- [CJEU, *Andy Wightman and Others v Secretary of State for Exiting the European Union*, ECLI:EU:C:2018:999, < https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62018CJ0621>](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62018CJ0621)