

EU External Relations Law

- **Nature:** optional course pertaining to the Degree in Law.
- **Credits:** 3 ECTS (2 hours per week); 2nd semester.
- **Department:** Department of Public Law, Area of Public International Law and International Relations
- **Pre-requirements:** basic knowledge of EU law and public international law
- **Description:**

As a subject of International Law, the European Union is present on the international scene in different ways: it concludes hundreds of international agreements with third countries in areas such as trade, development cooperation, environment, transport, migration or judicial and police cooperation; it participates in other International Organisations as a member or as observer such as the WTO, regional fisheries organisations or the United Nations system; it deploys peacekeeping and conflict prevention operations; and it maintains diplomatic relations with countries around the world. This course will address the legal framework that governs this intense external action of the EU, exploring the legal foundations, principles and procedures that make possible and regulate its international activities in different political spheres. In particular, the course will examine the international legal personality of the EU; the scope and nature of its external competences; the procedure to conclude international agreements by the EU; the legal institution of mixity; the Union's participation in other International Organisations; as well as the effects of international law within the legal order of the EU.

The student will therefore be able to understand the legal rules that govern and determine the way in which the Union develops its external action, as well as to formulate legal arguments that assess the application of these constitutional rules and allow for their advancement.

- **Programme of the course:**
 - I. **International legal personality of the EU**
 1. Preliminary considerations on the scope of the EU external action
 2. The international legal personality of the EU
 3. Forms of manifestation of the international personality of the EU
 - II. **External competences of the EU**
 1. Existence of EU external competences: explicit competences and the doctrine of implied powers
 2. Nature of EU external competences with regard to Member States' powers
 3. Specificities of the competence to conduct a Common Foreign Security Policy (CFSP)
 - III. **Procedure to conclude international agreements by the EU**
 1. Negotiations
 2. Signature
 3. Conclusion and EP participation
 4. Provisional application
 5. Adoption of EU positions in bodies set up by the agreements
 6. Suspension and termination
 7. Procedural specificities beyond art. 218 TFEU
 - IV. **Mixed external action**
 1. Causes and categories of mixed agreements
 2. Procedural implications of mixity
 3. The duty of cooperation and the management of mixity
 4. Distribution of international responsibility between the EU and its Member States
 - V. **EU participation in other International Organisations**
 1. Membership and observer status of the EU in other IOs
 2. Coordination between the EU and its Member States
 - VI. **Legal effects of international law in the EU legal order**

1. Effects of international agreements concluded by the EU, with special attention to the doctrine of direct effect
2. Effects of international agreements binding on Member States, prior and post EU membership
3. Effects of customary international law in the EU legal order

▪ **Methodology:**

Case-law method:

- each session will start with a joint analysis of an ECJ judgment or opinion, previously read and worked on by students, in order to deduce from it the relevant legal elements related to the lesson
- an essay on an ECJ pronouncement (to be selected and agreed with the professor) must be submitted in writing.

Lectures to supplement the joint analysis and address in depth the additional central elements of each lesson of the programme.

▪ **Evaluation system:**

○ **Ordinary session - May 2022**

Evaluation activity	Details	% in final mark
Final exam	- written - questions on theory and practice - case-law analysis	60%
Submission of a case-law essay	- written - selected in agreement with the professor	25%
Active participation in case-law analysis	- oral - during each session - previous reading and analysis	15%

○ **Extraordinary session – June 2022**

Evaluation activity	Details	% in final mark
Final exam	- written - questions on theory and practice - case-law analysis	70%
Submission of a case-law essay	- written - selected in agreement with the professor	30%

* In both sessions, passing the exam is required to take the other evaluation activities into account.