

JUR 1440 / JUR 5440

EU External Relations Law

Spring term 2022

Responsible and teacher:

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Basic literature (355p)

Wessel and Larik (eds) *EU External Relations Law - Text, Cases and Materials* (Oxford: Hart Publishing, 2020)

Literature marked with (*) is additional mandatory reading for MA students only (158p)

TOPIC 1: ACTORS AND PROCESSES OF EU EXTERNAL ACTION

Reading:

Wessel and Larik, 'The European Union as a Global Legal Actor' in Wessel and Larik (eds) *EU External Relations Law - Text, Cases and Materials* (Oxford: Hart Publishing, 2020), pp 1-28 (28 p)

Larik and Wessel, 'Instruments of EU External Action' in Wessel and Larik (eds) *EU External Relations Law - Text, Cases and Materials* (Oxford: Hart Publishing, 2020), pp 101-138 (37p)

Case law

Case 22/70 [Commission v Council \(AETR\)](#) [1971] ECR 263

Case C-660/13 [Council v Commission \(MoU\)](#) ECLI:EU:C:2016:616

Case C-425/13 [Commission v Council \(ETS\)](#) ECLI:EU:C:2015:483

TOPIC 2: EU EXPRESS & SUBSIDIARY EXTERNAL COMPETENCE

Reading:

Ott, 'EU external competence' in Wessel and Larik (eds) *EU External Relations Law - Text, Cases and Materials* (Oxford: Hart Publishing, 2020), pp 61-100 (39p)

Case law

Opinion 1/75 [Local cost standard](#) [1975] ECR 1355.

Case 12/86 [Demirel](#) [1987] ECR 3719

Case C-268/94 [Portugal v Council \(development policy\)](#) [1996] ECR I-6177

Opinion 2/94 [ECHR](#) [1996] ECR I-521

TOPIC 3: EU IMPLIED EXTERNAL COMPETENCE

Reading:

Ott, 'EU external competence' in Wessel and Larik (eds) *EU External Relations Law - Text, Cases and Materials* (Oxford: Hart Publishing, 2020), pp 61-100 (39p)
Dashwood, 'The attribution of external relations competence' in Dashwood & Hillion (eds.), *The General Law of EC External Relations* (London: Sweet & Maxwell, 2000), pp. 115-138 (23p)

Case 22/70 [Commission v Council \(AETR\)](#) [1971] ECR 263

Opinion 1/76 [Laying-up Fund](#) [1977] ECR 741

Opinion 1/03 [Lugano Convention](#) [2006] ECR I-1145

Case C-137/12 [Commission v Council](#) (Conditional Access) ECLI:EU:C:2013:675

Case C-377/12 [Commission v Council](#) (Philippines PCA) ECLI:EU:C:2014:1903

TOPIC 4: NATURE OF EU EXTERNAL COMPETENCE

Reading:

Rosas, 'Exclusive, shared and national competence in the context of EU external relations : do such distinctions matter?' In Govaere, Lannon, van Elsuwege, and Adam (eds), *The European Union in the World* (Leiden: Brill, 2014) pp. 17-43 (26p)

* Chamon, 'Implied exclusive powers in the ECJ's post-Lisbon jurisprudence : the continued development of the ERTA doctrine' (2018) 55 *Common Market Law Review* pp. 1101-1141 (40p)

Case law

Opinion 1/75 [Local cost standard](#) [1975] ECR 1355

Case C-414/11 [Daiichi Sankyo Co. Ltd](#) ECLI:EU:C:2013:520

Case C-600/14 [Germany v Council](#) (COTIF) ECLI:EU:C:2017:935

Jd cases C-626/15 & C-659/16 [Comm. v Council](#) (Antarctic MPA) EU:C:2018:925

TOPIC 5: EU FOREIGN AND SECURITY POLICY

Reading:

Wessel, 'Common Foreign, Security and Defence Policy' in Wessel and Larik (eds) *EU External Relations Law - Text, Cases and Materials* (Oxford: Hart Publishing, 2020), pp. 283-326 (43p)

* Marquardt, The institutional framework, legal instruments and decision-making procedures in Blockmans and Koutrakos (eds.), *Research Handbook on EU Common Foreign and Security Policy* (Cheltenham: Edward Elgar Publishing, 2018), pp. 22-43 (21p)

Case law

Case C-130/10 [Parliament v Council](#) (*Smart Sanctions*) ECLI:EU:C:2012:472

Case C-658/11 [Parliament v Council](#) (*Mauritius*) ECLI:EU:C:2014:2025

Case C-439/13 [Elitaliana SpA v. Eulex Kosovo](#) EU:C:2015: 753

Case C-72/15 [Rosneft](#) ECLI:EU:C:2017:236

Case C-244/17 [Commission v. Council](#) (*Kazakhstan*) EU:C:2018:662

TOPIC 6: DUTY OF COOPERATION AND COHERENCE

Reading:

Thies, 'Principles of EU External Action' in Wessel and Larik (eds) *EU External Relations Law - Text, Cases and Materials* (Oxford: Hart Publishing, 2020), pp 29-60 (31p)

* Hillion, 'Mixity and coherence in EU external relations: the significance of the duty of cooperation' in Hillion and Koutrakos (eds) *Mixed Agreements Revisited* (Oxford: Hart Publishing 2010), pp. 87-115 (28p)

Case law

Case C-266/03 [Commission v Luxembourg](#) [2005] ECR I-4805

Case C-459/03 [Commission v Ireland \('MOX plant'\)](#) [2006] ECR I-4635

Case C-246/07 [Commission v Sweden \('PFOS'\)](#) ECLI:EU:C:2010:203

Case C-620/16 [Commission v Germany](#) (*COTIF II*) EU:C:2019:256

Case C-263/14 [Parliament v Council](#) (*Tanzania*) ECLI:EU:C:2016:435

TOPIC 7: COMMON COMMERCIAL POLICY

Reading:

Larik, Common Commercial Policy in Wessel and Larik (eds) *EU External Relations Law - Text, Cases and Materials* (Oxford: Hart Publishing, 2020), pp. 209-246 (37p)

* Cremona, 'Defining the Scope of the Common Commercial Policy' in Hahn and Van der Loo (eds) *Law and Practice of the Common Commercial Policy* (Leiden: Brill, 2020) pp. 47-70 (23p)

Case law

Opinion 1/75 [Local cost standard](#) [1975] ECR 1355

Opinion 1/94 [WTO](#) [1994] ECR I-5267

Case C-414/11 [Daiichi Sankyo Co. Ltd](#) ECLI:EU:C:2013:520

Case C-137/12 [Commission v Council](#) (*Conditional Access*) ECLI:EU:C:2013:675

Opinion 2/15 [FTA Singapore](#) ECLI:EU:C:2017:376

TOPIC 8: THE EU AND ITS NEIGHBOURS

Reading:

Van Elsuwege, 'The EU and its Neighbours' in Wessel and Larik (eds) *EU External Relations Law - Text, Cases and Materials* (Oxford: Hart Publishing, 2020), pp 437-460 (23p)

* Haukeland Fredriksen and Hillion, 'The "special relationship" between the EU and the EEA EFTA States – free movement of EEA citizens in an extended area of freedom, security and justice: *Ruska Federacija v. I.N.*' (2021) 58 *Common Market Law Review*, pp. 851 – 876 (25p)

Case law:

Case 12/86 [Demirel](#) [1987] ECR 3719

Opinion 1/91 [EEA \(I\)](#) ECLI:EU:C:1991:490

Opinion 1/92 [EEA \(II\)](#) ECLI:EU:C:1992:189

Case C-431/11, [UK v. Council](#) ECLI:EU:C:2013:589

Case C-897/19 [Ruska Federacija v I.N.](#) ECLI:EU:C:2020:262

TOPIC 9: EFFECTS OF EXTERNAL AGREEMENTS IN EU LEGAL ORDER

Reading:

Wessel, 'The EU and international law' in Wessel and Larik (eds) *EU External Relations Law - Text, Cases and Materials* (Oxford: Hart Publishing, 2020), pp. 139-174 (35p)

Odermatt, 'The EU and International Institutions' in Wessel and Larik (eds) *EU External Relations Law - Text, Cases and Materials* (Oxford: Hart Publishing, 2020), pp 175-208 (33p)

* Kaddous, 'Effects of International Agreements in the EU Legal Order' in Cremona & de Witte, M. Cremona and B. de Witte (Eds.), *EU Foreign Relations Law - Constitutional Fundamentals* (Oxford: Hart Publishing, 2008), pp. 291-312 (21p)

Case law

Case 181/73 [Haegeman](#) [1974] ECR 449

Case 12/86 [Demirel](#) [1987] ECR 3719

Case C-13/00 [Commission v Ireland \(Berne Convention\)](#) [2002] ECR I-2943

Case 270/80 [Polydor](#) [1982] ECR 329

Case C-265/03 [Simutenkov](#) [2005] ECR I-2579

Case C-149/96 [Portugal v Council](#) [1999] ECR I-8395