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University of Vienna

School of Law

LL.M. in International Legal Studies

Summer Semester 2020

Course Title: The legal status of the European Union as a global player

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I. Course Description and Objectives

Is the European Union a major or a minor player in the world community? The European Union strives for a greater role in the international context. In view of its growing economic power it seeks for a greater influence also in other areas of international politics. For this purpose, it needs a legal basis which would enable it to establish contacts in fields other than economics with third actors on the international level or to perform activities in an international setting.

This course should familiarize the participants with the relevant legal basis in the Treaty on the European Union (TEU) and Treaty on the Functioning of the European Union (TFEU) according to the Lisbon Treaty. Particular attention will be paid to the various legal instruments available to the EU for this purpose as well as to the Common Foreign and Security Policy including the CSDP which has considerably been enhanced since the Nizza Treaty and has undergone major changes by the Lisbon Treaty.

Accordingly, the course will, on the one hand, concentrate on unilateral acts having effect on the relations with third countries, on the treaty-making power of the EU and the practice of its relations with third countries and, on the other, on all the different aspects of the CFSP, including CSDP.

It is expected that the TEU and the TFEU are available to the participants.

II. Course Outline

- A. EXTERNAL TRADE: introduction (The legal basis of external policy of the EU - The structure of the European Union concerning external relations)**
- B. THE INTERNATIONAL LEGAL PERSONALITY OF THE EUROPEAN UNION**
- The EU and the general system of international law (Case Yusuf: Case 306/01)
- C. PRINCIPAL INSTRUMENTS of external policy of the EU- Autonomous acts**
 - a. Common rules for exports- Export credit insurance- Dual-use goods - Export of cultural goods- Ban on trade in instruments of torture
 - b. Common rules for imports - Common rules for imports from certain third countries - Community procedure for administering quantitative quota - Autonomous tariff suspensions and quotas

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- c. Defense measures against the EU- Anti-dumping measures - Anti-subsidy measures- Anti-subsidy measures -Protection against trade barriers - Injurious Pricing Instrument in the area of shipbuilding and air transport
- D. **AGREEMENTS CONCLUDED BY THE EU** - Procedure - Scope - Europe Agreements - Cotonou Agreement -
 - a. Participation in International Organizations: UN, WTO
- E. **PRACTICE IN VARIOUS FIELDS** (External trade - Humanitarian aid - Development - Democratisation, rule of law, respect for human rights and good governance)
- F. **ORGANS INVOLVED** (Commission - Council - European Parliament)
- G. **THE COMMON FOREIGN AND SECURITY POLICY**
 - a. Why Is A Common Foreign And Security Policy Necessary? - How the CFSP works - the organs involved- Instruments of CFSP
 - b. Three fields of task of the CFSP/CSDP: Military Conflict Management- Civil Crisis Management- Conflict Prevention
 - c. Headline Goals
 - d. European Security Strategy
 - e. Collective Security
- H. **SOLIDARITY CLAUSE**

Basic Texts

An extensive reader will be provided to the participants.

III. Important Documents

It is expected that the TEU and the TFEU are available to the participants.

IV. Suggested Readings

The general literature on European Law

Unfortunately, there is as yet no literature available concentrating on this issue based on the Lisbon Treaty. The literature mentioned below is still based on the former treaties.

1. I. MacLeod, I.D. Henry, St. Hyett, *The external relations of the European Communities*, Oxford 1996 (Library Book no.: EUR.M165.E9)
2. M. Holland, *The Common Foreign and Security Policy*, in: L. Cram, D. Dinan, N. Nugent, *Developments in the European Union*, 1999
3. Piet Eeckhout, *External Relations of the European Union, Legal and Constitutional Foundations*, Oxford, 2004+2005 (Library Book no.: AC04099192 + AC05314752)
4. Further possible reading: Frederick Naert, *International law Aspects of the EU's Security and Defence Policy*, 2010
5. Christoph Hillion, Panos Koutrakos, *Mixed Agreements revisited 2010*
6. Martin Reichard, *The EU-NATO relationship 2006* (Library Book no.: AC05732544)
7. Jan Wouters, André Nollkaemper, Erika de Wet, *The Europeanisation of International law 2008*



V. Teaching Method

This course will consist of a series of introductory lectures and class debates.

VI. Assessment Method

A. Class participation is expected. It will be worth 20% of the final course mark.

B. A final examination in writing will be held.