



Kindly Invite You to the Third Seminar

## **EU External Relations Law: Recent Developments**

**Tuesday 10 July 2018**, 13:30-19:00 h  
Council Room, Faculty of Law, Tiensestraat 41 Leuven

### **1. Concept**

The Leuven Centre for Global Governance Studies and the University of Salamanca and in co-operation with the ESIL Interest Group on the EU as a Global Actor, are organizing the third Edition of the Seminar on EU External Relations Law to explore the most salient issues in the European Court of Justice's case law on EU external relations in the last year. The past months have seen a number of key judgments and opinions being handed down in this field. Developments of particular significance have taken place on three main strands.

First, the Court of Justice has dealt with the **validity of international agreements** concluded by the EU with third countries in the *Western Sahara* case (C-266/16). The *Western Sahara* judgment is the latest development in a series of cases in which the Court is confronted with the situation of Western Sahara and the compatibility of the agreements concluded by the EU with international law and EU legal order.

Second, the Court kept enriching its case law on EU external competences and the applicable internal procedures for their exercise. Cases C-600/14 and C-687/15 raise questions for reflection regarding the rules for the adoption of **positions to be taken on behalf of the EU in international bodies** and the **power of the Union to act externally in areas of shared competence**. In addition, in C-389/15 the Court was called to rule on the scope of the EU's exclusive competence in the field of the **common commercial policy**. What is more, Opinion 1/15 brings back the question of the possibility of using **joint legal bases** in the conclusion of international agreements.

Third, in *Achmea* (C-284/16), the Court was called to provide guidance with respect to the **compatibility of the investor-State dispute settlement mechanism** established by an intra-European Union bilateral investment treaty with the Treaties. This issue is directly related to the pending Opinion 1/17, in which Belgium asks the Court of Justice to provide clarifications on the legality of the new Investor Court System introduced in CETA.

In order to assess these developments, the seminar, which takes place on the basis of Chatham House Rules, is structured around two main sessions. Following short



## Draft version

presentations of maximum 10 minutes on the main issues touched upon in the case law, academics as well as practitioners coming from the legal services of the institutions and from the European Courts will be invited to comment.

## 2. Programme

13:00 Coffee, tea and sandwiches

13:30 Welcome and introduction to the seminar by **Prof. Dr. Jan Wouters**, Jean Monnet Chair *ad personam*, Director of the Leuven Centre for Global Governance Studies, KU Leuven

### I. The Validity of International Agreements

Chair: Prof. Dr. **Ricardo da Silva Passos**, Judge of the General Court of the European Union

*Introduction on Western Sahara cases (C-104/16 P and C-266/16):* **Fernando Castillo** (European Commission)

*Discussants for this strand:*

- Ricardo Gosalbo Bono (formerly Council of the EU)
- Elera San Miguel Hurtado (Council of the EU)
- Esa Paasivirta (European Commission)
- Frederik Naert (Council of the EU)
- Mihkel Allik (European Parliament)

### II. Recent EU External Relations Cases

*Introductions on:*

- EU positions in international bodies / external implied competences: Cases C-600/14 (OTIF) and C-687/15 (ITU) – Prof. Dr. **Christophe Hillion** (Leiden University), **Thomas Ramopoulos** (European Commission)
- Scope of common commercial policy: Case C-389/15 – Prof. Dr. **Pieter Jan Kuijper** (UvA, formerly European Commission)
- Joint legal bases for EU external agreements: Opinion 1/15 – **Sonja Boelaert** (Council of the EU), **Vincent Kronenberger** (ECJ)

*Discussants for this strand:*

- J. Etienne or A. Neegaard (European Parliament)
- F. Drexler or A. Caiola (European Parliament)
- Bart De Meester (European Commission)
- Bart Driessen (Council of the EU)
- F. Florindo Gijón (Council of the EU)
- Frank Hoffmeister (European Commission)

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- Luca Prete (ECJ)

16:30 – 16:45: Coffee and Tea Break

### III. The Autonomy of the EU Legal Order

*Introductions on:*

- Investor-State dispute settlement mechanisms: *Achmea* – **Peter van Elsuwege** (or Guillaume Van der Loo, Cristina Eckes)
- Opinion 1/17 – **Sonja Boelaert** (Council of the EU)

*Discussants for this strand:*

- Ricardo Gosalbo Bono (former Council of the EU)
- Elera San Miguel Hurtado (Council of the EU)
- Esa Paasivirta (European Commission)
- Frederik Naert (Council of the EU)
- Thomas Ramopoulos (European Commission)
- Mihkel Allik (European Parliament)

18:00 – 18:15 Health Break

### IV. Book launch J. Santos Vara and S. R. Sánchez-Tabernero (eds.), *The Democratization of EU International Relations Through EU Law*, Routledge, 2018.

Panel of authors with Prof. Dr. **Ricardo da Silva Passos**, Prof. Dr. **Jan Wouters**, **Vigjilence Abazi** (Maastricht University), .....

Closing remarks by **Prof. Dr. Juan Santos Vara**, Jean Monnet Chair, Professor of Public International and European Law, University of Salamanca

Participation is free, but prior registration is necessary by 5 July on a first come, first serve basis (limited seating): mail to [conference@gqs.kuleuven.be](mailto:conference@gqs.kuleuven.be)

