



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**.

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 presentations of maximum 10 minutes on the main issues touched upon in the case law,

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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 by Prof. Dr. **Christine Kaddous**, Co-Convener of the ESIL Interest Group on the EU as a Global Actor, Université de Genève

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:

- Prof. Dr. **Ricardo Gosalbo Bono** (formerly Council of the EU)
- **Judicaël Etienne** (European Parliament)
- Dr. **Esa Paasivirta** (European Commission)
- **Paschalis Paschalidis** (European Court of Justice)

II. Recent EU External Relations Cases

Chair: Prof. Dr. **Jan Wouters**

Introductions on:

- EU positions in international bodies / external implied competences: Cases C-600/14 (OTIF) and C-687/15 (ITU) – **Thomas Ramopoulos** (European Commission)
- Scope of common commercial policy: Case C-389/15 – Prof. Dr. **Pieter Jan Kuijper** (UvA, formerly European Commission)
- Analysis of Opinion 2/15 (Singapore FTA): Consequences for the mixity of future EU trade and investment agreements and the legality of international dispute settlement mechanisms involving the EU – Dr. **Sonja Boelaert** (Council of the EU)

Discussants for this strand:

- Dr. **Frederik Naert** (Council of the EU)
- **Anders Neergaard** (European Parliament)
- **Michal Ovadek** (KU Leuven)
- **Luca Prete** (European Court of Justice)



16:30 – 16:45: Coffee and Tea Break

III. The Autonomy of the EU Legal Order

Chair: Prof. Dr. **Ricardo Gosalbo Bono**

Introductions on:

- Investor-State dispute settlement mechanisms: *Achmea* – Opinion 1/17 – Dr. **Sonja Boelaert** (Council of the EU), Dr. **Guillaume Van der Loo** (UGent)

Discussants for this strand:

- Dr. **Bart De Meester** (European Commission)
- Prof. Dr. **Frank Hoffmeister** (European Commission / VUB)
- **Sonsoles Centeno Huerto** (Permanent Representation of Spain to the EU)
- Prof. Dr. **Pieter Jan Kuijper**

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

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

Panel of authors with Prof. Dr. **Ricardo da Silva Passos**, **Vigjilencia Abazi** (Maastricht University), **Soledad Rodríguez Sánchez-Tabernero** (University of Salamanca), Prof. Dr. **Jan Wouters**

Closing remarks by Prof. Dr. **Juan Santos Vara**

Participation is free, but prior registration is necessary by 6 July on a first come, first serve basis (limited seating): mail to ggs@kuleuven.be

