

T H E E U A S A G L O B A L A C T O R

EUGLOBAL

WORKSHOP PROGRAMME

ESIL Annual Conference, Athens, September 2019

Sovereignty: A concept in a state of flux?

Pre-Conference Event Interest Group *The European Union As A Global Actor*

Thursday 12 September, 09:00-13:30

SHARING SOVEREIGNTY: THE EU, ITS MEMBER STATES AND INTERNATIONAL LAW

As part of their EU membership, states have transferred an unprecedented amount of powers to an international organisation. Some of these powers touch upon core aspects of sovereignty, such as access of third country nationals to EU territory, budgetary decision-making, as well as external representation. The pre-conference event focusses on the consequences this transfer of competences has on our understanding of sovereignty and on the relationship of the EU and its Member States with third parties.

Whilst sovereignty is undisputedly a state-centred notion, it is deeply affected by multilateralism. How exactly sovereignty is affected, and whether multilateralism is ultimately detrimental or beneficial to it, remains subject to debate in legal but also political fora. This is especially so in the context of the EU, an international organisation coming closer to an exercise of quasi-sovereignty than any other. This raises a number of contentious questions. Does EU integration threaten national sovereignty? Or does Member State sovereignty benefit from a strong Europe? Is there a 'European sovereignty', understood as the sovereignty of the EU as such or, alternatively, the shared sovereignty of the EU Member States? And if so, what are the practical consequences of a 'European sovereignty'?

The 'shared sovereignty' as it has taken shape at the European level has given rise to multiple challenges at the practical level. To a large extent this is due to the complexity surrounding the division of competences between the EU and its Member States. When dealing with the EU, third parties, such as third states, other international organisations, and non-EU individuals or companies, often find themselves confronted with the challenge of having to accommodate particularities that stem from the shared exercise of powers between the EU and its Member States. Who can they assume to be their partner in international law-making? How is their position affected by the conclusion of so-called mixed agreements, signed by the EU as well as its Member States? In the

event of a breach of international law by the EU and/or its Member States, do third parties have to bear the burden of identifying the responsible actor? To what extent can declarations of competence help all involved parties to navigate the difficulties arising from the complex relationship between the EU and its Member States? How does the multitude of relevant actors in the EU's external representation affect the relations between third parties on the one hand and the EU and its Member States on the other?

The overall aim of this workshop is to explore the potential of developing a concept of European or shared sovereignty and to identify particular challenges associated with the complex division of competences among the EU and its Member States for international law.

09:00-10:45 Panel I: Law-Making and International Responsibilities

Chair: Ramses A. Wessel (University of Twente, The Netherlands)

Craig Eggett (Maastricht University, The Netherlands): *Gap-Filling in International Law: the EU and Shared Sovereignty*

Gloria Fernández Arribas (Universidad Pablo d'Olavide, Sevilla, Spain): *European Union Participation in International Conventions: Limiting States' Sovereignty – But Fostering or Restraining the Uniform Interpretation of International Treaties?*

Noëlle Quénivet (University of the West of England, UK), *The EU's Contribution to the Formation of Customary International Norms*

Stian Øby Johansen (University of Oslo, Norway): *Joint and Several Responsibility of the EU and its Member States Towards Third Parties*

Nataša Nedeski (University of Amsterdam, The Netherlands): *International Responsibility for Mixed Agreements: It's All About (Shared) Obligations*

10:45-11:15 Coffee

11:15-13:00 Panel II: Policies and Division of Competences

Chair: tbd

Cristina Contartese (ELGS/EPLO, Athens, Greece): *The EU Member States in International Dispute Settlement: Between Constraints and Cooperation*

Eva Želazna (University of Leicester, UK): *The Division of Competences in the CCP after Opinion 2/15 and Its Consequences on the Reform of the System of Investor- State Dispute Resolution*

Hui Pang (University of New South Wales, Sydney, Australia): *EU and the Energy Charter Treaty: Sovereignty Fragmentation, Adjudication Uncertainties, and the Promotion of Multilateralism in Investor-State Dispute Settlement*

George Dikaios (National and Kapodistrian University of Athens, Greece): *Exporting EU Climate Regulation: Influencing the EU Member-States and the IMO*

Marta Pietras-Eichberger (WSPiA University of Rzeszów, Poland): *Transformation of the European Union into a Federation: Legal and Political Aspects*

13:00-13:30 Exchanging ideas for future workshop themes

Chair: Ramses A. Wessel (University of Twente, The Netherlands)