

EU External Relations Law (B001705)

Course size *(nominal values; actual values may depend on programme)*

Credits 6.0 **Study time 180 h** **Contact hrs** 45.0h

Course offerings and teaching methods in academic year 2022-2023

A (semester 1)	English	Gent	lecture: plenary exercises	17.5h
			guided self-study	2.5h
			group work	5.0h
			seminar	20.0h

Lecturers in academic year 2022-2023

Govaere, Inge	RE22	lecturer-in-charge
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Offered in the following programmes in 2022-2023

	crdts	offering
Master of Science in Teaching in Social Sciences(main subject Laws)	6	A
Master of Laws in Laws	6	A
Master of Laws in European Union Law	6	A
Master of Laws in International and European Law	6	A
Master of Laws in International Business Law	6	A
Exchange Programme in Law	6	A

Teaching languages

English

Keywords

EU external relations, EU legal personality, EU external competence, bilateral and multilateral agreements, direct effect, Common Foreign and Security Policy, EU autonomous legal order; interacting legal systems.

Position of the course

The External relations of the EU have developed as an important area of EU law. The EU has become an important actor on the international scene. This course will provide an overview and analysis of the main concepts and principles of EU external relations law.

Contents

In this course a thorough insight is provided to the legal setting of the EU as an international actor. It addresses issues related to the external legal personality and competences of the EU after the Lisbon Treaty. The legal basis for the conclusion of agreements with third countries is extensively examined. So is the participation of the EU in other International Organisations. Particular attention is paid to the implications also for the Member States as international actors and third countries. The analysis also includes the doctrine of "implied powers", as well as an examination of the concepts "exclusive" and "shared" competences. The procedure for the conclusion and termination of agreements, as well as their effect in the EU and Member States legal order is studied. Finally, specific attention is devoted to the so-called 'security exceptions', including EU Common Foreign and Security Policy (CFSP) and economic and financial sanctions. Special attention is devoted to the autonomy of the EU legal order in its interconnection with other international legal systems such as the UN (Kadi cases), the ECHR (Opinion 2/13), or Investments Treaties (Opinion 1/17). Part of the topic is dealt with through a students conference "by and for the students" on an actual topic of EU external relations.

The LLM students, together with the professor, design the structure of the students conference and take the lead in preparing the various conference sessions.

Initial competences

Students should be acquainted with legal reasoning and terminology in general. They should have a basic understanding of EU law. Prior knowledge of EU external relations law is not required.

Final competences

- 1 understanding and explaining the procedure for the conclusion of international agreements on behalf of the EU
- 2 explaining the horizontal and vertical division of competences in the field of EU external relations on the basis of relevant case law
- 3 critically analysing relevant case law in the field of EU external relations
- 4 critically analysing the evolutions of the institutional framework of EU external relations
- 5 judging the relationship between the CFSP and the other external policy areas of the EU
- 6 following recent developments concerning EU external relations
- 7 putting the political relations between the EU and third countries in their legal context
- 8 applying legal principles on EU external relations (direct effect, implied powers) to topical issues
- 9 Orally presenting key and novel issues of EU external relations and engaging in well-founded discussion.

Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

Conditions for exam contract

This course unit cannot be taken via an exam contract

Teaching methods

Lecture: plenary exercises, Group work, Guided self-study, Seminar

Extra information on the teaching methods

'Covid 19 may necessitate changes to teaching and evaluation methods. Such changes will be communicated via Ufora.'

Prior to each class, students are informed via UFORA what relevant doctrine and/or relevant case law of the CJEU to read. Students are required to prepare a reading schedule of a recent case and present it in class in the form of a short ppt presentation which serves as a basis for class discussion.

Each class is interactive and contains group discussions about a given topic. Part of the topic is dealt with through a groupwork in small groups, resulting in a students conference "by and for the students" on an actual topic of EU external relations. All groups present their work on the basis of a ppt presentation and actively engage in a panel discussion.

The LLM students, together with the professor, design the structure of the students conference and take the lead in preparing the various conference sessions.

Learning materials and price

A syllabus with legal doctrine and references to primary sources (legislation and judgments) will be made available via Ufora

References

- CHAMON, M., GOVAERE, I., (eds), "EU External Relations Post-Lisbon: The Law and Practice of Facultative Mixity", Brill, 2020
- GOVAERE, I., GARBEN, S., (eds), "The Interface Between EU and International Law: Contemporary Reflections", Hart Publishing, 2019
- GOVAERE, I., "To Give or to Grab: The Principle of Full, Crippled and Split Conferral of Powers Post-Lisbon", in Cremona, M. (ed.), Structural Principles in EU External Relations Law, Hart Publishing, 2018, pp. 71-91
- GARBEN, S., GOVAERE, I. (eds.) "The Division of Competences between the European Union and its Member States: Reflections on the Past, Present and

Future", Hart Publishing, 2017
GOVAERE, I., "Setting the International Scene": EU External Competence and Procedures Post-Lisbon Revisited in the Light of ECJ Opinion 1/13, Common Market Law Review 52: 2015, 1277–1308
GOVAERE, I., VAN ELSUWEGE, P. STANISLAS, A. LANNON, E.(eds.), The European Union in the World", Martinus Nijhoff Publishers, 2014
GOVAERE, I., POLI, S. (eds.), EU Management of Global Emergencies, 2014, Brill

Course content-related study coaching

The Professors is available after the lecture and during office hours; possibility to contact assistants.

Assessment moments

continuous assessment

Examination methods in case of periodic assessment during the first examination period

Examination methods in case of periodic assessment during the second examination period

Examination methods in case of permanent assessment

Participation, Assignment

Possibilities of retake in case of permanent assessment

examination during the second examination period is possible

Extra information on the examination methods

'Covid 19 may necessitate changes to teaching and evaluation methods. Such changes will be communicated via Ufora.'

100% non periodic evaluation. Evaluations on the basis of the reading schedules, the ppt presentations, group work, participation in class discussions, participation in students conference.

Second examination period:: written essay.

Calculation of the examination mark

100% non periodic evaluation. Participation in all evaluation modules (see above) is compulsory in order to receive a final mark.

Students who do not participate in all evaluations will be declared as unsuccessful for this course. In concrete terms, this means that if the final score is nevertheless a figure of ten or more out of twenty, the final score will be reduced to a figure of 7/20.

Facilities for Working Students

Possibility of alternative tasks upon agreement.