

## **Seminar: First Term 2006-07**

### ***EU External Relations Law: Constitutional Fundamentals***

**Professor Marise Cremona**

Thursdays, 17.00-19.00, Cappella

Starts: 5 October

This seminar is designed to offer a re-appraisal of the constitutional fundamentals of EU external relations law. Such a re-appraisal is prompted by a number of factors, including the debate surrounding the Constitutional Treaty with its attempt to establish a single legal framework for EU foreign relations; the character of that framework and whether there is, or should be, a specific “external constitution” for the EU; the ever-increasing cross-pillar nature of much EU external action, giving rise to an increasing number of pillar-based competence disputes and questions over the pillar relationships and boundaries; and revived questions over the accountability of EU external relations policy and practice to democratic and judicial review within and without the EU. The seminar will re-examine and reassess, in the light of these debates, the basic principles of EU external relations law that have emerged over 50 years of incremental Treaty-based and judicial development. Reference will be made to the Constitutional Treaty but this is not specifically a course on that Treaty.

The seminar will be held each Thursday, from 17.00-19.00, at Villa Schifanoia (Cappella), beginning on 5 October 2006. Each seminar session will begin with an introduction by Professor Cremona, followed by discussion and presentation of (short) discussion papers by seminar participants. In order to “pass” the seminar requirements, regular participation and presentation of a discussion paper (at least 2-3 pages) on a mutually agreed subject are required.

The topics covered will include the following:

- The EC/EU as an international actor: legal personality, external capacity and competence, the principle of conferred powers.
- Implied powers and the use of Article 308 EC.
- Pre-emption and a priori exclusivity.
- Shared and complementary competences; the duty of cooperation and the duty of compliance.
- EU law and international law: reception, individual rights, the hierarchy of norms, interpretation, the autonomy of the Community legal order.
- Liability and responsibility of Member States and the EU institutions in the field of external relations; enforcement of Community agreements.
- The constitutional character of the CFSP.
- EU external relations and human rights.