

EU External Relations Law

This major new textbook for students and practitioners in European law uses a text, cases and materials approach to explore the law, policy and practice of EU external relations, and navigates the complex questions at the interface of these areas. The book explores the core legal principles of EU external relations law, including EU competence, loyal cooperation and the effect of international law, and elaborates upon them in policy-specific chapters, ranging from common commercial policy and development policy over CFSP/CSDP and AFSJ to energy and enlargement policy. Specific attention is given to the relationship between European integration, the role of law and the EU as an effective international actor. Designed for easy navigation, the chapters include extracts, summaries and textboxes which frame key policy issues and guide the reader through the functioning of legal principles. The reader gains a detailed understanding of context and present functioning of EU external relations law in a highly politicized European and international environment.

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Preface

THREE GUIDING PERSPECTIVES TO EU EXTERNAL RELATIONS LAW

The patchwork of EU external policies and instruments is the result of more than fifty years of European integration, and is in need of a strong sense of collective purpose in order to present a coherent response to challenges for Europe in the globalized world of the twenty-first century. Perhaps more than in any of its Member States, EU external relations law plays a crucial role in attaining that objective. In this introductory chapter, we wish to elaborate on what we consider the three ‘guiding perspectives’ crucial in studying this field of law.

- First, we must naturally study the *law*, its functioning, interpretation and application. In substantive terms, EU external relations law is a highly complex subject matter where questions of EU law (institutional, constitutional and substantive) meet questions of international law (public, institutional, trade, etc.). This is the self-evident core of this textbook, and its starting point.
- Second, while studying these rules, we must be fully aware that EU action in the world is then not neutral from the perspective of ‘political union’, e.g. the project of European integration. While at times the most effective option for the twenty-eight EU Member States would be to join forces and tackle international challenges through a single legal entity, that may raise questions relating to European integration itself: if the EU’s voice is heard on the international scene, what does this mean for the Member States’ individual voices? As a consequence, EU external relations law is often shaped by ‘grand’ debates on the future of European integration. Since international relations pertain to the core of state sovereignty, any legal rule organizing the EU as an international actor has the potential to raise questions as to the sort of political union the Member States desire. Furthermore, European integration itself is the consequence of developments in the global environment. Thus, developments in European and global politics will lead to shifting needs of the EU and its Member States in their global representation. This is often reflected through shaping the legal framework organizing any such action.
- The third aspect is that the body of EU external relations law is not purely the result of grand conceptions of European integration, but that the core purpose of law is to organize a societal reality towards a certain outcome. Concretely, this body of rules thus organizes the EU’s and its Member States’ endeavour to exert influence on a global stage, which is usually captured in the

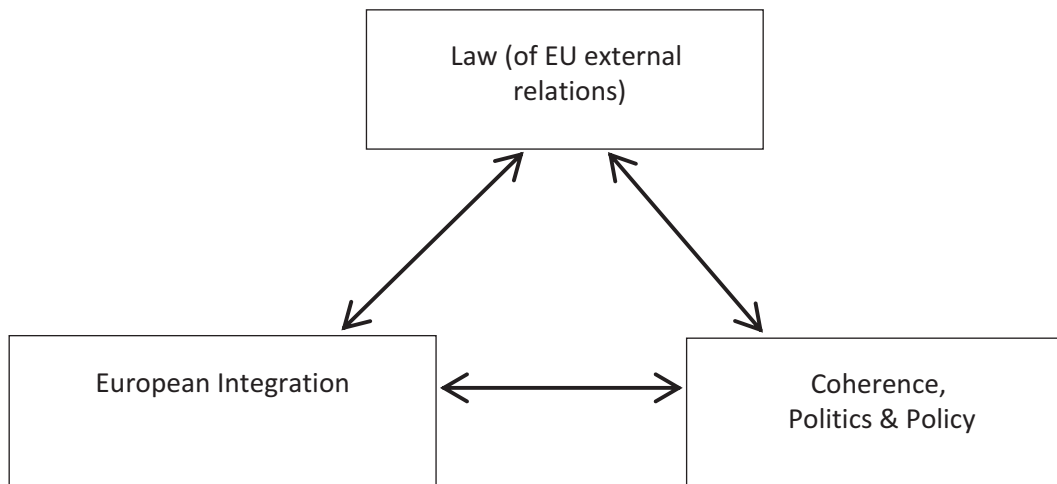


Figure 1 Three guiding perspectives

notion that the EU as an international actor must be *coherent and effective*. Thus, there is a clear *telos* to EU external relations law: pursuing ‘European interests’ in the world as coagulantly and effectively as possible. On the European continent, twenty-eight Member States have now agreed that their global interests are best served by conferring powers to a supranational entity, though only to a limited extent.

Figure 1 illustrates the three guiding perspectives that are adopted by this book when examining the rules concerning EU external relations.

Throughout this book, the reader will find that these guiding perspectives appear when analysing the legal questions that compose the body of EU external relations law. In doing so, these will provide the reader with an arch of coherence throughout the fifteen chapters. Each chapter then constitutes a building-block towards substantiating the broader picture of EU external relations law. It is for this reason that each chapter of this book ends with a subsection entitled ‘broader picture’, to draw together these three guiding perspectives. With this approach we invite the reader to look beyond the legal principles as existing in a vacuum. In this fashion, we hope to attain a fuller understanding of why the law developed as it did, and how it presently functions in a highly politicized environment of international politics and the past, present and future of European integration itself.

In sum, this book conceptualizes EU external relations law as a body of rules matured as a discipline against a historical and present-day political reality: on the one hand the grand project of European integration, and on the other hand the reality of international politics which requires a coherent and effective European response. Law is then the framework used to embed and express those realities in relation to EU external relations law’s function of organizing the EU as an international actor (first perspective). These laws are then influenced by competing views on the state of European integration (second perspective), and by the need for a coherent and effective EU (in a political sense) international action against the background of European and global political developments in general (third perspective). As is visible in the schematic drawing, the interrelationship is a reciprocal one: law shapes the ability of the EU as an