



Kindly Invite You to the Fourth Leuven - Salamanca Seminar on

EU External Relations Law: Recent Developments

Monday 15 July 2019, 12:30-19:00 h
Council Room, Faculty of Law, Tiensestraat 41, Leuven

1. Concept

The Leuven Centre for Global Governance Studies and the University of Salamanca, in co-operation with the ESIL Interest Group on the EU as a Global Actor, are organizing on 15 July 2019 the fourth edition of the Seminar on EU External Relations Law in order to explore the most salient issues in the case law of the Court of Justice and the General Court on EU external relations over the last year. The past months have seen a number of key judgments and opinions being handed down in this field.

First of all, after the first set of 'Western Sahara cases' concerning the territorial application of international agreements concluded between the EU and Morocco to the Western Sahara (C-104/16 P and C-266/16), the General Court recently dismissed several actions brought by Front Polisario (T-275/18 concerning the EU-Morocco Euro-Mediterranean Aviation Agreement; T-180/14 concerning the Protocol to the Fisheries Partnership Agreement (FPA); and T-376/18 concerning the amending of the FPA and the conclusion of a protocol implementing that agreement).

Second, the CJEU had to deal with a new series of inter-institutional disputes in the area of EU external relations, including on the choice of legal basis of international agreements, the delimitation of CFSP and non-CFSP competences, mixed action and the conduct of Member States in international organizations. In Case C-244/17 the Court dealt with the legal basis for the adoption of a Council decision determining the EU's position within the Cooperation Council of an international agreement with Kazakhstan, but tackled also broader questions concerning the position of the CFSP in the EU legal order and the institutional balance in the framework of Article 218 TFEU. In Joined Cases C-626/15 and C-659/16, the CJEU ruled on two actions of annulment brought by the Commission against Council decisions approving the submission of a reflection paper and a common position, on behalf of the Union and its Member States, to the

Commission for the Conservation of Antarctic Marine Living Resources, contributing to its established case law on the choice of legal basis of international agreements and the relation between shared competences and mixed action in EU external relations. Finally, in Case C-620/16, the Court was called upon to give its judgment on the compatibility of the conduct of Germany at the 25th session of the OTIF Revision Committee with EU law, ruling on – *inter alia* – the alleged infringement by Germany of the principle of sincere cooperation.

Third, in its landmark Opinion 1/17, the CJEU ruled that the Investment Court System (ICS) in the EU-Canada Comprehensive Economic and Trade Agreement (CETA) is compatible with EU law, in particular with the autonomy of the EU legal order, with the general principle of equal treatment and the requirement of effectiveness, and with the right of access to an independent tribunal.

In order to assess these developments, the seminar, which takes place on the basis of Chatham House Rules, is structured around three main sessions. Following short presentations of maximum 10 minutes on the main issues touched upon in the case law, academics as well as practitioners from the legal services of the EU institutions and from the European Courts will be invited to comment.

2. Programme

12:30 – 13:00

Coffee, tea and sandwiches

13:00-13:10

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

13:10- 14:30

Panel I: Recent developments in the ‘Western Sahara’ case law

Chair: Prof. Dr. **Geert De Baere**, Judge, General Court, and Associate Professor, KU Leuven

Introduction on *the Western Sahara cases*: (C-104/16 P and C-266/16 (*Western Sahara Campaign UK – Fisheries Partnership Agreement*); Case T-275/18: *Front Polisario v Council* (Aviation); Case T-180/14 (Fisheries Partnership Agreement)), Case T-376/18 (*Front Polisario v Council*): Mr. **Fernando Castillo**, European Commission

Discussants for this strand:

- Prof. Dr. Ricardo Passos, Judge, General Court
- Prof. Dr. Ricardo Gosalbo Bono, formerly Council and VUB
- Mr. Judicael Etienne, European Parliament
- Dr. Frederik Naert, Council
- Dr. Isabelle Van Damme, Van Bael & Bellis

14:30- 14:45

Coffee break

14:45-16:45

Panel II: Inter-institutional disputes in EU external relations: the choice of legal basis of international agreements, the delimitation of CFSP and non-CFSP competences, shared competences and mixed action and participation in international organizations

Chair: Prof. Dr. **Allan Rosas**, Judge, European Court of Justice

Introductions on:

- Case C-244/17, *Commission v. Council (Kazakhstan EPCA)* – Prof. Dr. **Pieter Jan Kuijper**, UvA, formerly European Commission
- Joined Cases C-626/15 and C-659/16, *Commission v Council (Antarctica)* – Mr. **Esa Paasivirta**, European Commission
- Case C-620/16 *Commission v. Germany (OTIF II)* – Mr. **Roland Klages**, Court of Justice

Discussants for this strand:

- Mr. Lorant Havas, European Commission
- Ms. Rita Liudvinaviciute-Cordeiro, Council
- Mr. Stephan Marquardt, EEAS
- Mr. Anders Neergaard, European Parliament
- Mr. André Bouquet, European Commission
- Dr. Guillaume Van der Loo, KU Leuven

16:45-17:00

Health break

17:00-18:30

Panel III: Opinion 1/17

Chair: Prof. Dr. **Ricardo Passos**, Judge, General Court of the European Union

Introduction on Opinion 1/17 – Prof. Dr. **Allan Rosas**, Judge, European Court of Justice

Discussants for this strand:

- Dr. Bart De Meester, European Commission
- Mr. Colin Brown, European Commission
- Mr. Anders Neergaard, European Parliament
- Dr. Stanislas Adam, Court of Justice
- Mr. Andrej Matic, European Parliament
- Ms. Magdalena Lickova, Court of Justice

Closing remarks by Prof. Dr. **Juan Santos Vara**, University of Salamanca

Prior registration is necessary and attendance is only possible after confirmation of your registration. Please register as soon as possible in light of very limited seating by sending an e-mail to ggs@kuleuven.be.