

The European Union and the International Legal Order: Discord or Harmony?

Edited by
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European Union And The International Legal Order Discord Or Harmony

Mark Steyvers



European Union And The International Legal Order Discord Or Harmony:

The European Union and the International Legal Order Anthony Valcke, 2011 This article reviews V Kronenberger's quote "The European Union and the International Legal Order Discord or Harmony" A relatively unusual publication that examines the European Union's legal framework through the looking glass of international law The European Union and the International Legal Order: Discord or Harmony? Vincent Kronenberger, 2001-06-15 With a Foreword by Paul J G Kapteyn Former President of Chamber at the Court of Justice of the European Communities Important practical and theoretical issues remain to be explored and discussed in respect of the so called three pillars of the European Union European Communities Common Foreign and Security Policy Police and Judicial Co operation in Criminal Matters in relation to international law In practical examples developed in 25 original essays written by both practitioners and scholars from European institutions and universities this book seeks to stimulate discussion on relations and conflicts between the EU and international legal orders Current issues are addressed including the suspension of rights of Member States in international organisations the definition of the precautionary principle under WTO and EC law the UN Convention against transnational organised crime and the participation of the EU the EU and its involvement in international humanitarian law and the EU Charter of Fundamental Rights related to international instruments Although changing the relationship between the European Union and international law has not given rise to many publications this book seeks to establish a dialogue between EU lawyers and international lawyers in order to focus on the relationship between EU and international law **The European Community and Marine Environmental Protection in the International Law of the Sea** Veronica Frank, 2007-09-30 The European Community and its member states have shared competences in marine environmental matters As a consequence they have jointly acceded to the United Nations Convention on the Law of the Sea LOSC and most marine related international agreements which have been concluded in form of mixed agreements This book looks at the manner in which the Community implements its international obligations in the specific fields of the prevention of oil pollution from ships the regulation of ocean dumping and the protection of marine habitats through the establishment of Marine Protected Areas MPAs especially looking at the division of competence with the member states and the conformity of the Community's regulatory action with the jurisdictional framework established by the LOSC By examining the subject from both a law of the sea and EC law perspectives the book offers a comprehensive and interesting picture of the action taken by the Community to preserve the European marine environment *EU International Relations Law* Panos Koutrakos, 2006-04-14 In the post 9 11 world the European Union has been trying to define its international presence in a way which corresponds to its economic power and enlarged membership In an effort to assert its identity on the international scene it has developed a very wide range of economic relations with third countries and international organisations It has also developed a Common Foreign and Security Policy in the context of which it is gradually shaping its Security and Defence Policy These policies are carried out on the

basis of distinct albeit interrelated sets of legal rules This book provides a comprehensive and systematic analysis of these economic political and security aspects of the relations of the European Union with the rest of the world It examines their genesis development and interactions and places them in the specific context of the establishment of the internal market and the broader context of the increasingly interdependent international economic and geopolitical environment Issues covered include the coexistence of Community and national competence in external relations the approach of the Court of Justice to international law the negotiation conclusion and implementation of international agreements the relationship between EC and WTO law and the development of the political and security policies of the Union The book will be of interest to academics practitioners and students of EU law

The EFTA Court Carl Baudenbacher, Per Tresselt, Thorgeir Orlygsson, 2005-08-19 On the occasion of its tenth anniversary the EFTA Court held a conference at which speakers were asked to reflect on the case law of the Court and its role in the European Economic Area EEA In the course of its work the Court has acted as a driving force of integration under the EEA Agreement by establishing general principles such as state liability and giving landmark judgments in several areas of European law The essays in this volume by leading experts and high ranking representatives of national and European courts cover areas such as the relationship between the principle of free movement and national or collective preferences on the EU EEA and WTO levels the relationship between the European courts and the Member States in European integration homogeneity as a general principle of European integration and the importance of judicial dialogue In this regard the sentence from President Skouris of the Court of Justice of the European Communities who called the dialogue between the EFTA Court and the EC Court a shining example of judicial cooperation could also serve as a motto for the present book

International Judicial Control of Environmental Protection Yasuhiro Shigeta, 2010-01-01 It is widely understood today that nothing is more urgently needed than international agreement on the scale application and enforcement of environmental law This outstanding book a major contribution to the debate demonstrates that existing international judicial bodies have already taken giant steps toward overcoming the insufficiency of international law enforcement with standards compliance mechanisms and new law development in the field of environmental law The author not only presents a detailed analysis of a wealth of relevant case law but also outlines a model suggesting that a commitment to international judicial control can be used to contain deviance within acceptable limits ensure harmonized interaction among regimes and clarify the meaning and application of environmental norms

EU Foreign Relations Law Marise Cremona, Bruno de Witte, 2008-07-25 This book reappraises the constitutional fundamentals of EU foreign relations law The essays in the book examine and reassess the basic principles of EU foreign relations law that have emerged over 50 years of incremental Treaty based and judicial development and explore the particular character of the EU's external constitution They have been written against a background of change and debate the deliberation over the character of the appropriate constitutional framework which has surrounded the drafting of the Constitutional and Reform Treaties the increasingly cross

pillar nature of much EU external action and renewed interest in the accountability of foreign relations policy and practice to democratic and judicial review within and without the EU This collection will be of interest not only to EU foreign relations law specialists but also to those concerned with broader constitutional issues within EU law In exploring the legal context in which the EU seeks to develop an international identity and to structure and execute policies at the international level the collection will also interest those working in international relations

The European Neighbourhood Policy - Values and Principles Sara Poli, 2016-03-31 The European Neighbourhood Policy is a key part of the foreign policy of the European Union EU through which the EU works with its southern and eastern neighbours with a view to furthering its interests and achieving the closest possible degree of political association and economic integration The policy is underpinned by a set of values and principles that the EU seeks to promote The European Neighbourhood Policy Values and Principles carries out a legal analysis of the values and principles that form the basis for the European Neighbourhood Policy respect for human dignity freedom democracy equality the rule of law and respect for human rights including the rights of minorities plus the principles of conditionality differentiation and coherence This collection explores the instruments that the EU has deployed under the European Neighbourhood Policy to spread its values and to achieve its interests It assesses to what extent the EU has been and is consistent in upholding its values in its relations with neighbouring countries and examines how these values have been received by these countries The book looks in particular at the nature of EU Russia relations seeking to identify areas of common interest as well as those of actual and potential disagreement

The International Responsibility of the European Union Malcolm Evans, Panos Koutrakos, 2013-03-12 How is the international responsibility of the European Union determined In the context of the multilayered and ever evolving Union legal order the Lisbon Treaty has introduced considerable changes to the Union's participation in international affairs These have rendered this thorny question an even more pressing concern not only for the European Union and its Member States but also for third countries and international organisations Based on papers delivered at the bi annual EU International Law Forum organised by the University of Bristol in May 2011 this volume brings together EU and international law experts to address the various questions raised by the Union's international responsibility It discusses horizontal issues such as the concept of responsibility of international organisations in the evolving international legal order and the different techniques available for determining responsibility It also focuses on specific policy areas trade investment environment security and defence human rights by approaching them from both an EU and international law perspective

The International Responsibility of the European Union Andrés Delgado Casteleiro, 2016-09-15 When is the EU responsible under international law Is the EU a special case international organisation The UN General Assembly's adoption of the ILC articles on the International Responsibility of International Organizations was only the catalyst for debate on this topic In this book the author examines the legal personality of the EU how if at all its responsibility under international agreements is shared between Member States and how the international

responsibility of the EU relates to its internal responsibilities under EU law By exploring how in practice such legal regimes as the ILC UNCLOS and the WTO have held the EU responsible this book provides an innovative analysis of a fundamental aspect of the relationship between the EU and international law *EU External Relations Law and the European Neighbourhood Policy* Bart Van Vooren, 2012-07-26 The European Neighbourhood Policy ENP is a recent example of an external EU policy drawn up explicitly with the objective of achieving coherence in the external policies of the EU and its Member States Positioning the ENP in the legal historical context of political union this book explains why coherence has become a substantive issue in EU external relations and why law is integral to attaining the ever enigmatic single voice of the European Union The text examines the role of EU external relations law in attaining a coherent neighbourhood policy and goes on to undertake an in depth analysis of the ENP arguing that the innovative nature of the ENP in regard to coherence lies beyond the narrowly defined legal sphere and stems primarily from its hybrid composition of hard legal soft legal and non legal policy instruments Adopting an interdisciplinary approach by integrating elements of law history and political science *EU External Relations Law and the European Neighbourhood Policy* is unique in its approach to the subject This book will be of particular interest to academics and students of EU Law Political Science History and International Relations as well as to practitioners engaged in the process of drafting coherent external policy **EU External Relations Law** Graham Butler, Ramses A Wessel, 2022-06-02 Marking the 50th anniversary of the influential ERTA doctrine this book analyses and contextualises the entire breadth of the jurisprudence of EU external relations law through a systematic case by case account of the field The entire framework of EU external relations law has been built from the ground up by the jurisprudence of the Court of Justice of the European Union At the beginning of the field's emergence the legal questions to be answered concerned the division of powers and competence between firstly the Member States and that of the Union and secondly the division of powers and competence between the different institutions of the Union Questions on such matters continue to be asked but more contemporarily new legal questions have arisen that have been in need of adjudication including questions concerning the autonomy of Union law the relationship between the Union and other international organisations the relationship between Union law and international law the scope and breadth of international agreements amongst others The book features established academic scholars judges agents of institutions and Member States and legal practitioners in the field of EU external relations law analysing over 90 cases in which the Court has legally shaped the theory and practice of the external dimension of legal Europe Cited in Opinion of Advocate General Nicholas Emiliou in Case C 516 22 European Commission v United Kingdom of Great Britain and Northern Ireland ECLI EU C 2023 857 Judgment of the UK Supreme Court Court of Justice of the European Union 9 November 2023 European Union Maritime Safety Policy and International Law Henrik Ringbom, 2008 This book offers a comprehensive international law analysis of the European Union's maritime safety legislation This is a relatively novel field of activity of the EU but its development has been very rapid Since

1993 over 40 acts of EU law have been adopted dealing with a variety of subjects such as port State control classification societies vessel traffic management ship construction environmental protection and pollution sanctions This legislation is analysed from the point of international law notably the law of the sea and the international maritime conventions Regional legislation in a field that is traditionally regulated primarily by means of international conventions is bound to create tensions with the related international conventions and with well established principles of international law This study assesses how the EU has acted as a flag State port State and coastal State and measures the trends in this development against the international legal framework More detailed legal analyses are offered for specific aspects of EU legislation that are considered to be particularly interesting from an international law point of view The relationship between EU law and international law within the internal EU legal system is also analysed from the specific perspective of maritime safety law

Netherlands Yearbook of International Law - 2002 Niels M. Blokker, Nico J. Schrijver, L. A. M. N. Barnhoorn, Marcel M. T. A. Brus, Deidre M. Curtin, Ige F. Dekker, P. Andre Nollkaemper, 2011-01-07 This volume contains an extensive review of Dutch state practice from the parliamentary year 2000 2001 It includes an account of developments relating to treaties and other international agreements to which the Netherlands is a party summaries of Netherlands judicial decisions involving questions of public international law lists of Dutch publications in the field and extracts from relevant municipal legislation Although the NYIL has a distinctive national character it is published in English and the editors do not adhere to any geographical limitations when deciding upon the inclusion of articles

The Influence of International Institutions on the EU O. Costa, K. Jørgensen, 2012-04-05 An exploration of how the EU is influenced by multilateral institutions There has recently been a dramatic increase in interaction between the EU and multilateral institutions This book shows that international institutions shape EU policies as well as acting as a source of preferences and strategies for EU stances internationally

EU Liability and International Economic Law Armin Steinbach, 2017-06-01 The book provides both a legal and economic assessment of an increasingly important issue for the EU the question of whether individuals can hold the European Union liable for damages they suffer due to its infringement of international economic law However liability regimes vary depending on the issue concerned In international trade law the individual holds a weak position being deprived of both legal remedies to seek annulment and damages This is due to the constant refusal of the direct effect of WTO law By contrast international investment law has been designed in an individualistic manner from the outset states agree reciprocally to grant certain procedural and substantial individual rights which they invoke to claim damages before international tribunals rather than domestic courts The divergent role of the individual in the respective area of international economic law leads to a different set of research questions related to liability In international trade law the doctrinal exercise of decoupling the notion of direct effect from liability is at the core of establishing liability In international investment law liability is connected to a number of issues emerging from the recent transfer of competence pertaining to investment issues

from Member States to the EU and the nature of investment agreements as mixed agreements Against this backdrop exploring liability issues in the area of international economic law reveals a heterogeneous set of questions depending on the area of law concerned thus offering different perspectives for studying liability issues This title is included in Bloomsbury Professional's International Arbitration online service *EU Criminal Law* Valsamis Mitsilegas, 2009-03-16 EU Criminal Law is perhaps the fastest growing area of EU law It is also one of the most contested fields of EU action covering measures which have a significant impact on the protection of fundamental rights and the relationship between the individual and the State while at the same time presenting a challenge to State sovereignty in the field and potentially reconfiguring significantly the relationship between Member States and the EU The book will examine in detail the main aspects of EU criminal law in the light of these constitutional challenges These include the history and institutions of EU criminal law including the evolution of the third pillar and its relationship with EC law harmonisation in criminal law and procedure with emphasis on competence questions mutual recognition in criminal matters including the operation of the European Arrest Warrant and accompanying measures action by EU bodies facilitating police and judicial co operation in criminal matters such as Europol Eurojust and OLAF the collection and exchange of personal data in particular via EU databases and co operation between law enforcement authorities and the external dimension of EU action in criminal matters including EU US counter terrorism co operation The analysis is forward looking taking into account the potential impact of the Lisbon Treaty on EU criminal law *Routledge Handbook on the European Union and International Institutions* Knud Erik Jørgensen, Katie Verlin Laatikainen, 2013 This Handbook addresses the increasingly contested issue of profound political importance Europe's presence in multilateral institutions It assesses both the evolving role of Europe in international institutions and the transformations in international institutions themselves *EU Justice and Home Affairs Law* Steve Peers, 2024-08-13 EU Criminal Law Policing and Civil Law offers comprehensive coverage and expert analysis of every facet of EU Justice and Home Affairs Law concerning policing criminal law and cross border civil cooperation Fully updated to include the latest legislation and case law this volume includes discussion of Europol Eurojust the European Public Prosecutor fair trials laws the European Arrest Warrant the European Investigation Order transfer of prisoners EU rules on double jeopardy exchange of policing information interception of telecoms and cross border cooperation on civil cases It also fully explains the EU's relationship with the UK in this field after Brexit as well as the EU's arrangements with other non EU countries Steve Peers seminal text *EU Justice and Home Affairs Law* appears in its fifth edition and is available in two separate volumes covering asylum and immigration law and criminal law policing and civil law This edition is the definitive guide to these intricate contentious and fast developing areas of EU law and will be invaluable to scholars practitioners and students in the field *Foreign Policy Objectives in European Constitutional Law* Joris Larik, 2016 Presenting the first comprehensive account of foreign policy objectives as a growing part of European constitutional law this book examines the nature functions and

potential of these objectives by approaching EU external relations law through both comparative constitutional analysis and international relations theory

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