

UNIVERSITY OF OXFORD
FACULTY OF LAW
THE EU AS AN ACTOR IN INTERNATIONAL LAW
SEMINAR X:
VIOLATION OF INTERNATIONAL LAW
BY THE EUROPEAN UNION: INTERNATIONAL RESPONSIBILITY

Questions for Discussion:

- Can the EC/EU be held responsible under international law?
- Who is responsible for the violation of mixed agreements?
- Which rules on international responsibility should be applied to the EC: those on State responsibility or those on the responsibility of international organizations?
- Does the EC/EU require special treatment in the ILC's articles on the responsibility of international organizations?
- Who is internationally responsible for illegal economic sanctions imposed by the EC?
- Who is responsible for (internal and external) *ultra vires* acts of the EC institutions?
- Can foreign States bring claims for the violation of international law by the EC before the ECJ?
- Are the member States internationally responsible for their violations of obligations entered into by the EC?

Basic Reading:

- *Björklund, M., Responsibility in the EC for Mixed Agreements - Should Non-Member Parties Care?, *Nordic Journal of International Law* 70 (2001), 373 [available on Oxford e-Journals]
- *Kuijper, P.J./Paasivirta, E., Further Exploring International Responsibility: The European Community and the ILC's Project on Responsibility of International Organizations, *International Organizations Law Review* 1 (2004), 111 [available on Oxford e-Journals]
- Neframi, E., International Responsibility of the European Community and of the Member States under Mixed Agreements, in: E. Cannizzaro (ed.), *The European Union as an Actor in International Relations*, 2002, 193 [Bod: Euro Comm 510 C225a]
- *Talmon, Stefan, Responsibility of International Organizations: Does the European Community Require Special Treatment?, in: M. Ragazzi (ed.), *International Responsibility Today. Essays in Memory of Oscar Schachter*, 2005, 405 [Bod: Internat 555 S291y]
- *Tomuschat, C., The International Responsibility of the European Union, in: E. Cannizzaro (ed.), *The European Union as an Actor in International Relations*, 2002, 177 [Bod: Euro Comm 510 C225a]

Material:

- Read the European Commission's comments and observations on the work of the International Law Commission. All documents are available at <http://untreaty.un.org/ilc/guide/gfra.htm>:
- Responsibility of international organizations, Comments and observations received from international organizations, UN Doc. A/CN.4/593, 31 March 2008
 - Responsibility of international organizations, Comments and observations received from international organizations, UN Doc. A/CN.4/582, 1 May 2007
 - Responsibility of international organizations, Comments and observations received from

- Governments and international organizations, UN Doc. A/CN.4/556, 12 May 2005
- Responsibility of international organizations, Comments and observations received from international organizations, UN Doc. A/CN.4/545, 25 June 2004

General Reading:

Hirsch, M., *The Responsibility of International Organizations toward Third Parties. Some Basic Principles*, 1995