

UNIVERSITY OF OXFORD
FACULTY OF LAW
THE EU AS AN ACTOR IN INTERNATIONAL LAW
SEMINARS II & III:
RELATIONSHIP BETWEEN INTERNATIONAL LAW, EUROPEAN
LAW AND THE DOMESTIC LAW OF THE MEMBER STATES

Questions for Discussion:

- Is European law international law or what quality does it have?
- Is international law part of the European legal order and, if so, what rank does it have?
- Monism or dualism: is there a European dimension to the great debate?
- Is customary international law binding on the EU, does the EU contribute to the creation and development of international law?
- Are resolutions of the Security Council binding on the EU?
- What is the role of the ECJ in reviewing the validity of international agreements, determining the relationship between international law and European law?
- How are conflicts between international law and (primary and secondary) European law solved?
- Can European law be classified as regional customary international law?

Basic Reading:

Eeckhout, P., *External Relations of the European Union. Legal and Constitutional Foundations*, 2004, 274-344

Hartley, T. C., *European Union Law in a Global Context: Text, Cases and Materials*, 2004, 239-262

Cases:

*Joined Cases C-402/05 P and C-415/05 P, *Kadi v. Council and Commission*, Judgment (Grand Chamber) of 3 September 2008, available at <http://curia.europa.eu/en/transitpage.htm>

*Case C-162/96, *Racke v. Hauptzollamt Mainz*, Judgment of 16 June 1998, available at <http://curia.europa.eu/en/transitpage.htm>

Further Reading:

Berkey J.O., The European Court of Justice and Direct Effect of GATT. A Question Worth Revisiting, *European Journal of International Law* 9 (1998), 626-657 [available on Oxford e-journals]

Bethlehem, D., International Law, European Community Law, National Law: Three Systems in Search of a Framework, in: M. Koskenniemi (ed.), *International Law Aspects of the European Union*, 1998, 169-196 [At Law Reserve – Euro Comm 510 K86a]

*Hartley, T. C., International Law and the Law of the European Union - A Reassessment, *British Year Book of International Law* 72 (2001), 1-35 [Internat 300 G25]

Klabbers, J., International Law in Community Law: The Law and Politics of Direct Effect,

- Yearbook of European Law* 21 (2001-2002), 263-298 [Euro Comm 300 Y20]
- *Peters, A., The Position of International Law Within the European Community Legal Order, *German Yearbook of International Law* 40 (1997), 9-77 [Internat 300 G25]
- Wouters, J./Van Eeckhoutte, D., Enforcement of Customary International Law through European Community Law, in: J.M. Prinssen/A. Schrauwen (eds.), *Direct Effect: Rethinking a Classic of EC Legal Doctrine*, 2002, 183-234 [Euro Comm 510 H715a]; an earlier version is available at <http://www.law.kuleuven.be/iir/nl/wp/WP/WP25e.pdf>