

UNIVERSITY OF OXFORD
FACULTY OF LAW
THE EU AS AN ACTOR IN INTERNATIONAL LAW
SEMINAR IV:
**TREATY RELATIONS OF THE EUROPEAN COMMUNITY/
EUROPEAN UNION AND THE MEMBER STATES I**

Questions for Discussion:

- What is the role of the Commission, Council, Parliament, the Committee of the Regions, the Economic and Social Committee in treaty-making by the EC?
- How are treaties by the EU concluded?
- What are the legal bases for the EC/EU's treaty-making competence?
- How do treaties become part of the European legal order?
- Why do some treaties have direct effect in European law while others don't?
- Can treaties concluded by the EC invalidate conflicting secondary Community law?
- How can treaties be concluded on subjects which are within the exclusive competence of the EC, if the treaty is open to States only?
- Interpretation of European law in conformity with public international law; interpretation of treaties in conformity with European law
- How do association agreements differ from other agreements?

Cases:

*Case C-308/06, *Intertanko and Others*, Judgment (Grand Chamber) of 3 June 2008, available at <http://curia.europa.eu/en/transitpage.htm> [go to 'Case-law', then 'Search form', search for 'case number']

*Joined Cases C-120/06 P and C-121/06 P, Judgment (Grand Chamber) of 9 September 2008

Basic Reading:

Eeckhout, P., *External Relations of the European Union. Legal and Constitutional Foundations*, 2004, 169-273

Hartley, T. C., *European Union Law in a Global Context: Text, Cases and Materials*, 2004, 217-238

Further Reading:

Lenaerts, K./De Smijter, E., The European Community's Treaty-Making Competence, *Yearbook of European Law* 16 (1996), 1-57 [Law Library: Euro Comm 300 Y20]

Sari, Aurel, The Conclusion of International Agreements by the European Union in the Context of the ESDP, *International and Comparative Law Quarterly*, 57 (2008), 53-86 [available online at <http://journals.cambridge.org/action/displayJournal?jid=ILQ>]

Tietje, Ch., The Status of International Law in the European Legal Order: The Case of International Treaties and Non-binding International Instruments, in: J. Wouters/A. Nollkaemper/E. de Wett (eds.), *The Europeanisation of International Law* (2008), 55-69 [Law Library: Euro Comm 510 W938.6b]