

UNIVERSITY OF OXFORD
FACULTY OF LAW
THE EU AS AN ACTOR IN INTERNATIONAL LAW
SEMINAR VI:
THE EUROPEAN UNION IN INTERNATIONAL
ORGANIZATIONS AND BEFORE INTERNATIONAL TRIBUNALS

Questions for Discussion:

- Why does the EC want to become a member of international organizations?
- Competence of the EC/EU to become a member of international organizations?
- EC membership in international governmental organizations: a *quantité négligeable*?
- Are there other forms of participation for the EU below full membership?
- Who represents the EC in international organizations?
- What is the ‘Proba 20’ Arrangement?
- How are membership rights [voting rights] exercised and membership obligations [payment of membership dues] carried out if both the EC and the Member States are members of the organization?
- How can the EC appear before the International Court of Justice?
- How does the EC/EU settle its international disputes?
- To what extent are international legal disputes between the EU Member States removed from international dispute settlement mechanisms?
- To what extent does Article 292 TEC contribute to the fragmentation of international law?
- Is the WTO dispute settlement mechanism suitable for the EC or is there need for reform?

Basic Reading:

- Eeckhout, P., *External Relations of the European Union. Legal and Constitutional Foundations*, 2004, 190-225
- Rosas, A., The European Union and International Dispute Settlement, in: Laurence Boisson de Chazournes, Cesare P.R. Romano, Ruth Mackenzie (eds.), *International Organizations and International Dispute Settlement: Trends and Prospects*, 2002, 49 [Internat 710 B684a]

Cases:

- *Case C-459/03, *Commission v. Ireland [MOX Plant Case]*, Judgment (Grand Chamber) of 30 May 2006, available at <http://curia.europa.eu/en/transitpage.htm> [go to ‘Case-law’, then ‘Search form’, search for ‘case number’]

Further Reading:

- Chatháin, C. Ní, The European Community and the Member States in the Dispute Settlement Understanding of the WTO: United or Divided?, *European Law Journal* 5 (1999), 461 [available on Oxford e-journals]
- Heliskorski, J., The ‘Duty of Cooperation’ Between the European Community and Its Member States Within the World Trade Organization, *Finnish Yearbook of International Law* 7 (1996),

59 [Internat 300 F15]

*Hoffmeister, F., Outsider or Frontrunner? Recent Developments under International and European Law on the Status of the European Union in International Organizations and Treaty Bodies, *Common Market Law Review* 44 (2007), 41 [available on Oxford e-journals]

*Kuijper, P.J., The European Communities and Arbitration, in: A.H.A. Soons (ed.), *International Arbitration: Past and Prospects*, 1989, 181 [Internat 710 S711.5a]

Marchiso, S., EU's Membership in International Organizations, in: E. Cannizzaro (ed.), *The European Union as an Actor in International Relations*, 2002, 231 [Euro Comm 510 C225a]

Sack, J., The European Community's Membership of International Organizations, *Common Market Law Review* 32 (1995), 1227 [available on Oxford e-journals]

General Reading:

Frid, R., *The Relations Between the EC and International Organizations*, 1995 [Euro Comm 510 F898a]

Schermers, H.G., International Organizations as Members of Other International Organizations, in: R. Bernhardt et al. (eds.), *Völkerrecht als Rechtsordnung, internationale Gerichtsbarkeit, Menschenrechte: Festschrift für Hermann Mosler*, 1983, 823 [General 510 M463a/81]

Wouters, J./Hoffmeister, F./Ruys, T. (eds.), *The United Nations and the European Union: An Ever Stronger Partnership*, 2006