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CLEER
Centre for the Law of EU External Relations

CLEER Biannual Newsletter September - December 2014

The experiences of the Hellenic Presidency of the EU in the field of external relations

18 September, The Hague



On 18th September, T.M.C. Asser Instituut and the Centre for the Law of EU External Relations (CLEER) organised in cooperation with the Embassy of the Hellenic Republic to the Kingdom of the Netherlands a special lecture event devoted to reviewing the experiences of the Greek Presidency of the Council of the EU in the field of external relations.



The lecture, chaired by Dr. Tamara Takács, Senior Researcher in EU law and Academic Programme Coordinator of CLEER, featured a presentation by the Ambassador of the Hellenic Republic to the Netherlands Teresa Angelatou highlighting achievements of the Greek Presidency in the first half of 2014.

Dr. Joris Larik, Senior researcher at The Hague Institute for Global Justice, acted as a respondent speaker.

In the introduction, the Ambassador underlined the fact that the Presidency conducted its work at a period, which was heavily affected by the ongoing economic crisis and its disturbing effects in the social sphere.

In the presentation, the Ambassador focused firstly on the neighbourhood policy and enlargement, emphasizing that the Greek Presidency witnessed the opening of accession negotiations with Serbia, worked for the achievement of consensus on granting Albania candidate status, and contributed substantially in achieving visible development in the accession negotiations with Montenegro.

Secondly, Greek Presidency has successfully led to the adoption of the European Maritime Security Strategy, which aims to improve security on the sea, boost the growth of EU sea regions and look for the alternative sources of energy.

Thirdly, the Ambassador underlined the firm response to the Ukrainian crisis. During the six months period, the EU under the Greek Presidency has adopted a strong and determined position on issues of international law and has extended essential financial, political and technical support to Ukraine.

The presentation was followed by the response of Dr. Larik, who emphasised the challenging nature of the Presidency. In his opinion, Greece succeeded being an effective leader, which knew how to exercise its limited powers in the extremely tough period for the whole Union.

The lecture took place in the context of the CLEER lecture series that look at the Presidencies retrospectively focusing on the role of the incumbent presidency in coordination and leadership in regional and global issues.

The European External Action Service and the new institutional balance in EU external action: reconciling autonomy and cooperation

25-26 September 2014



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On 25-26 September 2014, the Department of Public International Law of the University of Salamanca hosted an international conference on the EEAS under the title of 'The European External Action Service and the New Institutional Balance in EU External Action: Reconciling Autonomy and Cooperation'. The conference, jointly organized with the Centre for the Law of EU External Relations (CLEER), was held within the framework of the research project on the EEAS led by Prof. Luis N. González Alonso (University of Salamanca). It hosted experts coming from EU institutions, academia and the Spanish government. An edited volume collecting some of the contributions presented at the conference will soon be published in the CLEER Working Papers series .

Lectures by CLEER Visiting Researchers

The other paradigm: The European Union, Counter-Terrorism and War

18 September, The Hague



The aim of the presentation was to appraise how the European Union approaches terrorism from the point of view of the so-called 'war paradigm', that is, the use of force in the context of hostilities. A number of fields was identified where EU counter-terror action may contribute to define the divide between this paradigm and the so-called 'law enforcement paradigm' (applicable to the use of force by security forces): for example, the definition of terrorism, Common Foreign and Security Policy Missions and mediation in contexts where a terrorist organization is involved in an armed conflict against a state. Despite some positive achievements, it was concluded that the EU needs to approach the 'war paradigm' in a more strategic manner, account taken of a number of legal and policy considerations.

Alternatives to the direct enforcement of international agreements in the EU and the US

4 November, The Hague



Szilárd's presentation had as an overall theme the way in which the European Union and the United States enforce binding international agreements in their domestic legal orders. Within this vast topic, the emphasis fell on alternatives to the direct enforcement of international agreements, such as consistent interpretation and the situation when domestic legislation is meant to implement international obligations. Concerning the latter, the Court of Justice's judgment in Joined Cases C-402/12 and C-403/12 P is much awaited, since it could confirm the application of the Nakajima exception outside WTO law.

EU Development Cooperation policy. The relationship with Common Foreign and Security policy in the framework of the new External action after Lisbon

15 December, The Hague



With the entry into force of the Treaty of Lisbon has been introduced a unitary and integrated structure of EU external action, which includes CFSP, common trade policy, cooperation with third countries, humanitarian aid and all other policies in their external dimension. Article 21 TFEU lists a wide range of objectives related to the External action as a whole. Thus, can all the policies that are part of the External action pursue these objective? And how is possible to maintain the separation between supranational and intergovernmental action?

In particular, Chiara examined the relationship between the CFSP and the development cooperation policy, because of their importance in the frame of EU external action. In the analysis of practices she found out that these two policies are more and more integrated. In the end, Chiara tried to analyse these facts trying to find constitutional basis in the treaties.

Members of CLEER governing structures appointed as Professors

Professor Henri de Waele

10 October, Nijmegen



On Friday 10 October 2014 Henri de Waele delivered his inaugural lecture, marking his ascendance to the chair of International and European Law at Radboud University Nijmegen.

The lecture was entitled 'Autonome rechtsordes' (autonomous legal orders). At the focus of attention lay the enigmatic, and still relatively understudied concept of autonomy. After a survey of the contemporary international and European law environment, Professor de Waele engaged in a further study of the EU's acquisition of autonomy, attempting to pinpoint the bearing of that development. He moreover reflected on the possibilities for other legal orders to undergo a similar evolution, highlighting several scenarios, while pointing out several risks

and drawbacks.

The extended text of the lecture will be published later this year by Boom Juridische Uitgevers in The Hague.

Professor Ester Herlin-Karnell

29 October, Amsterdam



On 29 October 2014 Ester Herlin-Karnell delivered her inaugural address 'Two conceptions of justice in constitutionalism: the shaping of security law in Europe' at the VU University Amsterdam. Ester Herlin-Karnell argued that the current conception of law in Europe is insufficient and, therefore, it should be expanded. The new conception should be specifically directed at policy-making and implementation in the Member States. As such, the domain of freedom, security and justice law has a political dimension, which can be considered a unique approach. Law can be a major help in distributing the burden among EU states. 'Law provides in the need of mutual solidarity among Member States,' explains Herlin-Karnell. 'The current conception of law is too hollow to do

so.'



Next event in CLEER Presidency lecture series: The experience of the Italian Presidency in the conduct of EU external relations

Date to be confirmed

It is with great pleasure that we invite you to join us at the next event in CLEER's now traditional lecture series. The Italian Embassy in the Hague will present the results and experience of country's recent Presidency at the helm of the EU Council. The event will be held at the T.M.C Asser Instituut. Participation is free, please register by sending an email to conferencemanager@asser.nl.

Workshop

The EU and International Dispute Settlement

**Joint Workshop organised by the European University Institute, the ESIL Interest Group on
The EU as a Global Actor and the Centre for the Law of EU External Relations (CLEER)**

19 and 20 February 2015, Sala del Capitolo, Badia, European University Institute

This workshop seeks to examine the connections between the EU and international dispute settlement. Rather than taking a sectoral approach, this workshop aims at a focus on horizontal / cross-cutting themes, which will allow us to combine insights from different sectors (e.g. trade, investment, human rights, the environment, security, immigration).

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New CLEER Publications

CLEER Working Papers 2014/4

'Institutional and legal aspects of EU's judicial policy to fighting piracy off the coast of Somalia' by Leendert H. Erkelens



Members of the Governing board

Prof. Fabian Amtenbrink (Erasmus University Rotterdam)

Prof. Steven Blockmans (CEPS/University of Amsterdam)

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Prof. Dr. Henri de Waele (Radboud University, Nijmegen)

Dr. Joris Larik (The Hague Institute for Global Justice)

Dr. Geert De Baere (KU Leuven)

The Centre is wishing you a festive holiday season and a successful 2015!



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