

Between Autonomy and Dependence

Ramses A. Wessel · Steven Blockmans
Editors

Between Autonomy and Dependence

The EU Legal Order Under the Influence
of International Organisations



Editors

Ramses A. Wessel
Centre for European Studies
University of Twente
Enschede
The Netherlands

Steven Blockmans
EU Foreign Policy Unit
Centre for European Policy Studies
Brussels
Belgium

ISBN 978-90-6704-902-3 ISBN 978-90-6704-903-0 (eBook)
DOI 10.1007/978-90-6704-903-0

Library of Congress Control Number: 2012946756

© T.M.C. ASSER PRESS, The Hague, The Netherlands, and the authors 2013

Published by T.M.C. ASSER PRESS, The Hague, The Netherlands www.asserpress.nl
Produced and distributed for T.M.C. ASSER PRESS by Springer-Verlag Berlin Heidelberg

No part of this work may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, microfilming, recording or otherwise, without written permission from the Publisher, with the exception of any material supplied specifically for the purpose of being entered and executed on a computer system, for exclusive use by the purchaser of the work. The use of general descriptive names, registered names, trademarks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

Printed on acid-free paper

Springer is part of Springer Science+Business Media (www.springer.com)

Acknowledgments

The European Union is traditionally seen as a new, and partly separate, legal order within the framework of international law. At the same time, the EU is an important player in the global governance network. The strong and explicit link between the EU and a large number of other international organisations raises questions concerning the normative impact of international organisations and regimes on the autonomy of the EU and its legal order. Such questions were addressed at a conference organised under the banner of the Centre for the Law of EU External Relations (CLEER) at the premises of the T.M.C. Asser Institute in The Hague on 5 November 2010.

We would like to express our gratitude to the other members of the organising committee (Dr. Christina Eckes, Jan Willem van Rossem, Dr. Nikos Skoutaris) and to the academics and practitioners who contributed to the success of this conference, especially those who expanded and updated their papers so as to contribute to this volume. The Editors would also like to thank those speakers at the conference who were not in a position to hand in written contributions: Dr. Jenő Czuczai (Legal Service, Council of the EU), Dr. Michèle Coninx (President of Eurojust), Dr. Dietrich Neumann (Legal Service, Europol) and Edna Ramirez (World Trade Organization). Thanks also go to colleagues at the T.M.C. Asser Institute for their help in organising the CLEER conference and to the European Commission for its financial support under the Lifelong Learning Jean Monnet programme. Special thanks are also extended to Linda Abeela Kræmer for her language revision and copy-editing of the book.

Summer 2012

The Editors

Contents

1	Between Autonomy and Dependence: The EU Legal Order Under the Influence of International Organisations— An Introduction	1
	Ramses A. Wessel and Steven Blockmans	
 Part I Conceptual and Institutional Questions: Between Autonomy and Dependence		
2	The Autonomy of EU Law: More is Less?	13
	Jan Willem van Rossem	
3	Norms Emanating from International Bodies and Their Role in the Legal Order of the European Union	47
	Jan Wouters and Jed Odermatt	
4	The Influence of International Organisations on the European Union: A Political Science Perspective.	69
	Oriol Costa and Knud Erik Jørgensen	
5	The European Court of Justice and (Quasi-)Judicial Bodies of International Organisations	85
	Christina Eckes	

**Part II The Normative Impact of Decisions and Practices
of International Organisations**

6	The Impact of Council of Europe Standards on the European Union.	113
	Elise Cornu	
7	WTO Influence on EU Law: Too Close for Comfort?	131
	Pieter Jan Kuijper and Frank Hoffmeister	
8	The Relationship Between International Monetary Fund Law and European Union Law: Influence, Impact, Effect, and Interaction	159
	Wolfgang Bergthaler	
9	The Influence of the World Intellectual Property Organization on the European Union	199
	Edward Kwakwa and Autumn Talbott	
10	The Influence of the Food and Agriculture Organization (FAO) on the EU Legal Order.	217
	Françoise D. Schild	
11	The Influence of NATO on the Development of the EU's Common Security and Defence Policy.	243
	Steven Blockmans	
12	The Influence of International Organisations on the EU's Area of Freedom, Security and Justice: A First Inquiry.	269
	Claudio Matera	
13	The Influence of International Organisations on the EU and its Legal Order: Between Autonomy and Dependence.	297
	Steven Blockmans and Ramses A. Wessel	
	Table of Cases.	313
	Index	321