Preface

It is with abundant pleasure that I introduce the volume before you, *Constitutional Issues of EU External Relations Law*, edited by my colleagues Professor Eleftheria Neframi and Dr Mauro Gatti.

As Dean of the Faculty of Law, Economics and Finance (FDEF), it is always a source of great satisfaction to behold the end product of original research conducted at the University of Luxembourg. The EUGIA project (the European Union as Global International Actor and the Question of Competence), coordinated by Professor Neframi and from which the majority of the contributions in this volume have emerged, provides a sparkling example of our Faculty's dynamic, international scientific orientation.

The quality of the chapters herein, hinted at by the presence of eminent academics as well as esteemed practitioners in the field of EU external action, speaks for itself. The volume is sure to prove a rich addition to the ongoing debates in said field and beyond, at a time when the very identity of the European Union – both internally and in the wider world – remains in a state of flux.

Indeed, the theme of the EU's identity is present throughout this volume. Much has changed in the Union, and around the Union, since the seminal *ERTA* case: the Union's external relations now address a number of issues, ranging from trade to anti-terrorism policy and international cooperation in criminal matters. The enlargement of the EU's sphere of action raises novel issues in terms of the core principles on which the Union is founded, including the attribution of competences and respect for European values. By focusing on recent developments in EU external relations, the contributions to this volume offer precious insight into the main constitutional challenges faced by the Union.

Preface

Lastly, as Dean of the FDEF I wish to express my pride that it is Luxembourg which has provided the forum for this important contribution to the Union's external action debate, whilst extending my warmest congratulations to my dear colleagues Professor Neframi and Dr Gatti for their success in bringing together the voices which fill the pages that follow.

> Professor Katalin Ligeti Dean of the Faculty of Law, Economics and Finance, University of Luxembourg July 2018

Contents

Introduction	11
Eleftheria Neframi and Mauro Gatti	
Part 1: Defining EU External Action Objectives and Competences	27
The Principle of Conferral and Express and Implied External Competences	29
Marise Cremona	
The Dynamic of the EU Objectives in the Analysis of the External Competence	63
Eleftheria Neframi	
Conflict of Legal Bases and the Internal-External Security Nexus: AFSJ versus CFSP	89
Mauro Gatti	
L'application du principe de subsidiarité dans le cadre de l'action extérieure de l'Union européenne / The Principle of Subsidiarity within the External Action of the European Union Isabelle Bosse-Platière	111
Constitutional Limits to the Political Choice for Mixity <i>Merijn Chamon</i>	137
Droit primaire et compétences externes implicites. Réflexions à partir de l'avis 2/15 de la Cour de justice de l'Union européenne / Primary Law and the Theory of Implied External Competences: Some Thoughts after Opinion 2/15 <i>Nicolas Pigeon</i>	167

Contents

Part 2: Balancing EU Values with External Action Objectives	199
Recent Tendencies in the Separation of Powers in EU Foreign Relations: An Essay	201
Pieter Jan Kuijper	
La dimension « subjective » de l'invocabilité des accords internationaux / The Subjective Dimension of the Invocability of International Agreements	231
Miro Prek and Silvère Lefèvre	
Réflexions sur la démocratisation des relations extérieures à l'aune du contentieux de l'accès aux documents / Reflections on the Democratisation of External Relations in the Light of the Case Law on Access to Documents	257
Hugo Flavier	
Effective Judicial Protection and Its Limits in the Case Law Concerning Individual Restrictive Measures in the European Union Sara Poli	287
EU Sanctions, Security Concerns and Judicial Control Allan Rosas	307
Droits fondamentaux des Etats tiers versus droits fondamentaux des personnes dans le cadre de la crise russe-ukranienne / Fundamental Rights of Third States versus Fundamental Rights of Individuals in the Framework of the Russia-Ukraine Crisis <i>Francette Fines</i>	319
Objectif de sécurité et protection des données personnelles: projection dans l'ordre international d'un système constitutionnel propre à l'Union européenne / Security Objective and Personal Data Protection: Constitutional Advances of a European Union-Specific System in the International Order	343

Laurence Potvin-Solis

Contents

Loyalty in External Relations Law: The Fabric of Competence, Autonomy and Institutional Balance	385
Andrés Delgado Casteleiro	
Division of Competences, EU Autonomy and the Determination of the Respondent Party: Proceduralisation as a Possible Way-Out? <i>Cristina Contartese and Luca Pantaleo</i>	409
Remarques conclusives / Final Remarks Antonio Tizzano	447
List of Contributors	451

https://doi.org/10.5771/9783845277134-5, am 18.09.2024, 16:47:25 Open Access - Common - https://www.nomos-elibrary.de/agb