

3rd Jean Monnet Doctoral Workshop

The EU as a global actor in...

Thursday 6 - Friday 7 July 2017

University of Geneva

On 6-7 July 2017, the University of Geneva hosted the third Geneva Jean Monnet Doctoral Workshop on the topic '*The EU as a Global Actor in...*'.



The Workshop, organized by the Centre d'études juridiques européennes (CEJE), Jean Monnet Centre of Excellence, gave a unique opportunity to twelve young scholars and researchers to give presentations in one of the five panels of the Workshop. The presentations were commented and discussed by a Panel of Experts, comprised of five renowned Professors in the field of the EU's External Relations.

The Workshop was launched with a welcome speech by **Prof. Christine Kaddous** and a roundtable during which the Professors, members of the Panel of Experts, gave brief presentations on various aspects of the theme of the Workshop “*The EU as a Global Actor in...*”.



Prof. Ramses Wessel (University of Twente) gave a presentation on “*EU External Action and Security and Defence: Parliamentary and Judicial Scrutiny*”. While examining the evolution brought by the Lisbon Treaty on five points namely, the normalization, the legalization, the democratization, the parliamentarization and the institutionalization of the Common Foreign and Security Policy (CFSP), he concluded that there is a clear and greater integration of the CFSP in the Union’s legal order, although it still remains difficult to see the role played by the ECJ in ‘pure’ CFSP cases.

Prof. Enzo Cannizzaro (University of Sapienza) gave a presentation on “*The EU as a global Jus Cogens Maker*”. He analyzed the *Polisario* case (case C-104/16) through the prism of the right of self-determination of peoples and the ECJ’s context-based interpretation of the territorial scope of the Liberalization Agreement on the reciprocal liberalisation of certain agricultural products between the EU and Morocco.

Prof. Christine Kaddous (University of Geneva) gave a presentation on “*The Implications of the Court’s Opinion 2/15 on FTA and CCP*”. Prof. Kaddous focused on the criteria, used by the ECJ in *Opinion 2/15*, for deciding on the nature of the EU’s competence in the ‘new generation’ FTAs, thus bringing more clarity to the scope of application of the Common Commercial Policy



(CCP), of the EU's competence in areas falling outside of the scope of application of the CCP and the nature of the EU's competence in the field of investment.

Prof. Cécile Rapoport (University of Rennes) gave a presentation on “*The Making of EU's FTAs: More Transparent, More Democratic, Less Efficient?*”. Prof. Rapoport stressed the merits of the Lisbon Treaty regarding the democratization of FTA conclusion, namely through the involvement of the European Parliament in the negotiating process and the possibility for Union citizens to encourage the European Commission to modify the negotiating directives through a citizens' initiative. She considered that although more democratic, the conclusion of FTAs still lacks efficiency.

Prof. Jan Wouters (KU Leuven) gave a presentation on “*Why the EU's Global Strategy is Neither Global nor a Strategy*”. Prof. Wouters referred to a 2016 Global Strategy of the EU and stressed that, unlike previous such strategies (namely that of 2003), the European Council did not endorse the strategy from 2016. He argued that a truly global strategy would need to be based on a to-the-point analysis of the security and foreign policy challenges and would include the impact of Brexit on the EU's role as a global actor.



The roundtable and the discussions it entailed gave the impulse for the participants in the first three panels held on 6 July.

The theme of Panel 1, which was chaired by Prof. Christine Kaddous, was ‘*The EU as a Global Actor in... Migration and Humanitarian Aid*’.

Susanna Villani (University of Bologna/ National Distance Education University (UNED)) gave a presentation on the multifaceted contribution of the EU in the field of International Disaster Response. She first examined the EU as a global actor at an operational level namely through the Union Civil Protection Mechanism. She then examined the normative contribution of the EU in the elaboration of a provision relative to the protection of persons in cases of disaster within the International Law Commission (ILC). She concluded that the EU is, indeed, becoming a global and autonomous actor in the field of disaster relief.

Serena Marini (University of Rome, Top Vergata) gave a presentation on the role of the EU as a promoter of the right of migrants not to flee their home through the prism of the EU's challenge of migration and development in Africa. She argued in favor of a possible convergence between the objectives in the field of migration and those in the field of sustainable development. Indeed, due to the migration crisis, the EU's perspective on migration changed and is now viewed essentially through the prism of the EU's sustainable development policy as a tool for the prevention of migration.

The theme of Panel 2, which was chaired by Prof. Cécile Rapoport, was '*The EU as a Global Actor in... Security and Defence*'.

Luigi Lonardo (King's College London) gave a presentation on the legal and political considerations on the European Defence Union. He examined the possibility for a European Defence Union, the establishment of which is set out in Article 42(2) TFEU. He also examined the permanent structured cooperation mechanism in the field of defence, although this mechanism has not yet been used.

Anna Sanchez Cobaleda (Universitat de Barcelona) gave a presentation on the EU as a global actor in the non-proliferation of Weapons of Mass Destruction (WMD). She addressed the EU's export control policy and its role in the main International Organizations in the field of WMD, arguing in favor of the assimilation of the EU's objectives with those of these International Organizations.

Margaux Biermé (University of Geneva) gave a presentation on the role of the EU in the fight against Financing of International Terrorism. She raised the point of the implementation of UN Security Council Resolutions, with an emphasis on the EU's competence to adopt autonomous sanctions, as well as to implement UN Resolutions relative to the fight against the financing of International Terrorism. She concluded on the EU's influence in the adoption of the said Resolutions through the EU Member States sitting in the UN Security Council and discussed the relevant case law the ECJ.





The theme of Panel 3, which was chaired by Prof. Ramses Wessel, was ‘*The EU as a Global Actor in ... Rule of Law, EU Values and EU Principles*’.

Luigi Cino (Scuola Superiore Sant’Anna) examined the EU’s democratic rule of Law promotion in post-revolution Tunisia through the s.c. EUCLIDA model. This model stems from a political science theory which suggests that there are four mechanisms allowing for an external actor to influence the democratization of a country *i.e.* imposition, example, socialization and conditionality. Mr Cino analyzed this model in five areas in post-revolution Tunisia namely, the protection of civil freedoms and political rights; institutional and administrative capacity to formulate, implement and enforce; independence of the judiciary; fight against corruption and effective civilian control of security forces.

Gesa Kübek (University of Passau) gave a presentation on the non-ratification conundrum of mixed agreements and the future way out. While referring, *inter alia*, to the ‘Wallonia-CETA’ case, she posited that non-ratification of mixed agreements seems to prevent the effective exercise of the EU external competences. In view of preventing future crisis in the conclusion and ratification of mixed agreements, Ms Kübek suggested that there be a ratification threshold for mixed agreements, as it is the case with multilateral treaties.



The second day of the Workshop, 7 July 2017, began with Panel 4, chaired by Prof. Enzo Cannizzaro, the theme of which was '*The EU as a Global Actor in...Trade, Investment, Economic Governance*'.

Stefanie Schacherer (University of Geneva) gave a presentation on the EU as a global actor in reforming the international investment law regime in light of sustainable development. She argued that the EU shapes its policy in the field of investment in relation to sustainable development through an analysis of the legal basis for the EU's external competence in the field of investment and the provisions on investment in the EU-Canada CETA.

Louis-Marie Chauvel (University of Rennes) gave a presentation on the normative influence of the EU in the field of International investment law. He examined whether the EU is becoming a role model through the development of norms and consistent positions in investment law. The agreements concluded with Canada and Singapore were cited as examples of the EU's distancing from the Member States. While the EU's consistency in direct investment exists, there are difficulties in transforming its influence into a global one, namely due to the resistance of national parliaments to ratify free-trade agreements, the Wallonia-CETA case being a relevant example on this point.

The theme of Panel 5, chaired by Prof. Jan Wouters, was '*The EU as a Global Actor in...Health, Environment and Consumer Protection*'.

Elisabet Ruiz Cairó (University of Geneva) gave a presentation on the negotiation of the framework convention on tobacco control and the implications for the EU as a global actor in the field of public health. She cited the Framework Convention on Tobacco Control (FCTC) arguing that, in spite of its limited competence in the area of public health, the EU participated in the negotiation of the FCTC and is a contracting party thereof. While concluding that the EU has become a global actor in the field of public health. Ms Ruiz Cairó argued in favor of a stronger position of the EU within the WHO.

Petra Weingerl (Oxford University) gave a presentation on the EU as a global actor in consumer protection: economic carrots and sticks as a tool for compliance - but not convergence of objectives - and the way forward. She posited that the EU consumer protection policy is the most developed in the world. Although the EU's role in the field of consumer protection can be seen in its neighborhood policy, more generally, in the field of EU external relations, the EU's impact seems to be limited to the compliance with the access to the EU Internal Market.

Karolis Jonuska (Vilnius University) gave a presentation on the EU as a global Actor in shaping for International Environmental Protection, raising the question on why the EU developed itself as a prominent player in global climate change negotiations, and how the unique qualities of the EU have played out in its favor. Ms Jonuska focused more specifically on the EU's leadership in global environmental policy in the field of climate change.





The Workshop ended with a visit to the WTO where the participants and Panel Experts were greeted by Mr **Werner Zdouc**, Director of the WTO Appellate Body. The group then attended two conferences given by Mr Paolo Garzotti, Deputy Head of the EU Mission to the WTO and Mr **Aik Hoe Lim**, Director of Trade and Environment Division of the WTO. The participants could engage with the speakers on a variety of topics such as the international investment, sustainable development, environment protection and the potential impact of the Brexit on the relations of the EU with the other WTO Members.

The 3rd Geneva Jean Monnet Workshop was a great success both in terms of the quality of the presentations and in terms of the quality of the discussions and debates. The best papers submitted by the participants will be selected in view of their publication in the Geneva Jean Monnet Working Papers collection which is available, in open access, on the CEJE web-site (www.ceje.ch).

