

EU External Relations Law: Text, Cases and Materials,
Bart Van Vooren and Ramses A. Wessel, Cambridge University
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Book Review by Graham Butler*

Abstract: *This latest textbook contributing to the field of EU external relations law is unique in that it is the first such book in the post-Treaty of Lisbon environment to take a wide-angled look on as many aspects of the growing area as it continues to develop within the legal parameters as set by the Treaties, and it is suitably placed to become the core text for teaching this expanding EU policy field. In their book, EU External Relations Law: Text, Cases and Materials, Van Vooren and Wessel seek to fill the gap in up-to-date literature from a legal standpoint in the field of external relations of the EU, with a book that is suitable for delivery as a core textbook for students of all levels. Their analysis covering fifteen long chapters offers the reader a comprehensive insight into the world of EU external relations law, and allows for a thoroughly better understanding of all the encapsulated issues that are at play.*

Keywords: *European Union, International Relations, Foreign Policy, Law, External Relations*

The external relations of the EU is a field of study where much academic literature exists, but is dominated by non-lawyers, namely those with expertise in political science, international relations, or indeed practicing or retired practitioners. This approach to the discipline from a legal perspective is both needed and refreshing, in light of the continuously advancing area of EU policy. So what does this latest addition to the field of legal research in the external affairs cover that other publications have not already covered? Notwithstanding some notable academics in this dynamic field, this book looks to encapsulate its status of primacy above other legal textbooks in EU external relations, in a similar vein of Paul Craig and Gráinne de Búrca's *EU Law: Text, Case and Materials* by Oxford University Press. In this offering however, Bart Van Vooren, an excellent talent in the area is joined by Ramses A. Wessel, an academic juggernaut in the legal aspects of all things EU external relations law. Working together in *EU External*

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Relations Law: Text, Cases and Materials, they deliver new perspectives, and no doubt were compelled into writing it due to the large gap in the market for such an offering with a lecture theatre focus.¹ Split over fifteen chapters covering all of the central areas of EU external relations law, the book explores several of the different aspects, with the EU as an international actor central to the purpose of the writing.

Although not directly set up as a book of two halves, an obvious split down the middle is observed from the outset. Chapters 1 through 8 cover the administrative elements of the policy field, while Chapters 9 through 15 deal with some of the numerous policies that come under the wing of external action. To begin with, Chapter 1 begins by discussing the EU as an actor within the wider globe, discussing the legal basis within the treaties for such external action, and discussing the key players within the institutions on their specific role. Moving on, the set of tools that are at the EU's disposal is examined next, weighing up the hard and soft methods of law, to be swiftly followed in Chapters 3, 4 and 5 by the level of competences that the EU possesses in matters of external relations. Express and implied competences are examined, as are shared competences between the EU and member states and exclusive competences solely for the EU, whilst covering the necessary legal underpinnings for these actions. The tension that exists between the different competency levels is a theme that prevails right throughout the publication. Chapter 6 extends into the duty of cooperation that exists between member states when exercising powers that are within their own grasp, while Chapter 7 attempts to capture the often-convoluted relationship between international and EU law and how they interact within one another. The focus then shifts to the EU within international institutions in Chapter 8, and how the existing legal frameworks allow for EU action within international organisations such as the United Nations and others.

The informal second half of the book commences with Chapter 9 and the Common Commercial Policy (CCP). Seen as the backbone to external relations law, CCP remains the benchmark for all other policies that follow. Exploration of EU development policy is offered in Chapter 10 with breakdowns in the relationship existing between the EU and the member states, with emphasis put on coordination, coherence and complementarity. The next two Chapters debate what some would see as the more interesting areas of

¹ Other notable books in this field include Pieter Jan Kuijper, Jan Wouters, Frank Hoffmeister, Geert De Baere, and Thomas Ramopoulos. *The Law of EU External Relations: Cases, Materials, and Commentary on the EU as an International Legal Actor*. Oxford: Oxford University Press, 2013; Panos Koutrakos. *EU International Relations Law*. Modern Studies in European Law. Oxford: Hart Publishing, 2006; Piet Eeckhout. *EU External Relations Law*. 2nd ed. Oxford European Union Law Library. Oxford: Oxford University Press, 2012; Marise Cremona, and Bruno de Witte, eds. *EU Foreign Relations Law: Constitutional Fundamentals*. Essays in European Law. Oxford: Hart Publishing, 2008; Malcolm Evans, and Panos Koutrakos, eds. *The International Responsibility of the European Union*. Oxford: Hart Publishing, 2013; Fraser Cameron. *An Introduction to European Foreign Policy*. 2nd ed. London and New York: Routledge, 2012; Geert De Baere. *Constitutional Principles of EU External Relations*. Oxford Studies in European Law. Oxford: Oxford University Press, 2008; Panos Koutrakos, ed. *European Foreign Policy: Legal and Political Perspectives*. Cheltenham: Edward Elgar, 2011; Stephan Keukeleire, and Tom Delruex. *The Foreign Policy of the European Union*. 2nd ed. The European Union Series. Basingstoke: Palgrave Macmillan, 2014; Alan Dashwood, and Marc Maresceau, eds. *Law and Practice of EU External Relations: Salient Features of a Changing Landscape*. Cambridge: Cambridge University Press, 2008.

EU foreign policy, that of the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP), where they described the former as the 'odd one out' and the latter as enjoying 'taboo status' for many years, yet each enjoy prominence because of their sometimes controversial nature. Both Chapters 11 and 12 give an insightful overview of the historical positions of both policies, given they are both vitally important for thorough understanding of the current state of play in CFSP and CSDP. Following this, issues on the external dimension of internal energy market are churned out in Chapter 13. As with many of the varying policies within external relations, we can note that a systematic pattern emerges for each of the policies, and this is particularly noticeable with the elements of freedom, security and justice that are covered in the penultimate Chapter 14. It can be noted that often, internal coordination commences, followed swiftly after by external elements and therefore, pushing the boundaries of the EU's legal framework. Finally, the final chapter addresses the EU's immediate neighbourhood and its range of policies that covers states just beyond EU borders. This is an area under constant re-evaluation not just by the EU, but also nation states that are looking to become part of future enlargement, and also those with no aspirations to become an EU member state, like Switzerland and the EEA countries. Its evolving status within a developing area like EU external relations make it challenging to grasp, yet the role of the law and different approaches taken are explained in order to clench a better understanding of EU operations in this field. Apparent throughout the policy chapters is that not only is there a convergence of member state views on many matters falling under the policy heads, it also points to particular cases where some policies are themselves converging, with the lines between them becoming increasingly less distinctive.

There are constant dangers in attempting to compose a book that tries to cover an area as broad and diverse as EU external relations. Confusion continues to prevail on the multitude of competences that are divided and sometimes shared between the Union and its member states. It could be forgiven if one or more chapters that some may find important for the area were either omitted, wittingly or otherwise. At points, the book tends to push the political elements of EU external relations to one side, yet both law and politics in this field of study cannot be looked at or addressed in isolation. It also lacks somewhat of a focus on the role of the High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the European Commission (HRVP), who for many aspects is the public face that leads the implementation of the external policies of the Union. Given that the current HRVP's mandate is coming to a close later this year as the Barroso II Commission leaves office, it could have afforded the opportunity for the authors to examine this role further, discussing what emphasis is placed on it, evaluate the role as we near the conclusion of the full first term of the post, and where its basis in law is likely to lead if further Treaty changes were to occur in the near or distant future. We also have the fact that the book is divided between administrative matters and the various policies, meaning the book would be ideally lined up for a decisive conclusion, to tie the various aspects within together more effectively, but the authors chose not to do so.

Yet however, with the different range of policies at play all within the scope of EU external relations law, the book nonetheless captures the giant jigsaw-pieces, and puts them together in a way that makes it easy for every type of reader to understand. Given the constant absence of regular legal scholarship in EU external relations that is suitable as teaching material, this book does a tremendous job in narrating their development, and outlining both former and current practices to the reader. Each chapter ends with how its particular relevance fits into the broader picture of EU external relations law – an important element of keeping the work within the law which the book intends to do. Some of the issues in this area are often hotly debated in a political environment with complex structures, and this new work sheds some light for the reader on all the factors at play, often falling back on the guiding perspectives that are laid out at first; EU integration, the coherence of the policy, and most importantly, the law that is applicable. When all the aspects of the book are put together, it can be said the authority that this book will hold will be of enormous use for those ranging from mere passing interests in this field of study to those making practical everyday use described at length. Too often, the area of EU external relations is cast upon as a ‘moving target’, which makes it probable why the quantitative research literature available left much to be desired. One can assume that both Van Vooren and Wessel are aspiring for this to be the first in a series of revisions at a later date, when key developments in the area come about, with some policies in areas like the neighbourhood and other areas for EU digression without need to revisit the Treaties.

For those that lecture in the external or international policies of the EU, a common problem has persisted – the lack of a core all-encompassing textbook to accompany the existing legal writing in this area which can be extremely useful, but often unnecessarily complex for people looking for a starting point in EU external relations law. This difficulty should be overcome with academic institutions now in a position to offer their students one singular book to get an initial grasp of the policy field. Therefore, its timely publication after toiled efforts will undoubtedly be graciously received by teachers of EU external relations law, EU international relations law, and those with a general interest in the legal dimension of EU foreign policy. Not only is this textbook a very welcome and long overdue addition to the field of scholarly work, it also has the potential to become, de-facto, the core textbook in this area for time to come.

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