How is the European Union and its external action viewed from the ‘outside’? As the European Union’s external action continues to expand and evolve, this raises ever more questions about how such practice fits within the state-centric system of international law. Some practices in the EU’s external action have been criticised as examples of ‘European exceptionalism’, in which the EU receives various exceptions from its international partners. The use of disconnection clauses in international agreements; the EU’s insistence that the autonomy of the EU legal order be preserved in dispute settlement bodies; the practice of concluding mixed agreements; among others, have raised concerns for the EU’s external partners. The EU’s external relations have also been criticised in terms of failing to live up to the values the EU seeks to promote externally, such as the EU’s record in the field of human rights or migration policy. The EU’s external action has also attracted certain criticism from international lawyers who have pointed to fields of EU action may violate international law.

Much of the debate about the EU’s external action has come from the ‘inside’, that is, from experts who have backgrounds in EU law and European studies. The aim of this project is to understand the EU’s external action from the ‘outside’, including a range of perspectives that are often not included in the study of EU external relations. The term ‘outside’ here can apply to a range of viewpoints. It includes a geographical element – perspectives of non-EU states that have engaged with the EU, both within Europe and its neighbourhood as well as further abroad. It can also include ‘outside’ perspectives that include disciplines outside of EU law and European studies. Taking into account outside perspectives can help open up this study, taking into account views and approaches from other geographical regions, academic disciplines and legal specialisations.
One of the aims of this research is to bring together different parts of the study of EU external relations. EU external relations is often discussed in terms of a particular policy field. The EU’s external action is examined in terms of its role in the field of trade, investment, security, human rights, climate change, and so on. This study seeks to bring together these disparate parts, overcoming this compartmentalized approach. The issues dealt with in the study may appear disparate, but they are brought together by a similar methodological approach, one that aims to take into account issues and challenges that may be overlooked. By bringing together studies from various parts of EU external action, the study can also help reveal patterns that may not be revealed through a sectoral approach.

Another aim of the project is to broaden the range of issues and concerns that are debated. A textbook on EU external relations law may give the impression that issues like the balance of competences or the appropriate legal basis for decisions, are the most important legal issues in this field. While this may be the case from the perspective of EU law, these issues may be less important for those studying EU external action from an outside perspective. ‘Foreign relations law’ is understood as “the domestic law of each nation that governs how that nation interacts with the rest of the world”.¹ This can include legal questions such as the authority of actors to engage in foreign policy, or the role of the courts in reviewing foreign policy decisions. It is understandable, then, that the study of the EU’s external relations law would similarly focus on the internal issues, such as the allocation of responsibilities between the EU institutions or the powers of the EU and the Member States. Yet these internal issues for the EU and Member States can have important effects that are relevant for ‘outside’ actors and the international system in which the EU operates. As Bradley explains, there is a link between a state’s foreign relations law and the content and operation of international law: “Foreign relations law can influence how nations form treaties and what they agree to in treaties, and it can also affect the state practice that forms the foundation for rules of customary international law.”² As an illustration, to understand US foreign relations law by focusing on the internal practice, without also learning how this policy is understood and received outside, would only present part of the picture. Indeed, the US is often criticised for exceptionalism in international law. However, it has been pointed out that the US is not alone in this regard, and the Union has also been discussed in such terms.³

---

² Ibid.
A number of studies have sought to address the international law aspects of the EU’s external relations. These studies include *The European Union as an Actor in International Relations*; *International Law Aspects of the European Union*; *International Law as Law of the European Union* and *The EU’s Role in Global Governance: The Legal Dimension*. These studies bring together voices from different legal disciplines and backgrounds. Yet much of their aim is to address the internal legal issues faced by the EU and its Member States. In some cases, they aim to understand how to make EU foreign policy more effective, or to trace how the EU can ‘export’ its values.

Studies on EU external relations law tend to be written by experts in EU law, and primarily for a European audience. Again, this is understandable, especially given that EU external relations law can be a complex and evolving field of law. Studies on the EU’s external relations also tend to present the EU as having a positive role in the world, emphasising, for example, its role in promoting multilateralism or ‘global values’. Criticism of the EU’s external action tends to be about making the EU more effective. Studies from an outside perspective can help to address this by including a broader range of perspectives and viewpoints. Some scholars have noted this emphasis on internal issues

“The existing EU literature is mostly devoted to the study of the EU’s internal legal framework. As a result, analysis of the EU’s place in the international legal arena tends more often than not to be limited to the rules governing the EU’s external relations.”

The study of EU external relations, moreover, is no longer a niche discipline, of interest to a limited number of legal scholars in the EU. As the EU’s external action develops, the law governing the EU’s external action has received greater attention from the ‘outside’. This project aims to address these issues by examining the outside perspective in the following areas.

1. **EU and Other Regions**

The EU’s external relations will be perceived differently in various geographical regions. Some regions may view the EU as a form of regional integration whose model can be adapted and

---

reproduced. European States that are not members of the EU, such as Switzerland or Norway, will also have particular perspectives, based on their close proximity and economic ties to the EU. This part of the study seeks to understand some of the various issues that arise for certain countries and regions.

2. **EU and International Law**

The EU’s external relations can also be examined from the perspective of international law. The EU has sought to actively shape the development of international law in a number of areas. Its practice, in areas such as treaty making, may further develop principles of international law. This part examines this external practice through the lens of international law, and addresses some of the legal complications that arise under international law from the EU’s external practice. For example, how has the EU’s practice regarding the provisional application of treaties affected the development of customary law of treaties?

3. **EU and International Organizations**

The EU not only has foreign relations with states, but also engages with international organizations and institutions. This part turns to the EU’s relationship with other organizations. Much of the research in this field has examined how the EU may exert influence within these organizations, and how the EU’s representation and participation can be more effective. Yet, what kinds of legal issues does this pose for other international organizations, which often have to accommodate a non-state (the EU) in a state-centric system? As the EU engages with institutions such as the United Nations and the Council of Europe, what legal challenges are faced by those institutions, and how should these relationships develop?

4. **EU and International Economic Law**

The EU has also been increasingly active in the development of international economic law. Trade agreements concluded by the EU, such as the EU-Canada Comprehensive Economic and Trade Agreement (CETA) have been shaped, in part, by internal legal issues within the EU. Investor-State arbitration tribunals have also faced legal questions about the nature of the EU and EU law, in particular the ‘autonomy’ of the EU legal order. Such practice also sheds light on how the EU is viewed from the ‘outside’. Indeed, many states and regions will mostly engage with the EU through economic relations. This part of the study seeks to take into account these external perspectives.
5. EU and Global Values

The EU has long promoted itself as a normative power and its foreign policy goals include objectives related to the protection of human rights and global values. Yet the idea that the EU promotes a universal common good has always been contested. There is a constant tension between promoting global values and pursuing other foreign policy objectives. How has this been received by other states and regions? In which areas does the EU fail to meet these objectives in practice. Is the EU’s commitment to global values borne out in practice? This section discusses some of the fields, such as EU migration policy, that have been criticised for failing to live up to these ideals.