Chapter XX

External Representation: *International Organisation of Vine and Wine (O.I.V)*[1]

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Case C-399/12, *Federal Republic of Germany v Council of the European Union*, ECLI:EU:C:2014:2258, delivered 7 October 2014.

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1. Introduction

External representation of the EU in the international arena is a key area of EU external relations and yet one which raises core internal questions about the division of competence between the EU and its Member States. Such questions have for some time now been contentious, especially since the Treaty of Lisbon's introduction of Article 47 TEU that established a legal personality for the EU. Not only has the granting of legal personality to the EU alongside, inter alia, the restatement of the democratic principles (such as the rule of law) that form the foundation of the EU boosted the commanding presence of EU law in the legal orders of the Member States. It has also amplified the claim of the EU Institutions to establish a unified European presence in international representation.

The CJEU has been resourceful in the past about how to tread when the Treaty lacks the appropriate rules of conduct in the field of external representation. It is established practice now that EU Institutions shall rely on the implied powers doctrine in order to prescribe a positive duty upon the Member States to be loyal to the EU when they act externally.[2] The doctrine of implied powers also provides a negative duty for the Member States – i.e. that by acting in a spirit of loyalty they shall refrain from engaging in conduct which may otherwise contravene the EU position. The judicial systematisation of loyalty under Article 4 (3) TEU as

[1] This is a revised and updated version of an earlier case annotation: Theodore Konstadinides, 'In the Union of Wine: Loose Ends in the Relationship between the European Union and the Member States in the Field of External Representation' (2015) 21(2) *European Public Law* 679. The usual disclaimer applies.

[2] See Theodore Konstadinides, 'EU foreign policy under the doctrine of implied powers: Codification drawbacks and constitutional limitations' (2014) 39 (4) *European Law Review* 511.

a dual duty has been a key instrument for cementing both the existence and exclusive character of EU competence under Article 3 (2) TFEU in the field of external relations. While, however, judicial flexibility and innovation at the CJEU level are important insofar as they fill the gaps in relation to certain silences and omissions in the Treaty, they can nonetheless form a cause of concern in some Member States that anticipate a direct interference of the CJEU's liberal interpretation of loyalty with the preservation of the status quo pertaining to the state's conduct of foreign policy, an essential task for any sovereign power.

With the above context in mind, this chapter focuses on the O.I.V. judgment which concerned a dispute between Germany (supported by the UK) and the Council on the external dimension of the common organisation of the wine markets[3] The case is indicative of the customary discord between, on the one hand, judicial innovation or further integration at the supranational level and, on the other hand, the preservation of the status quo in relation to the conduct of foreign policy at the national level. It is a somewhat recent dispute in the lineage of external relations case law examined in this volume which throws light into the perennial debate in EU law about whether it is the national governments or the EU legislature that have competence to prescribe the permissible course of action of Member States in the way they decide to carry out their external commitments. The plot twist in the O.I.V. case is that it concerned a situation where the conduct of an international organisation, to which the EU is not a party, had legal implications for the EU legal order.

2. Facts

The case concerned the agreement between the EU and the Member States in the area of activity of the International Organisation of Vine and Wine (O.I.V). The O.I.V set up in 2011 is an intergovernmental organisation with 45 countries-members and competence in the area of vine-based products. Although the majority of EU Member States are members of the organisation, the EU itself is not party to it. This fact is crucial insofar as the O.I.V has competence to set international oenological standards drawing up relevant recommendations and monitoring their implementation in order to improve the production and marketing conditions of wine products. The O.I.V issues resolutions pertaining to inter alia labelling and methods of analyses adopted by consensus of its members. These are not legally binding but

[3] Internally this area is largely regulated by the EU legislature in the exercise of its competence under Article 43 TFEU.

nonetheless serve as reference for setting soft law standards in national and international wine trade.

The EU has acknowledged the O.I.V's expertise and oenological recommendations and has made references to certain resolutions in a number of EU Regulations accepting that wine products imported into the EU are to be produced according to oenological practices recommended and published by the O.I.V.[4] Through the conduit of EU Regulations, O.I.V resolutions have transformed from soft to hard law. Not only are they legally binding in all Member States they have also become key to the harmonisation of European wine standards and competition in the trading of products of the wine sector.

While the Commission took steps in the past to negotiate an EU-O.I.V. accession pursuant to Article 8 of the relevant O.I.V agreement this has been unsuccessful due to lack of majority in the Council.[5] Hence, despite the abovementioned Regulations, EU Member States parties to the O.I.V coordinated unilaterally their positions within the Annual General Assembly (the O.I.V. decision-making body). This was about to change when the Commission proposed a Council Decision with a view of establishing common positions on O.I.V. resolutions falling within the scope of EU competence. Such a Decision required that EU Member States parties to the O.I.V voted on resolutions at the Annual General Assembly meetings in a manner which was compatible with the interest of the EU (for example on a future review of purity specifications of substances used in oenological practices).

A dispute therefore sprung out when in 2012 the Council adopted the Decision establishing the EU position with regard to certain resolutions to be voted by Member States in the framework of the O.I.V.[6] The legal bases for this Decision were Article 43 TFEU on common agricultural policy and Article 218 (9) TFEU which provides the procedure with regard to the negotiation

[4] See Regulation 1308/2013 establishing a common organization of the markets in agricultural products (and repealing earlier regulations) OJL 347, 20.12.2013, p.671; Regulation 606/2009 laying down certain detailed rules for implementing Regulation 479/2008 as regards the categories of grapevine products, oenological practices and applicable restrictions UJL 193, 24.07.2009, p.1.

[5] This provision stresses that 'An international intergovernmental organisation may participate in or be a member of the O.I.V and may help to fund the O.I.V under conditions determined, on a case-by-case basis, by the General Assembly on a proposal from the Executive Committee.'

[6] Proposal for a Council Decision establishing the position to be adopted on behalf of the European Union with regard to certain resolutions to be voted in the framework of the International Organisation for Vine and Wine (OIV) COM (2012) 192.

and conclusion of international agreements. The Decision was adopted under qualified majority in the Council with Germany voting against it. Subsequently, Germany brought an action for annulment of the Council Decision arguing that it was wrongly based on Article 218 (9) TFEU as a procedural legal basis. Two main arguments were made against the adoption of the contested decision which will be examined in turn.

The first argument brought forward by Germany pertained to the context and scope of application of Article 218 (9) TFEU as a legal basis to adopt the contested Decision. It was contended that the provision constitutes a *lex specials* for the conclusion of agreements between the EU and third parties. As such, Article 218 (9) TFEU could only be utilised by the EU legislature in order to establish the EU's position in an international organisation that only concerns the EU itself. Hence, the argument went, Article 218 (9) TFEU fell short as a legal basis which the EU Institutions could resort upon to establish the EU's position in an organisation in which the EU is not participating. Germany's argument was therefore placing emphasis upon standard practice that, outside of the EU, Member States participate in various international organisations by negotiating separate bilateral agreements. It follows that until the EU becomes party to such organisations, the Council has no authority to adopt a decision in relation to the representation of the Member States in them.

The second argument made by Germany was predicated on the nature and content of the acts that Article 218 (9) TFEU covers. Again, using a literal interpretation of the provision it was stressed that only 'acts having legal effects', meaning acts binding under international law are covered by this provision. The relevant O.I.V. resolutions, which the contested Decision addressed by establishing a unified EU position were soft law recommendations and thus devoid of legal effect. It was pointed out that even EU secondary legislation was not sufficient to confer O.I.V. resolutions effects which are binding under international law.

The argument brought forward by the Council and the Commission in defence of the contested EU Decision which, in their view, justified recourse to Article 218 (9) TFEU was that it must be applied where the activity of a body set up by an agreement under international law falls within the competence of the EU. They emphasised that Article 218 (9) TFEU shall provide the procedural basis for EU external action especially when the EU is exercising its exclusive competence pursuant to Article 3 (2) TFEU (i.e. in areas covered by the relevant O.I.V. oenological recommendations listed in the contested Decision, since they are likely to affect

common EU rules). Accordingly, the application of Article 218 (9) TFEU by analogy was the only way of ensuring that the EU and its Member States retain the ability to act in the areas which fall strictly within their competence.[7]

3. The Court

In its judgment, delivered on 7 October 2014, the CJEU held against Germany and abstained from following the Advocate General's Opinion which was cautious about the extent to which the obligation of Member States to act as trustees of the EU's common interest extends to them agreeing on a Decision to have their autonomous external action coordinated. Advocate General Cruz Villalón stressed that Article 218 (9) TFEU does not provide a suitable legal basis for the contested Decision and pointed to the fact that, contrary to other international organisations which may preclude membership to the EU for reasons of international law,[8] the EU is not excluded from joining the O.I.V. Such membership would be 'the most natural way for it to exercise its competences effectively'.[9] By contrast to EU Institutions' understanding of the EU legislative power to regulate Member States' external conduct, the Advocate General opposed a teleological interpretation of Article 218 (9) TFEU and sided with Germany in that the contested Council Decision had to be annulled.

The CJEU held that the fact that the EU is not a party to the O.I.V Agreement does not prevent it from resorting to Article 218 (9) TFEU as a legal basis for the adoption of the contested Decision. It interpreted the provision teleologically holding that it 'intends to establish a procedural framework which allows the EU's position in international organisations to be defined - even in the context of international agreements to which it is not a party - where the acts to be adopted are to be incorporated subsequently into EU law.'[10] The CJEU, therefore effectively linked the first (context and scope) and the second (nature and content) argument made by Germany against the adoption of the contested Decision. It asserted that the EU Institutions can clearly adopt a position in relation to these acts regardless of their nature (soft

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[7] This term was used by Advocate General Cruz Villalón in his Opinion on the case (Case C‑399/12 Case C‑399/12 *Germany v Council* [2014] ECLI:EU:C:2014:2258

[8] For instance, only sovereign states can become UN members. See on EU-UN relation Jan Wouters and Anna-Luise Chané, Brussels Meets Westphalia: The European Union and the United Nations (August 1, 2014). Available at SSRN: http://ssrn.com/abstract=2509914.

[9] AG Opinion, para 107.

[10] Case C-399/12 *Germany v Council* [2014] ECLI:EU:C:2014:2258

law or otherwise) and irrespective of the fact that the EU is or is not partaking to an agreement or enjoys formal status within the respective international organisation that produces the acts in question.[11]

The CJEU established that the competence of the EU legislature to resort to Article 218 (9) TFEU was justified by relying upon the legal effect that O.I.V. resolutions produced internally. The CJEU stressed that it is possible for non-binding international recommendations to produce legal effects within the EU via provisions of EU law which enforce them. This was exactly the case with the O.I.V.'s resolutions containing oenological recommendations: they produced legal effects within the EU legal order by virtue of the fact that the EU legislature turned them into EU legislation. As such, the CJEU decided that Article 218 (9) TFEU, which makes no reference as to whether the EU must be a party to an 'agreement', was correctly utilised outside its usual context. The broad interpretation of Article 218 (9) TFE assisted the EU to establish a unified position to be adopted on its behalf in the O.I.V. as well as every other organisation set up by an international agreement to which the EU may not be a party.[12]

4. The importance of the case

The case is important in terms of drawing attention into the distinction between the existence of EU competence, the nature of that competence as being exclusive and the external exercise of that competence.[13] In relation to the latter, the EU's role in coordinating the Member States' action in international affairs is crucial. The CJEU's statement is bold: Where the EU has competence in a substantive field, it may act through the Member States as trustees of the EU's external competence in order to establish a position in relation to an international agreement. This means that where the EU enjoys external powers, Member States acting in a spirit of loyalty cannot act to affect EU law, even if the EU is not a member of that international agreement.

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[11] Judgment of the CJEU, para 44.

[12] The CJEU emphasised that it is not unusual for the EU to adopt a position on its behalf in a body set up by that agreement through, for instance, the Member States which are party to that agreement acting jointly in its interest. It cited Case C-45/07 *Commission* v *Greece* [2009] ECLI:EU:C:2009:81, paras 30-31; Opinion 2/91 [1993] ECLI:EU:C:1993:106, para 5 to reinforce its argument.

[13] Friedrich Erlbacher, 'Recent Case Law on External Competences of the European Union: How Member States Can Embrace Their Own Treaty' Centre for the Law of EU External Relations, Paper 2017/2, available at: https://www.asser.nl/media/3485/cleer17-2_web.pdf, See section 2.1.3.

The CJEU also set a precedent that Article 218(9) TFEU applies in circumstances where the decisions being taken by an international body, despite not having legal effects at the international level, may decisively influence the content of EU legislation. The O.I.V. case is therefore also essential in understanding the importance and bindingness of soft law adopted outside the framework of the EU legal order. This is particularly relevant since international soft law measures have proliferated in recent years and their legal foundation and effect in the EU legal order have formed a sub-field of EU external relations that has recently attracted considerable attention and scholarship.[14]

4.1 the importance of the case in the current context

The O.I.V. case constitutes a reminder of the pivotal role of the CJEU in EU external relations. Not only has its role been central in, as observed by the editors of this volume, building the entire framework of EU external relations law from the ground up. Most importantly perhaps for the purpose of this chapter, the CJEU has strengthened the constitutional edifice that surrounds it. The systematisation of the duty of loyalty, for instance, has become a key component in the CJEU's interpretation of EU legislative initiatives setting up a code of conduct or, to put differently, a unified Europeanised approach to the representation of Member States in the external domain. Loyalty has also become a legitimising factor for pre-emptive EU legislation lacking textual backup in the Treaty – i.e. where the Treaty is silent about the external position to be adopted on behalf of the EU on the international plane.

The O.I.V judgment is also a stepping stone towards introducing a new line of judicial precedent. Prior to the judgment, Member States were partially uncertain as to how far they can proceed to adopt positions which would affect EU law or to what extent they are required to oppose a recommendation from an organisation that they are members which is likely to alter the EU position. Following the O.I.V. judgment, the CJEU recalling previous practice confirmed that even in organisations that the EU is not a member, Member States still need to operate as agents of the EU and keep in line with their obligations that flow from EU membership.[15] This obligation only applies where the issue of an international agreement falls

[14] See Ramses A. Wessel, 'Normative transformations in EU external relations: the phenomenon of 'soft' international agreements' (2020) 44 (1) *West European Politics* 72.

[15] See above, note 11.

within an area of EU competence. The EU can then exercise its competence under Article 218 (9) TFEU by establishing the position to be adopted on its behalf in the organisation set up by an international agreement.

Following the O.I.V. decision the CJEU took a similar stance in relation to Article 218 (11) TFEU, concerning Advisory Opinions on future agreements. In *Opinion 1/13*, it established that the accession of a non-EU country to the Hague Convention on child abduction fell within the EU's exclusive competence.[16] Similar to the O.I.V. the EU is not a signatory to the Convention because, pursuant to Article 38 of the Convention, membership to the Hague Convention is only open to States. This did not stop the CJEU from claiming that EU external competence 'may [also] be exercised through the intermediary of the Member States acting in the EU's interest.'[17]

According to the CJEU, Member States needed to demonstrate agency by depositing declarations of acceptance in relation to the accession of eight non-EU countries to the Hague Convention. Pursuant to the Council's proposal such declarations were in the EU's interest. The CJEU therefore pointed to the overlap between the provisions of the Convention and those laid down by an EU Regulation on the international abduction of children.[18] It claimed that the EU's exclusive competence extends to the entirety of the Hague Convention and that its provisions affected the meaning, scope and effectiveness of the rules laid down by the EU on matters of parental responsibility. The latter observation was particularly important vis-à-vis the circumstances under which the EU can establish exclusive competence under Article 3 (2) TFEU.

4.2 Wider ramifications: agency as a quasi-constitutional principle

Agency has become a key component in the conduct of EU external relations. Member States need to acknowledge that when the EU is competent to act on a matter they shall demonstrate a certain degree of support to assist it in making its position known and its voice heard externally. The O.I.V. case has helped to ascertain that establishing its external position is all

[16] Opinion 1/13 [2014] ECLI:EU:C:2014:2303. The EU has internal competence under Article 81 (3) TFEU (family law). It has also exercised this competence by adopting Regulation 2201/2003.

[17] Ibid, para 44.

[18] Regulation 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 [2003] OJ L 338/0001

the more important for the EU in cases where it does not have a platform to make its opinion known to an international organisation. Agency has its roots in the duty of sincere cooperation or loyalty which, ever since *ERTA*, has become an essential component of the external dimension of EU law and the development of EU implied competences.[19] More specifically, the CJEU has often found in the principle of loyalty an obligation to provide a particular result or, more accurately, a duty to abstain from taking action which may be in conflict with EU law.

The CJEU's past jurisprudence suggests that agency also derives from the requirement of uniformity in the international representation of the EU which constitutes a key objective in EU external relations.[20] In *Commission v Greece* the CJEU held that even though all EU Member States are members of the International Maritime Organization (IMO), they are prohibited from submitting to the IMO positions on matters within the sphere of transport which fall within EU exclusive competence. The argument was that a Greek proposal which would have led to the adoption of new IMO rules would have jeopardised EU exclusive competence on transport policy (including enhancing ship and port facility security). The Greek proposal would have been disruptive to an existing EU Regulation which gave the EU sole competence to assume international obligations on the matter.[21] The judgment can be criticised for its coercive character, especially for extending the scope of the *ERTA* doctrine to a state's proposal initiating a process which could have led to the adoption of new international rules.[22] It was immaterial for the CJEU whether those rules that could have been adopted by the IMO would have been binding upon the EU. The CJEU underlined the duty of loyalty as a means to ensure that EU competence may be exercised by Member States acting as trustees of the EU interest.

Subsequently, the CJEU developed further its principles on the EU's external representation, in *Commission v Sweden* examined in detail in this volume.[23] Suffice to say here that the CJEU

[19] Case 22/70 *Commission v Council* [1971] ECR 263. See Chapter 1 of this volume.

[20] See Steven Blockmans and Ramses Wessel, 'Principles and Practices of EU External Representation' (eds.) CLEER Working Paper 2012/15/

[21] Regulation 725/2004 on enhancing ship and port facility security [2004] OJ L 129/6. The Regulation had already integrated the relevant parts of the SOLAS Convention and the ISPS Code regarding maritime standards.

[22] See for a detailed analysis and critique of the case: Marise Cremona, 'Extending the Reach of the AETR Principle: Comment on *Commission v Greece'* (2009) 34 *European Law Review* 754.

[23] Case C-246/07 *Commission v Sweden (PFOS)* [2010] OJ C161/3. See Chapter 59 in this volume.

established that where the subject matter of a convention falls partly within the competence of the EU and partly within that of the Member States, it is imperative to ensure close cooperation between the Member States and the EU Institutions. Such cooperation should take place both in the process of negotiation and conclusion, and in the fulfilment of the commitments entered into. Therefore, in this case the duty of loyalty was given a pre-emptive effect to block Member States from undertaking any action that could potentially undermine the objectives of the Treaties. It transcended its original meaning (under Article 4 (3) TEU) and became synonymous to a duty of agency or abstention (in this particular case) even if the competence at issue was neither exclusive *ab initio* nor pre-emptive through the application of the *ERTA* doctrine.

The use of a best endeavours obligation or an obligation of result in the abovementioned cases was imposed upon Member States to discard any inconsistencies in the EU's external relations approach. Yet the CJEU's approach (highlighting consistency, uniformity or any objective protective of the common interest) is capable of blurring the procedural duties of Member States under the principle of loyalty as an obligation of conduct. Member States need therefore to tread carefully so as to avoid upsetting the EU's common interest through their action or inaction. Although the O.I.V decision, and the relevant CJEU decisions mentioned in this chapter, are confined to the specific legal context set out by individual treaty provisions, they are sufficient to substantiate broader conclusions about the imposition of a general and, at times, abstract agency obligation upon the Member States.

As such, the O.I.V dispute involved both a question of principle as well as one on legal basis and external competence. The discomfort that certain Member States have experienced with regard to the doctrines developed by the CJEU and the questionable reasoning that often characterises such development is likely to generate more litigation, especially given that in the O.I.V. case Germany was supported in its claim by other Member States including the Netherlands and the UK that was not itself party to the O.I.V.

4.3 Open matters for future cases.

Despite the importance of the O.I.V decision, there are matters that the CJEU did not address, leaving open matters for future cases. Indeed, the O.I.V judgment confirms the EU's competence to establish a unified position to be adopted on its behalf with regard to the

recommendations of an international organisation, in view of the latter's direct impact on the EU *acquis* in its area of application. Still, however, the CJEU did not address in the most convincing manner a number of questions about the status in EU law of international agreements concluded by EU Member States which for some time remained subject to speculation.[24] Following the CJEU's EU external competence jurisprudence, it is hardly surprising that the EU is not supportive of its Member States adopting a double-hatted approach in the conduct of their foreign policy. As such, while O.I.V is an important case highlighting the vitality of agency and comity as its guiding light, it leaves one demanding a more convincing explanation about the degree of agency expected from Member States in the exercise of their foreign policy in international fora that the EU does not participate.

Future cases may revisit the O.I.V decision as to whether it comprised a constitutional step too far and generated inadvertent consequences for the morphological development of the constitution of EU external relations. The CJEU appeared unprepared in O.I.V to recognise the full implications of EU Member States' membership in other international organisations which, similar to the EU, they also prescribe obligations and commitments for these states and their governments. Even worse for the autonomy of the Member States, the EU can be criticised for holding international organisations hostage to its own constitutional specificities.[25] Internally, this insular approach is capable of boosting the EU's self-confidence levels in the region as a normative power.[26] Externally, however, the CJEU's approach seems inconsiderate and paints a rather unattractive image based on a single overarching objective which does not always correspond to the preferences of its Member States in relation to their external representation in other international organisations.

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[24] Especially following the repeal (by the Treaty of Maastricht) of former Article 116 EEC which provided a legal basis for a common action by the Member States in cases where the Community could not exercise its powers within the framework of certain international organisations. This provision prevented individual actions by Member States within the framework of international organisations of an economic character. The Community Institutions were charged with the task of coordinating common action in this situation. See on the impact of agreements concluded by EU Member States which are relevant to EU law: Alan Rosas, 'The Status in EU Law of International Agreements Concluded by EU Member States' (2011) 34 (5) *Fordham International Law Journal* 1304.

[25] See Opinion 2/13 EU-ECHR accession [2014] ECLI:EU:C:2014:2454 where the CJEU stressed inter alia that 'the agreement [2013 accession treaty to the ECHR]… fails to have regard to the specific characteristics of EU law with regard to the judicial review of acts, actions or omissions on the part of the EU in CFSP matters.'

[26] Although this may on occassion lead to intra-institutional conflict about the identity of the EU institution entrusted with the task of deciding upon the position of the EU. See C-73/14 *Council v Commission* [2015] ECLI:EU:C:2015:663 and Case C-660/13 *Council v Commission* [2016] ECLI:EU:C:2016:616.

5. Conclusions

The dispute between Germany and the Council in O.I.V forms an important part of the narrative concerning the gradual broadening of the areas falling under the umbrella of EU exclusive external competence.[27] It is also a case that has helped the CJEU to cement the formulation of a uniform EU position which concerns the conduct of international organisations to which Member States are parties insofar as the functioning of such organisations may impact upon the operation of the EU. In this regard, the O.I.V case is not only relevant because of its immediate outcomes but most importantly because of its progeny which confirms the CJEU's incremental intervention in national affairs outside the strict contours of EU membership.

The O.I.V decision is also indicative of the CJEU's approach which does not nourish, but rather presupposes the importance of the duty of loyalty in the field of EU external relations. Since it is almost impossible to conceive of a policy area that falls outside the scope of EU law, the CJEU's prescriptive approach concerning the membership of EU Member States in international organisations will inevitably impact upon future bilateral relations between Member States and international organisations as well as the EU and international organisations more generally. The O.I.V decision constitutes a test case for these organisations who, in its aftermath, may consider reviewing their terms of membership to demonstrate their aversion towards being indirectly managed by the EU Institutions.

Additional reading

Ramses Wessel, 'Normative transformations in EU external relations: the phenomenon of 'soft' international agreements' (2021) 44 (1) *West European Politics* 72-92.

Lisbeth A. Campo, 'Why EU-external relation debates should remain EU-internal', 19 May 2019, available at: https://europeanlawblog.eu/2019/05/15/case-c-620-16-otif-why-eu-external-relation-debates-should-remain-eu-internal/

Friedrich Erlbacher, 'Recent Case Law on External Competences of the European Union: How Member States Can Embrace Their Own Treaty' Centre for the Law of EU External Relations, Paper 2017/2, available at: https://www.asser.nl/media/3485/cleer17-2_web.pdf

[27] See also Case C-600/14 *Germany v. Council of the European Union (OTIF)* [2017] ECLI:EU:C:2017:935

Thomas Ramopoulos and Jan Wouters, ‘Charting the Legal Landscape of EU External Relations Post-Lisbon’, *KU Leuven Working Paper* No 156 (2015), available at <https://ghum.kuleuven.be/ggs/publications/working_papers/new

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Member States as Trustees of the Union in International Organisations: Germany v Council (OIV)

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