Record Nr. UNINA9910255276803321 Autore Ruka Plarent Titolo The International Legal Responsibility of the European Union in the Context of the World Trade Organization in Areas of Non-Conferred Competences / / by Plarent Ruka Cham:,: Springer International Publishing:,: Imprint: Springer,, Pubbl/distr/stampa 2017 3-319-57177-X ISBN Edizione [1st ed. 2017.] Descrizione fisica 1 online resource (XXX, 289 p. 2 illus. in color.) Disciplina 341.2422 Soggetti Law—Europe International law Trade Mediation Dispute resolution (Law) Conflict management European Economic Community literature International organization European Law International Economic Law, Trade Law Dispute Resolution, Mediation, Arbitration Sources and Subjects of International Law, International Organizations **European Integration** International Organization Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Nota di bibliografia Includes bibliographical references. Nota di contenuto Introduction -- Perspectives from the International law of responsibility on the joint responsibility regime of the EU and its member states --International responsibility in mixed agreements: the case of the WTO Agreement -- The responsibility of the Union Polity in the WTO in light of the constitutional framework of principles -- A model for

participation of the Union Polity in the DSP and the management of the

responsibility concerns -- Summary and conclusions.

Sommario/riassunto

This work focuses on the EU's participation in the Dispute Settlement Proceedings (DSP) of the WTO for matters of non-conferred competences. The underlying thesis is that the joint membership of the EU and its Member States is fallacious, in that it could cause the EU to become responsible for violations of the WTO regulations on the part of the Member States. Such fallacies are rooted in the blurred nature of the distribution of powers in the EU polity. In order to tackle the issue of international responsibility, the analysis is based on the facts of a real-world case. Based on the tenets of public international law, the law of mixed agreements and the EU constitutional principles, the book puts forward a model for the EU's participation in the DSP, and for the reallocation of burdens to the respective responsible entity. This proposition deconstructs the joint responsibility regime and endorses a solution that could address the issue of responsibility in mixed agreements without a declaration of powers.