



Presentation Abstract

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The European Union and Law of the Sea Dispute Settlement

The European Union (EU) and the twenty-seven Member States are all party to the 1982 United Nations Convention on the Law of the Sea (the Convention) and its related agreements. As is well known, Part XV of the Convention contains a unique set of comprehensive provisions that provide for both compulsory and binding dispute settlement. These provisions are at the very heart of the Convention and provide sufficient latitude for the creative role of competent courts and tribunals, as well as the EU's own system of dispute settlement. They thus have contributed to the effectiveness and coherence of the Convention both at an internal level within the EU, and in relations between the EU and third countries, as well as in relations between the EU and international organisations at multilateral and regional levels.

Against this background, this paper examines the division of competence between the EU and the Member States in relation to the law of the sea. This is followed by a brief review of the principal features of the dispute settlement provisions in the Convention as they apply to the EU. This review touches upon a number of matters, including; the EU's formal position in relation to the dispute-settlement procedures set down by the Convention; EU practice on the peaceful settlement of disputes with third countries by making specific reference to the dispute between the then EC and Canada concerning the detention of the Spanish fishing vessel the *Estai* in international waters in 1994, and the more recent dispute between the EC and Chile in relation to the fishery for swordfish in the eastern Pacific Ocean.

In relation to *inter* Member States disputes concerning the law of the sea, the paper draws attention to the judgment of the Court of Justice of the European Union (CJEU) in the *Mox Plant* Case, and in a number of other cases concerning the protection and preservation of the marine environment. Moreover, the paper mentions how the CJEU has dealt with the jurisdictional framework set down by the Convention and its interface with the fundamental EU rights of free movement of goods, persons and service.

The paper concludes by highlighting a number of cases in the CJEU which demonstrate that the EU's own system of dispute settlement has a number of enforcement procedures for ensuring compliance with the law by Member States that far exceed the mechanisms that are available under the Convention.