

**Course Syllabus LAW222G****EU Constitutional Law**

Number of ECTS: 6

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Office hours: before each class from 3 – 4:00 pm

Course Description

The course introduces the student to the law of the European Union by deepening areas discussed in course LAW 101G. It provides the knowledge about the principles and main pillars of the three main EU Treaties, the TEU, the TFEU and the Charter of Fundamental Rights. The course aims at providing the understanding of the connection between the treaties and secondary law by using important and actual regulations and directives. The course seeks to develop a broad understanding of the function of the primary and secondary law in the political discourse on the value of the EU for the EU member states and their citizens.

Students will be enabled to understand the principles and substance of the EU's secondary law, how it is developed and applied and what judicial procedures exist to challenge it. In all classes, actual EU policies and their foundation in the primary and secondary law will be referred to. The EU law and its function in discourses on EU communication, EU business, EU policies and international relations is clarified. Students will also be introduced to the legislative train of the EU and the access to law documents and related strategy as well policy documents of all major EU institutions.

In the first part of the course the history of the treaty development is described and constitutional nature of the treaties is discussed. The governmental structure of the EU and the competences of the different institutions are analyzed. The nature of the European law, its effect and the legislative powers are examined as well as the judicial powers and their application in practice tested with reference to important and actual jurisprudence. The main elements of the Charter of Fundamental rights and their importance for EU actions and member state implementation of EU law are explicated.

The second part of the course focuses in specific important areas for the functioning of the supranational institution. The common market idea and its foundation in the treaties and secondary law is identified and cases referring to the freedom of goods, services and movement are discussed. The agriculture and fisheries laws and their importance for the

functioning of the EU are discussed as well as the function and enforcement of EU competition and antitrust laws. The environmental competences of the EU and important secondary laws are identified and examined based on the sustainable development agenda.

The third part of the course focuses on areas more recently developed as important functions of the EU. The immigration and asylum policies including border protection is described as well as the Lisbon treaty based framework for criminal legislation. EU measures fighting international terrorism are examined. The external competences of the EU including the framework and content of the CFSP are explained and discussed.

Course Prerequisites

Course: LAW 101G or the “EU Crash Course” for Study Abroad Students (given during Orientation Week) or upon permission of the professor, upon demonstrated general knowledge of the governmental structure of the EU and the competences of the different institutions.

Course schedule

Week 1

- Thursday
- 16.30-19.30 hrs,
- Robert Schütze, *European Constitutional Law*, 2ed. 2016, pp. 1-76

Main topics: introduction to the course, European integration, the treaty on the eu, the hierarchy of legal sources, the “constitutional principles”, membership rights, democracy, governance, transparency, general powers of the eu institutions, enlargement

- What are the course objectives, topics, activities and the exam?
- What activities are planned for the course and how do they relate to the course?
- How have the treaties been developed?
- What are the basic pillars and principles?
- What are the elements of the principle of democracy?
- What is the state of the EU taking into account actual developments?
- How can states leave the EU under what conditions?
- What is the BREXIT procedure?
- Can states be suspended?

Further recommended readings:

- ✓ Thierry Chopin, Christian Lequesne, Differentiation as a double-edged sword: member states’ practices and Brexit, *International Affairs* 92: 3 (2016) pp. 531–545
- ✓ Adriaan Schout, Sarah Wolff, The "Paradox of Lisbon": Supranationalism-intergovernmentalism as an administrative concept in: *The EU's Lisbon Treaty: Institutional Choices and Implementation*, ed. by Finn Laursen, 2012, pp.21-39
- ✓ Christian Marxsen, Participatory Democracy in Europe – Article 11 TEU and the Legitimacy of the European Union, in: Federico Fabbrini / Ernst Hirsch Ballin / Han Somsen (eds), *What Form of Government for the European Union and the Eurozone?*, Hart Publishing, Oxford 2015, 151-169. Available at SSRN: <https://ssrn.com/abstract=2630925>

Week 2

- Thursday
- 16.30-19.30 hrs
- Robert Schütze, *European Constitutional Law*, 2ed. 2016, pp. 77-115; 147-219

Main topics: the EU institutional framework and governmental structure, the European parliament, the European council, the council, the European Commission, the European court of justice, the ECA, principles, actual topics

- Orientation (where are we?) and actual topics (what has happened since last class with EU law relevance?)
- What constitutes the EU as supranational organization?

- Which are the main EU Institutions?
- What are their functions and powers?
- What are the elements of the decision making?
- How do the institutions interact
- The principle of transparency
- The transparency regulation, content and impact

Further recommended readings:

- ✓ Mendes, Joana, Participation and the Role of Law after Lisbon: A Legal View on Article 11 TEU (September 1, 2011). *Common Market Law Review*, Vol. 48, No. 6, pp. 1849-1878, 2011. Available at SSRN: <https://ssrn.com/abstract=1997268>
- ✓ Crombez, Christophe and Huysmans, Martijn and Van Gestel, Wim, Choosing an Influential Agenda Setter: The Appointment of the Commission in the European Union (January 2016). Available at SSRN: <https://ssrn.com/abstract=2720259>
- ✓ 'Transparency, Accountability, and Democracy in the EU', Lecture by the European Ombudsman, Professor P. Nikiforos Diamandouros, at the School of Advanced International Studies of the Johns Hopkins University, Bologna, Italy, 17 October 2006, <https://www.ombudsman.europa.eu/speeches/en/2006-10-17b.htm>
- ✓

Week 3

- Thursday February 2
- 16.30-19.30 hrs
- Robert Schütze, *European Constitutional Law*, 2ed. 2016, pp. 302-341

Main topics: executive powers, the EU law making, and consultation, judicial powers, adjudicatory powers (with presentations), principles, equal opportunities, equality grounds, discrimination, actual topics

- Orientation (where are we?) and actual topics (what has happened since last class with EU law relevance?)
- What is the Principle of rule of law in the EU?
- What are the Union competences to legislate?
- How does the legislation work?
- What are the procedures?
- What are the underlying principles?
- The principle of non-discrimination

Further readings:

- ✓ Manuele Citi, Mogens K. Justesen, Institutional constraints, legislative activism and policy change: The case of the European Union, *European Journal of Political Research*, Volume 55, Issue 3, August 2016, Pages 609–625
- ✓ An EU mechanism on Democracy, the Rule of Law and Fundamental Rights
Petra Bárd, Sergio Carrera, Elspeth Guild and Dimitry Kochenov with thematic

contribution by Wim Marneffe No. 91 / April 2016,
<https://www.ceps.eu/system/files/LSE%20No%2091%20EU%20Mechanism%20for%20Democracy.pdf>

- ✓ Papadopoulos, Thomas, Criticizing the Horizontal Direct Effect of the EU General Principle of Equality (August 19, 2011). *European Human Rights Law Review*, Issue 4, pp. 437-447, 2011. Available at SSRN: <https://ssrn.com/abstract=1912212> or <http://dx.doi.org/10.2139/ssrn.1912212>

Week 4

- Thursday February 9
- 16.30-19.30 hrs
- Robert Schütze, *European Constitutional Law*, 2ed. 2016, pp. 221-263

Main topics: legislative powers, competences, exclusive and shared, procedures, secondary laws, preparation for activity 1, ordinary external relations and external powers, competences and procedures, principles, actual topics

- Orientation (where are we?) and actual topics (what has happened since last class with EU law relevance?)
- What are the legislative competences of the EU?
- Which categories of competences do exist?
- What is the difference between exclusive and shared competences?
- What are the elements of the ordinary legislative procedure?
- How can the principle of subsidiarity best explained and applied?

Further recommended readings:

- ✓ A.L. Högenauer (2016), “The Principle of Subsidiarity after Lisbon: Towards a Sustainable System of EU Multi-Level Governance”, in: N. Papakostas, N. Passamitros (eds.), *EU Beyond the Crisis. A Debate on Sustainable Integrationism*, pp. 28, <http://orbilu.uni.lu/bitstream/10993/24536/1/Hogenauer%20Sustainable%20MLG%20pre-proof.pdf>
- ✓ Ceil, Chenoy, *Horizontal Direct Effect of Directives* (April 21, 2015). Available at SSRN: <https://ssrn.com/abstract=2597191> or <http://dx.doi.org/10.2139/ssrn.2597191>
- ✓ Kiiver, Philipp, *The Treaty of Lisbon, the National Parliaments and the Principle of Subsidiarity* (January 10, 2008). *Maastricht Journal of European and Comparative Law*, Vol. 15, pp. 77-83, 2008. Available at SSRN: <https://ssrn.com/abstract=1417242>

Week 5

- Thursday, February 16
- 16.30-19.30 hrs
- Robert Schütze, *European Constitutional Law*, 2ed. 2016, pp. 147-219

Main topics: judicial powers, review and enforcement of eu-law, preparation for the mid term exam, essentials of secondary law documents, budgetary and financial principles, the multiannual financial framework

- Orientation (where are we?) and actual topics (what has happened since last class with EU law relevance?)
- What are the judicial powers of the EU organs?
- What is a judicial review under the TEU/TFEU and what are the grounds for review?
- What is the function, purpose and legal basis of the Infringement Procedure?
- When and how often it is used by the Commission?
- What is a Preliminary Ruling procedure?
- What are the conditions for Preliminary Ruling?
- What are the potential topics for the mid term exam paper?

Further recommended readings:

- ✓ Prete, Luca and Smulders, Ben, The Coming of Age of Infringement Proceedings (2009). Common Market Law Review, 2010. Available at SSRN: <https://ssrn.com/abstract=2568661>
- ✓ Michael Blauberger, R. Daniel Kelemen, Can courts rescue national democracy? Judicial safeguards against democratic backsliding in the EU, Journal of European Public Policy, Volume 24, 2017 - Issue 3, pp. 312-336
- ✓ Lorand Bartels, Policy Coherence for Development Under Article 208 of the Treaty on the Functioning of the European Union - Towards a Complaints Mechanism, University of Cambridge Faculty of Law Research Paper No. 18/2016, 27 Pages Posted: 24 Mar 2016 Last revised: 11 Apr 2016

Week 6

- Thursday
- 16.30-19.30 hrs
- Robert Schütze, European Constitutional Law, 2ed. 2016, pp. 429-470

Main topics: EU citizens rights, the charter of fundamental rights, standard of protection, european convention on human rights, principles, actual topics

- Orientation (where are we?) and actual topics (what has happened since last class with EU law relevance?)
- How does the Charter of Fundamental Rights relate to other human rights documents?
- What is the function of the European Convention on Human Rights?
- What is the structure of the Charter?
- What are the main obligations of the Charter?
- How have the EU institutions implemented the Charter in their actions?
- What is the Fundamental Rights Agency and what are its competences?
- What specific EU documents assist to implement the Charter?
- How is the Charter incorporated in the national law systems?

Further readings:

- ✓ Johannes Masing, Unity and Diversity of European Fundamental Rights Protection, European law review, N° 4, 2016, pp.. 490-512
- ✓ Gabriel N. Toggenburg, Jonas Grimhede, Upholding Shared Values in the EU: What Role for the EU Agency for Fundamental Rights?, Journal of Common Market Studies, Volume 54, Issue 5, September 2016, pp. s 1093–1104

- ✓ Halberstam, Daniel, 'It's the Autonomy, Stupid!' A Modest Defense of Opinion 2/13 on EU Accession to the ECHR, and the Way Forward (February 20, 2015). 16 German Law Journal 105 (2015); U of Michigan Public Law Research Paper No. 439. Available at SSRN: <https://ssrn.com/abstract=2567591> or <http://dx.doi.org/10.2139/ssrn.2567591>

Week 7

- Thursday
- **Mid-term Exam (submission of paper on a reformed/new Regulation or Directive)**

Week 8

- Thursday
16.30-19.30 hrs
- Damian Chalmers, Gareth Davis, Giorgio Mont, European Union Law, Cambridge 2016, pp. 667-702, 754-846

Main topics: **Internal market, customs union and common market, trade, the free movement of goods, the free movement of services, free movement of workers, actual topics**

- Orientation (where are we?) and actual topics (what has happened since last class with EU law relevance?)
- What are the element of the Customs Union?
- How has the prohibition of restriction on imports be developed by jurisprudence?
- What are possible restrictions on exports?
- What are the elements guaranteeing free movement of services under the TFEU?
- What are possible restrictions?
- What are the main issues regarding health care?
- What does the Directive on patients' rights regulate?

Further readings:

- ✓ Gabel, Matthew and Carrubba, Clifford, The European Court of Justice as an Engine of Economic Integration: Reconsidering Evidence that the ECJ has Expanded Economic Exchange in Europe (August 5, 2009). CELS 2009 4th Annual Conference on Empirical Legal Studies Paper. Available at SSRN: <https://ssrn.com/abstract=1444500> or <http://dx.doi.org/10.2139/ssrn.1444500>
- ✓ Engle, Eric, Environmental Protection as an Obstacle to Free Movement of Goods: Realist Jurisprudence in Articles 28 and 30 of the E.C. Treaty (January 30, 2009). Journal of Law and Commerce, Vol. 37, p. 113. Available at SSRN: <https://ssrn.com/abstract=1335088>
- ✓ Scott L. Greer, Tomislav Sokol, Rules for Rights: European Law, Health Care and Social Citizenship, European Law Journal, Volume 20, Issue 1 January 2014, pp. 66–87

- ✓ VASSILIS HATZOPOULOS, TAMARA HERVEY, *Coming into line: the EU's Court softens on cross-border health care*, *UK Health Economics, Policy and Law* (2013), 8, 1–5 & Cambridge University Press doi:10.1017/S1744133112000102

Week 9

- Thursday
- 16.30-19.30 hrs
- Damian Chalmers, Gareth Davis, Giorgio Mont, *European Union Law*, Cambridge 2016, pp. 704-752

Main topics: integration economic and monetary union, regional development policies, the common agricultural policy, fisheries policies, social policies, actual topics

- Orientation (where are we?) and actual topics (what has happened since last class with EU law relevance?)
- What is the Sovereign debt crisis and how is EU financial assistance to countries in difficulties defined and implemented?
- What is the role of the European Central Bank?
- What is the stability and growth pact?
- How is the pact implemented?
- What are the mechanism to support regional development?
- How are the European Structural and Investment Funds implemented in the period 2014-2020?
- What is the legal basis and system for support to European agriculture?
- What are the elements of the European Agricultural Fund for Rural Development?

Further readings:

- ✓ Dabrowski, Marek, *The Global Financial Crisis: Lessons for European Integration* (July 20, 2009). CASE Network Studies and Analyses No. 384. Available at SSRN: <https://ssrn.com/abstract=1436432> or <http://dx.doi.org/10.2139/ssrn.1436432>
- ✓ Scharpf, Fritz W., *Monetary Union, Fiscal Crisis and the Preemption of Democracy* (May 2011). LEQS Paper No. 36. Available at SSRN: <https://ssrn.com/abstract=1852316> or <http://dx.doi.org/10.2139/ssrn.1852316>
- ✓ Jeroen J.L. Candel et al., *Disentangling the consensus frame of food security: The case of the EU Common Agricultural Policy reform debate*, <http://dx.doi.org/10.1016/j.foodpol.2013.10.005>
- ✓ Karen M. Anderson, *Social Policy in the European Union*, 2015, pp. 182-206

Week 10

- Thursday
- 16.30-19.30 hrs
- Damian Chalmers, Gareth Davis, Giorgio Mont, *European Union Law*, Cambridge 2016, pp. 925-941

Main topics: industrial and energy policies, environmental policies, actual topics, eu and sustainable development

- Orientation (where are we?) and actual topics (what has happened since last class with EU law relevance?)

- What are the main elements of industrial and energy policies in the EU?
- How are such policies connected with environmental EU-competences?
- What is the function of the precautionary principle in the TFEU?
- What are the main directives in the field of environmental protection?
- How has the EU been involved in the development of the sustainable development 2030 agenda?
- How is the agenda been implemented in the EU?
- What are the elements of the Commission work programme for 2017 and beyond?

Further readings:

- ✓ Nicolae Scarlat, et.al., Renewable energy policy framework and bioenergy contribution in the European Union – An overview from National Renewable Energy Action Plans and Progress Reports, <http://dx.doi.org/10.1016/j.rser.2015.06.062>
- ✓ Bartels, Lorand, Human Rights and Sustainable Development Obligations in EU Free Trade Agreements (September 1, 2012). University of Cambridge Faculty of Law Research Paper No. 24/2012. Available at SSRN: <https://ssrn.com/abstract=2140033> or <http://dx.doi.org/10.2139/ssrn.2140033>
- ✓ Martyniszyn, Marek, The EU-Russia Relationship and the EU Energy Union: From Dependence and Vulnerability Towards Competition and a Free Flow (April 1, 2015). Forthcoming in DELIVERING ENERGY LAW AND POLICY IN THE EU AND THE US: A READER (Raphael J. Heffron & Gavin Little, eds., Edinburgh University Press); Queen's University Belfast Law Research Paper No. 11. Available at SSRN: <https://ssrn.com/abstract=2609140>

Week 11

- Thursday
- 16.30-19.30 hrs
- Damian Chalmers, Gareth Davis, Giorgio Mont, European Union Law, Cambridge 2016, pp. 942-1051

Main topics: EU competition law, aims, enforcement, antitrust and monopolies, environment policy, actual topics

- Orientation (where are we?) and actual topics (what has happened since last class with EU law relevance?)
- What are the aims of the EU competition law?
- How does the Commission enforce its policies?
- What are the elements of the procedure and what are the penalties?
- What is the ECN and what is its role?
- What are the main elements of the Anti Trust policies?
- What are the roles of articles 101 and 102 TFEU?
- How is the environment protected by the TFEU and secondary laws?
- How are these rules affecting the equality in competition?

Further readings:

- ✓ Wils, Wouter P. J., The Judgment of the EU General Court in Intel and the So-Called 'More Economic Approach' to Abuse of Dominance (September 19,

2014). *World Competition: Law and Economics Review*, Vol. 37, No. 4, 2014, pp.405-434. Available at SSRN: <https://ssrn.com/abstract=2498407>

- ✓ Brans, Edward and Betlem, Gerrit, *Environmental Liability in the EU: An Introduction* (1, 2006). ENVIRONMENTAL LIABILITY IN THE EU, pp. 17-27, Gerrit Betlem & Edward Brans, eds., Cameron, May 2006. Available at SSRN: <https://ssrn.com/abstract=1465647>
- ✓ Gonzalez, Carmen G., *Genetically Modified Organisms and Justice: The International Environmental Justice Implications of Biotechnology* (August 24, 2011). *Georgetown International Environmental Law Review (GIELR)*, Vol. 19, p. 583, 2007. Available at SSRN: <https://ssrn.com/abstract=986864>

Week 12

- Thursday
- 16.30-19.30 hrs
- Damian Chalmers, Gareth Davis, Giorgio Mont, *European Union Law*, Cambridge 2016, pp. 517-567

Main topics: immigration and asylum policy, border protection, refugee and humanitarian aid, actual topics

- Orientation (where are we?) and actual topics (what has happened since last class with EU law relevance?)
- Is there a functioning European Asylum System? What are the elements of the EU package on Migration and Security of 25 January 2017 and what are the legal elements to fight illegal immigration?
- How are the EU borders controlled?
- What is the role of the EU in humanitarian aid?
- Which mechanism to manage aid are used?
- How are the funds for aid distributed?
- How are the voluntary aid corps functioning?

Further recommended readings:

- ✓ Chetail, Vincent, *The Common European Asylum System: Bric-à-Brac or System?* (February 14, 2015). *Reforming the Common European Asylum System: The New European Refugee Law*, V. Chetail, P. De Bruycker & F. Maiani, eds, Martinus Nijhoff, 2016, pp. 3-38 . Available at SSRN: <https://ssrn.com/abstract=2564990>
- ✓ Dashwood, A. (2011), 'Conflicts of Competence in Responding to Global Emergencies', in Antoniadis, A., Schütze, R. and Spaventa, E. (eds), *The European Union and Global Emergencies. A Law and Policy Analysis*, Hart, Oxford, pp. 33–48.
- ✓ Hauck, V. (2012), 'What can bridge the divide between humanitarian aid and development?', ECDPM Talking Point, 19 September 2012, online at <http://ecdpm.org/talking-points/bridge-divide-between-humanitarian-aid-and-development>
- ✓ Lenart, Joanna, 'Fortress Europe': Compliance of the Dublin II Regulation with the European Convention for the Protection of Human Rights and Fundamental Freedoms (June 29, 2012). *Merkourios*, Vol. 28, No. 75, pp. 04-19, June 2012. Available at SSRN: <https://ssrn.com/abstract=2140759>
- ✓ Gkliati, Mariana, *Frontex Sea Operations: Managing the Asylum Routes* (May 22, 2014). Presented at the Access to Asylum Current Challenges and Future

Directions Conference, Monash University Prato Centre, Prato, May 2014 .
Available at SSRN: <https://ssrn.com/abstract=2865920> or
<http://dx.doi.org/10.2139/ssrn.2865920>

- ✓ Gil-Bazo, Maria-Teresa, Refugee Status, Subsidiary Protection, and the Right to Be Granted Asylum Under EC Law. UNHCR, New Issues in Refugee, Research Paper No. 136; Oxford Legal Studies Research Paper No. 54/2006. Available at SSRN: <https://ssrn.com/abstract=951097>

Week 13

- Thursday
- 16.30-19.30 hrs
- *Damian Chalmers, Gareth Davis, Giorgio Mont, European Union Law, Cambridge 2016, pp. 623-666*

Main topics: EU criminal law and fight against terror, data policies, actual topics

- What are the competences of the EU in this area?
- How is judicial cooperation organized?
- What are the main Principles of cooperation?
- Are there so called EU-crimes?
- What is the EU counter-terrorism policy and European security strategy?
- Are there EU rules on terrorist offences and related penalties
- How can financing terrorism be prevented?
- What is the Information management in the area of freedom, security and justice?
- What information is shared within the EU and with other states?

Further readings:

- ✓ Christopher Harding, EU Criminal Law under the Area of Freedom, Security and Justice, The Oxford Handbook on European Union Law, 2015
- ✓ Rosaria Sicurella, Chapter 3: EU competence in criminal matters, Research Handbook on EU Criminal Law, Research Handbooks in European Law series, Edited by Valsamis Mitsilegas, Maria Bergström and Theodore Konstadinides, pp. 49-77
- ✓ Valsamis Mitsilegas, EU Criminal Law After Lisbon: Rights, Trust and the Transformation of Justice in Europe, 2016, pp. 53-82

Week 14

- Thursday
- 16.30-19.30 hrs
- Robert Schütze, European Constitutional Law, 2ed. 2016, pp. 263-298

Main topics: external powers of the eu, international agreements, the common foreign and security policy, its instruments, the high representative and the common security and defense policy, actual topics

- Orientation (where are we?) and actual topics (what has happened since last class with EU law relevance?)
- What are the European Union external Powers?
- What is the role of the EEAS?
- What are the competences of the High Representative?

- What are the external decision making procedures?
- How did the Lisbon Reform organize the CFSP?
- What are the main elements of the CFSP and who are the actors?
- What procedures are applied in the CFSP?
- What treaty making powers do exist?
- What are mixed agreements?

Further recommended readings:

- ✓ Bart Van Vooren, Ramses A. Wessel, *EU External Relations Law: Text, Cases and Materials*, 2014, pp. 1-131
- ✓ *The Institutional Architecture of CFSP after the Lisbon Treaty: Constitutional breakthrough or challenges ahead?* CEPS Challenge Paper No. 10, 23 June 2008
- ✓ Helwig, Niklas and Ivan, Paul and Kostanyan, Hrant, *The New EU Foreign Policy Architecture: Reviewing the First Two Years of the EEAS* (February 10, 2013). CEPS Paperbacks, Forthcoming. Available at SSRN: <https://ssrn.com/abstract=2214926>
- ✓ Guri Rosen, *EU Confidential: The European Parliament's Involvement in EU Security and Defence Policy*, in: *Journal of Common Market Studies*, 2015, pp. 383-398
- ✓ Carrera, Sergio and Den Hertog, Leonhard and Parkin, Joanna, *EU Migration Policy in the Wake of the Arab Spring: What Prospects for EU-Southern Mediterranean Relations?* (August 3, 2012). MEDPRO Technical Report No. 15, August 2012. Available at SSRN: <https://ssrn.com/abstract=2135477>

Week 15

- **Final Exam** – date to be determined by VeCo Administration

Course materials

Robert Schütze, European Constitutional Law (2nd ed), Cambridge 2016

Additional recommended readings:

- Treaty on the European Union and Treaty on the Functioning of the European Union
- Charter of Fundamental Rights
- Court of Justice of the European Union – judgments and preliminary rulings
- Selected articles on the topics of the courses

Course assessment

The students will be evaluated on the basis of their performance as follows:

➤ Midterm paper	30 %
➤ Activity 1	30 %
➤ Final examination	<u>40 %</u>
TOTAL	100%

Grading scale of Vesalius College

Letter grade	Scale of 20	Scale of 100
A	17.0-20.0	85-100
A-	16.1-16.9	81-84
B+	15.3-16.0	77-80
B	14.5-15.2	73-76
B-	13.7-14.4	69-72
C+	13.1-13.6	66-68
C	12.3-13.0	62-65
C-	11.5-12.2	58-61
D+	10.7-11.4	54-57
D	10.0-10.6	50-53
F	0-9.9	0-49

Indication of the format of the midterm Paper and final exams

Midterm Paper: A paper revising an existing/or establishing a new EU-Regulation or EU-Directive

The paper should prove the ability of the student to develop a coherent legal text by using existing examples and by fulfilling all formal criteria for a Regulation or Directive.

The new added or amended text must contain 1500 words as minimum and must be marked in yellow. The preamble should clearly spell out the objectives and reasoning for the changes/new text. The operational parts, including definitions if necessary, should be coherent and implement as best the objectives. All papers must be submitted to TurnItIn.

Students have submit the Midterm Paper on Monday, March 6, until 11.59 pm.

Final Exam: From the foundations of TEU/TFEU and Charter of Fundamental rights to the specific areas discussed in the course weeks, the exam covers the text of the course book (Schütze/parts of Chalmers) and the discussed materials in class.

Four questions with each 3 points on the elements of the TEU/TFEU and discussed secondary laws the text of which have been provided to the students. A typical answer requires 6 to 12 lines. The answers should demonstrate the knowledge of the students about the pillars of the treaties and the secondary laws discussed. They should also show the ability of students to deal with the substantive rules of treaties and regulations and apply them to a hypothetical or real case.

Two questions related to legal and political basis for the EU environmental and migration policies including the bodies implementing such policies. Typical answers are 12 to 15 lines. 4 points for each question.

Note that the elements of the answer are NOT enough, they must be worked out in sentences and have a logical structure.

Assessment of Midterm paper and writing assignment and their grading criteria

The following criteria will be applied in assessing the Midterm paper and the writing assignment.

Writing Assignment 1

Description

1. After the Midterm Paper, a paper of 1,500 words (600 words more is the maximum margin) with numbered pages – including footnotes - on a proposal how the EU should contribute to the agenda 2030 and with what legal instrument the ideas presented could be best implemented in the EU and/or member states. Paper topics are chosen on consultation with the professor; the title of the paper must cover its content as precise as possible. The writing period starts on April 20.

2. The submission date is May 1, 11.59 pm. All papers must be submitted to TurnItIn.
3. Course assessment: 20 points

Grading Form – Rubrics for Midterm Paper and Written Assignment 1

Structure of paper, including word count	introduction or conclusion is lacking, or not enough words (word count) 0-1 point	A good structure and a conclusion 2 – 3 points	A short <i>ad rem</i> introduction (mostly in the form of antecedents), a good analysis (use separate paragraphs per topic) and a conclusion 4 – 5 points
Critical analysis of the major elements	One or more major elements are not covered 0 – 1 points	Weak legal reasoning 2 – 3 points	Systematic analysis of all major elements and use of personal comments or critical questions 4 – 5 points
Legal sources and legal terminology, including correct footnotes	Wrong reading or absence of TEU, TFEU, case law of the Court of the EU, EU policy documents; 0 – 1 points	Inappropriate use of legal terminology; descriptive style instead of legal style; wrong footnotes 2 – 3 points	All major sources are consulted with good legal terminology overall At least 4 <i>good</i> references covering the legal sources. 4 – 5 points
Ability to place the topic in its proper context and to explain its relative importance for the EU	Overall structure of the EU is not understood 0 – 1 point	One treaty or one case, or one policy document relevant to the topic, are not dealt with 2 – 3 points	Subject is placed in its context and timeline of European integration process 4 – 5 points
			Total 20 points

System of bibliographic referencing: the footnote apparatus

Books and journal articles

- Author, title, title of journal, volume or number, year/year of publication, edition, referred pages

EU Law

- COM(2012)497final or Communication on enhancing and focusing EU international cooperation in research and innovation: A strategic approach - COM(2012)497final
- EU Regulation 528/2012 concerning the making available on the market and use of biocidal products
- Directive 2013/36/EU on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms
- Commission Implementing Decision (2013)5243final extending the multiannual Union programme for the collection, management and use of data in the fisheries sector for the period 2011-2013 to the period 2014-2016

Academic honesty statement

Academic dishonesty is **NOT** tolerated in this course.

Academic honesty is not only an ethical issue but also the foundation of scholarship. Cheating and plagiarism are therefore serious breaches of academic integrity.

Following the College policy, cheating and plagiarism cases will be communicated in writing to the Associate Dean for Students and submitted to the Student Conduct Committee for disciplinary action.

If you refer to someone else's work, appropriate references and citations must be provided. Grammar, spelling and punctuation count, so use the tools necessary to correct before handing in assignments.

