Course Syllabus

EU CONSTITUTIONAL LAW

LAW 222G

Number of ECTS credits: 6
Time and Place: Fridays, 16h30-19h30, VeCo 3

Contact Details for Professor
Name of Professor: Dr Raluca Painter
E-mail: raluca.painter@vub.ac.be
raluca.painter@yahoo.fr
Office hours: Fridays, 15h30-16h30

CONTENT OVERVIEW

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Course Prerequisites

LAW 101G

Course Description

The course aims at giving the students an understanding of the main principles of the EU constitutional law, in particular:
(i) the rules and principles which underpin the EU integration and the system of hierarchy of norms in the EU;
(ii) the role and the functioning of the various EU institutions;
(iii) the decision-making processes in order to understand the interaction between the various EU institutions, and the interaction between the latter and Member States;
(iv) understanding of the various regimes of EU integration depending on the field of activity concerned (single market for capital, good, persons and services), defence and environment; and
(v) an overview of the EU Charter of Fundamental Rights and the articulation between the Charter and national legal frameworks on human rights, including the role of the judicial system in ensuring the application of the Charter.

Course Learning Objectives (CLO)

At the end of this course, students should be able to:

In terms of knowledge:

➢ Demonstrate their knowledge of the hierarchy of norms in the EU and the implementation of EU law into the national laws of the EU Member States by describing the various norms, the differences between them in term of impacts on national law, and analysing and synthetizing the case-law of the European Court of Justice in respect of the integration of EU law into national legal frameworks;
➢ Demonstrate their understanding of the role and functioning of the EU institutions, by describing and differentiating their tasks;
➢ Demonstrate their understanding of decision-making processes in the EU by indicating the EU institutions which are involved in various decision-making processes, explaining the procedural steps of the most common types of processes and by applying theoretical knowledge to concrete cases;
➢ Demonstrate their knowledge of the EU Charter of fundamental rights and their understanding of the implementation and enforcement of those rights in the Member States by describing the rights and synthesizing the case-law.

In terms of skills

➢ Use appropriate referencing and bibliographic methods in order to identify, gather and cite case-law relevant for various analytical tasks;
➢ Demonstrate effective oral presentation skills by being able to make a presentation on a given topic without using much written support;
In terms of attitudes, students should develop in this course:

➢ critical attitudes, which are necessary for “life-long learning”
➢ an attitude of open-mindedness and self-critical reflection with a view to self-improvement
➢ sensibility towards the ethical dimensions of different aspects of the content of this course

**LINK BETWEEN MAJOR OBJECTIVES, COURSE OBJECTIVES, TEACHING METHODS, ASSIGNMENTS AND FEEDBACK**

(EU Constitutional Law)

Summary:
Number of assignments used in this course: 3 (written assignment, midterm exam, final exam)
Number of Feedback occasions in this course (either written or oral): written reports on the written assignment and the exams; oral feedback to Q&As during the class
Number and Types of Teaching Methods: 3

<table>
<thead>
<tr>
<th>Major Learning Objectives</th>
<th>Course Learning objectives addressing the Major Objectives (testable learning objectives)</th>
<th>Methods used to Teach Course Objectives</th>
<th>Methods (and numbers/types of assignments) used to test these learning objectives</th>
<th>Type, Timing and Instances of Feedback given to Student</th>
</tr>
</thead>
<tbody>
<tr>
<td>acquire knowledge of terminology and concepts of international and European Law.</td>
<td>Acquire knowledge of terminology of the acts which are adopted at EU level, the in</td>
<td>Textbook PPT presentation</td>
<td>Written assignment</td>
<td>Written report on the written assignment</td>
</tr>
<tr>
<td>gain an understanding of the international system and the European integration process</td>
<td>Understand the principles governing the interaction between EU law and national law of Member States, the rules on the implementation and enforcement of EU law by national courts and the role of the European Court of Justice in fostering EU integration.</td>
<td>PPT presentation textbook articles</td>
<td>Written assignment and exams</td>
<td>Written report on the written assignment and exams</td>
</tr>
<tr>
<td>develop a working knowledge of international law-making by means of treaties, state practice and decisions of international organizations and conferences</td>
<td>Acquire knowledge of the hierarchy of norms in the EU, the various types of EU acts, the interaction between international and EU law, and between the latter and national law of the Member States.</td>
<td>PPT presentation textbook articles</td>
<td>Exams</td>
<td>Written reports on the written assignment and exams</td>
</tr>
<tr>
<td>become familiar with the European institutions and the decision-making processes</td>
<td>understand the role and the key rules governing the functioning of the each EU institution; understanding the key rules</td>
<td>PPT presentation textbook articles</td>
<td>Mid-term exam</td>
<td>Written report on the mid-term exam</td>
</tr>
<tr>
<td>Major Learning Objectives</td>
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<tr>
<td>governing the decision-making processes in the EU (institutions which are involved, voting rules, and procedural steps of the most common types of processes)</td>
<td>PPT presentation textbook articles</td>
<td>Exams</td>
<td>Written reports on the written assignment and exams</td>
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</tr>
<tr>
<td>develop the ability for independent analysis of the interplay between international and European Law</td>
<td>Develop the ability to analyse case-law of the European Court of Justice related to human rights, the hierarchy of norms in the EU and Member States' obligation to implement EU law.</td>
<td>PPT presentation articles</td>
<td>Written assignment</td>
<td>Written report on the written assignment</td>
</tr>
<tr>
<td>enhance the student's ability to use the appropriate research methods and tools in the framework of independent research projects</td>
<td>Develop students' ability to search and identify relevant case-law and information to enable the performance of a research project in relation to the policy areas within the objective of the course</td>
<td>PPT presentations (with information on relevant magazines, websites and databases)</td>
<td>Written assignment</td>
<td>Written report on the written assignment</td>
</tr>
<tr>
<td>provide students with the knowledge of and practice with electronic information sources on international and European law</td>
<td>Provide students with theoretical and practical knowledge on how to find information related to different EU policies or decision-making processes on the websites of various institutions and EU revues. Students to get in the habit of researching EU case-law in paper and electronic sources.</td>
<td>PPT presentations (with information on relevant websites and databases)</td>
<td>Questions and answers in weekly classes</td>
<td>Oral feedback in weekly classes</td>
</tr>
<tr>
<td>develop the ability to communicate in an effective way the acquired knowledge and the outcome of research projects, both in written and oral form</td>
<td>Develop students' ability to present the results of a research project in a clear and structured way.</td>
<td>Exams and Written assignment Questions and answers in weekly classes</td>
<td>Written report on the written assignment Oral feedback in weekly classes</td>
<td></td>
</tr>
<tr>
<td>stimulate an awareness of the normative dimension of international and European legal policies and of related ethical, social and operational problems and dilemmas.</td>
<td>Stimulate an awareness of the challenges related to EU integration in general (in particular those of political, cultural and social nature) and in relation to the areas taught in the course.</td>
<td>Articles Questions and answers in weekly classes</td>
<td>Oral feedback in weekly classes</td>
<td></td>
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</tbody>
</table>
Main Course Materials (please note that you can find the readings for each week and session in the Course Schedule section below):

The course material consists of chapters of textbooks, PowerPoint presentations, articles and lecture notes and readings from the textbook. Powerpoint presentations will be made available after the respective classes have taken place. A week-by-week overview of the course readings can be found in the section below.

The syllabus, powerpoint presentations and important messages will be uploaded to the Vesalius portal 'Pointcarré'. Students are expected to visit this site regularly to keep abreast of course evolutions. The professor is expected to upload relevant material in a timely manner.

Course material marked as ‘suggested readings’ and ‘additional sources’ is helpful for research and to gain an increased understanding, but is not mandatory. This material can be found online or will be made available upon individual request.

Textbooks:

John McCormick’s Understanding the European Union, Chapter 4, ‘European Institutions’, 7th edition, Palgrave, 2017


Recommended References books:


Active Learning and Intensive ‘Reading around the Subject’: Additional Sources, Recommended Journals and Websites:

Learning should be an active and self-motivated experience. Students who passively listen to lectures, copy someone else’s notes, and limit their readings to required chapters are unlikely to develop their critical thinking and expand their personal knowledge system. At the exam, these students often fail to demonstrate a critical approach. Students are strongly recommended to have an updated understanding of developments related to this course and related to their wider Major. Active and engaged learning will turn out to be enriching to the overall course and class discussions. Students are invited to deepen their understanding of both theoretical and current issues from a variety of sources. Please find a list of suggestions compassing the entire course below. You are encouraged to read and browse in the leading journals of your discipline.

Websites of Interest:

- https://europa.eu/european-union/about-eu/institutions-bodies
- http://curia.europa.eu
- For EU law, both treaties and secondary law, consult the official legal database of the EU:
- Treaties:
- Articles on EU polices:
  http://ec.europa.eu/libraries/index_en.htm

Work Load Calculation for this Course:

This course counts for 6 ECTS, which translates into 150 – 180 hours for the entire semester for this course. This means that you are expected to spend roughly 10 hours per week on this course. This includes 3 hours of lectures or seminars per week and 7 hours ‘out of class’ time spent on preparatory readings, studying time for exams as well as time spent on preparing your assignments. Please see below the estimated breakdown of your work-load for this course.

**Time spent in class**: 3 hours per week / 39 hours per semester  
**Time allocated for course readings**: 7 hours per week / 105 hours per semester  
**Time allocated for preparing Assignment 1**: 10 hours  
**Time allocated for preparing/revising for written Mid-term Exam**: 12 hours  
**Time allocated preparing/revising for written Final Exam**: 14 hours

Total hours for this Course: 180 hours

Course Assessment: Assignments Overview

The students will be evaluated on the basis of their performance in the following assignments:

- Written assignment: 20%  
- Midterm examination: 40%  
- Final examination: 40%  
- TOTAL: 100%

Grading Scale of Vesalius College

Vesalius College grading policy follows the American system of letter grades, which correspond to a point scale from 0 – 100. **All assignments (including exams) must be graded on the scale of 0-100.** To comply with the Flemish Educational norms,
professors should on request also provide the conversion of the grade on the Flemish scale of 0-20. The conversion table below outlines the grade equivalents.

<table>
<thead>
<tr>
<th>Letter grade</th>
<th>Scale of 100 (VeCo Grading Scale)</th>
<th>Scale of 20 (Flemish System)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>85-100</td>
<td>17.0-20.0</td>
</tr>
<tr>
<td>A-</td>
<td>81-84</td>
<td>16.1-16.9</td>
</tr>
<tr>
<td>B+</td>
<td>77-80</td>
<td>15.3-16.0</td>
</tr>
<tr>
<td>B</td>
<td>73-76</td>
<td>14.5-15.2</td>
</tr>
<tr>
<td>B-</td>
<td>69-72</td>
<td>13.7-14.4</td>
</tr>
<tr>
<td>C+</td>
<td>66-68</td>
<td>13.1-13.6</td>
</tr>
<tr>
<td>C</td>
<td>62-65</td>
<td>12.3-13.0</td>
</tr>
<tr>
<td>C-</td>
<td>58-61</td>
<td>11.5-12.2</td>
</tr>
<tr>
<td>D+</td>
<td>54-57</td>
<td>10.7-11.4</td>
</tr>
<tr>
<td>D</td>
<td>50-53</td>
<td>10.0-10.6</td>
</tr>
<tr>
<td>F</td>
<td>0-49</td>
<td>0-9.9</td>
</tr>
</tbody>
</table>

**Description of Activities, Grading Criteria and Deadlines:**

**I. Written assignment (20%)**

The **there will be one written assignment**. For the Written Assignment, choose a current legal issue/a legal dispute that has recently appeared in the press, or a recent legislative initiative adopted by the EU Commission (within the past three years). You are free to choose a case from the national or international press. Topics may include banking law, services, environment, taxes, discrimination, competition, contracts, trade, fraud, bankruptcy, finance, human resources, technology, intellectual property, product liability, the internet & social media, human rights, etc. The key to this assignment is to choose a LEGAL topic that interests you.

**II. REQUIREMENTS:**

In 2,500- 3,000 words (not including your bibliography), answer the following questions (double-spaced, 12 point font):

a) **Introduction:**
What are the facts surrounding this legal dispute/case? Provide a brief summary.
If a legislative proposal is chosen, present the context in which it has been presented by the EU Commission (urgency of the matter, the field of activity concerned, Council conclusions calling the Commission to take action).

b) **Discussion:**
State the issue and provide a clear analysis of the issue (i.e., what is the legal conflict, what legal issue(s) are presented?). What is the relevant legislation surrounding this dispute/case?
If a legislative proposal is chosen, analyse the possible difficulties in the adoption process (related to the procedure which needs to be followed, complexity of the matter, links to national laws, etc.)

c) Conclusion: Has this dispute/case been resolved? If so, what was the legal outcome? Were damages awarded? Was a punishment imposed by the court? Do you agree or disagree? Alternatively, if this dispute/case is still pending today, what do you see as the likely outcome? Why? Support your opinion with clear arguments.
If a legislative proposal is chosen, present the likely steps in the adoption process.

d) Bibliography:
Use a minimum of five external sources to fully research your case. Wikipedia is not an acceptable academic source! Be sure to provide complete citations for all of your sources.

e) Word count: Indicate the word count of the text of your paper (not including your bibliography) following your name. The word count of your paper should not include the Bibliography. There is no limit on the word count of your Bibliography.

**Turnitin**: You must submit your paper on Turnitin AND in hard copy, by the start of class on 30 March 2018.
Late submission of the written assignment will lead to a penalty as follows:
- Submission up to 3 days later after the deadline: penalty of 2 points (please see criterion 4 in the evaluation grid below)
- Submission 4 to 7 days later: penalty of 4 points.

**III. ASSESSMENT:**

Your Essay will be assessed based on the following factors:

Areas of Assessment: 20 points total

**I. Content** - 5 points

Introduction: Formulation of the facts surrounding the legal dispute/case
Discussion: Overall structure and coherence of discussion & analysis of the legal issue.
Conclusion: Quality of the Conclusion

**II. Structure**: 5 points

Logical composition
Organized approach, including correct use of subheadings
Language & style suitable for academic audience

**III. Bibliography**: 5 points
Accurate representation of the sources consulted
Quality of sources used, citations and footnotes
Submission to TurnItIn on time; word count limit.

IV. Overall Professionalism: 5 points
Attention to detail
Originality
Expert knowledge of the problem and ability to provide clear legal analysis.

The written assignment applies the following course objectives:
• acquire knowledge of terminology and concepts of European Law.
• gain an understanding on the role and functioning of European institutions
• develop the ability for independent analysis of the interplay between EU Law and national law of the EU Member States
• understand the decision-making institutions of the EU

Course assessment percentage: 20% of total assessment 100%.

The evaluation of the written assignment will be done on the basis of a number of maximum 20 points and by taking into account the rubrics below.

The second table below shows the mark you will receive for the written assignment in accordance with the Grading Scale of VeCo depending on number of point you score out of 20.

System of bibliographic referencing in the two written assignments: the footnotes

**Rubrics: Transparent Grading Criteria For the Assignment**

The following criteria will be applied in assessing your written work:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Number of points (e.g. 5-9/20) FAIL</th>
<th>Number of points (e.g. 10-15/20)</th>
<th>Number of points (e.g. 16-17/20)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criterion 1: Ability to summarise a complex factual background (e.g. completeness and pertinence)</td>
<td>Some factual information is missing or the topic is not clearly identified</td>
<td>The most relevant information is presented but the topic is not clearly identified</td>
<td>Key facts are presented in a concise, original and analytical manner.</td>
</tr>
<tr>
<td>Criterion 2: Understanding and capacity to apply concepts, procedures or case-law to a specific case.</td>
<td>Relevant literature or procedures are simply mentioned. The theoretical information is not relevant to the case. The analysis fails to engage with relevant concepts</td>
<td>Confusing or oversimplified analysis. Concepts, procedures are not coherently related to the selected topic/case.</td>
<td>Concepts or procedures, or relevant theories/case-law are presented clearly in their full complexity.</td>
</tr>
<tr>
<td><strong>Critical thinking</strong></td>
<td>The analysis is dry and superficial and/or shows no critical understanding of the topic analysed.</td>
<td>A personal and critical understanding of the analysed topic.</td>
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<td>-----------------------</td>
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<td>------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Structure, writing, bibliography and referencing</td>
<td>The paper is loosely structured. References are incomplete and the quoting is not coherent. Less than 3 good references.</td>
<td>The argument is not developed in a coherent way. At least 5 good references.</td>
<td></td>
</tr>
<tr>
<td>Timely submission of the assignment</td>
<td>The analysis provides for some interesting sparks but it is incomplete or lacks of critical depth.</td>
<td>The argument is developed in a coherent and appropriate way. At least 7 good references.</td>
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</tr>
</tbody>
</table>

| **Total** | /20 |

<table>
<thead>
<tr>
<th><strong>Number of points received for the assignment</strong></th>
<th><strong>Scale of 100 (VeCo Grading Scale)</strong></th>
<th><strong>Letter grade</strong></th>
<th><strong>Scale of 20 (Flemish System)</strong></th>
</tr>
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<tbody>
<tr>
<td>17-20</td>
<td>85-100</td>
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<td>81-84</td>
<td>A-</td>
<td>16.1-16.9</td>
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<td>9</td>
<td>0-49</td>
<td>F</td>
<td>0-9.9</td>
</tr>
</tbody>
</table>

**Vesalius College Attendance Policy**

As the College is committed to providing students with high-quality classes and ample opportunity for teacher-student interaction, it is imperative that students regularly attend class. As such, Vesalius College has a strict attendance policy. Participation in class meetings is mandatory, except in case of a medical emergency (e.g. sickness). Students will need to provide evidence for missing class (doctor’s note). If evidence is provided, the missed class is considered as an excused class. If
no evidence is provided immediately before or after the class, the missed class is counted as an absence.

Participation implies that students are on time: as a general rule, the College advises that students should be punctual in this regard, but it is up to the professor to decide whether to count late arrivals as absences, or not.

**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 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. Please consult the Section “Avoiding Plagiarism” in the College Catalogue for further guidance.

**Turnitin**

All written assignments that graded and count for more than 10% towards the final course grade need to be submitted via the anti-plagiarism software Turnitin. You will receive from your professor a unique password and access code for your Class.
<table>
<thead>
<tr>
<th>Week 1</th>
<th>26 January</th>
<th>Introduction to the Course and Overview of Core Requirements. The EU as a sui generis legal order</th>
</tr>
</thead>
<tbody>
<tr>
<td>Week 2</td>
<td>2 February</td>
<td>The sources of EU law: Treaties, primary and secondary law</td>
</tr>
<tr>
<td>Week 3</td>
<td>9 February</td>
<td>The EU institutions- part I: the Commission, the Council of Ministers, the European Council and the European Parliament</td>
</tr>
<tr>
<td>Week 4</td>
<td>16 February</td>
<td>The EU institutions- part II: the European Central Bank, the European Court of Auditors, and other institutions and bodies</td>
</tr>
<tr>
<td>Week 5</td>
<td>23 February</td>
<td>Decision-making processes in the EU I: principles, actors and procedures The division of competences between the EU and the national level</td>
</tr>
<tr>
<td>Week 6</td>
<td>2 March</td>
<td>Decision-making processes in the EU II: external competences, implementation and enforcement of EU law The Treaty-making procedure</td>
</tr>
<tr>
<td>Week 7 Mid-term Week</td>
<td>9 March</td>
<td>MID-TERM EXAM</td>
</tr>
<tr>
<td>Week 8</td>
<td>16 March</td>
<td>Economic policy: building a single market, a process at the heart of the EU construction</td>
</tr>
<tr>
<td>Week 9</td>
<td>23 March</td>
<td>The Economic and Monetary Union after the financial crisis</td>
</tr>
<tr>
<td>Week 10</td>
<td>30 March</td>
<td>The Banking Union for the euro area Member States – an area of deeper integration Submission of the written assignment</td>
</tr>
<tr>
<td>Easter Recess – 2 April to 13 April 2018 – NO CLASSES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Week 11</td>
<td>20 April</td>
<td>The Capital Markets Union, a recent attempt of further integration of the single market for capital</td>
</tr>
<tr>
<td>Week 12</td>
<td>27 April</td>
<td>External policies: international agreements, and the role of the High Representative Justice and home affairs</td>
</tr>
<tr>
<td>Week 13</td>
<td>4 May</td>
<td>The EU system of fundamental rights: the key role of the Charter of fundamental rights</td>
</tr>
<tr>
<td>Week 14</td>
<td>11 May</td>
<td>The contribution of the European Court of Justice to enhancing the protection of Fundamental rights</td>
</tr>
<tr>
<td>Week 15</td>
<td>date tbc</td>
<td>FINAL EXAM</td>
</tr>
</tbody>
</table>
Detailed Session-by-Session Course Outline

Week 1, Session 1 (Friday, 26 January 2018), 16h30 to 19h30

Introduction to the Course and Overview of Core Requirements.
The EU as a sui generis legal order

Reading:

Compulsory:

Recommended:

Case-law: European Court of Justice (ECJ), Simmenthal 2

Guiding Questions:
1. What are the general values, principles and objectives of the European Union?
2. How does the EU relate to international law?
3. How does the EU relate to national legal orders – governance versus sovereignty; Conceptual polarisation: 'Confederation' versus 'Federation'
4. Which are the principles of the EU law? (primacy/supremacy, direct effect, principle of consistent implementation, human rights as a general principle of EU law; rule of law, etc.)
5. What is the scope of the supremacy principle?
6. What obligations Member States have to comply with under the principle of consistent implementation?

Week 2, Session 2 (Friday, 2 February 2018), 16h30 to 19h30

The sources of EU law: Treaties, primary and secondary law, and the case-law of the European Court of Justice

Reading:

Compulsory:
Recommended:


Further Reading:


Guiding Questions:

1. What are the sources of the EU law?
2. What is the hierarchy of norms?
3. What are most important changes brought by the most recent Treaty, the Treaty of Lisbon?
4. What are the differences between the directives which have direct effect and those which have an indirect effect on the national law of the EU Member States?
5. Regulation versus directive: which instrument should be preferred?
6. In which cases is there a need for secondary legislation (implementing and delegated decisions)?
7. What is the role of the European Court of Justice in developing the EU law?

Week 3, Session 3 (Friday, 9 February 2018), 16h30 to 19h30

The EU institutions- part I: the Commission, the Council of Ministers, the European Council and the European Parliament

Reading:

Compulsory:


Recommended:

Further Reading:


Guiding Questions:

1. What are the main competences of the Council?
2. What are the voting rules in the Council and what are the Council formations?
3. What is the legal status and role for the European Council following the Lisbon Treaty? How does it interact with the Council and the Commission?
4. What is the role of the European Parliament?
5. What are the voting rules in the European Parliament?
6. What are the main competences of the European Commission?

Week 4, Session 4 (Friday, 16 February 2018)

The EU institutions- part II: the European Central Bank, the European Court of Auditors, and other institutions and bodies

Reading:

Compulsory:


Recommended:


Further Reading:

Guiding Questions:

1. How to overcome the democratic deficit of the EU? Euroscepticism
2. What are the main tasks of the European Central Bank?
3. The independence and accountability of European Central Bank. Discuss
4. What are the main competences of the European Court of Auditors?
5. What is the role of the EU agencies and how do they make decisions?
6. How does the Meroni doctrine of the ECJ has evolved over the years?

Week 5, Session 5 (Friday, 23 February 2018), 16h30 to 19h30

Decision-making processes in the EU I: principles, actors and procedures
The division of competences between the EU and the national level

Reading:

Compulsory:

Recommended:


Peter van Cleynenbreugel, 'Meroni circumvented? Article 114 TFEU and EU regulatory agencies', Maastricht journal of European and comparative law 2014, v. 21, n. 1, p. 64-88

ECJ Case-law:
restrictions)

Further reading:


Guiding Questions:

1. Which are the principles governing the EU process?
2. How did the division of competences between the EU and the Member States has evolved?
3. Which are the key steps in the decision-making process?
4. What are the main features of the most common decision-making process, the ordinary legislative procedure.
5. To what extent should external stakeholders be involved in the decision-making? Public consultations as an instrument to inform EU decision-making.
6. Could a more frequent recourse to enhanced cooperation be the solution to the political pressure to limit the areas of further integration?

Week 6, Session 6 (Friday, 2 March 2018), 16h30 to 19h30

Decision-making processes in the EU II: external competences, implementation and enforcement of EU law
The Treaty-making procedure

Reading:

Compulsory:

Recommended:

Milanesi, Enzo Moavero, ‘Some Considerations on the Role of the Court of Justice of the European Union and the Compliance of Italy with EU Law’ New Journal of European Criminal Law, 2015, Vol.6(4), pp.424-433

ECJ Case-law
- Joined cases C-6/90 and C-9/90, Francovich and Bonifaci (Failure to implement a directive - Liability of the Member State), http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61990CJ0006
Guiding Questions:
1. The *sui generis* nature of the external competences
2. What is the specificity of the external decision-making procedures?
3. What is the process of implementation of the EU law in the Member States?
4. The challenges related to the enforcement of EU law and sanctioning powers.
5. Under what circumstances the infringement proceedings may be initiated against Member States?
6. What is the legal nature of preliminary ruling?
7. What are the main features of the Treaty-making procedure?

Week 7, (Friday, 9 March 2018) 16h30 to 18h00 MID-TERM EXAM

Week 8, Session 8 (Friday, 16 March 2018), 16h30 to 19h30

*Economic policy: building a single market, a process at the heart of the EU construction*

Reading:

Compulsory:

Recommended:
ECJ Case-law: Cassis de Dijon (Product Standards), Dassonville (Measure Equivalent to a Quantitative Restriction), Keck (Selling Arrangements)

Paul Verbruggen, 'The impact of primary EU law on private law relationships : horizontal direct effect under the free movement of goods and services', European review of private law, 2014, v. 22, no. 2, p. 201-216

Further Reading:
Denise Carolin Hübner, 'The decentralized enforcement of European law: national court decisions on EU directives with and without preliminary reference submissions', Published online: 14 Sep 2017, https://doi.org/10.1080/13501763.2017.1376701
Guiding Questions:

1. How did the four freedoms (free movement of people, of goods, of services and capital) evolve over time?
2. To what extent did the ECJ contribute to consolidating some areas of the single market?
3. How does the single market look today: challenges and perspectives?
4. Under which conditions is the pursuit of an occupation in possible in another Member State?
5. The impact of the Services Directive on stimulating cross-border transactions in the EU?

Week 9, Session 9 (Friday, 23 March 2018), 16h30 to 19h30

The Economic and Monetary Union after the financial crisis

Reading:

Compulsory:


Recommended:


Further Reading:

**Guiding Questions:**

1. How did the financial crisis change the features and the objectives of establishing an Economic and Monetary Union?
2. Why has the European Stability Mechanism been established through an intergovernmental treaty?
3. What is the role of the Eurozone Council?
4. Does progress in completing the Economic and Monetary Union require a change of Treaty?

**Week 10, Session 10 (Friday, 30 March 2018), 16h30 to 19h30**

*The Banking Union for the euro area Member States – an area of deeper integration*

**INDIVIDUAL PAPER DUE by 30 MARCH AT 16H00 VIA TURNITIN AND IN HARD COPY.**

**Reading:**

**Compulsory:**


**Recommended:**


ECJ Case-Law 9/56 Meroni&co Industrie Metallurgische


Further Reading:
- Amy Verdun’s chapter on ‘Economic and Monetary Union’ and the chapter on ‘The European Union and the Economic Crisis’ by Dermot Hodson and Uwe Puettet, both of which are in Michelle Cini and Nieves Pérez-Solórzano Borragán’s European Union Politics, pp. 296-309 and 367-381.

Guiding Questions:

1. Why was a Banking Union needed- context, scope and political will for a change in the approach to the single market for banking?
2. What were the challenges and milestones in the establishment of the Banking Union?
3. How was the Meroni doctrine applied in the process of creating the new legal framework? Are the powers of the Single Resolution Board sufficient?
4. The Banking Union, an institutional ‘revolution’: how do the Single Supervisory Mechanism and the Single Resolution Mechanism function?
5. What is the relationship between the euro area and non-euro area Member States?
6. How far should the Banking Union construction go? What are the next steps?
7. What is the role of the Single Resolution Fund?

Week 11, Session 11 (Friday, 20 April 2018), 16h30 to 19h30

The Capital Markets Union, a recent attempt of further integration of the single market for capital

Reading:
Compulsory:

Action Plan on Building a Capital Markets Union, 30 September 2010

Mid-term review of the Action Plan on Building a Capital Markets Union

Recommended:
Commission Communication on the Mid-term review of the Capital Markets Union Action Plan, 8 June 2017

Guiding Questions:

1. What are the differences between the approach and instruments used in creating a Capital Markets Union as compared to the Banking Union?
2. How do the Capital Markets Union and the Banking Union fit into the broader project of an Economic and Monetary Union?
3. What is the scope of the Capital Markets Union?
4. How does capital market supervision differ from supervision of credit institutions and why?
5. The role of market supervision in fostering deeper integration.
6. What are the challenges in building a Capital Markets Union and the next steps?

Week 12, Session 12 (Friday, 27 April 2018), 16h30 to 19h30

External policies: international agreements, and the role of the High Representative Justice and home affairs

Reading:

Compulsory:
John McCormick’s Understanding the European Union, Chapter 4, ‘European Institutions’, 7th edition, Palgrave, 2017, p. 194-204, or

Recommended:

Further Reading:

Hans Merket, The European External Action Service and the nexus between CFSP/CSDP and development cooperation, European Foreign Affairs Review 2012, v. 17, n. 4, November, p. [625]-651

Guiding Questions:

1. What are the external powers of the EU?
2. What is the role of the European External Action Service?
3. What are the competences of the High Representative?
4. What are the main features of the external procedures?
5. What are the new features of the Common security and defense policy following the Lisbon Treaty?
6. How does the EU address the challenges posed by migration and terrorism?

Week 13, Session 13 (Friday, 4 May 2018)

The EU system of fundamental rights: the key role of the Charter of fundamental rights

Reading:

Compulsory:


Recommended:

Anja Wiesbrock, 'Sources of law, regulatory processes and enforcement mechanisms in EU migration policy : the slow decline of national sovereignty', Maastricht journal of European and comparative law 2013, v. 20, n. 3, p. 423-444

Further Reading:

Guiding Questions:

1. Who is an EU citizen?
2. The evolving concept of Union citizenship. Discuss
3. What are the sources of fundamental rights and how did they evolve?
4. To what extent did the EU secondary law contribute to enhancing human rights?
5. What is the scope of application of the EU fundamental rights?
6. How does the EU Charter of fundamental rights relate to other documents which establish the protection of fundamental rights?
7. What is the structure of the Charter and which are the main obligations set in it?
7. How do EU fundamental rights apply in the Member States?

Week 14, Session 14 (Friday, 11 May 2018), 16h30 to 19h30

The contribution of the ECJ in enhancing the protection of Fundamental rights

Reading:

Compulsory:


Recommended:

Further Reading:


Guiding Questions:

1. What level of protection does the right to private and family right offer individuals?
2. What is the scope of the right to property?
3. How did the EU secondary law integrated the non-discrimination?
4. What does Consumer protection refer to and how is this reflected in the EU law?
5. What does the Right to an effective remedy and to a fair trial encompass?
6. How do the EU institutions comply with the right of access to documents?

Week 15 : FINAL EXAM, date tbc