

European Union Law

Code: 102263
ECTS Credits: 9

| Degree | Type | Year | Semester |
|-------------|------|------|----------|
| 2500786 Law | OB | 2 | 2 |

Contact

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Use of languages

Principal working language: catalan (cat)
Some groups entirely in English: No
Some groups entirely in Catalan: Yes
Some groups entirely in Spanish: Yes

Teachers

Lluís Cases Pallarés
Maria dels Àngels Orriols Sallés
Esther Zapater Duque
Lidia Ballesta Martí
Cristina Blasi Casagran

Prerequisites

In order to follow the European Union Law course adequately, a good knowledge of the basis of public international Law is required.

The classes will be taught in the following languages:

Group 1: Spanish

Group 2: Catalan

Group 3: Catalan

Group 51: Catalan

Group 52: Spanish

Group 70: Catalan

Objectives and Contextualisation

- Comprehend and analyze the process of evolution of the European Union, from its origins to date, identifying the methodology and the philosophy that inspires it.

- Describe and analyze the core elements of the EU from a legal perspective, in order to understand its legal and political nature.
- Understand the values of the EU, its objectives and its main policies.
- Understand the meaning of the conditions and mechanisms to be followed to become members of the EU.
- Understand the basic institutional architecture of the EU and the decision-making mechanisms.
- Understand the system of sources of EU law.
- Understand the consequences of the principles of primacy and direct effect of EU law.
- Understand the mechanisms of legislative and administrative application of EU law in Spain, both in its central and the autonomous regime.
- Understand the judicial control system and the primary role of the internal judge in the application of EU law.

Skills

- Arguing and laying the foundation for the implementation of legal standards.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Drawing up and formalising works, reports, documents, rulings.
- Identifying and solving problems.
- Identifying the underlying conflicts of interest in disputes and real cases.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Orally and clearly defending ideas, works, reports, documents and rulings in a structured way.
- Searching, interpreting and applying legal standards, arguing every case.
- Students must be capable of demonstrating the unitary nature of the legal system and of the necessary interdisciplinary view of legal problems.
- Students must be capable of learning autonomously and having an entrepreneurial spirit.
- Working in multidisciplinary and interdisciplinary fields.

Learning outcomes

1. Applying an interdisciplinary and integrated vision of the legal problems in an international environment.
2. Assessing the underlying conflicts of interest in the legal problems proposed in an international environment.
3. Building a legal reasoning or discourse in the field of Public International Law, Private International Law and European Union Law.
4. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
5. Drawing up and formalising works, reports, documents, rulings.
6. Identifying and knowing the basic contents of every stipulated speciality.
7. Identifying and solving problems.
8. Orally and clearly defending ideas, works, reports, documents and rulings in a structured way.
9. Students must be capable of learning autonomously and having an entrepreneurial spirit.
10. Working in multidisciplinary and interdisciplinary fields.

Content

I. INTRODUCTION

SECTION 1: CREATION AND EVOLUTION OF THE EUROPEAN UNION

Background. The Schuman Plan and the European Coal and Steel Community (ECSC). The Treaties establishing the EEC and the EAEC and its amendments. The Single European Act. The Treaty on European

Union. The Treaty of Amsterdam. The Treaty of Nice. The Treaty establishing a Constitution for Europe. The Treaty of Lisbon. The enlargement of the members.

SECTION 2: THE EUROPEAN UNION: JURIDICAL NATURE AND REGULATION IN FORCE

The Treaty on European Union. The Treaty on the Functioning of the European Union. The legal personality of the Union.

SECTION 3: OBJECTIVES AND PRINCIPLES OF THE EUROPEAN UNION

The values of the Union. The objectives of the Union. The main policies. The fundamental principles: (a) the principle of democracy and respect for human rights, (b) respect for the national identity of the Member States, (c) the principle of solidarity. Flexibility: mechanisms and legal framework.

II. THE INSTITUTIONS OF THE EUROPEAN UNION

SECTION 4: INTRODUCTION TO THE INSTITUTIONS OF THE EUROPEAN UNION

The institutional structure. The principle of institutional balance. The principle of transparency. Headquarters, staff and language regime.

SECTION 5: THE EUROPEAN COUNCIL

Composition and functioning. The presidency. Functions.

SECTION 6: THE COUNCIL OF THE EUROPEAN UNION

Composition, internal organization and functioning. Special reference to COREPER. Competences. Relations with the European Council.

SECTION 7: THE EUROPEAN COMMISSION

Composition, internal organization and principles. Competences: a) initiative, b) control, c) normative role: execution and delegation.

SECTION 8: THE EUROPEAN PARLIAMENT

Composition, internal organization and functioning. Competences: a) political control, b) legislative, c) budgetary, d) in external action.

SECTION 9: THE EUROPEAN CENTRAL BANK

The European Central Bank and the European System of Central Banks. Composition, internal organization and functioning. Competences.

SECTION 10: THE COURT OF JUSTICE OF THE EUROPEAN UNION

I. The Court of Justice: (a) composition and internal organization, (b) jurisdiction. II. The General Court: (a) organization, (b) jurisdiction and its relationship with the Court of Justice. III. The specialized courts.

SECTION 11. EUROPEAN COURT OF AUDITORS

Composition. Internal organization and functioning. Competences.

SECTION 12. EUROPEAN UNION BODIES

European Economic and Social Committee. European Committee of the Regions. EU Administration by Agencies

SECTION 13. EU'S DECISION-MAKING PROCESS: THE INSTITUTIONS AT WORK

I. Ordinary legislative procedure. Special legislative procedures. II specific procedures: A) budgetary procedure, B) procedure for the conclusion of international agreements.

SECTION 14. EUROPEAN UNION COMPETENCES

Basis of the EU competences: principle of conferral. Legal Basis. Types of competences. Principles governing the exercise of competences: Principle of subsidiarity, principle of proportionality.

III. SOURCES OF THE EUROPEAN UNION LEGAL ORDER

SECTION 15. PRIMARY LAW

Introduction to the sources of EU law. Primary Law: definition, content, features and functions. Scope of application; territorial, personal and temporal. Interpretation rules. Revision of the Treaties. Accession and withdrawal.

SECTION 16. DERIVATIVE LAW

Definition. Features. Binding acts: a) regulations, b) directives, c) decisions. Non-binding acts: recommendations and opinions. Differences between Legislative, Delegated acts and Implementing acts.

SECTION 17. THE NON-WRITTEN SOURCES OF EUROPEAN LAW AND EUROPEAN CASE-LAW

Definition and Features General principles of EU law. Decisions and Judgements of Court of Justice (Case-law). Hierarchy of the sources of law

III. EUROPEAN LAW AND THE MEMBER STATES' LEGAL SYSTEMS

SECTION 18. PRINCIPLES GUIDING THE RELATIONS BETWEEN EUROPEAN LAW AND NATIONAL LAW

Direct applicability. The principle of direct effect of the EU law. The precedence principle: matter of the Fundamental Rights. Principle of Member State liability for breach of European law.

SECTION 19. LEGISLATIVE AND ADMINISTRATIVE IMPLEMENTATION OF THE EUROPEAN LAW

Implementation of the EU law by the EU Institutions and bodies. Implementation of EU laws by national authorities of the member States. Implementation in geographically complex States: the Spanish situation.

IV. LA GARANTÍA JUDICIAL DEL CUMPLIMIENTO DEL DERECHO DE LA UNIÓN

JUDICIAL GUARANTEE OF THE EUROPEAN LAW ENFORCEMENT

SECTION 20. JUDICIAL CONTROL

Functions of the National Courts jurisdiction and European Court jurisdiction. Character of the judicial control of the European Court of Justice and classification criteria. Features of the different proceedings. Proceedings of the Court of Justice and Proceedings of the General Court. Action for annulment. Actions for failure to fulfil obligations.

SECTION 21. PRELIMINARY RULINGS

Nature of references for a preliminary ruling. Features. Procedure. Effects

SECTION 22. NATIONAL COURTS AND THE EUROPEAN UNION LAW

Right to judicial protection and principle of procedural autonomy. Non-application of national rules which are contrary to European law and the interim protection provided by the national courts.

Methodology

The learning process is based on the student's work based on their self-study, reading texts, searching for documentation and preparing papers. Teachers are responsible for the approach to problems and an adequate guidance to provide the student with the necessary tools for the correct understanding of the legal issues that may arise, as well as the tools to be used to solve them.

That consists in different activities that will be performed during the classes such as case studies, comments on case law, literature search, lectures. Those activities will be specified in a schedule available at Moodle before the beginning of the course.

Activities

| Title | Hours | ECTS | Learning outcomes |
|-----------------------------|-------|------|----------------------------|
| Type: Directed | | | |
| Practical lessons | 37.5 | 1.5 | 1, 6, 3, 8, 5, 2 |
| Theoretical lessons | 37.5 | 1.5 | 6 |
| Type: Autonomous | | | |
| Documentation Research | 8 | 0.32 | 8 |
| Preparation of assignments | 10 | 0.4 | 6, 3, 8, 4, 7, 5 |
| Reading of Case law | 20 | 0.8 | 1, 6, 3, 8, 4, 7, 5, 10, 2 |
| Reading of works and papers | 20 | 0.8 | 6, 2 |
| Self Study | 90 | 3.6 | 3, 4, 6 |

Evaluation

The assessment will be based on a final exam (50%), three case studies (30%) and two quiz tests (20%).

The final assessment is the result of the arithmetic average calculation of all the evaluative activities

At the beginning of the course, the professor in charge of each group will inform about the activities and their schedule.

Only those students who don't pass the assessment of the subject as a whole, having obtained a mark on the exam of at least 3 out of 10, will be eligible for the reassessment exam.

The reassessment will be based on an exam.

Evaluation activities

| Title | Weighting | Hours | ECTS | Learning outcomes |
|--|-----------|-------|------|-------------------------------|
| Activity 1 on the First Section (Introduction) | 10% | 0 | 0 | 1, 6, 3, 8, 4, 7, 5, 9, 10, 2 |
| Activity on Sections III, IV, V | 10% | 0 | 0 | 1, 6, 3, 8, 4, 7, 5, 9, 10, 2 |
| Activity on the Second Section (Institutions) | 10% | 0 | 0 | 1, 6, 3, 8, 4, 7, 5, 9, 10, 2 |
| Examination | 50% | 2 | 0.08 | 1, 3, 4, 6, 5, 2 |

| | | | | |
|--------|-----|---|---|---------------|
| Test 1 | 10% | 0 | 0 | 1, 4, 6, 7, 9 |
| Test 2 | 10% | 0 | 0 | 1, 4, 6, 7, 9 |

Bibliography

Basic bibliography

A.-Legislation

- *Tratado de la Unión Europea, Tratado de Funcionamiento y otros actos básicos de la Unión europea*, Tecnos, Madrid, 2017.

B.- Books

- ABELLÁN HONRUBIA, VICTORIA; VILÀ COSTA, BLANCA (dir), *Lecciones de Derecho Comunitario Europeo*, Ariel Derecho, Barcelona, 6^a ed., reimpresión 2016

- MANGAS MARTÍN, ARACELI; LIÑÁN NOGUERAS, DIEGO JAVIER, *Instituciones y Derecho de la Unión Europea*, Tecnos, 9 ed., Madrid, 2016.

Additional bibliography

- ALCAIDE FERNÁNDEZ, JOAQUÍN; CASADO RAIGON, RAFAEL, *Curso de Derecho de la Unión Europea*, Tecnos, Madrid, 2011

- ALONSO GARCÍA. RICARDO, *Sistema jurídico de la Unión Europea*, Civitas, Madrid, 4^a ed., 2014

- GUTIÉRREZ ESPADA, CESÁREO; CERVELL HORTAL, MARÍA JOSÉ; PIERNAS LÓPEZ, JUAN JORGE, *La Unión Europea y su derecho*, Trotta, 2015.