

The Legal System of the European Union

Code: 104474
ECTS Credits: 6

Degree	Type	Year	Semester
2503778 International Relations	FB	3	2

The proposed teaching and assessment methodology that appear in the guide may be subject to changes as a result of the restrictions to face-to-face class attendance imposed by the health authorities.

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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: No

Prerequisites

It is expected that the students attending this course will have the knowledge covered in the subjects *International Public Law* and *Institutions and Politics of the European Union* (2nd year Degree in International Relations).

Objectives and Contextualisation

- Describe and analyze the core elements of the EU from a legal perspective, in order to understand its legal and political nature and its international subejctivity.
- Understand the powers of the EU and the principle of specific conferment of competences.
- Understand the EU 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.

Competences

- Analyse, establish and argue the legal rules applicable to international phenomena.
- Identify data sources and carry out rigorous bibliographical and documentary searches.
- Students must be capable of applying their knowledge to their work or vocation in a professional way and they should have building arguments and problem resolution skills within their area of study.
- Students must be capable of collecting and interpreting relevant data (usually within their area of study) in order to make statements that reflect social, scientific or ethical relevant issues.
- Students must develop the necessary learning skills to undertake further training with a high degree of autonomy.

- Use different tools for analysing the contemporary international system and its functional and regional or geographical subsystems.

Learning Outcomes

1. Analyse the legal bases for different actions and regulatory provisions of the EU and their different impacts on internal ordinance.
2. Define the context of legal regulation for international relations and the sources, rules and subjects in international public law and the way in which they appear in the actions of states and international organisations.
3. Evaluate international responsibility in different current situations.
4. Identify data sources and carry out rigorous bibliographical and documentary searches.
5. Recognise the influence of different actors in the production and practice of international law and European and community law in the international system.
6. Students must be capable of applying their knowledge to their work or vocation in a professional way and they should have building arguments and problem resolution skills within their area of study.
7. Students must be capable of collecting and interpreting relevant data (usually within their area of study) in order to make statements that reflect social, scientific or ethical relevant issues.
8. Students must develop the necessary learning skills to undertake further training with a high degree of autonomy.

Content

PART 1: THE EUROPEAN UNION AS AN INTERNATIONAL SUBJECT

SECTION 1: THE EUROPEAN UNION: JURIDICAL NATURE AND REGULATION IN FORCE

The legal personality of the Union. The Treaty on European Union. The Treaty on the Functioning of the European Union. The values of the Union: the rule of law. Flexibility: mechanisms and legal framework.

SECTION 2: EUROPEAN UNION COMPETENCES

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

PART 2: THE EUROPEAN UNION AS A NORMATIVE POWER

SECTION 3. EU'S NORMATIVE PROCESS

Ordinary legislative procedure. Special legislative procedures. The adoption of delegated acts and executive acts. Procedure for the conclusion of international agreements. Other procedures.

SECTION 4. THE EUROPEAN UNION LEGAL ORDER

The autonomy of European Union legal order. Main features.

SECTION 5. PRIMARY LAW

Definition, content, features and functions. Scope of application; territorial, personal and temporal. Interpretation rules. Revision of the Treaties. Accession and withdrawal.

SECTION 6. INTERNATIONAL SOURCES

The general international law. The international agreements of the EU: typology. The soft law.

SECTION 7. SECONDARY 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. The Decisions of the Common Foreign and Security Policy.

SECTION 8. GENERAL PRINCIPLES OF EU LAW AND HIERARCHY OF SOURCES

General principles of EU law: origins and functions. Hierarchy of the sources of law.

PART 3: THE INTERACTION BETWEEN LEGAL ORDERS

SECTION 9. PRINCIPLES GUIDING THE RELATIONS BETWEEN EUROPEAN LAW AND NATIONAL LAW

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

SECTION 10. 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.

PART 4: AN INTERNATIONAL JUDICIAL SYSTEM *SUI GENERIS*

SECTION 11. 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 12. PRELIMINARY RULINGS

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

SECTION 13. 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

Statement: Teaching and assessment methods may be submitted to change in case health authorities impose restrictions to access to campus.

The course has 6 ECTS credits, therefore it is expected that the students devote 150 working hours for this course, divided into different types of activities, each of them with a specific amount of working hours. This diversity of formats is reflected in the use of different working methodologies during the course:

- Guided activities are activities done in the classroom with the presence of the teacher, and will include: lectures (with ICT support and the possibility of forming discussion groups for specific topics); seminars for discussing the required readings, for focusing on practical issues and for analysing specific cases, problems and examples related to the course' syllabus. For these activities there will be specific readings, which will be announced well in advance. These activities represent one third of the total working hours required for the course (50 hours).
- Supervised activities are the ones carried out by the students outside the classroom, according to a work plan designed and supervised by the lecturer. Supervised activities also include individual tutorials and similar activities to assess each student's progress. These activities represent approximately 10% of the required working hours (15 hours).

- Autonomous activities are all the activities that the students do on their own, and in accordance with the requirements of the course. These activities may include supplementary research and reading, study their class notes, and all the activities that supplement their work during the course. These activities account for half of the student' working time (75hours).

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Guided activities are classroom activities, with the presence of the teacher, and that may include: lectures and seminars	52	2.08	4, 8, 6, 7, 3
Type: Supervised			
Student attention	15	0.6	4, 8, 6, 7
Type: Autonomous			
Autonomous activities are all the activities that the students do on their own, and in accordance with the academic requirements of the course	77	3.08	1, 2, 4, 8, 6, 7, 5, 3

Assessment

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 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.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Activity I	10%	0	0	1, 2, 4, 8, 6, 7, 5, 3
Activity II	10%	0	0	1, 2, 4, 8, 6, 7, 5, 3
Activity III	10%	0	0	1, 2, 4, 8, 6, 7, 5, 3
Exam	50%	2	0.08	1, 2, 8, 6, 7, 5
Test I	10%	2	0.08	1, 2, 8, 5, 3
Test II	10%	2	0.08	1, 2, 8, 5, 3

Bibliography

BASIC BIBLIOGRAPHY

A.- Legislation

- *Tratado de la Unión Europea, Tratado de Funcionamiento de la Unión Europea, Carta de Derechos Fundamentales de la Unión Europea*

B.- Books

- BORCHARDT, K.-D., *The ABC of EU Law*, OPUE, 2016,

<https://op.europa.eu/es/publication-detail/-/publication/5d4f8cde-de25-11e7-a506-01aa75ed71a1>

- MANGAS MARTÍN, ARACELI; LIÑÁN NOGUERAS, DIEGO JAVIER, *Instituciones y Derecho de la Unión Europea*, Tecnos, 10 ed., Madrid, 2020.

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, 4ª ed., 2014

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

- SARMIENTO, DANIEL, *El Derecho de la Unión Europea*, Marcial Pons, Madrid, 2016.