

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: No

Teachers

Susana Beltran Garcia
Lluís Cases Pallarés
José María Macias Castaño
Maria dels Àngels Orriols Salles
Carlos Padrós Reig
Joaquín Rodríguez Alvarez
Sebastian Andres Preller Borquez
Lidia Ballesta Marti

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: Catalan (lectures and seminars 11 and 13, see NOTE) and Spanish (lectures and seminar 12). Pof. Lídia Ballesta, Susana Beltrán and Sebastián Preller

Group 2: Catalan (lectures and seminars 21 and 23) and Spanish (seminar 22). Prof. Montserrat Pi, Susana Beltrán and Sebastián Preller

Group 51: Catalan (lectures and seminar 53) and Spanish (seminars 51 and 52). Prof. Àngels Orriols, J.M. Macías and J. Rodríguez

Group 70: Catalan (lectures and seminars). Profs. Carles Padrós, Lluís Cases

NOTE: Theoretical classes in group 1 will be in part in Catalan, unless the subject European Union Law has enrolled for the first time exchange students from Spanish universities in whose territory the Catalan language

is not an official language or students who come from foreign universities and does not understand the Catalan language. If either of these two assumptions occurs, the theoretical class of Group 1 will then be in Spanish and students who do not understand Catalan will be able to join the aforementioned Group 1.

Objectives and Contextualisation

- Knowing the process of evolution of the EU, identifying the methodology and the philosophy that inspires it.
- Describing and analyzing the core elements of the EU from a legal perspective, in order to understand its nature.
- Knowing the values of the EU, its objectives and its main policies.
- Understanding the meaning of the conditions and mechanisms to be followed to become members of the EU.
- Knowing the basic institutional architecture of the EU and the decision-making mechanisms.
- Understanding the system of sources of EU law.
- Understanding the consequences of the principles of primacy and direct effect of EU law.
- Understanding the mechanisms of legislative and administrative application of EU law in Spain, both in its central and the autonomous regime.
- Understanding the judicial control system and the primary role of the internal judge in the application of EU law.

Competences

- Arguing and laying the foundation for the implementation of legal standards.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Identifying and solving problems.
- Identifying the underlying conflicts of interest in disputes and real cases.
- Identifying, assessing and putting into practice changes in jurisprudence.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Managing bibliographic and documentary resources: databases, browsing, etc.
- Present information in a way that is appropriate to the type of audience.
- 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.
- Using the main constitutional principles and values as a working tool in the interpretation of the legal system.
- 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. Identifying and assessing the changes and evolution of jurisprudence in a context of plurality of systems.
6. Identifying and knowing the basic contents of every stipulated speciality.
7. Identifying and solving problems.

8. Managing bibliographic and documentary resources: databases, browsing, etc.
9. Present information in a way that is appropriate to the type of audience.
10. Seek out, interpret and apply legal provisions related to Public International law, Private International Law and European Union Law.
11. Students must be capable of learning autonomously and having an entrepreneurial spirit.
12. Using the constitutional values as a criterion for interpretation and solution of conflicts, specially in case of a contradiction between the main fundamental principles of several legal systems.
13. 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. The withdrawal.

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. 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. Privileges and immunities.

SECTION 5: THE EUROPEAN COUNCIL

Composition and functioning. The presidency. Functions.

SECTION 6: THE COUNCIL

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 AND THE EUROPEAN COURT OF AUDITORS

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 European Court of Auditors: (a) composition, (b) internal organization and functioning, (c) competences.

SECTION 11. EUROPEAN UNION BODIES

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

III. EUROPEAN UNION LEGAL SYSTEM

SECTION 12. 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.

SECTION 13. EUROPEAN UNION'S DECISION-MAKING PROCESS

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

SECTION 14. INTRODUCTION OF THE SOURCES OF EUROPEAN LAW. PRIMARY LAW

Introduction to the sources of EU law. General Principles of 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 15. SECONDARY LAW

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

SECTION 16. 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 17. 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 case.

IV. JUDICIAL GUARANTEE OF THE EUROPEAN LAW

SECTION 18. 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 before the Court of Justice and the General Court. Action for annulment. Actions for failure to fulfil obligations.

SECTION 19. PRELIMINARY RULINGS

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

SECTION 20. NATIONAL COURTS AND 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 1: Teaching and assessment methods may change for Degree on Business and Administration+ Law

STATEMENT 2: Attendance at seminars is mandatory.

Teaching methodology is based on the following activities:

1. Professor-directed activities:

1.1 Lectures: the aim of these lessons is that students assimilate the theoretical basis of the subject.

1.2. Seminars: lessons where the students have an active and leading role in the learning process.

2. Supervised activities: Tutoring and supervised work in the classroom.

3. Students autonomous activities: study, readings, assignments.

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Seminars	19.5	0.78	1, 3, 8, 2
lectures	39	1.56	6
Type: Supervised			
Tutorials and work in the classroom	18	0.72	
Type: Autonomous			
Assessment	5	0.2	3, 4, 6
Self Study, readings, assignments, research	141.5	5.66	3, 4, 6

Assessment

The assessment will be based on a final exam (50%), four activities (40%) and attendance and participation in class (10%).

The final assessment is the result of the arithmetic average calculation of all graded activities. A minimum of 4 out of 10 is required at the final exam.

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 (100% of the grade).

A student who cheats or try to cheat an exam will have a 0 as a mark. A Student who submits a paper o practical in which there is evidence of plagiarism will have a 0 as a mark and will receive a warning. In case of repetition, the students will fail the subject.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Activity 1	10%	0	0	1, 10, 3, 4, 8, 6, 5, 9, 7, 11, 13, 12, 2
Activity 2	10%	0	0	1, 10, 3, 4, 8, 6, 5, 9, 7, 11, 13, 12, 2
Activity 3	10%	0	0	1, 10, 3, 4, 8, 6, 5, 9, 7, 11, 13, 12, 2
Activity 4	10%	0	0	1, 4, 6, 7, 11
Examination	50%	2	0.08	1, 3, 4, 6, 7, 2
Participation	10%	0	0	1, 10, 3, 4, 8, 6, 5, 9, 7, 11, 13, 12, 2

Bibliography

Basic bibliography

A.-Legislation

- Tratado de la Unión Europea, Tratado de Funcionamiento de la Unión Europea

B.- Books

- GUTIÉRREZ ESPADA, CESÁREO; CERVELL HORTAL, MARÍA JOSÉ; PIERNAS LÓPEZ, JUAN JORGE, *La Unión Europea y su derecho*, Trotta, 2019.

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

Additional bibliography

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

- SARMIENTO, DANIEL, *El Derecho de la Unión Europea*, Marcial Pons, Madrid, 2020.

Software

The subject does not require any specific software.