

Fundamental Principles of Legal Planning in the European Union

Code: 40892

ECTS Credits: 15

Degree	Type	Year	Semester
4313791 European Integration	OT	0	1

Contact

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Other comments on languages

Algunes sessions es realitzaran en anglès

Use of Languages

Principal working language: spanish (spa)

Prerequisites

They are not required.

Objectives and Contextualisation

The objective of this module is to study the principles and the fundamental structure of the legal system of the European Union. In particular:

- a) Recent case-law of the Court of Justice of the European Union on principles and structure of the legal system of the EU.
- b) Case-law of the High Courts of the Member States on the principles and structure of the legal system of the EU.
- c) The recent practice of the European institutions on the principles and structure of the legal system of the EU.
- d) The main problems currently posed by the application of EU law to the Member States.

Competences

- Analyse, synthesise, organise and plan projects and assignments related to the area of study.
- Communicate and justify conclusions clearly and unambiguously to both specialised and non-specialised audiences.
- Continue the learning process, to a large extent autonomously
- Identify and resolve conflicts of competence between the EU legal system and national systems (specialisation in Legal Integration).
- Identify citizens' rights established in the EU legal system and know the legal procedures for their protection (specialisation in Legal Integration).
- Integrate knowledge and use it to make judgements in complex situations, with incomplete information, while keeping in mind social and ethical responsibilities.

- Seek out information in the scientific literature using appropriate channels, and use this information to formulate and contextualise a research topic.

Learning Outcomes

1. Analyse, synthesise, organise and plan projects and assignments related to the area of study.
2. Apply the techniques for resolving horizontal conflicts of competence: between the different EU institutions.
3. Apply the techniques for resolving vertical conflicts of competence: between EU institutions and member states.
4. Clarify in which situations the main procedures for safeguarding rights are applicable.
5. Classify the different rights and principles recognised in the legal system according to their scope.
6. Communicate and justify conclusions clearly and unambiguously to both specialised and non-specialised audiences.
7. Continue the learning process, to a large extent autonomously
8. Integrate knowledge and use it to make judgements in complex situations, with incomplete information, while keeping in mind social and ethical responsibilities.
9. Seek out information in the scientific literature using appropriate channels, and use this information to formulate and contextualise a research topic.

Content

- The sources of the EU law and its implementation into the legal systems of the Member States in light of the case-law of the Court of Justice of the EU.
- The constitutional identity of the Member States.
- The administrative application of the European Union law.
- The competences of the European Union and the principles attached to its powers (subsidiarity, proportionality).
- The legal bases of the policies of the Union. The governance of the Economic and Monetary Union.
- The principles of the Area of Freedom, Security and Justice.
- Protection of fundamental rights and citizenship of the EU.
- The European Union's system of legal protection.

Methodology

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

During the course, the following teaching methodologies will be applied:

- Theoretical lectures
- Problem-solving activities and cases
- Activities in the classroom
- Oral presentations
- Participation in complementary activities

- Autonomous study
- Reading articles / case-law / reports of interest

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			
Attending face-to-face lectures.	75	3	8, 7
Type: Supervised			
Preparing oral presentations and private tutoring.	112	4.48	1, 8, 6, 7
Type: Autonomous			
Preparing essays and other assignments.	120	4.8	1, 9, 8, 6
Reading of case-law and doctrine.	68	2.72	2, 3, 9, 5, 4, 8, 7

Assessment

A continuous assessment system will be applied. The final grade of the module will be the average grade of the different evaluable activities, depending on the weight indicated in each particular case.

The schedule planned of these activities is the following:

- Attendance and participation in class: It will be evaluated in all face-to-face sessions (from November to January)
- Comments on case-law: Cases will be uploaded during the sessions on a) EU competences, b) the sources of EU law and, c) the protection of fundamental rights and citizens of the EU.
- Oral presentations: Some of the comments on case-law will be presented orally in the sessions on a) the sources of the EU law and b) the contentious system of the EU. The final assignment of the module will also be presented orally.
- Final module assignment: It will be presented orally and submitted in writing during the month of January.

The specific dates for the submission of the activities will be announced in class and also on the Moodle platform.

Students who do not pass the continuous assessment, will have the opportunity to retrieve the module with the completion of an additional exam.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Attendance and participation in class	10%	0	0	6
Case-law reviews	20%	0	0	1, 2, 3, 5, 4

Final module assignment	50%	0	0	1, 2, 3, 9, 5, 4, 8, 6, 7
Oral presentations	20%	0	0	6

Bibliography

A. Legislation

- *Tratado de la Unión Europea, Tratado de Funcionamiento y otros actos básicos de la Unión europea*, Tecnos, Madrid, 2019.

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, Madrid, 2020.

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

C.- Specific bibliography

Each professor will provide specific bibliography on the Moodle platform.

Software

The subject does not require any specific software.