

| Degree programme | Type | Course |
|------------------|------|--------|
| Law              | OB   | 2      |

## Contact lecturer

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## Teaching staff

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## Group languages

You can consult this information at the [end](#) of the document.

## Prerequisites

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

The teaching of the subject will be taught taking into account the perspective of the Sustainable Development Goals.

The classes will be taught by:

Group 1. Lectures: Prof. Carles Padrós. Seminars: Prof. Carles Padrós, Prof. Lluís Cases, Prof. to be determined.

Group 02. Lectures: Prof. Cristina Blasi. Seminars: Prof. Cristina Blasi, Prof. Àlex Moreno, Prof. to be determined

Group 51. Lectures: Prof. Joaquín Rodríguez. Seminars: Prof. Joaquín Rodríguez, Prof. Darío Argüello, Prof. to be determined

## Objectives

- 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.

## Learning outcomes

1. Managing bibliographic and documentary resources: databases, browsing, etc.
2. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
3. Identifying and solving problems.
4. Students must be capable of learning autonomously and having an entrepreneurial spirit.
5. Working in multidisciplinary and interdisciplinary fields.
6. Identifying and knowing the basic contents of every stipulated speciality.
7. Identifying and assessing the changes and evolution of jurisprudence in a context of plurality of systems.
8. Building a legal reasoning or discourse in the field of Public International Law, Private International Law and European Union Law.
9. Assessing the underlying conflicts of interest in the legal problems proposed in an international environment.
10. Applying an interdisciplinary and integrated vision of the legal problems in an international environment.
11. 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.
12. Present information in a way that is appropriate to the type of audience.
13. Seek out, interpret and apply legal provisions related to Public International law, Private International Law and European Union Law.

## Contents

### 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.

### Learning activities and methodology

| Title                                       | Hours | ECTS | Learning outcomes |
|---------------------------------------------|-------|------|-------------------|
| Seminars                                    | 22    | 0.88 | 1, 8, 9, 10       |
| Self Study, readings, assignments, research | 143.5 | 5.74 | 2, 6, 8           |
| lectures                                    | 41.5  | 1.66 | 6                 |
| Tutorials and work in the classroom         | 18    | 0.72 |                   |

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.

## Assessment

### Continuous assessment activities

| Title               | Weight | Hours | ECTS | Learning outcomes                         |
|---------------------|--------|-------|------|-------------------------------------------|
| Seminars            | 30%    | 0     | 0    | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 |
| Final examination   | 30%    | 0     | 0    | 2, 3, 6, 8, 9, 10                         |
| Partial examination | 30%    | 0     | 0    | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 |
| Participation       | 10%    | 0     | 0    | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 |

### Ordinary Assessment

The assessment will be based on a partial exam (30%), final exam (30%), seminars (30%) 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 3 out of 10 is required in all assessments. Students will be evaluable as long as they have carried out a set of activities whose weight is equivalent to a minimum of 2/3 of the final qualification for the subject. If the value of the activities carried out does not reach this threshold, the teacher may consider the student as non-evaluable.

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 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 or has been fully developed by AI tools will have a 0 as a mark and will receive a warning. In case of repetition, the students will fail the subject.

### Single assesment

The single assessment (only in cases a student has previously requested it and has been duly approved) will consist of three tests: 1) a written test of knowledge of the contents of the course (50% of the final mark), 2) an oral test in which the knowledge, oral skills and critical thinking will be examined (25% of the final mark), and 3) a case study, where the ability to apply the theoretical contents of the course to a factual situation will be examined (25% of the final mark). If students do not achieve a 5 by taking the arithmetic average of the three tests, they could opt for re-evaluation, as long as they reach a minimum of 3 out of 10. The second-call will consist of a single exam (100% of the grade). The same non-evaluable criterion will be applied as for continuous evaluation.

### Use of AI

For this course, the use of Artificial Intelligence (AI) technologies is only permitted in bibliographic or information searches, as well as specific activities proposed by the lecturer throughout the course. The student must clearly identify which parts of this activity were generated with this technology, specify the tools used, and include a critical reflection on how these tools influenced the process and final outcome of the activity. Lack of transparency in the use of AI will be considered academic dishonesty and may result in a partial or total penalty in the activity grade, or greater sanctions in serious cases.

## Copying

If a student copies, commits plagiarism, or is found using any prohibited device in an assessment activity, the teaching staff will assign a score of 0 for that assessment and will report the incident to the Dean of the Faculty, submitting a report on the circumstances and evidence of the misconduct in order to request the possible opening of disciplinary proceedings against the student. This assessment activity cannot be retaken. If more than one irregularity occurs in the assessment activities of the same course, the final grade for the course will be 0.

## Bibliography

### Basic bibliography

#### A.-Legislation

- Treaty on European Union, Treaty on the Functioning of the European Union

#### B.- Books

- CRAIG, Paul & DE BÚRCA, Gráinne, *EU Law: Text, cases, and materials*. Oxford University Press, 8<sup>th</sup> ed. 2024.
- GUTIÉRREZ ESPADA, CESÁREO; CERVELL HORTAL, MARÍA JOSÉ; PIERNAS LÓPEZ, JUAN JORGE, *La Unión Europea y su derecho*, Trotta, 2019. Available in the UAB digital library.
- MANGAS MARTÍN, ARACELI; LIÑÁN NOGUERAS, DIEGO JAVIER, *Instituciones y Derecho de la Unión Europea*, Tecnos, 10 ed., Madrid, 2024
- SALINAS DE FRIAS, ANA; SANCHEZ FRIAS, ALEJANDRO (dirs), *Basic concepts of EU law*, Tirant lo Blanch, 2020. Disponible a la biblioteca digital UAB. Available in the UAB digital library.

### Additional bibliography

- ALONSO GARCÍA. RICARDO, *Sistema jurídico de la Unión Europea*, Civitas, Madrid, 4<sup>a</sup> ed., 2014.
- COSTA, Marios & PEERS, Steve, *Steiner and Woods EU Law*. Oxford University Press, 15<sup>th</sup> ed. 2023.
- SARMIENTO, DANIEL, *El Derecho de la Unión Europea*, Marcial Pons, Madrid, 2022.
- ZILLER, Jacques, *Advanced Introduction to European Union Law*. *Elgar*, 2<sup>nd</sup> ed. 2023

## Software

The subject does not require any specific software.

### Course groups and languages

The information provided is provisional until November 30. After this date, you will be able to consult the language of each group through this [link](#). To access the information, you will need to enter the course CODE

| Type of teaching | Group | Language | Semester | Shift         |
|------------------|-------|----------|----------|---------------|
| (TE) Theory      | 1     | Catalan  | second   | morning-mixed |

| semester                                   |     |         |                 |               |
|--------------------------------------------|-----|---------|-----------------|---------------|
| (TE) Theory                                | 2   | English | second semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 11  | Catalan | second semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 12  | Catalan | second semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 13  | Catalan | second semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 21  | English | second semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 22  | English | second semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 23  | English | second semester | morning-mixed |
| (TE) Theory                                | 51  | Spanish | second semester | afternoon     |
| (TE) Theory                                | 70  | Catalan | second semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 511 | Spanish | second semester | afternoon     |
| (SEM30) Seminaris (30 estudiants per grup) | 512 | Spanish | second semester | afternoon     |
| (SEM30) Seminaris (30 estudiants per grup) | 513 | Spanish | second semester | afternoon     |
| (SEM30) Seminaris (30 estudiants per grup) | 701 | Catalan | second semester | morning-mixed |
| (SEM30) Seminaris (30 estudiants per grup) | 702 | Catalan | second semester | morning-mixed |