

The legal order of the EU

Academic Year: (2020 / 2021)

Review date: 11-07-2020

Department assigned to the subject: International Law, Ecclesiastical Law and Philosophy of Law Department

Coordinating teacher: VACAS FERNANDEZ, FELIX

Type: Compulsory ECTS Credits : 4.0

Year : 1 Semester : 1

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Basic notions on the institutional system of the European Union

OBJECTIVES

Students will get a general overview of the legal order of the European Union and its different types of formal sources. They will also learn about the principles that govern the relationship between National and EU legal orders. Students will acquire the necessary skills to apply those principles when facing a concrete case in which EU Law is relevant

DESCRIPTION OF CONTENTS: PROGRAMME

INTRODUCTION

THE FORMAL SOURCES OF EU LAW

I Primary Law

II Secondary Law

III General Principles of EU Law

IV Case law of the CJEU

V Hierarchy of the sources of EU law

PRINCIPLES GOVERNING THE LIMITS AND USE OF EU COMPETENCES.

I. Principle of conferral.

II. Principle of subsidiarity

III. Principle of proportionality.

PRINCIPLES GOVERNING THE RELATION BETWEEN EU AND NATIONAL LAW

I. Principle of Primacy (or Supremacy) and full effectiveness of EU Law.

II. Direct effect.

III. Liability of Member Status for damages arising out of breach of EU law.

PRACTICAL CASE

LEARNING ACTIVITIES AND METHODOLOGY

LEARNING ACTIVITIES.

Lectures focusing on the guidelines according to the Program. Preparing the classes requires an advance knowledge of the relevant bibliography, regulations and jurisprudence in each session. It is up to the teacher to deliver and update them. One month before the beginning of the sessions, students will have such materials at their disposal, as well as the possibility of receiving online information from the teacher-tutor responsible for all relevant information in the subject that take place from the date of receipt thereof.

The classes will correspond to the model seminar-workshop, in which the transmission, classification and deepening of the basic knowledge of the subjects will be the result of an active debate between the teacher and students.

An important part of the face-to-face sessions is the individual or collective discussion of the works carried out by the students, and in the preparation of legal documents and procedural documents.

TEACHING METHODOLOGY

Public lecture with support of computer and audiovisual media, in which the main concepts of the subject are developed and the bibliography is provided to complement the students' learning.

Critical reading of texts recommended by the teacher of the subject:

Press articles, reports, manuals and / or academic articles.

Resolution of practical cases, problems, etc., raised by the teacher individually or in groups.

Discussion in class, under the moderation of the professor of subjects related to the content of the subject, as well as of practical cases.

Elaboration of works and reports individually or in groups

ASSESSMENT SYSTEM

Ordinary session.

Participation in class is a fundamental aspect of the assessment system. Therefore, the teacher will take good notice after each session of the names of the students that have participated in the debates in an active and constructive way. Full participation in all the sessions will grant the student 40% of the grade

Students will as well solve a practical case (in groups) which will determine the 60% of the final mark.

Extra-ordinary session:

End-of-term exam, consisting in a practical case to solve individually: 70% of total mark.

Rest of the mark: permanent evaluation of participation, attitude and intervention of the student during presential classes (30% of the total mark).

The absence of more than 20% of the front classes causes dismissal from the course.

% end-of-term-examination:	60
% of continuous assessment (assignments, laboratory, practicals...):	40

BASIC BIBLIOGRAPHY

- ALONSO GARCIA, Ricardo Constitución española y constitución europea: guión para una colisión virtual y otros matices sobre el principio de primacía., Revista Española de Derecho Constitucional. ¿ N. 73 (enero-abril 2005), p. 339-364.
- Barnard, C. The Substantive LAW of the European Union: The Four Freedoms, Oxford University Press, 5. ed., 2016
- Barnard, C., Peers, S. EU Law, Oxford University Press, 2017
- CRAIG, Paul P. and BÚRCA, Gráinne de EU Law, Sixth Edition. , Oxford University Press. Oxford, 2015
- DIEZ MORENO, Fernando Manual de derecho de la Unión Europea, 5ª Edición, Thomson Reuters Civita, 2009
- De Búrca, G., Craig, P. EU Law. Text, Cases and Materials, Oxford University Press, 2015
- LENAERTS, Koen and VAN NUFFEL, Piet [and others] European Union Law, Third Edition. .(ISBN: 978-18-4703-743-5), Sweet & Maxwell. London, 2011
- MANGAS MARTÍN, Araceli Algunos aspectos del derecho derivado en el Tratado de Lisboa: categorización de los actos, indeterminación de los tipos de actos, bases jurídicas y jerarquía. , Revista General de Derecho Europeo 18 , 2009
- Platas, A. E. The Harmonisation of National Legal Systems, Elgar, 2017
- Platas, Antonio E. The Harmonization of National LEgal Systems, Elgar, 2017
- SZUDOCZKY, Rita The Sources of EU Law and Their Relationships: Lessons for the Field of Taxation. , IBFD Doctoral Series, Volume 32, 2014

BASIC ELECTRONIC RESOURCES

- Court of Justice of the European Union. . Case law. Search form. : (<http://curia.europa.eu/>)
- EU Law and related documents -Treaties. . Eur-lex: <http://eur-lex.europa.eu>
- Europa.Gate way to the European Union . Europa.Gate way to the European Union : <http://europa.eu/>