

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: MOREIRO GONZALEZ, CARLOS JAVIER

Type: Compulsory ECTS Credits : 8.0

Year : 1 Semester : 0

**REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)**

Administrative Law, Procedural Law, International Law, EU Law.

**OBJECTIVES**

The sessions are geared towards acquiring a practical understanding of EU litigation procedures. The students not only derive a deep understanding and knowledge of the EU litigation system, but also practice. It is envisaged that they will have to deal throughout the year with some practical cases, exchanging pleadings and towards the end holding a moot hearing on the cases. It is a tough exercise but there is ample evidence of students' acceptance. In the sessions, the pleadings exchanged and the oral hearings will require mastering the English language and practice drafting as well as oral presentations. Students are expected to prepare the sessions in advance and to do oral presentations of the cases studied, where a debate should ensue. In the drafting exercise also skills of team working are necessary and most certainly enhanced

**DESCRIPTION OF CONTENTS: PROGRAMME****I. INTRODUCTION. RELEVANT INSTITUTIONS****1. Court of Justice of the European Union****A. European Court of Justice**

¿ Composition

¿ Internal organization

¿ Basic Functions

**B. General Court of the European Union**

¿ Composition

¿ Internal Organization

¿ Basic Function

**C. Civil Service Tribunal (to be merged with the General Court)**

¿ Composition and jurisdiction

¿ Procedure

¿ Appeals

¿ 2. National judge as EU judge of EU law

**II. TYPES OF APPEALS****1. Appeals with direct intervention of particulars****1. A Action for annulment**

(i) Introduction and general conditions

(ii) Subject matter

(iii) An example: annulment and competition

(iv) Parties

(v) Special characteristics

(vi) Consequences

**1. B Action for failure to act**

(i) Subject matter

(ii) Action of annulment vs. Action for failure to act

(iii) Parties

(iv) Special characteristics

(v) Consequences

**1. C. Action for damages**

(i) Subject matter

(ii) Union ¿ non-contractual ¿ liability

(iii) Action for damages vs. other actions

(iv) Parties

(v) Special characteristics

(vi) Consequences

## 2. Other actions:

### 2.A. Infringement proceedings

(i) Subject matter and related aspects

(ii) Parties

(iii) Special characteristics

(iv) Consequences

### 2.B. Third-party proceedings, third-party interventions, and fast track.

(i) Third-party proceedings

(ii) Third-party interventions

(iii) Fast track

## III. PRELIMINARY RULING

(i) Subject matter

(ii) Review of the validity of a Union Act in Preliminary Ruling Proceedings

(iii) Consequences

## IV. THE LIFE OF A DIRECT ACTION: ACTION FOR ANNULMENT OF A COMMISSION DECISION IN A COMPETITION CASE BEFORE THE GENERAL COURT AND AN EVENTUAL ¿POURVUOI¿ BEFORE THE COURT OF JUSTICE

1. Legal standing

2. Interim measures: purpose and conditions

3. Written procedure

4. Eventual exception of admissibility

5. Oral procedure

6. Judgment/ Order

7. Appeal before the European Court of Justice (¿pourvoi¿)

## V. MOOT COURT

The web of the ECJ is a basic instrument for reference for regulations and case law, as well as the activity of the ECJ ([www.curia.eu.int](http://www.curia.eu.int))

## LEARNING ACTIVITIES AND METHODOLOGY

All the sessions require that the students prepare the materials that will be covered in each session in advance. The system that will be followed implies covering the most important cases (provided to the students in advance and allocated to teams of 2 or 3) where a presentation by students is expected to take place dealing with the facts and the important issues of law, in particular procedural issues, that these cases arise

The format followed for this part of the program shall not be a lecture, but a discussion and general participation by the students commenting on the judgements presented by the different teams. In order to follow the presentation, it is necessary to have examined beforehand the relevant Articles of the Treaty and case law, and the reading of relevant doctrine would contribute to a more interesting debate. Some bibliography is provided to this end with the final program.

## ASSESSMENT SYSTEM

### Ordinary session:

Full participation in all the sessions, taking part in the debate in an active and constructive way will grant the student 20% of the grade.

Presentation of the assigned judgment in class will consist of 30% of the grade.

The remaining 50% of the mark will correspond to the assessment of the work carried out during the moot court case, both in the written and the oral procedures.

### Extraordinary session:

Final Exam, consisting on the resolution of a hypothetical: 70% of the grade

The remaining 30% will correspond to the evaluation of student participation in class all over the year.

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

<b>% end-of-term-examination:</b>	50
<b>% of continuous assessment (assignments, laboratory, practicals...):</b>	50

#### BASIC BIBLIOGRAPHY

- Arnulf, A. Judicial Review in the European Union, in: "The Oxford Handbook of European Union Law" , Oxford U. P., 2014
- Arnulf, A. The Principle of Effective Judicial Protection in EU Law. An Unruly Horse? , Eur. L. Rev. nr. 36, 2011
- Barents, R. Remedies and Procedures before the EU Courts, Kluwer, 2016
- Castillo de la Torre, F.; Gippini Fournier, E. Evidence, proof and Judicial Review in EU Competition Law, Edward Elgar Publiship, 2017
- Lenaerts, K., Maselis, I., Gutman, K. EU Procedural Law, Oxford University Press, 2016
- Moreiro González, C. J. (dir.) Procedimientos administrativos y judiciales de la Unión Europea, Difusión Jurídica, 2012
- Tauschinsky, Eljalill - Weiss, Wolfgang The Legislative Choice Between Delegated and Implementing Acts in EU Law, Elgar, 2018