

Academic Year: (2022 / 2023)

Review date: 23-05-2022

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

Coordinating teacher: ABAD CASTELOS, MONTSERRAT

Type: Compulsory ECTS Credits : 3.0

Year : 2 Semester : 2

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Theory of Law, Constitutional Law and Public International Law

OBJECTIVES

The aim of the course is to get acquainted with basic aspects of the European Union, its legal order and institutions. In addition, the main EU policies will be covered in the course.

DESCRIPTION OF CONTENTS: PROGRAMME

Lesson 1.- Origin and evolution of the European Communities and the European Union

The creation of the European Communities. Evolution of the European Communities. Treaty of the European Union, Treaty of Amsterdam, Treaty of Nice. The Lisbon Treaty.

Lesson 2.- European Union primary law and sources of EU law

1. The sources of European Union Law: Primary Law and Secondary Law.

2. Primary law.

3. Secondary Law

3.1 Regulations

3.2 Directives

3.3 Decisions

3.4 Non-binding acts: recommendations and opinions.

3.5 Atypical acts.

4. Other sources:

4.1 The jurisprudence.

4.2 The general principles of Law.

4.3 International Treaties.

5. Acts derived from formulas of intergovernmental cooperation

Lesson 3. Regulatory principles of the relations between the legal system of the Union and the Member States; legal orders

1. The principle of primacy.

2. The principle of direct effect.

3. The principle of State responsibility for breach of Union Law.

4. Other principles

Lesson 4. Institutional framework of the European Union

1. Principles of the institutional system of the Union.

2. The European Commission.

3. The Council of the European Union.

4. The European Council.

5. The European Parliament.

6. The Court of Justice of the European Union: Court of Justice and General Court. Special courts

7. Other institutions and bodies: European Court of Auditors. The European Economic and Social Committee. The Committee of the Regions. The European Central Bank. Permanent Representatives Committee (COREPER).

Lesson 5.- Jurisdictional system

1. Action for annulment
2. Action for Failure to Act
3. Exception of illegality.
4. Action for Failure to Fulfill an Obligation
5. References for Preliminary Rulings
6. Other functions of the Court of Justice of the European Union

Lesson 6.- The competences of the European Union.

1. Legal bases regulating the attribution regime
2. Typology of the powers of the European Union
3. Procedures for the exercise of powers
4. The Principles of Subsidiarity and Proportionality

Lesson 7.- The application of European Union Law in Spain

1. Principles governing the application of European Union law by national authorities: Institutional and procedural autonomy; duty of collaboration of member states.
2. Spanish Constitution and European Union Law. The reception of Union Law and its application in Spain.
3. The normative enforcement.
4. The administrative enforcement.
5. The judicial enforcement.
6. The participation of self governing communities in the European integration.

Lesson 8.-European citizenship. The Charter of Fundamental Rights of the European Union

- 1.- European citizenship.
- 2.- The protection of rights in the Union. The Charter of Fundamental Rights of the European Union.

Lesson 9. The external action of the European Union

- 1.- Characteristics of the international capacity of the Union
- 2.- The EU's external relations
- 3.- The Common Foreign and Security Policy
- 4.- The external dimension of the Common Space on Freedom, Security and Justice.

LEARNING ACTIVITIES AND METHODOLOGY

Theoretical training will be combined with a practical training based on the analysis of relevant case law, and the recommended readings in each face-to-face session.

Exceptionally, to the above mentioned working methodology could be added a theoretical proof depending on the estimations of the Professor in charge of the teaching.

ASSESSMENT SYSTEM

Ordinary session.

In order to get the optimal qualification of the students, the assessment of their knowledges shall be estimated mainly through the continuous evaluation by the professor in charge of the reduced groups (50% of the total mark). Therefore, the assessment of the theoretical knowledges of the students (50% of the total mark) will consist of a final exam, and shall be also made, in principle, by this lecturer. Nonetheless, the coordinator of the subject might decide otherwise, depending on the circumstances.

Extra-ordinary session.

The professor in charge of the permanent evaluation during the ordinary session will establish an exam according to the same criteria as for the final exam of the ordinary session. The value of the exam in the extra-ordinary session will be 100% of the total mark.

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

BASIC BIBLIOGRAPHY

- Barnard, C. y Peers, S. European Union Law, Oxford UP, 2017

- Craig & De Burca EU law, Oxford University Press, 2015
- Eeckhout, P. and López-Escudero, M. The European Union's External Action in Times of Crisis, Hart, 2016
- Geiger, R. et. al (ed) Commentary on the TEU/TFEU, Cambridge UP, 2015
- Hailbronner, R and Thym, D. EU Immigration and Asylum Law, Beck-Hart, 2016
- J. Van Der Harst [et al.] European Citizenship in Perspective, Elgar, 2018
- Moreira González, C. J. Procedimientos Administrativos y Judiciales de la UE, Difusión Jurídica, 2012
- Platsas, A. E. The Harmonisation of National Legal Systems, Elgar, 2017

BASIC ELECTRONIC RESOURCES

- . Unión Europea: <http://www.europa.eu>