

Academic Year: (2023 / 2024)

Review date: 27-04-2023

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

Coordinating teacher: MOREIRO GONZALEZ, CARLOS JAVIER

Type: Compulsory ECTS Credits : 5.0

Year : 1 Semester : 1

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Degree in Law, or, in Political Science, or Economy

OBJECTIVES

ACHIEVEMENTS STUDENTS ARE EXPECTED TO FULFILL

Being able to ground and develop reasoning on legal topics, often into an academic context.

Capacity to focus the main issues of a concrete case and to achieve the proper legal solution even starting from incomplete data. Reports often include opinions about social and ethical responsibility on the application of individual skills and knowledge.

Refinement of those tools and abilities that will grant students success in further readings and studies.

Being conscious of growing importance of the EU Law in advocacy and full capacity of implementation of its principles and tools.

Dominance of professional ethics.

Ability to communicate properly in English and Spanish, and to persuade in performing legal reasoning.

Fostering individual initiative as added value in performing legal services as a single professional or a member of a law firm as well as any other organization.

Knowledge and ability to use EU substantive and procedural law in legal advisory or trial activity in front of national and European courts.

Dominance of principles regarding State liability for infringements of EU law.

Assessing impact of human rights protection under EU law into national politics against gender violence and inequality.

Assessing impact of the rights and freedoms of EU citizenship as strengthening politic integration in the EU.

Fostering analytical skills on internal practices of States that impede or obstruct the implementation of EU law at national level.

Dominance of principium of EU law supremacy upon national law and its concrete application.

GOALS

Knowledge of the relevance of Fundamental Rights and Citizenship within EU legal framework, in order to assess and defend clients before national and international courts.

Ability to invoke the right of EU citizenship within the framework of fundamental economic freedoms.

DESCRIPTION OF CONTENTS: PROGRAMME

Fundamental Freedoms and EU Citizenship

1. EU fundamental rights in positive law and their protection within the legal order of the European Union. 1.1 Legal grounds of recognition and protection; 1.2 Extent and limits of supranational legal framework. 1.3 Judicial protection: national level and supranational. 1.4 Techniques of solving conflicts of jurisdiction.

2. EU Citizenship Law. 2.1 Definition and contents of rights coming from EU citizenship framework. 2.2 Duty of member States and EU institution to enforce and protect those rights. 2.3 Non judicial settlement of conflicts relating EU citizenship rights. 2.4 Civil rights, EU citizenship rights and the economic freedoms of the EU. 2.5 Judicial criteria of conflict solving between the freedoms of EU citizenship and the protection of public order, public security and national security of member States. 2.6 The invocation regime in the territory of third States of the rights of diplomatic protection and consular protection. 2.7. Impact of the withdrawal of the United Kingdom from the EU on the recognition

and exercise of the rights of the Citizenship Statute.

3. The status of EU and UK citizens after Brexit.

LEARNING ACTIVITIES AND METHODOLOGY

Activities.

The course will consist in frontal lectures and classes aiming to expose and discuss with students the main contents of the subject. Student must prepare in advance studying recommended bibliography, law and cases. Those materials will be revised and updated each year by the Professor in charge and will be at disposal one month before course starts. Students may contact with the teacher in order to get further information or extended notes.

Sessions will be hold as seminars where active debate between students and the lecturer is fostered as a crucial mean for a deeper understanding of the topics. A consistent part of those sessions (about 40%) is dedicated to the exposure by the student of practical cases, reasoning, or elaboration of legal documents and claims.

Theory: 20 hours

Practice: 15 hours

Student's individual work and other activities: 70 hours

Methodology.

Slides and multimedia facilities will be widely used during the sessions.

Readings of selected material is strongly recommended. Usually it refers to academic papers, textbook chapters, official reports and newspaper articles that Lecturer considers useful to complete student's background. Materials will be subject of analysis and open debate.

Solving practical cases individually or per team as well as elaborating papers or reports under same conditions.

ASSESSMENT SYSTEM

I. Ordinary session:

End-of-term exam, consisting in a practical case to solve in team (3-4 students per each): 50% of final mark.

Rest of the mark: permanent evaluation of participation, attitude and intervention of the student during presential classes (50% of the final mark).

II. Extra-ordinary session:

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

Rest of the mark: permanent evaluation of participation, attitude and intervention of the student during presential classes (30% of the final mark; but changes in the consistence of this relevance can be performed).

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

% end-of-term-examination: 50

% of continuous assessment (assignments, laboratory, practicals...): 50

BASIC BIBLIOGRAPHY

- A.C.Hartzen et al. Law, Solidarity and the limits of Social Europe, Elgar, 2022
- Amalfitano, C. General Principles of EU Law and the Protection of Fundamental Rights, Elgar, 2018
- Barnard, C. The Day the Clock Stopped: EU Citizenship and the Single Market, Research Handbook on the Law of the EU's Internal Market (Cheltenham - Elgar), 2017
- D.Kostakopoulou and Daniel Thym Research Handbook on European Union Citizenship Law and Policy - Navigating Challenges and Crises, Elgar, 2022
- Davies, G. Migrant Union Citizens and Social Assistance: Trying to Be Reasonable About Self-Sufficiency, College of Europe (Brugge), 2016
- De Vries, S. [et alii] Civil Rights and EU Citizenship, Elgar, 2018
- EC EU Citizenship Report 2020, OPEU, 2020
- F.Casarosa, M.Moraru The practice of Judicial Interaction in the Field of Fundamental Rights - The added value of the Charter of Fundamental Rights of the EU, Elgar, 2022

- Gibboni, S. European Citizenship and Social Rights in Times of Crisis, LPF Working Papers, 2/2013 - Centro Einaudi, 2013
- Hofmann, HCH and Mihaescu, BC The relationship between the Charter's Fundamental Rights and the Unwritten General Principles of EU Law: Good Administration as the Test Case , EurCL Review, 2013
- Neuvonen, P. J. Equal Citizenship and Its Limits in EU Law, Hart, 2016
- Peers, S., Hervey, T., Kenner, J. and Ward, A. (eds.) The Charter of Fundamental Rights. A Commentary, Hart, 2014
- Pennings, F. - Seeleib-Kaiser, M. EU Citizenship and Social Rights Entitlements and Impediments to Accessing Welfare, Elgar, 2018
- SILVEIRA, A., y CANOTILHO, M. Citizenship and Solidarity in the European Union, Bruselas, 2013
- Shuibhne, N The resilience of UE market citizenship, CMLR, 47, 2010
- Tryfonidou, A. The Impact of Union Citizenship on the EU's Market Freedoms, Hart, 2016
- Van Der Harst, J. EuropeanCitizenship in Perspective, Elgar, 2018

BASIC ELECTRONIC RESOURCES

- EUR-LEX . LEGISLACION UE: www.eur-lex.europa.eu