



## STUDY PROGRAMME

1. European Legal Studies Programme

ACADEMIC YEAR

SEMESTER

2. Transatlantic Affairs

2020-2021

First

## COURSE TITLE

Judicial Remedies in EU Law

## COURSE PROFESSOR

T. Tridimas

## COURSE ASSISTANT

A. Politis

## NATURE OF COURSE (COMPULSORY, OPTIONAL)

Compulsory

## LANGUAGE OF INSTRUCTION

English

## ECTS CREDITS

7

## 1. COURSE OBJECTIVES

This course examines the system of judicial protection established by the EU Treaties and focuses on the contribution of the Court of Justice of the EU (CJEU) to the development of EU Law. It seeks to offer students detailed knowledge of the fundamental underpinnings of the legal system of the EU, the role of the CJEU, the means of judicial protection of EU rights before EU and national courts, and the general principles of EU law. The course is taught in a seminar form and seeks to enable students to appreciate, more broadly, the impact of the CJEU on European integration, the contribution of courts to political governance, and the relationship between politicians, courts and citizens.

On completion of the course, a student will be expected to have:

- a) a detailed knowledge of the course contents as described below;
- b) understanding of the fundamental principles of EU law (primacy, direct effect etc);
- c) knowledge of the procedural steps of how to protect the EU rights before EU and national courts (judicial review, preliminary references, enforcement actions etc);
- d) a critical appreciation of the interaction between the CJEU and national courts;
- e) a critical understanding of the role of courts in the political process, in particular, the contribution of the CJEU to European integration and governance;
- f) the ability to read critically judgments of the Court of Justice and the General Court and move comfortably in their case law;
- g) the ability to solve practical problems related to the course contents.



## 2. LEARNING OUTCOMES

The course objectives tie in with the following learning outcomes of the programme **European Legal Studies** :

- 1.1. Possess advanced knowledge of the European Union (EU), its institutions, competences, substantive principles and legal doctrines;
- 1.2. Possess general knowledge on the main elements of the EU's law and policy at large;
- 1.3. Possess in-depth, scientific knowledge on specific areas of EU law;
- 2.1. Be able to think analytically, correctly analysing complex legal problems in a multi-level legal order, the various sources of law, legal instruments and actors, and to formulate a scientifically sound position on the basis of logical reasoning;
- 2.2. Be able to think dynamically, to understand the constantly changing and evolving nature of the European integration process and to provide constructive commentary on its possible future development.
- 2.3. Be able to think critically, formulating an independent opinion and interpretation of complex legal problems, contextualising findings and weighing a multitude of different factors, including findings from other disciplines;
- 2.4. Be able to process a large amount of information within a short amount of time and to deliver accurate and reflective outcomes;
- 2.5. Be able to work with primary sources of law, such as judgments and legislation, and to reflect independently on their significance and interpretation;
- 2.6. Be able to work in a multi-cultural context, understanding and mediating different legal systems, legal traditions and normative frameworks in a constructive way;
- 2.7. Be able to develop, research, discuss and critically answer questions regarding a scientific research question of EU law in a scientifically responsible way;
- 2.9. Draft a clear legal scientific text in the area of EU law;
- 2.10. Present and defend orally an issue relating to EU law on the basis of legal argumentation or a personal position;
- 2.11. Be able to study and work in the area of EU law in English and French, including through interaction with native speakers.

The course objectives tie in with the following learning outcomes of the programme **Transatlantic Affairs** :

- 1.1 The graduate masters the most important theoretical approaches and concepts of, depending on his or her disciplinary focus, Economics, International Relations and Diplomacy Studies, Legal Studies and/or Political Science relevant for the analysis of transatlantic affairs;
- 1.2 The graduate can describe, explain and illustrate the current state of scientific research in the field of transatlantic affairs in a broad sense and, is, in line with his or her disciplinary focus, able to critically assess the results of this research;
- 1.3 The graduate has good knowledge of, depending on his or her disciplinary focus, the political and/or legal systems, the decision-making processes, the economic structures and the main internal and external policies of the European Union and the United States;
- 1.4 The graduate has insights into historical, political, legal and economic aspects of transatlantic affairs as well as into those policy areas that are of essential importance to transatlantic affairs. He or she can use these insights to contextualize and interpret new developments.
- 2.1 The graduate can approach the field of transatlantic affairs in a broad sense analytically by assessing the challenges in this domain with an open mind for diversity and for complex situations;
- 2.2 The graduate has the ability to critically reflect upon problems regarding an extensive range of transatlantic affairs, to adopt well-informed points of view and to communicate them effectively orally and in writing, whether working independently or in a team;



2.3 The graduate can independently transform complex transatlantic issues into a research question within the broader field of transatlantic affairs and, depending on his or her disciplinary focus, find, select and critically assess relevant sources, answer the question using appropriate concepts and methods and present the research results in line with the ethical rules of the chosen discipline;

2.4 The graduate is capable of processing a large amount of information and appropriately analyse relevant sources depending on his or her disciplinary focus within a short period of time and of suggesting possible actions that contribute to problem-solving in a creative way;

2.5 The graduate has the intellectual maturity and skills to take responsibilities and function autonomously in a professional environment at national or international level, and especially in a transatlantic context, and to work efficiently and effectively through planning, organizing, setting priorities, meeting deadlines, cooperating across cultural boundaries and networking.

### 3. COURSE CONTENTS

The course focuses on the following topics :

The EU legal order (sources of EU law, the distinct qualities of EU law, EU acts, the competence of the EU); the jurisdiction of the European Court of Justice (overview of jurisdiction and procedure, judicial review of EU acts, the non-contractual liability of the EU, preliminary references, enforcement actions); the grounds of review and the general principles of law (Fundamental Rights, equality, proportionality, legal certainty and protection of legitimate expectations, the rights of defence, the right of access to official documents); the protection of EU rights in national courts (remedies, the dual requirements of equivalence and effectiveness, the requirement to provide effective judicial review, restitution, compensation, interim measures, Member State liability in damages); methods of interpretation and precedent.

### 4. TEACHING METHOD

This course is taught in a seminar form where students are encouraged to participate and are expected to prepare in advance. It is supplemented by *tutorials* which provide students with the opportunity to revise and test their knowledge through exercises as well as examine specific topics, some of which are not covered in detail in the main seminars, and *revision tutorials* including a mock exam exercise.

### 5. FURTHER DETAILS ON THE TEACHING METHOD

A mock exam (containing both practical and theoretical questions) is distributed towards the end of the course in order to allow the students to put into practice the knowledge acquired before the final exam.

### 6. COURSE MATERIAL

A complete outline with a detailed table of contents of every part of the course is distributed in advance. The outline indicates legislation, cases and literature that are relevant for the understanding of the subject. The two basic course materials are the following:

- T. Hartley, *The Foundations of European Union Law*, OUP, Oxford, 8th ed., 2014;
- T. Tridimas, *The General Principles of EU law*, OUP, Oxford, 2nd ed., 2006.



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## 7. EVALUATION

Students are evaluated by a 3 hours written examination which counts for 100% of their final grade. The exam is an open book exam. The purpose of the exam is to evaluate the understanding by students of the subject, their legal reasoning, and critical assessment.

Exams organised in second session period are also 100% written exams.

\* The College of Europe reserves the right to change the delivery and assessment of the course in case of restrictions related to the Covid-19 pandemic. Any communication from the Department in this regard takes precedence over the information provided in this ECTS card.