



ECTS CARD

STUDY PROGRAMME

European Interdisciplinary Studies, Natolin campus (Advanced Academic Master)

YEAR

2022-2023

COURSE TITLE

The EU Legal Order: Rights, Norms and Values

SEMESTER

1

COURSE PROFESSOR(S)

VAN ELSUWEGE Peter

ACADEMIC ASSISTANT(S)

BRESKAYA Maria

COURSE TYPE

Core Course

MAJOR(S)

Not applicable

ECTS CREDITS

4

TEACHING HOURS

20

INDIVIDUAL & GROUP STUDY TIME

80

TUTORIAL(S)

3

COEFFICIENT

1

LANGUAGE(S)

EN

COURSE OBJECTIVE

Course aims to provide students with general understanding of key concepts and principles of EU Constitutional Law dealing with such topics as the EU as an autonomous legal order and its co-relations with national legal systems, EU's legal sources and its hierarchy as well as a complete review of judicial protection and the procedures and jurisdiction of the CJEU. Additionally, the course aims to provide students with practical skills on legal writing and legal case-solving so that eventually students are able to apply law and explain it.

COURSE LEARNING OUTCOMES

- Students acquire a sound understanding of the functioning of the EU's legal order and the concepts and principles which underpin them
- Students understand the dynamic nature and scope of the EU legal order in relation to the broader economic and political context
- Students are able to assess the implications of the EU legal order for the domestic legal order of the Member States
- Students have a critical analytical approach to issues and cases concerning EU judicial protection
- Students are capable to analyse and comment judgments of the EU Court of Justice with a good understanding of the various legal procedures
- Students are able to conduct legal research including the identification, retrieval and evaluation of primary and secondary sources of EU law

RECOMMENDED PREPARATION

No specific prior knowledge about EU law is required.

TEACHING METHOD(S)

Combination of lectures, e-learning and interactive class discussion based upon presentation of case comments.

ASSESSMENT METHOD AND CRITERIA

Assessment of reading schedules (25 %). Groups of students are expected to prepare a short, written comment (between 2000 and 2500 words) about an assigned judgment. During the lectures, students will be expected to explain the key points of these judgments (with comments regarding the relevant legal questions and arguments used by the parties and the Court).

2-hour digital open-book in-class written exam (75 %). Students are expected to provide structured and legally motivated answers and illustrate them with the relevant case-law rendered by the Court of Justice of the European Union.

The College of Europe reserves the right to change the delivery and assessment of the course in case of circumstances beyond the reasonable control of the College (force majeure). Any communication from the campus administration in this regard takes precedence over the information provided in this ECTS card.

Retake examinations, i.e. exams passed in the second examination session, will have the same format as those taken during the first exam session. The only exception concerns oral exams, which are replaced in the second exam session by written exams. When a student takes an examination during the second session, the final mark for the course is based solely on the result of the retake examination. No other element of evaluation which would have been taken into consideration in the calculation of the final mark during the first examination session will be considered in the second session. (Art. 27 of the Specific Provisions).

COURSE CONTENTS

The course starts with an introduction to the understanding of the EU as ‘an autonomous (and differentiated) legal order’. The point of departure is the landmark ‘Van Gend en Loos’ judgment of 1963. In this context, the specific characteristics of the EU legal order will be explained. Subsequently, the categories of EU competences, the sources of EU law and the EU law-making procedures will be studied on the basis of concrete examples. In a third section, specific attention will be devoted to the role of the Court of Justice and the rule of law in the EU legal order. In this context, the various procedures (preliminary rulings, infringement proceedings, actions for annulment, actions for failure to act, actions for damages) will be explained on the basis of concrete case studies and relevant judgments of the CJEU. In a fourth and final section, the protection of fundamental rights in the EU legal order will be addressed, with a particular emphasis on the role of the EU Charter of Fundamental Rights and the interaction between EU law and the European Convention on Human Rights and Fundamental Rights. This will be explained on the basis of concrete case studies and relevant judgments of the CJEU.

COURSE MATERIALS (readings and other learning resources/tools)

Syllabus and reader with recommended literature and relevant case law provided on the intranet, supported with powerpoint presentations.