

European Union Law

UGRA_003517

Departments	Department of International, European Union and Comparative Law
Teaching Languages	English
ECTS	5
Teacher responsible	Baillet Olivier Georges Robert - oliviergeorgesrobert.baillet@esade.edu

Course Goals

- Understand the basic concepts of European Union Law and differentiate the EU legal order from international and national legal orders;
- Have a clear sense of the evolution of EU institutions, decision-making and EU constitutional principles;
- Understand the goals and content of the main EU policies.

Prerequisites

None

Teaching methodology

The course will employ a Socratic teaching methodology, emphasising active student participation through continuous dialogue. Students will collaboratively construct their understanding of the subject matter; with a particular emphasis on case studies.

The course aims to foster critical thinking skills, encouraging students to analyse and evaluate complex issues within European Union Law.

Description

Course contribution to program

European Union Law is part of our daily lives both as citizens and/or as lawyers. Understanding specificities of the the EU, by comparison with domestic legal orders as well general public international law, reinforces a lawyer's understanding of what law is and how it works.

Short description

The European Union is the most advanced system of law and governance outside the State. No other project of regional economic integration has advanced this far. Yet different crisis and tensions are testing ways the foundations of economic and political integration in Europe, from the coronavirus pandemic, the damaged single currency architecture, the migration crisis, populist movements with an anti-Brussels platform, Brexit, the war in Ukraine or new geopolitical trends.

This introductory course will study the evolution of European integration and its decision-making system, the foundations of the EU legal order and the balance of power between EU political institutions and between Member States in a critical moment of European integration.

Bibliography

Content

#	Topic
1	1. HISTORY OF EUROPEAN INTEGRATION AND THE ROLE OF LAW In these introductory lectures, we will examine the history of the integration process and the important role of law in that process. We will discuss the context within which the integration process was started, and the many changes (legal, political, geographical) that it has gone through from 1956 until 2017. The rule of law is one of the EU's foundational values and is generally considered a distinctive feature of the EU, which distinguishes it from other international organisations. Its rules and norms are considered by many to be similar to those of a federal state; yet, throughout its history the EU sought to avoid such description in its self-portrait presenting it as a <i>sui generis</i> entity.
2	2. EU POLITICAL INSTITUTIONS We will study the evolution of EU Political Institutions (Commission, Council, EP and European Council) and the EU system of checks and balances. The Council acts as the EU's legislator but comprises of the representatives of Member States' executives. The European Parliament is elected by European citizens but the Commission, let alone the Council, is not accountable to it. The Commission is closest to the EU government but as we will see, it is largely controlled by the Members States. We will also carefully look at how the Ordinary Legislative Procedure (OLP) divides power between these institutions in the legislative process, and how EU laws are made.
3	3. EU LEGAL REMEDIES: ENFORCEMENT AND REVIEW OF EU LAW The EU does not have a police, or an elaborate system of EU courts to enforce the obligations that Member States enter into. So how does it ensure that Member States do not breach EU law but implement and enforce its norms? We will examine the judicial architecture of the EU, mainly the Court of Justice of the EU, in Luxembourg. We will also look here at the infringement procedure, through which the Commission can take Member States to Court to ensure that it obeys EU law. We will also look at the possibility for institutions, Members States and individuals to challenge the validity of EU law in an action before the ECJ and we will also review the most important procedure, preliminary reference, through which national courts can send questions on the interpretation and validity of EU Law to the ECJ.
4	4. EU CONSTITUTIONAL PRINCIPLES According to the Court of Justice, EU law is an autonomous legal order that limits national sovereignty and creates rights directly which individuals can invoke in national courts. There are a number of formal implications to this and a number of wider obligations. We will study the judicial development of the direct effect and supremacy principles and its legal and political consequences, as they have transformed our understanding of EU law. We will also add to the discussion the limited development of the principle of state liability.
5	5. EU COMPETENCES AND THE PRINCIPLE OF SUBSIDIARITY The EU has expanded so much its competences to the point that today it is difficult to find an area of national policy where EU law could not be applied, directly or indirectly. We will study the allocation of powers between the EU and its Member States, the legal and political evolution of this division of competences and different attempts to create by European and national actors new limits to EU action, starting with the Principle of Subsidiarity
6	6. FUNDAMENTAL RIGHTS The EU claims to be founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights. But what is the reality? Does the EU have an autonomous notion of these values, and what role should fundamental rights play within the EU? In this session we will discuss the evolution of the legal system of fundamental rights protection in the EU and the question of how the EU can secure its fundamental values, which include fundamental rights, when its own Member States violate such rights

Assessment

Tool	Assessment tool	Category	Weight %
Group project	Group Presentation	Ordinary round	40.00%
Written and/or oral exams	End of semester written exam (closed	Ordinary round	40.00%

Tool	Assessment tool	Category	Weight %
	book)		
Attendance and punctuality	Attendance & Participation	Ordinary round	20.00%

PROGRAMS

GBD20-Double Degree in Business Administration and Law (Undergraduates: Law)
 GBD20 Year 2 (Mandatory)

GBD23-Double Degree in Business Administration and Law (Undergraduates: Law)
 GBD23 Year 2 (Mandatory)

GED20-Bachelor in Law (Undergraduates: Law)
 GED20 Year 2 (Mandatory)