

Regional Economic Integration: The EU & Beyond

UGRA_008264

Departments	Department of International, European Union and Comparative Law, Department of Law
Teaching Languages	English
ECTS	6
Teacher responsible	Grani Giovanni - giovanni.grani@esade.edu Baillet Olivier Georges Robert - olivier.baillet@esade.edu

Course Goals

This course introduces the student to the laws of the European Union as the main example of economic integration in Europe. In this course the student will learn the basic elements of the institutional design of the European Union, the basic principles of its legal infrastructure and the obligations stemming from the membership to the EU. At the end of the course the students will know the role of each institution of the EU legal principles such as direct effect, primacy and indirect effect. The students will also learn the basics of EU human rights law, internal market law as well as the law of the EU external relations.

Prior knowledge

No previous knowledge of EU law is necessary. Some basics of international law are an advantage.

Teaching methodology

The course is taught via a mix of classes, class exercises and presentations students have to prepare in groups. Students receive study material via the moodle. It is essential that the students carefully study the articles of the EU treaties and the case law whenever relevant to the course.

Description

Course contribution to program

The course provides the students with the core of the legal elements of the European Union. This knowledge is an essential complement to all the other parts of the program. The European Union is in fact a key actor in global governance as well a regulator having a major impact on businesses in Europe as well as around the world.

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.INSTITUTIONS OF THE EU AND THE LEGISLATIVE PROCESS In these lectures, we will look at the institutional machinery of the EU and focus on what can be seen as its 'political process'. It is generally recognised that there is no classical separation of powers in the EU between the legislature, executive and judiciary. Instead, each institution exercises a combination of these roles and their powers are further blurred by the distinction between national and supranational level of government. Understanding this proves fundamental to anybody interested in practising EU law or involvement in EU politics. 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. 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 European Court of Justice, 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. 4.SUPREMACY AND DIRECT EFFECT 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. Formally, the authority of EU has four elements: the right for EU law to determine its own right; the precedence of EU law over all national law; the right for EU law to determine when there is a conflict with national law; and the fidelity principle, the duty of all national institutions to secure the application and effectiveness of EU law.
5	5.AUTHORITY OF EU LAW AND NATIONAL CHALLENGES: DIRECT EFFECT, INDIRECT EFFECT AND STATE

#	Topic
5	<p>LIABILITY EU legal norms would lose much of their bite if they could not be invoked in national court proceedings and constitute a basis for legal redress. This lecture focuses on the judicial application of EU law in the Member States. We investigate under which circumstances EU law has 'direct effect', which means that litigants can rely on them vis-à-vis public authorities or private parties in national proceedings. Also, since successful litigants typically seek to obtain a form of redress, it is necessary to explore whether and to what extent EU law requires Member States to remedy breaches of EU law.</p>
6	<p>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 are going to discuss three issues: (a) the role of fundamental rights in the post-war European political and constitutional context, (b) the evolution of the legal system of fundamental rights protection in the EU, through the Charter of Fundamental Rights, the general principles of EU law and the European Convention on Human Rights; and (c) the question of how the EU can secure its fundamental values, which include fundamental rights, when its own Member States violate such rights.</p>
7	<p>7.CITIZENSHIP Union citizenship was introduced in 1992 in the Treaty of Maastricht as a 'purely political declaration'. The idea was, bluntly put, that the construction of a Political Union presupposed the creation of a 'European people', even if just formally. Since then, the concept of Union citizenship has changed significantly, and now constitutes the 'most fundamental status of nationals of the Member States', entitling them to equal treatment wherever they find themselves in the EU. The first part of the lecture will trace the normative and political significance of the concept of Union citizenship: what it means to be a 'European citizen', how it compares to national citizenship, and which rights are connected to it. The second part will look at the most important of such rights: the right to move freely throughout the EU and to enjoy equal treatment in the host state. We will consider whether this free movement and equal treatment is a positive contribution to 'ever further integration', or, conversely, threatens to undermine the stability of national welfare systems by fostering 'welfare tourism'. We will analyse in depth the different ways in which the CJEU has tried to balance between these extremes.</p>
8	<p>8.FREE MOVEMENT OF WORKERS AND FREE PROVISION OF SERVICES A discussion of negative integration and harmonization in the field of workers and services, two factors of production where free movement has not reached its maximum potential. We will analyze the work of the Court of Justice of the EU and some of the main harmonization initiatives.</p>
9	<p>9. 9. EU EXTERNAL RELATIONS A core objective of the EU over the past two decades has been to bring about greater consistency and coherence in its external relations in order to strengthen the EU as a global actor. The EU's external competences originated in a complicated body of case law. The Lisbon Treaty has introduced several changes into the law on EU external relations. We will review some of the most relevant features of this competence.</p>

Assessment

Tool	Assessment tool	Category	Weight %
Written and/or oral	40 per cent class	Ordinary round	

Tool	Assessment tool	Category	Weight %
exams	presentation / 40 per cent final exam / 20 per cent class participation		

PROGRAMS

GBL24-Double Degree in Business Administration and Global Governance, Economics and Legal Order (Undergraduates: Business)

GBL24 Year 1 (Basic)

GDL20-Double Degree in Law and Global Governance, Economics and Legal Order (Undergraduates: Law)

GDL20 Year 2 (Basic)

GDL23-Double Degree in Law and Global Governance, Economics and Legal Order (Undergraduates: Law)

GDL23 Year 2 (Basic)

GEL19-Bachelor of Global Governance, Economics and Legal Order (Undergraduates: Law)

GEL19 Year 1 (Basic)

GEL23-Bachelor of Global Governance, Economics and Legal Order (Undergraduates: Law)

GEL23 Year 1 (Basic)