

SUBJECT DETAILS

Data on the subject	
Name	International Affairs and Geostrategy from EU Perspective
Degree	Postgraduate in Master in International and European Business Law
Year	2016-17
Nature	Fall
ECTS Credits	2 credits
Department	Law
Area	Law
Teaching staff	Juan Diego Ramírez-Cárdenas Díaz

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Tutoring Schedule	Upon request from students

SPECIFIC DATA ON THE SUBJECT

Pre-requisites
None
Contribution of the degree to the professional profile
An understanding of the interrelation between the EU and broader questions of geostrategy and politics.

COMPETENCES TO BE IMPROVED

What skills you'll gain from this class:

- To examine and discuss the series of legal instruments which compose the EU system of sources of law, explaining the fundamental features of each and analysing the particular obligations that each can impose on natural and legal persons
- To study the number of legal features that make of EU law an autonomous legal system and analyse the number of principles that cement the legal relation between EU law and the national legal systems of the EU Member States
- To recognize the particular features of the institutional architecture of the EU and master the basic working structures, powers and functioning of the EU institutions
- To get acquainted with the different stages in the EU decision-making cycle and analyse how EU institutions and organs interact with each other at each of these phases
- To illustrate that both the EU and national jurisdictions control the compliance by economic operators of their EU law obligations and present the typology of sanctions that these jurisdictions can impose (economic penalties, legal sanctions, etc.) upon them in case of breach

THEMATIC AREA AND CONTENT

AREA 1: The EU, an autonomous legal order: EU legal instruments and fundamental principles of EU law

Theme 1: Primary and secondary sources of EU law. Practical analysis of EU legal instruments

- 1.1. The hierarchy of norms in the EU: primary vs secondary sources of law
- 1.2. Typology of EU norms. Legal force and impact on public and private actors
- 1.3. Enacting EU policies and competences. Choice of the legal instrument and practical consequences

Theme 2: Main principles of EU law. Relations between EU law and national legal systems

- 2.1. Solving potential conflicts between EU law and national law: supremacy
- 2.2. The nature and effect of EU law: direct affect and beyond
- 2.3. Practical consequences for the enforcement of EU law by national jurisdictions: state liability and other principles

AREA 2: Introduction to the EU institutional system and the specificities of EU decision-making

Theme 1: The institutional architecture of the EU: governing principles and overview of institutions and organs

- 1.1. The pragmatic rationale of EU's institutional architecture
- 1.2. Overview of institutions (1): decision-making institutions
- 1.3. Overview of institutions (2): institutions of control

Theme 2: The EU decision making process

- 2.1 Analysis of the main phases of the EU decision making cycle: proposal, decision and implementation
- 2.2. Presentation of different procedures. The peculiarities of institutional / member state negotiation

in the EU
2.3. How to influence EU decisions? Interest representation in the EU
AREA 3: The jurisdictional system of the EU. Judicial enforcement of EU legality
Theme 1. The EU and its judicial authorities. Sanctioning the breach of EU law
1.1. EU's judicial organs: the Court of Justice of the EU and national judges and tribunals
1.2. Failing to comply with EU law (1): procedures against Member States
1.3. Failing to comply with EU law (2): procedures against individuals and economic operators

BIBLIOGRAPHY AND RESOURCES

Basic Bibliography
Text books
<p>Academic literature on the topics covered by this course is rich. Indeed, there has been a plethora of academics, legal specialists and practitioners who have written the legal system of the EU, the European institutions and the way they work as well as the jurisdictional system of the EU. However, in spite of the abundance of titles in these fields, most of them come to address similar questions. The main difference amongst these titles rests on the particular insight the author holds on the above mentioned questions (either academic or more pragmatic) or the point of view used for their analysis (legal or political). This is why this course does not propose any reading as mandatory.</p> <p>Yet, and out of the number of existing books, students are strongly recommended to select a title, which they consider most pertinent and covering as many of the contents in the MIEBL as possible. Ideally, this book should become for them the main bibliographical reference for their study and research. Books of this type are numerous, but this course recommends the following titles:</p> <ul style="list-style-type: none"> • Craig, Paul & de Búrca, Gráinne, EU law : text, cases, and materials, 5th edition, Oxford University Press, 2011 • Barnard, Catherine & Peers, Steve, European Union Law; Oxford University Press, 2014
Websites
<p>Internet resources give us access to a wealth of information on EU affairs which can perfectly complement the research carried out by traditional academic means.</p> <p>Students are encouraged to get quickly acquainted with the European Union's portal on internet hosted at http://europa.eu. This portal gives access to many interesting topical sections referring to the EU and its institutions, policies, the legal system, etc.</p> <p>In addition, students are strongly invited to visit each of the institutions' respective web site:</p> <ul style="list-style-type: none"> - Council of the European Union: www.consilium.europa.eu - European Council: www.european-council.europa.eu - European Parliament: www.europarl.europa.eu - European Commission: www.ec.europa.eu - Court of Justice of the European Union: www.curia.europa.eu - Court of Auditors: www.eca.europa.eu

All throughout the MIEBL, students will need to retrieve EU legal instruments and case-law, for their latter consultation. The quickest way to find these legal texts is consulting the electronic repository of EU law, hosted at www.eur-lex.europa.eu

Summaries of EU legislation in almost all policy fields plus commented accounts of EU action in each can be consulted in the following site: http://europa.eu/legislation_summaries/index.htm

Internet is also a gateway to an enormous variety of secondary bibliographical sources (articles, commentaries and so on) on virtually all topics of EU law. Good collections of these types of sources can be found on the following two site:

- <http://www.jeanmonnetprogram.org/papers/index.html> managed by NYU Law
- <http://www.eui.eu/DepartmentsAndCentres/Law/Publications/Index.aspx> of the European University Institute in Florence

These list is completed with a reference to a series of websites which will help the student to keep the pulse on EU's news and current policy and legal debates:

- www.euractiv.com (this site has versions in all of the 23 EU official languages)
- www.europeanvoice.com

Notes

The explanations of the professor during the course are supported on extensive PP presentations which will be accessible by the students beforehand.

These presentations will be projected during lessons. However, they should not be exclusively regarded as visual aids for the course explanations and discussions. In addition, students are invited to use them as reference instruments and study tools. Due to the completeness of their content, they can be very useful for course revision in preparation of the exams

Other material

EU legal instruments, case law, newspaper clips and other material could be handed out before / during classes as complementary material, or as background information to be used by the students for the practical components of the course

Additional Bibliography

Text books

The following books are purely recommendations for students wanting to know more on particular aspects of the course. Other titles can be perfectly useful and relevant.

On EU Institutions :

- Peterson, John & Shackleton, Michael, The Institutions of the EU, The European Union Series, Oxford University Press, 2012

On EU decision-making:

- Hardacre, Alan, How the EU institutions work and-, how to work with the EU institutions, John Harper Publishing, 2011

On the EU jurisdictional system:

- Lenaerts, Koen, Maselis, Igance & Gutman, Kathleen, EU Procedural Law, Oxford EU Law Library. 2014

TEACHING METHODOLOGY

General methodological aspects of the subject

Contact hours methodology: Activities

The course will follow an interactive format, combining presentations analysing legal contents, with participation of the students (exchange of views and discussions, and Q & A periods).

In addition, each of the 4 content areas composing the course will feature an interactive element. They will be, respectively:

- A workshop, allowing students to comment and analyse a series EU legal instruments drawn from various EU policy areas
- A text commentary, in which students will have to discuss and examine the relevance of two rulings of the Court of Justice
- A brief simulation, allowing students to play a particular aspect of the EU decision making process
- A moot court, in which students will perform a judicial role, seeking to solve a EU legal controversy.

At these interactive elements of experiential learning, participation of the students is required, who will intervene under the guidance of the professor, who will provide comments and final feedback

Independent study methodology: Activities

Although each student is supposed to structure his / her individual study autonomously, using the course syllabus as a guideline, and taking into consideration the advice of the professor on the first day of the course, the following recommendations can be formulated:

- In preparation to each lesson, students are invited to read and examine the corresponding part of the PP course presentations. Any type of background material which could be the basis of the course exercises must also be revised in advance;
- After each lesson and / or the conclusion of the course, revision of course content and notes taken during lessons. Students are invited to check the title cited as basic bibliography. The professor could provide additional references for supplementary research if required

SUMMARY OF STUDENT WORK HOURS			
Activity	Number of class hours	Number of independent study hours	Total number of hours
Lecture	8	6	14
Practical class	4	4	8
Debate	2	3	5
In class presentation	2	3	5
Work in collaboration	4	2	6
Evaluation: exam		12	12
ECTS Credits:	2		

GRADE EVALUATION AND CRITERIA

Evaluation Activities	Generic Competences	Indicators	Evaluation Weighting
Individual work & class participation		Interest in the course, nature of questions posed, relevance and pertinence of student's opinions and views	10%
Class exercises (workshop, simulation, case-study, etc.)		<p>Depending on the type of class exercise, the following indicators will be taken into consideration:</p> <ul style="list-style-type: none"> • Capacity of analysis, prioritization of right content, ability to find solutions • Oral presentation skills, and clarity of statements and content presented • Logic and persuasiveness of the student's arguments, reactivity to other students; opinions and ability to listen • Team spirit and cooperative attitude within the class group 	30%
Evaluation: exam (final)		Degree of assimilation of course contents and capacity to present own analysis	50%
Attendance		Presence	10%