



FICHA TÉCNICA DE LA ASIGNATURA

| Datos de la asignatura | |
|------------------------|--|
| Nombre completo | Asuntos Internacionales y Geostrategia desde la perspectiva de la UE / International Affairs and Geostrategy from the EU Perspective |
| Código | E000001218 |
| Título | Máster Universitario en Derecho Internacional y Europeo de los Negocios (International and European Business Law) , por la Universidad Pontificia Comillas |
| Impartido en | Máster Universitario en Derecho Internacional y Europeo de los Negocios [Primer Curso] |
| Créditos | 2,0 ECTS |
| Carácter | Obligatoria |

| Datos del profesorado | |
|-----------------------|---------------------------------|
| Profesor | |
| Nombre | Paula García Andrade |
| Departamento / Área | Departamento de Derecho Público |
| Despacho | Alberto Aguilera 23 [ED-314] |
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DATOS ESPECÍFICOS DE LA ASIGNATURA

Contextualización de la asignatura

Competencias - Objetivos

| Competencias | | |
|--------------|--|--|
| GENERALES | | |
| CG01 | Capacidad de análisis y síntesis | |
| | RA1 | Identifica lagunas de información o falta de coherencia en la argumentación de textos escritos. Incorpora información adicional y soluciona las incoherencias |
| | RA2 | Establece relaciones causa-efecto o elabora conceptos a partir de elementos cualitativos. Incorpora elementos externos (analogías) que apoyan y refuerzan sus conclusiones |
| | RA3 | Al expresar sus ideas y conclusiones, se apoya en datos y en la relación entre ellos. Plantea varias opciones posibles a partir de las distintas ponderaciones de los datos y sus relaciones |
| CG03 | Capacidad de gestión de la información | |
| | RA1 | Identifica las fuentes relevantes de información de manera prácticamente exhaustiva |



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| | RA2 | Ordena adecuadamente y prioriza las fuentes de información. Es capaz de descartar la información irrelevante de manera crítica |
| | RA3 | Es capaz de manejar y utilizar de manera efectiva un elevado número de fuentes de información sin incurrir en contradicciones |
| CG06 | Capacidad de trabajo en equipo | |
| | RA1 | Colabora en la definición, organización y distribución de las tareas del grupo |
| | RA2 | Realiza las tareas que le asignan dentro del grupo en los plazos solicitados |
| | RA3 | Participa de forma activa en los espacios de encuentro del equipo, compartiendo información conocimientos y experiencias |
| | RA4 | Se orienta a la consecución de acuerdos y objetivos comunes, comprometiéndose con ellos |
| | RA5 | Toma en cuenta los puntos de vista de los demás, retroalimentándolos de forma constructiva |
| CG07 | Capacidad de trabajo en un contexto internacional | |
| | RA1 | Detecta los problemas derivados de las diferencias entre sistemas jurídicos |
| | RA2 | Busca generar soluciones adaptables a los distintos sistemas jurídicos |
| | RA3 | Entiende que el contexto jurídico y económico se inserta en relaciones transnacionales |
| | RA4 | Es consciente de las resistencias o dificultades que una misma solución puede plantear en distintos contextos y busca mecanismos para minimizar estos problemas |
| CG08 | Capacidad de razonamiento crítico | |
| | RA1 | Fundamenta tanto los puntos fuertes como los débiles de los juicios u opiniones que emite |
| | RA2 | Emite juicios en función de criterios externos (utilidad, viabilidad, validez, etc.). Selecciona con acierto el criterio externo a utilizar a la hora de argumentar un juicio |
| CG10 | Capacidad de desarrollo de un aprendizaje autónomo | |
| | RA1 | Adapta autónomamente las estrategias de aprendizaje en cada situación. Razona adecuadamente sobre la adecuación de sus estrategias en cada situación |
| | RA2 | Es capaz de integrar paradigmas de otras disciplinas y/o campos de conocimiento próximos al suyo. Aplica y generaliza con facilidad y rapidez los conocimientos entre disciplinas |
| CG11 | Motivación por la calidad | |
| | | Se orienta a resultados. Revisa en función de los objetivos en qué punto se encuentra y toma decisiones |



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| | RA1 | Se orienta a resultados. Revisa en función de los objetivos en que punto se encuentra y toma decisiones ajustando su plan de acción |
| | RA2 | Hace un buen uso de los recursos. Es eficiente. Revisa y compensa las ineficiencias que aprecia en sus actuaciones |
| CG12 | Capacidad de aplicar los conocimientos teóricos a la práctica | |
| | RA1 | Aplica en un contexto real los conocimientos de naturaleza teórico-práctica adquiridos |
| | RA2 | Determina el alcance y la utilidad práctica de las nociones teóricas |
| | RA3 | Adquiere otros conocimientos en el contexto real en el que son funcionales y relacionados con el ámbito profesional |
| | RA4 | Identifica correctamente los conocimientos aplicables a cada situación |
| | RA5 | Relaciona los conocimientos con sus distintas aplicaciones |
| ESPECÍFICAS | | |
| CE01 | Poseer una visión crítica del funcionamiento e interrelación de las diversas instituciones con relevancia para el desarrollo de negocios internacionales | |
| | RA1 | Comprende y evalúa críticamente la posición de la Unión Europea y sus políticas en el contexto geopolítico y económico internacional, especialmente en aquellos ámbitos con mayor relevancia para el comercio internacional |
| | RA2 | Entiende la posición de la Unión Europea en las instituciones internacionales y las implicaciones jurídicas, políticas y económicas que la pertenencia (o no) a esas organizaciones tiene para los Estados miembros y para los operadores económicos radicados en la UE y en el EEE |
| CE02 | Dominar los principales tratados internacionales con relevancia en el ámbito del tráfico económico internacional, distinguiendo los instrumentos vinculantes de las simples recomendaciones o instrumentos meramente interpretativos u orientadores (soft law) | |
| | RA1 | Conoce en profundidad las fuentes del ordenamiento jurídico comunitario, el sistema de reparto de competencias entre la UE y los Estados miembros, los procesos de adopción de normas en el ámbito comunitario y de trasposición de estas normas a los ordenamientos domésticos de los Estados miembros |
| | RA2 | Identifica correctamente el valor jurídico de cualquier documento aprobado en el seno de las principales organizaciones en materia económica y financiera (OCDE, FMI, BM, OMC) |
| | RA3 | Sabe determinar la compatibilidad de una norma nacional con las normas vinculantes de carácter internacional o comunitario y, en caso de incompatibilidad, sabe interpretar adecuadamente las normas en conflicto para determinar la regla aplicable a un determinado supuesto de hecho |
| CE03 | Conocer las ventajas en el tráfico económico internacional para las empresas de la UE y de otros estados de la OMC e identificar adecuadamente las implicaciones de negocio | |



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| RA1 | Conoce los acuerdos comerciales que establecen el marco de referencia para el desarrollo de relaciones comerciales internacionales (principalmente, el acuerdo de la Organización Mundial del Comercio) y los mecanismos para su aplicación por parte de las propias organizaciones internacionales y por los tribunales de los Estados parte |
| RA2 | Conoce las ventajas para las empresas radicadas en los Estados parte de la OMC y puede identificar oportunidades de negocio en el marco de sus acuerdos |
| RA3 | Entiende el funcionamiento de los sistemas arancelarios y de preferencias y es capaz de determinar los gravámenes aplicables a las relaciones comerciales entre empresas radicadas en la UE y empresas o instituciones extranjeras |

BLOQUES TEMÁTICOS Y CONTENIDOS

BIBLIOGRAFÍA Y RECURSOS

METODOLOGÍA DOCENTE

Aspectos metodológicos generales de la asignatura

RESUMEN HORAS DE TRABAJO DEL ALUMNO

HORAS PRESENCIALES

HORAS NO PRESENCIALES

CRÉDITOS ECTS: 2,0 (0 horas)

EVALUACIÓN Y CRITERIOS DE CALIFICACIÓN

En cumplimiento de la normativa vigente en materia de **protección de datos de carácter personal**, le informamos y recordamos que puede consultar los aspectos relativos a privacidad y protección de datos que ha aceptado en su matrícula entrando en esta web y pulsando "descargar"

<https://servicios.upcomillas.es/sedelectronica/inicio.aspx?csv=02E4557CAA66F4A81663AD10CED66792>



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 | 2021-22 |
| Nature | Fall |
| ECTS Credits | 2 credits |
| Department | Law |
| Area | Law |
| Teaching staff | Paula García Andrade |

| Data on the teaching staff | |
|----------------------------|------------------------------|
| Teaching staff | Paula García Andrade |
| e-mail | pgandrade@icade.comillas.edu |
| Telephone | +34 915422800 (ext. 2208) |
| Office | E-319 |
| Tutoring Schedule | Upon request from students |

SPECIFIC DATA ON THE SUBJECT

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|--|
| Pre-requisites |
| None |
| Contribution of the degree to the professional profile |
| <p>This course provides an understanding of the interrelation between the EU and broader questions of politics, legal order and institutional systems with an eye towards geostrategy.</p> <p>Its specific aims are to provide the students with the ability 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 they impose on EU institutions, Member States, as well as on natural and legal persons. Students will also study the legal features that make of EU law an autonomous legal system and analyse the principles which found the legal relation between EU law and</p> |

the national legal systems of EU Member States. Students will be able to recognize the particular characteristics of the institutional architecture of the EU and master the basic working structures, powers and functioning of the EU institutions, as well as 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. Finally, this course will illustrate students how both the EU and national jurisdictions control the compliance by economic operators of their EU law obligations and present the typology and effects of legal remedies at their disposal in case of breach of those obligations.

COMPETENCES TO BE IMPROVED

Skills you will gain from this course:

GENERIC COMPETENCES

GC 1: Analysis and synthesis abilities

GC 3: Ability to manage information

GC 8: Critical appraisal skills

GC 10: Ability to develop autonomous learning skills

GC 11: Concern for quality

GC 12: Ability to apply theoretical knowledge into practice

SPECIFIC COMPETENCES

SC 1 - Having a critical view of the functioning and interaction of various institutions with relevance for international business

SC 2 - Mastering the main relevant international treaties in the field of international trade, distinguishing between binding instrument and mere recommendations or instruments merely of an interpretive or guiding nature (soft law)

THEMATIC AREA AND CONTENT

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

Theme 1: Sources of EU law.

1.1. Introduction: the law of integration

1.2. Typology of EU norms. Features, 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 governing the relations between EU law and national legal systems

2.1. Solving potential conflicts between EU law and national law: the principle of supremacy

2.2. The nature and effect of EU law: the principle of direct effect

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

3.1. The rationale of the EU's institutional architecture: features and governing principles

3.2. The Commission

- 3.3. The Council
- 3.4. The European Council
- 3.5. The European Parliament
- 3.6. The Court of Justice of the European Union
- 3.7. Other institutions and organs

Theme 4: EU decision-making procedures

- 4.1. Legislative process: ordinary and special legislative procedures.
- 4.2. External decision-making procedures: Union's treaty-making procedures; CFSP decision-making procedures.
- 4.3. Amendments to the Treaties: ordinary and simplified revision procedures.

AREA 3: The jurisdictional system of the EU.

Theme 5. EU judicial system and judicial enforcement of EU law.

- 5.1. EU's jurisdictional system: the Court of Justice of the EU and national judges and tribunals
- 5.2. ECJ's judicial powers (1): indirect actions – references for preliminary rulings
- 5.3. ECJ's judicial powers (2): direct actions – enforcement actions; annulment actions, failure to act, Union liability actions, appeals.

BIBLIOGRAPHY AND RESOURCES

Basic Bibliography

Text books and articles

Academic literature on the topics covered by this course is rich, as there has been a plethora of academics, legal specialists and practitioners who have written on 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 with however differences in insights or perspectives of analysis. This is why this course does not propose any reading as mandatory. 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 programme 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:

- C. Barnard & S. Peers, *European Union Law*, Oxford University Press, 3rd ed., 2020.
- P. Craig & G. de Búrca, *EU law: text, cases, and materials*, Oxford University Press, 7th ed., 2020.
- R. Schütze, *European Constitutional Law*, Cambridge University Press, 2nd edition, 2016.

For those wishing to deepen their knowledge in particular aspects of the course, the following titles may be consulted:

- K. Lenaerts, I. Maselis, & K. Gutman, *EU Procedural Law*, Oxford EU Law Library, 2015
- D. Hodson & J. Peterson, *The Institutions of the European Union*, Oxford University Press, 2017.

For specific aspects, consultation of scientific journals specialized in EU law may also be useful:

- Cambridge Yearbook of European Legal Studies*
- Common Market Law Review*
- EUI Working Papers*
- European Constitutional Law Review*
- European Journal of International Law*
- European Journal of Legal Studies*
- European Law Review*
- European Papers*
- International and Comparative Law Quarterly*
- Jean Monnet Working Papers*
- Yearbook of European Law*

Websites

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.

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.

In addition, students are strongly invited to visit each of the institutions' respective web site:

- 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 sites:

- <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

This 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

Legal documents

In preparing and following each session and the whole course, students will need to handle the EU Treaties (consolidated versions of the Treaty on the European Union and the Treaty on the Functioning of the European Union, available in Eur-lex: <http://eur-lex.europa.eu/collection/eu-law/treaties.html>), as well as the case-law of the European Court of Justice (to be accessed through Curia website: https://curia.europa.eu/jcms/jcms/j_6/en/).

Notes

The explanations of the professor during the course are supported on PP or Word presentations which will be accessible by the students beforehand. Students are strongly encouraged to read through them in preparation for each session.

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.

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). A significant importance will be accorded to the ECJ case-law

In addition, the themes composing the course will feature interactive workshops or practical classes, which will specifically deal with the following subjects:

- Workshop on ECJ case-law regarding the relations between EU law and national law in which students will have to discuss and examine a series of rulings from the Court of Justice in order to deduce the grounds, scope and implications of the principles of direct effect, supremacy of EU law and state liability.
- A debate on institutional balance in EU decision-making procedures, based on the previous reading of an academic contribution on the subject.
- A workshop on judicial enforcement of EU law, in which students will solve and discuss several cases to be brought before the ECJ.

At these interactive elements of experiential learning, participation of the students is required. Students will intervene under the guidance of the professor, who will provide comments and 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 requested to read and examine the PP course presentations, the corresponding chapter of the selected book, as well as other types of background material to be specified in advance.
- Students are requested to prepare in advance for the workshops and debate activities that will be held during the course, by working on the materials and following the specific indications provided by the professor.

- After each lesson and at the conclusion of the course, students shall revise course contents, notes taken during lesson, as well as the materials referred to under basic bibliography. The professor could provide additional references for supplementary research if required.

Students are also requested to submit a short written exercise to be handed in to the professor, which will consist of an essay on the legal implications of an EU-topical issue proposed by the professor.

SUMMARY OF STUDENT WORK HOURS

| Activity | Number of class hours | Number of independent study hours | Total number of hours |
|-----------------------------|-----------------------|-----------------------------------|-----------------------|
| Lecture | 16 | 12 | 28 |
| Workshop or practical class | 4 | 3 | 7 |
| Essay | 0 | 5 | 5 |
| Evaluation: exam | (+10) | 10 | 10 |
| ECTS Credits: | 20 | 30 | 50 |

GRADE EVALUATION AND CRITERIA

| Evaluation Activities | Generic Competences | Evaluation Weighting |
|---|---|----------------------|
| Individual participation in class | | 5% |
| Oral participation in workshops/debates | GC 1: Analysis and synthesis abilities GC 8: Critical appraisal skills GC 12: Ability to apply theoretical knowledge into practice | 15% |
| Essay | GC 1: Analysis and synthesis abilities GC 3: Ability to manage information GC 8: Critical appraisal skills GC 11: Concern for quality | 20% |
| Final take-home exam | GC 1: Analysis and synthesis abilities GC 3: Ability to manage information GC 8: Critical appraisal skills GC 10: Ability to develop autonomous learning skills GC 11: Concern for quality GC 12: Ability to apply theoretical knowledge into practice | 50% |
| Attendance | | 10% |

- ❖ The final exam will consist of two parts, elaborating on an essay question and solving a practical case related to the contents of the course. It will follow the format of a take-home exam (applicable rules and indications will be provided in class) and represents 50%

of the final grade of the course. Students are required to pass the exam in order to be entitled to take the grades obtained in the other evaluation activities into consideration.

- ❖ Oral participation in the workshops and debates that will take place during the course and the drafting of a written essay on the legal implications of an EU-topical issue proposed by the professor represent 15% and 20%, respectively, of the final grade of the course.
- ❖ The active and substantial participation of each student during every session of the course represents 5% of the final grade.