



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)
Impartido en	Máster Universitario en Derecho Internacional y Europeo de los Negocios [Primer Curso]
Créditos	2,0 ECTS
Carácter	Obligatoria
Departamento / Área	Máster Universitario en Derecho Internacional y Europeo de los Negocios

Datos del profesorado	
Profesor	
Nombre	Antonio Díaz Narváez
Departamento / Área	Departamento de Derecho Público
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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
	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	
	RA1	Se orienta a resultados. Revisa en función de los objetivos en qué 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	
	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



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**GUÍA DOCENTE
2019 - 2020**

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](https://servicios.upcomillas.es/sedeelectronica/inicio.aspx?csv=02E4557CAA66F4A81663AD10CED66792)



SUBJECT DETAILS

Data on the subject	
Full Name	International Affairs and Geostrategy from EU Perspective
Code	E000001218
Degree	Postgraduate in Master in International and European Business Law
Year	2019-20
Nature	Fall
ECTS Credits	2
Department	Law
Area	Law
Teaching staff	Antonio Díaz Narváez

Data on the teaching staff	
Teacher	
Name	Antonio Díaz Narváez
Department / Area	Public Law
e-mail	adnarvaez@comillas.edu
Telephone	+34 678512424
Tutoring Schedule	Upon request from students

SPECIFIC DATA ON THE SUBJECT

Framework of the subject
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</p>



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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 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 - Goals

Competences to be developed

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)



COURSE SYLLABUS AND CONTENT

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 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. Parties to the Convention

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.

TEACHING METHODOLOGY

General methodology 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.

Outside class 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

NUMBER OF CONTACT HOURS			
Lecture	Workshop or practical class	Essay	Evaluation
16	4		
NUMBER OF INDEPENDENT WORK HOURS			
Lecture	Workshop or practical class	Essay	Evaluation
12	3	5	10
ECTS CREDITS: 2 (50,00 hours)			



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GRADE EVALUATION AND CRITERIA

Evaluation Activities	Indicators	Evaluation weighting
Individual participation in class	Active and substantial participation of each student during every session of the course.	5%
Oral participation in workshops/debates	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.	15%
Essay		20%
Final take-home exam	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). Students are required to pass the exam in order to be entitled to take the grades obtained in the other evaluation activities into consideration.	50%
Attendance	Regular attendance to classes – control by signature of a daily sheet	10%



BIBLIOGRAPHY AND RESOURCES

Basic Bibliography and Resources

TEXT BOOKS

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, 2017.
- P. Craig & G. de Búrca, *EU law: text, cases, and materials*, Oxford University Press, 6th edition, 2015.
- 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. 2014
- J. Peterson, & M. Shackleton, *The Institutions of the European Union*, Oxford University Press, 2012.

REQUIRED READINGS

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/).

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.

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.



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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 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

