

Tel Aviv University

European Studies Programme

Course

European Union Law



SYLLABUS

Instructor: Dr. Frédéric Krumbain

1st Semester 2022/2023

Course description

The course offers an introduction into the law of the European Union. It provides an overview of a) the institutional framework of the European Union; b) the EU's legislative and decision-making processes; c) the application of EU law by the Court of Justice and national courts; d) the relationship between EU law and national law; e) legal aspects of the single market and the four freedoms; f) legal aspects of the Area of Freedom, Security, and Justice; g) fundamental rights in the EU.

Course requirements

1. Each student should write one **essay** (1500-2000 words). The essay should be submitted until 15 February 2023. For the **essays**, please select a topic of the presentations in the syllabus at your discretion (but not the same topic as for your presentation). Criteria for grading are content, structure, and style/ability to use correct English in an academic paper. The essay will account for 40% of the final grade. The essay should be submitted via Moodle.
2. Each student should conduct a **presentation** about one of the topics for presentations in the syllabus. You can choose one of the topics in the course outline or suggest a topic for a presentation to the instructor. The length of the presentation should be about 15 minutes. The presentation will account for 40% of the final grade.
3. There will be **three online quizzes** in the seminar. You will take the quizzes at home via Moodle. The opening and closing dates of the quizzes are in the Syllabus and in Moodle. The quizzes will solely refer to the content of the uploaded presentations in Moodle and not to the texts. Naturally, there is a lot of overlap between the content of my presentations and the reading material. But for the quizzes it is sufficient, if you revise the slides that I upload in Moodle. The result of the quizzes will account for 20% of the final grade.
4. Each student should also take the role of a **discussant** in one session. He/she should prepare 2-3 questions related to the topic of the session in order to initiate and stimulate a discussion and should also be the moderator of the discussion (no grade). After the semester is over and all assignments have been submitted by you and graded by me, I will write you an email with your final grade and comments on your assignments (until mid-March 2023 at the latest).

Course reading material

- Borchardt, Klaus-Dieter (2016): The ABC of EU Law (in Moodle, a short overview of EU law)
- Schütze, Robert (2020): An Introduction to European Law, Third Edition, Oxford: Oxford University Press (a good overview of EU law)
- Please also check Moodle for further reading material for some of the sessions

Course outline

The creation of EU Law	
26 October	<p>Introduction</p> <p>Text: Borchardt 2016: pp. 11-24, 37-42</p>
2 November	<p>The institutions of the European Union</p> <p>Text: Borchardt 2016: pp. 57-88; Schütze 2020: Chapter 'Union Institutions'</p>
9 November	<p>European legislation and decision-making processes (1)</p> <p>Presentation topics: 1) How democratic is the legislative process in the EU? and/or 2) What is in your opinion the most important institution in the EU and why?</p> <p>Discussant:</p> <p>Text: Borchardt 2016: pp. 111-119; Schütze 2020: Chapter 'Union Legislation'</p>
16 November	<p>European legislation and decision-making processes (2)</p> <p>Presentation topics: 1) How can the EU increase efficiency and transparency of its decision-making processes? and/or 2) What are advantages and disadvantages of the European citizens' initiative?</p> <p>Discussant:</p>
23 November	<p>Competences and legal instruments of the EU</p> <p>Presentation topics: 1) What are the main legal and political differences and similarities between the EU and a democratic state?</p> <p>Discussant:</p> <p>Text: Borchardt 2016: pp. 89-110; pp. 43-56; Schütze 2020: Chapter 'Union Competences'</p>
30 November	<p>Fundamental rights in the EU</p> <p>Presentation topics: 1) What are the legal remedies of EU citizens, if their fundamental rights are violated? and/or 2) What are typical characteristics of the EU's human rights philosophy compared to other countries and regions in the world?</p> <p>Discussant:</p> <p>Text: Borchardt 2016: pp. 25-36; Schütze 2020: Chapter 'Fundamental Rights'</p>
7 December	<p>Equal treatment and non-discrimination</p> <p>Presentation topics: 1) How does the EU protect minorities from discrimination through legislative acts and policies? (you can choose one minority as an example)</p> <p>Discussant:</p> <p>First Quiz (deadline: 13 December; content of the presentations from 26 October to 30 November)</p>
Application and enforcement of EU Law	
14 December	<p>The effect and application of EU Law and the relationship between EU Law and national law</p>

	<p>Presentation topics: 1) Why have the European Court of Justice and most constitutional courts of the member states different opinions about the hierarchy of EU and national law?</p> <p>Discussant:</p> <p>Text: Borchardt 2016: pp. 133-144; Schütze 2020: Chapters 'Direct Effect' and '(Legal) Primacy'</p>
21 December	<p>Preliminary rulings and review of legality</p> <p>Presentation topics: 1) What role play national courts in the application of EU Law?</p> <p>Discussant:</p> <p>Text: Borchardt 2016: pp. 122-124, 126-129; Schütze 2020: Chapter 'National Actions'</p>
28 December	<p>Enforcement actions against member states</p> <p>Presentation topics: 1) What can the EU do when a member state violates EU Law? and/or 2) What is the EU's rule of law mechanism and how effective is it?</p> <p>Discussant:</p> <p>Text: Borchardt 2016: pp. 120-122; Schütze 2020: Chapter 'European Actions'</p>
Substance of EU Law	
4 January	<p>The single market and the four freedoms</p> <p>Presentation topics: 1) What are the fundamental legal principles of the free movement of goods? and/or 2) What are the fundamental legal principles of the free movement of workers?</p> <p>Discussant:</p> <p>Text: Schütze 2020: Chapter 'Internal Market: Goods I'</p> <p>Second Quiz (deadline: 10 January; content of the presentations from 7 December to 28 December)</p>
11 January	<p>The Area of Freedom, Security, and Justice</p> <p>Presentation topics: 1) What rights does the EU citizenship provide? and/or 2) What are advantages and disadvantages of the European Arrest Warrant? and/or 3) What are main pillars of the common asylum and migration policy of the EU?</p> <p>Discussant:</p> <p>Text: Trauner, Florian/Ripoll Servant, Ariadna (2016): The Communitarization of the Area of Freedom, Security and Justice: Why Institutional Change does not Translate into Policy Change, in: Journal of Common Market Studies, vol. 54, no. 6, pp. 1417-1432</p>
18 January	<p>Concluding session</p> <p>Revision and discussion of the main topics of the seminar</p> <p>Third and final Quiz (deadline: 24 January; content of all presentations in the course)</p>
Deadline for the essay: 15 February 2023	