

**Tel Aviv University**

**European Studies Programme**

**Course**

**Introduction to European Union Law: the Constitutional Setting  
of the EU**



## **SYLLABUS**

**Instructor: PD Dr. Angelos Giannakopoulos**

**Spring Semester 2019**

## **Course Description and Contents**

The course offers an introduction into the European Union law. It provides insights into a) the role of EU institutions in establishing EU-Law, b) the sources and principles of EU-law; c) the relationship between EU-law and the law systems of the EU-Member States; d) measures securing implementation and enforcement of EU-Law across the EU, and, finally, d) the European Convention on Human Rights and protection of Human Rights in the EU. Special focus is put on the unique role of the European Court of Justice in establishing and enhancing implementation of EU-Law. Since the European Court of Justice is considered to be a constitutional court par excellence, the course takes the opportunity to discuss the role of constitutional courts vis-à-vis the realisation of the second principle of democracy that all state power is bound by law (constitutional principle). Aspects relating to this principle will be discussed against the background of the current crisis caused by the judicial reform in the EU-member state of Poland. In a second part the course makes EU-law establishment, implementation and enforcement evident by focusing on EU anti-corruption legislation. By doing so, it provides students with insights about the problem of corruption in Europe in general and how this affects the efforts of the Community to combat corruption based on EU-funded projects coordinated by the instructor. During the classes use of slides will be made in order to facilitate the student's understanding of EU-law related aspects. Besides, reading materials will be made available to all students during the first session of the course.

## **Frame Course Aims**

The course aims to:

- provide a learning environment for all students, free of bias
- develop appreciation of a range of single thematic course elements
- stimulate students' active involvement, logical argumentation and communicative capacity
- advance the ability of students to work independently on the basis of text accounts and other seminar materials provided
- develop the ability of students to engage effectively in their work by applying scientific oral and writing standards

## **Course Requirements:**

1. Completing basic text readings prior to each class, attending regularly and participating actively during the course are highly required. Attendance and active participation will account for 30% of the overall grading.
2. Besides, there will be 6 homeworks during the semester. The homeworks will account for 30% of the overall grading.
3. A final exam will take place after the end of the course. The final exam will consist in four different questions which have to be answered by the students. The final exam will be a take home and open book exam. The final exam will account for 40% of the overall grading.

## Course Planner

### **Part I - Understanding Community Law**

#### Course Reading Materials:

1. Mike Cuthbert: European Union Law, 8<sup>th</sup> Edition, London 2015
2. Josephine Steiner/Lorna Woods: EU Law, 10<sup>th</sup> Edition, Oxford 2009
3. John McCormick: Understanding the European Union. A Concise Introduction, 4<sup>th</sup> Edition, New York 2008
4. Karen Davies: Understanding European Union Law, 3<sup>rd</sup> Edition, New York 2008
5. Trevor Hartley: The Foundations of European Community Law, 6<sup>th</sup> Edition, Oxford 2007
6. The Instance of the Last Word: Constitutional Jurisdiction and Separation of Powers in Democracy (Powerpoint Presentation prepared by the instructor)
7. International Justice Resource Center, European Court of Human Rights, at: <http://www.ijrcenter.org/european-court-of-human-rights/>

#### CLASS 1

1. Aims and Purpose of the Course: Explanation of the Syllabus
2. The specific role of EU-institutions in establishing EU-Law with a specific focus on the role of the European Parliament.

Key Cases Discussion: Case 138/79 Roquette v Council and Case 139/79 Maizena v Council

#### *Mandatory Readings:*

Mike Cuthbert (2015): Introduction, pp. 1-29

John McCormick (2008): Chapter 4-The European Institutions, pp. 69-93

#### *Further Reading:*

Hartley (2007): Part I.: Community Institutions, 1. The political Institutions, pp. 11-23, 26-29, 36.

#### CLASS 2

The European Court of Justice: a specific focus on a core EU-Law institution, Part 1

- The European Court
- The Court of First Instance
- Jurisdiction
- Procedures
- Judgments
- Precedent
- Interpretation

#### *Mandatory Reading:*

Hartley (2007): pp. 50-74

*Further Reading:*

Josephine Steiner/Lorna Woods (2009): pp. 43-47

Karen Davies (2008): pp. 58

John McCormick (2008): 85-89

### **CLASS 3**

The European Court of Justice: a specific focus on a core EU-Law institution, Part 2

- The European Court of Justice as a constitutional court par excellence
- Constitutional Jurisdiction: the constitutional democratic principle and its implementation in the EU

*Mandatory Reading*

Discussion in the class is based on a Powerpoint Presentation prepared by the instructor (The Instance of the Last Word: Constitutional Jurisdiction and Separation of Powers in Democracy), distributed to students prior to the class.

Judicial Crisis in Poland

- EU starts action against Poland over judiciary reforms July 2017, <http://www.reuters.com/article/us-poland-politics-eu-idUSKBN1AE0CD?il=0>
- European Commission launches case against Poland over judicial reform, <https://www.rt.com/news/397937-poland-law-european-commission/>
- Poland hits back at EU 'blackmail' over judicial reforms, <https://www.theguardian.com/world/2017/jul/26/poland-hits-back-eu-blackmail-judicial-reforms>

### **CLASS 4**

Sources of Community Law

- Primary and Secondary Sources of Community Law
- General Principles of Community Law
- Judgments of the European Court of Justice and the Court of First Instance

Key Cases Discussion: Case 20/71 Sabbatini v European Parliament and Case 11/70 Internationale Handelsgesellschaft

*Mandatory Readings*

Mike Cuthbert (2015): pp. 30-42

Davies (2008): Chapter 4-Community Law, pp. 48-62

*Further Readings:*

Hartley (2007): Chapter 4-Community Acts, 102-104,

Chapter 5- General Principles of Law, pp. 131-155

Chapter 2-The European Court and the Court of Auditors, pp. 50-66, 72-73.

## **CLASS 5**

### EC and National Law

- Supremacy of Community Law
- The Principle of Direct Effect in EU-Law

Key Cases Discussion: Case 6/64 Costa v ENEL and Case 26/62 Van Gend en Loos v Nederlandse Tariefcommissie

### *Mandatory Readings:*

Mike Cuthbert (2015): pp. 43-61

Davies (2008): Chapter 5-The Relationship between Community Law and the National Legal Systems of the Member States, pp. 63-78

### *Further Readings:*

Hartley (2007): Part III: Community Law and the Member States, 7. Direct Effect and National Remedies, pp. 192-197, 201-220

The Supremacy of Community Law and the Restriction of National Powers, pp. 224-226

## **CLASS 6**

### Preliminary References

- Objectives of Preliminary References
- Preliminary References and National Law

Key Cases Discussion: Case Bulmer v Bollinger (1974)

### *Mandatory Readings:*

Mike Cuthbert (2015): pp. 62-74

Josephine Steiner/Lorna Woods (2009): 222-249

### *Further Reading:*

Hartley (2007): 9. Preliminary References, pp. 273-289

## **CLASS 7**

### Judicial Remedies and Review

- Enforcement Actions by the European Commission
- Enforcement Actions by a Member State

Key Cases Discussion: Case 387/97 Commission v Greece and Case C-25/62 Plaumann v Commission

### *Mandatory Readings:*

Mike Cuthbert (2015): pp. 75-95

Davies (2008): Chapter 6-Enforcing Community Law, pp. 79-106

*Further Readings:*

Hartley (2007): Part III: Community Law and the Member States, 7. Direct Effect and National Remedies, Remedies and Procedure in National Courts, pp. 226-228, 10. Enforcement Actions, pp. 297-318

**CLASS 8**

Sex Discrimination and EU-Law

Key Cases Discussion: Case 129/79 Macarthys Ltd v Wendy Smith and Case 170/84 Bilka/Kaufhaus GmbH v Weber von Harz

*Mandatory Reading:*

Mike Cuthbert (2015): pp. 156-165

*Further Reading:*

Josephine Steiner/Lorna Woods (2009): pp. 606-619, 626-639

**CLASS 9**

The European Convention on Human Rights: the Human Rights protection system in Europe

Key Cases Discussion: Bosphorus Airlines v Ireland (2005)

*Mandatory Reading:*

Mike Cuthbert (2015): pp. 177-182

*Further Reading:*

International Justice Resource Center, European Court of Human Rights, at:  
<http://www.ijrcenter.org/european-court-of-human-rights/>

**Part II – The Area of Freedom, Security and Justice: the Problem of Corruption in Europe and Anti-Corruption EU-Policies**

**Course Reading Materials:**

1. Ivan Krastev: When “Should” Does Not Imply “Can”. The Making of the Washington Consensus on Corruption, 2010, <http://www.colbud.hu/honesty-trust/krastev/pub01.PDF>
2. Dirk Tänzler/Konstadinos Maras/Angelos Giannakopoulos (eds.): The Social Construction of Corruption in Europe, Farnham 2012: Ashgate Publishing Limited
3. Angelos Giannakopoulos/Ben Elers/Dirk Tänzler: Citizens’ Participation and Anti-corruption: The Advocacy and Legal Advice Centres of Transparency International and the EU-funded Project “ALACs”, in: Dianna Schmidt-Pfister/Sebastian Wolf (eds.): Anti-corruption Regimes in Europe, Baden-Baden 2013, pp. 179-195
4. Angelos Giannakopoulos/Konstandinos Maras/Dirk Tänzler: Perceptions of Corruption and Their Relevance to Anti-corruption Measures: Research Findings of the EU-Project “Crime

and Culture”, in: Stephanie Thiel/Thomas Kliche (eds.): *Korruption – Forschungsstand, methodische Ansätze, Handlungsmöglichkeiten*, Hamburg 2013, pp. 115-151

5. Angelos Giannakopoulos/Konstandinos Maras/Dirk Tänzler *Breaking New Ground in Corruption Research, Research Project “Crime and Culture”, Discussion Paper Series, Universität Konstanz, Discussion Paper No 1, 2007*

## **CLASS 10**

1. The Problem of Corruption: Introduction
2. EU-Corruption Research: Top-down and Bottom-Up Approaches

### *Mandatory Readings:*

1. Giannakopoulos/Maras/Tänzler (2007): whole paper provided.
2. Ivan Krastev (2007): whole paper provided.

## **CLASS 11**

1. EU Anti-Corruption Legislation
  - “The Stockholm Programme”
  - European Commission: *Fighting Corruption in the EU*, COM(2011) 308 final
  - European Commission: *Establishing an EU Anti-Corruption Reporting Mechanism for Periodic Assessment (“EU Anti-Corruption Report”)*, C(2011) 3673 final
  - European Commission: *On the Commission Anti-Fraud Strategy*, COM(2011) 376 final
2. New Strategies: Engaging Citizens in the Fight against Corruption - EU and International Trends

### *Mandatory Readings:*

1. Giannakopoulos/Maras/Tänzler (Hamburg 2013), pp. 115-151.
2. Giannakopoulos/Elers/Tänzler (Baden-Baden 2013): pp. 179-195

### *Further Reading:*

1. Tänzler/Maras/Giannakopoulos (2012)

For general use: EU Anti-Corruption Legislation:

- COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE: ON A COMPREHENSIVE EU POLICY AGAINST CORRUPTION, Brussels 28.5.2003, COM(2003) 317 final
- COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE: *Fighting Corruption in the EU*, Brussels, 6.6.2011, COM(2011) 308 final
- COMMISSION DECISION: *Establishing an EU Anti-corruption reporting mechanism for periodic assessment (“EU Anti-corruption Report”)*, Brussels, 6.6.2011, C(2011) 3673 final

- COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, AND THE COMMITTEE OF THE REGIONS AND THE COURT OF AUDITORS: ON THE COMMISSION ANTI-FRAUD STRATEGY, Brussels, 24.6.2011, COM(2011) 376 final
- COUNCIL OF THE EUROPEAN UNION: The Stockholm Programme – An open and secure Europe serving and protecting the citizens, Brussels, 2 September 2009, CO EUR-PREP 3, 17024/09

## **CLASS 12**

Conclusions and Follow-up

## **CLASS 13**

Final Exam

### **IMPORTANT NOTICE:**

In order to get familiar with the course foci students are recommended to visit the following websites prior to the course:

- European Union Website [http://europa.eu/index\\_en.htm](http://europa.eu/index_en.htm)
- EURLEX for EC Legislation [http://europa.eu/documents/eur-lex/index\\_en.htm](http://europa.eu/documents/eur-lex/index_en.htm)
- European Court of Justice (ECJ) <http://curia.europa.eu/>
- EU-Treaties <http://eur-lex.europa.eu/en/treaties/index.htm>
- Interactive Map of Europe (Oxford University Press): <http://www.oup.com/uk/orc/bin/eulaw/resources/map/map.htm>
- Interactive Timeline of the European Union (Oxford University Press): <http://www.oup.com/uk/orc/bin/eulaw/resources/timeline/index.html>
- Website of Transparency International: [www.transparency.org](http://www.transparency.org)
- “Crime and Culture” and “ALACs”-EU-Projects: [www.uni-konstanz.de/crimeandculture](http://www.uni-konstanz.de/crimeandculture)