



European Law and Government Cód. C41

DIRECTION:

Dr. D. José Manuel Martínez Sierra.

COORDINATION:

Dra. D^a Covadonga Ferrer Martín de Vidales.

SCHOOL IN WHICH THE COURSE ENTERS:

Social Sciences School.

COURSE TIMETABLE:

16:00 to 21:00 hours, Monday to

NUMBER OF STUDENTS:

40.

STUDENT PROFILE:

Undergraduate or Graduate students: Law, Economics, Journalism, Political and Social Sciences, Labour Sciences. Foreign students preparing the Spanish Law Degree convalidation or accessing postgraduate studies in related fields.

OBJETIVOS:

- Provide the participants with a general knowledge about the basis of European Union (EU) Law, Government and administration functioning, as well as EU dimensions as a global actor and its relations worldwide.
- Introduction to the legal proceedings before the EU Courts of Justice, as well as the ones that can be brought before national courts to ensure the correct and uniform application of EU law.
- Recognise the sources of European Union Law, either of primary or secondary legislation, and analyse the principles that governs the interaction of EU Law with national legal orders.
- Know the evolution of the EU system of protection of fundamental rights and the relations between the EU Court of Justice and the European Court of Human Rights, as well as the position of national Courts regarding fundamental rights.
- Train participants to access key EU practical professional information.
- Basic overview of other forms of political and legal integration, as the "renew TLCAN", MERCOSUR, Pacto Andino, etc.



SYLLABUS:

- **Globalization and legal and political integration.**
 - State crisis and of the concept of sovereignty facing globalization.
 - Social or liberal globalization, is another world possible?.
 - Manifestations of globalization and internationalization at the global arena: UN, GATT, CFI, WTO, etc.
 - Manifestations of globalization and internationalization in the Latin America regional area: ALCA, ALBA, TLCAN, OEA, Pacto Andino, MERCOSUR, etc.
 - Manifestations of globalization and internationalization in the European regional area: Council of Europe, OECD, EFTA, etc.
- **Genesis and history of the European Union.**
 - The European integration process: historic evolution: the creation of the European Communities.
 - The deepening of the integration process: a) 1958-1969. b) 1970-1985. c) 1986-1993. d) 1994-2004.
 - The current status of the integration process: from the Treaty Establishing a Constitution for Europe to the Lisbon Treaty.
 - Objectives of the European Union.
- **EU government and decision-making.**
 - The powers of the European Union.
 - The means of action of the European Union.
 - The government structure: The European Council, the Council, the Commission and the European Parliament.
 - The democratic deficit of the European Union.
- **EU legal sources.**
 - Sources: primary law (Treaties and annexed protocols); secondary law (binding legislation, general principles of Union Law, atypical acts and soft law) CJEU case-law (Johnston, Grimaldi).
 - Conferral of competences: Judgements CJEU 22/70 (31 .03.1971) Commission v. Council (AETR effect).
- **Interaction between European Union Law and National Law.**
 - Direct effect of European Law: Judgement CJEU 26/62 (05.02.1963) Van Gend & Loos; C-106/89 (13.11.1990) Marleasing; C-91/92 (14.07.1994).
 - Precedence of European Law: Judgements CJEU 6/64 (15.07.1964) Flaminio Costa; 11/70 (17.12.1970) Internationale Handelsgesellschaft; 106/77 (09.03.1978), Simmenthal.
 - Legal certainty in the integration of European Law: Judgement CJEU 167/73 (04.04.1974) Commission v. France.
 - Member State's liability for the infringement of European Law: Judgements CJEU C-6 and 9/90 (19.11.1991); C-46 amd 48/93 (05.03.1996) Brasserie du Pêcheur and Factortame.
 - National Courts' role in the interaction between legal orders (special



reference to Constitutional Courts).

- **The Union's judicial system.**

- The Court of Justice of the European Union: composition, functioning and competences.
- The dialogue between the European judge and the national judge: the preliminary rulings (Judgements CJEU 283/81 (6.10.1982) CILFIT; 314/85 (22.10.1987) FOTO-FROST).
- Direct and indirect proceedings against an institution, body, office or agency of the European Union: actions for annulment; actions for failure to act; questions of validity raised before a national court or tribunal; plea of illegality; judicial control of international agreements; actions for damages.
- Proceedings against a Member State: action for failure to fulfil an obligation; the indirect control through the preliminary ruling for interpretation.

- **EU policies.**

- Economic and fiscal policies at EU and Member States levels.
- The monetary policy; the European Central Bank and the European System of Central Banks.
- Environmental policies.
- Common commercial policy and Competition policy.
- Common Foreign and Security Policy and Common security and defence policy.

- **The European Fundamental Rights protection system: European Union and Council of Europe.**

- Human rights and fundamental rights.
- Genesis and evolution of fundamental rights: from the founding Treaties to the Treaty of Lisbon.
- The Court of Justice's contribution in the protection of fundamental rights in the European Union.
- The Charter of Fundamental Rights: content, applicability and justifiability.
- The Council of Europe Fundamental Rights protection system.

PRACTICE-BASED ACTIVITIES:

- Use of databases of the European Union: EUR-Lex (EU law), OEIL (European Parliament legislative observatory), InfoCuria (case-law database of the Court of Justice of the European Union).
- Use of databases of the Council of Europe: HUDOC (case-law database of the ECHR).

FACULTY:

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- D. Antonio de Cabo de la Vega, UCM.



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- D. José Ángel Camisón Yagüe, Universidad de Alicante.
- D. Andrés Arias Astray, UCM.
- D. David Pascual Ezama, UCM.
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