

## **European Union Law**

This course aims to give students a comprehensive introduction to European Union law and politics over the course of the spring semester 2006. In this class you will gain a detailed overview of the Constitutional structure and political environment of the European Union and its communities. This course is intended to give students a thorough understanding of the constitutional and political structure of the European Community. The European Community Treaties are unique agreements establishing a new legal order which binds not only the governments who signed them, but also the citizens of their states. The European Community is a peerless development in International law and represents a historic coming together of European states. The legal system of the European Community has evolved to an extent previously unimagined by many member states' governments. It is a highly sophisticated legal order which has altered the face of almost every area of domestic law, social and economic development. In 1993 a further landmark was established in the process of European integration. With considerable controversy, the Treaty of the European Union (or "Maastricht Treaty") came into force thereby establishing the European Union and considerably expanding the range of issues coming within the competence of the Union. This widening and deepening of the Union continued in the late 1990's, particularly in the attempts to expand membership of the Union by including other (notably Eastern European) states. This trend has continued through the agreement of the Treaty of Amsterdam & Nice Treaties. Recent development related towards the acceptance of (or not) a European Constitution will also be explored. This course will seek to chart the legal and political developments of the Union, so that students will be fully cognizant both of the development of the Union and the challenges that face it now. The course will focus on the following major areas. First, the past, present and future direction of the Union. Second, the Institutional and Constitutional structure of the Union. Third, the sources of European Union law. Fourth, the enforcement of Community law. Finally, the course will examine the fundamental economic objectives of the Union with an emphasis on the four fundamental freedoms protected by the Treaty of Rome.

### Course Requirements

Students are expected to attend all classes and read assigned weekly reading. The assigned course book for this course is Stephen Weatherill, *Cases and Materials on EU Law* (7<sup>th</sup> ed). In addition, on a weekly basis students may be asked to read specific decided cases by the European Court of Justice in further detail. Cases are generally found on line at [http://europa.eu.int/index\\_en.htm](http://europa.eu.int/index_en.htm) . In addition, students may be directed to specific articles or extracts from books to supplement the core textbook.

### Assessment

The assessment will be by examination at the end of the semester. The exam will be open book. Eight questions will be set and students will be required to answer three. The exam will be three hours in length.

### Office Hours

My office hours are Friday morning 12.00-1.00.

## Syllabus

Week 1: #1 January 19.06

*Introduction to European Union Law and Politics*

#2 January 20.06

*Historical Background to the Creation of the European Communities*

*Required Reading:* Weatherill, Chapter 1, pp 3-26

### Recommended Reading

-Deidre Curtin, *The Constitutional Structure of the Union: A Europe of Bits and Pieces* CMLR (1993) 30. p17–30, 44-62

- J Shaw, *The Treaty of Nice: Legal and Constitutional Implications* (2001) 7 European Public Law 195.

Week 2: #1 January 26. 06

*Introduction to the Treaties and the Institutions of the European Union*

#2 January 27.06

*Introduction to the Treaties and the Institutions of the European Union*

*Required Reading:* Weatherill, Chapter 2 pp 27-87

- J. Weiler, *The Transformation of Europe* (1991) 100 Yale LJ 2403

### Recommended Reading

-Josephine Shaw & Lorna Woods, *Textbook on EC Law* pp.19-39 (Oxford University Press)

- G De Burca & J HH Weiler, *The European Court of Justice* (Oxford 2001).

Week 3: #1 February 2, 06

*The Supremacy of EU Law*

*Required Reading:* Weatherill, Chapter 3 pp 89-98

#2 February 3, 06

*The Supremacy of EU Law II*

*Required Reading:* Weatherill, Chapter 3 pp 89-98

- Case 26/62 Van Gend en Loos (1963) ECR 16

Week 4: #1 February 9. 06

*The Supremacy of EU Law III*

*Required Reading:* Weatherill, Chapter 1, pp66-77

- Case 6/64 Costa v ENEL (1964) ECR 585
- Case 106/77 Amministrazione della Finanze v. Simmenthal (1978) ECR 629

#2 February 10. 06

*The Enforcement of Community Law*

*Required Reading:* Weatherill, Chapter 4 pp99-131

*The Principle of Direct Effect*

Week 5: #1 February 16. 06

*The Enforcement of Community Law II*

*Required Reading:* Weatherill, Chapter 4, pp99-131

#2 February 17. 06

*Required Reading:* Weatherill, Chapter 5 pp133-160

- Case 152/84 Marshall v Southampton Area Health Authority (1986) ECR 723.
- Case C-91/92 Paolo Faccini Dori v Recreb Sri(1994) ECR 1-3325

Week 6: #1 February 23.06 (Make-Up Required)  
*Enforcement Mechanisms of European Union Law –  
The Preliminary Reference Procedure Article 234*

*Required Reading:* Weatherill, Chapter 7 pp183-212

#2 February 24. 06 (Make-Up Required)

*Preliminary Reference Procedure and the Role of the ECJ (continued)*

*Required Reading:* Weatherill, Chapter 7 pp 183-212

Recommended Reading:

- Case 13/61, Bosch v de Geus (1962) ECR 45
- Case 29/69, Stauder v Ulm (1969) ECR 419.
- Neville Brown L. *The First Five Years of the Court of First Instance and Appeals to the Court of Justice: Assessment and Statistics*, 32 CMLR 743 (1995) 6.

Week 7: #1 March 2. 06

*Control of Community Institutions*

*Required Reading:* Weatherill, Chapter 8 pp 213- 272

#2 March 3, 06

*Control of Community Institutions II*

*Required Reading:* Weatherill, Chapter 8 pp 213-272.

- Case 29/83 Parti Ecologiste 'Les Verts' v Parliament (1986) ECR 1339
- Case 41- 44/70 International Fruit Company v Commission (1971) ECR 411.
- Case 25/62 Plaumann v Commission (1963) ECR 95.

Week 8: #1 March 9. 06

*Economic Objectives of the Community*

*Required Reading:* Weatherill, Chapter 9 pp 287-321

#2 March 10. 06

*Free Movement Provisions – Goods I*

*Required Reading:* Weatherill, Chapter 11 pp337-377

Week 9: #1 March 16. 06

*Free Movement Provisions – Goods II*

*Required Reading:* Weatherill, Chapter 11 pp337-377

#2 March 17, 06

*Free Movement Provisions – Goods III*

*Required Reading:* Weatherill, Chapter 12 pp379-424

Week 10: #1 March 23. 06

*Free Movement Provisions – Goods IV*

*Required Reading:* Weatherill, Chapter 12 pp379-424

#2 March 24. 06

*European Citizenship I*

*Required Reading:* Weatherill, Chapter 15 pp 477-496

Week 11: **Spring Break**

Week 12: #1 March 30. 06

*European CitizenshipII*

*Required Reading:* Weatherill, Chapter 15 pp 477-496

- C Closa, *The Concept of Citizenship in the Treaty on the European Union*

#2 March 31. 06

*Harmonization and Common Policy Making*

*Required Reading:* Weatherill, Chapter 19 pp 617-657

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Week 13: #1 April 6. 06

*The Principle of Subsidiary*

*Required Reading:* Weatherill, Chapter 20 pp559-689

#2 April 7,. 06

*The Principle of Subsidiary II*

*Required Reading:* Weatherill, Chapter 20 pp559-689

Week 14: #1 April 13. 06

*The Constitutional Future of Europe*

*Required Reading:* Weatherill, Chapter 21 pp 691-717

- J Shaw, *Postnational Constitutionalism in the European Union* 6  
JEPP 279

#2 April 14,. 06

*Reflections on the Role of the ECJ*

*Required Reading:* Steiner and Woods, Chapter 7, General Principles of Law  
pp160-182

Recommended Reading: P. Alston, *The EU and Fundamental Rights* (OUP,  
1999) Introduction and Chapter 1.

Other Useful Textbooks & Articles

- T.A. Hartley, *The Foundations of European Community Law* (5th ed. 2003) Oxford University Press.
- Craig & De Burca *EC Law: Text, Cases & Materials* (3rd ed 2002) Oxford University Press.
- J HH Weiler, *The Constitution of Europe: Do the Clothes Have an Emperor* (Cambridge 1999)
- Josephine Steiner and Lorna Woods, *Textbook on EC Law* ( OUP) (2005)
- William Nicoll & Trevor C. Salmon, *Understanding the New European Community*
- Jorg Monar, *Justice and Home Affairs in the Treaty of Amsterdam: Reform at the Price of Fragmentation* 23 E.L.Rev. 320-326 (1998).
- Renaud Dehousse, *European Institutional Architecture after Amsterdam: Parliamentary System or Regulatory Structure*, 35 CML Rev 595-627 (1988).
- D O Keefe & P Twomey, *Legal Issues of the Maastricht Treaty* (Chancery, 1994).
- S. Weatherill , *Law and Integration in the European Union* (Oxford 1995).