EUROPEAN UNION LAW

IE University
Professor: Charlotte Leskinen
E-mail: celeskinen@faculty.ie.edu

PREREQUISITES
None.
SUBJECT DESCRIPTION

European Union Law is today similar to domestic law in the sense that it covers an increasing range of different fields of law. This course focuses on the main legal rules and principles of EU law as well as the key judgments of the EU Courts, i.e. the Court of Justice and the General Court of the European Union. The aim is that students will acquire the essential skills and competencies fundamental to successfully practice European Union Law in any substantive area.

EU law significantly affects the legal environment in which companies operate and limits the competence of EU Member States to regulate different issues. Therefore, irrespective of the career path that students wish to follow upon graduation, aspiring practitioners, academics and members of diplomatic corps are all expected to have a solid knowledge of the fundamentals of EU law. EU law is also relevant for lawyers working outside Europe as it is a legal system covering one of the biggest economies in the world, along China and the United States.

The course first focuses on the EU institutions, the decision-making process, the EU constitutional principles, the system of legal remedies, EU external relations and the protection of fundamental rights. It then deals with the Internal Market and finishes by analyzing the main implications of Brexit. Throughout the course there will also be a particular emphasis on the political, economic and social context of the EU institutions and rules in order to understand them better.

This course forms part of the European Module “Liability of Robots: A European Vision for a New Legal Regime," an IE University undertaking supported by the prestigious Jean Monnet Programme of the European Commission. Therefore, the course includes a number of case studies concerning the regulation of Artificial Intelligence (AI) giving students a more practical approach to decision-making and regulation in the Union in relation to AI, a topical field that requires a comprehensive understanding of not only legal issues, but economic, political and ethical aspects as well. To this aim, the course makes special reference to the different competences, instruments, and strategies available for the Union to regulate AI and follows closely the legislative development of this field in the European Union.
OBJECTIVES AND SKILLS
- To understand the development of the European Integration process and the evolvement of European Union Law
- To acquire knowledge of the EU institutions and their tasks in relation to EU Law
- To know the main legal rules and principles of EU Law, including EU constitutional principles and the rules of the Internal Market
- To acquire a sound understanding of the key judgments of EU Law
- To learn to critically analyze judgments of the EU Courts
- To learn to solve cases on EU Law
METHODOLOGY

The methodology of each session will consist of a mixture of interactive lectures and case discussions or presentations by students. One part of each class will be dedicated to a presentation by the professor explaining the EU institutions or the main rules and doctrines of EU Law, and an analysis of key judgments of the EU Courts. During the rest of the class some practical aspects will then be explored either by means of a discussion of a case that students have prepared in advance, or presentations by students on the application and enforcement of the EU rules in practice followed by a discussion involving the whole class.

For each class, students are expected to read the assigned readings, which will help them to follow the lecture and to prepare for the discussion in class. Throughout the course, students will solve cases in writing (either individually or in groups) and write group memorandums analyzing judgments of the EU Courts or answering assessment questions that will be discussed in class.
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PROGRAM

CONTENT
The course consists of two parts. The first part centers on the so-called Constitutional Law of the European Union. It will cover the integration process, the political EU institutions, the decision-making process, the legal system of the European Union – including the legal instruments and legal actions – and the main constitutional principles of EU Law. In addition, it will include an overview of EU external relations and the protection of fundamental rights. The second part of the course will focus on the Internal Market and will also provide an introduction into the EU’s Common Commercial Policy and examine the main implications of Brexit.

EU CONSTITUTIONAL PRINCIPLES

SESSION 1
Introduction to the European Union: Historical Background
Readings:
- The Schuman Declaration of May 9, 1950
- Preamble of the EC Treaty (Treaty of Rome)
Other: Session 1 Materials

SESSION 2
Introduction to the European Union: Legal background
Readings:
- Preamble of the Treaty on European Union 1992 (Maastricht Treaty)
- Preamble of the Treaty on European Union 2007 (Lisbon Treaty)
Other: Session 2 Materials

SESSION 3
Political Institutions: The European Council, the Council and the Commission
Readings:
- Note and questions
- Articles 16-18 TEU and Articles 235-250 and 293 TFEU
Other: Session 3 Materials
SESSION 4
Political Institutions: The European Parliament
Readings:
- Note and questions
- Articles 14 TEU and 223-226, 229-231, 233 and 234 TFEU
- Case 138/79 *Roquette Frères*

Other: Session 4 Materials

SESSION 5
Judicial System: the Court of Justice and the General Court
Readings:
- Note and questions
- Articles 19 TEU and Articles 251-257 TFEU

Other: Session 5 Materials
*B.C.: European Union Law, Fourth Edition (s-c)*

SESSION 6
Competences and Principles of Subsidiarity and Proportionality
Readings:
- Note and questions
- Articles 2-6 TFEU
- Article 5 TEU
- Protocol on the Application of the Principles of Subsidiarity and Proportionality
- Case C-149/01 *British American Tobacco*

Other: Session 6 Materials

SESSION 7
Decision-making and Legal Instruments
Readings:
- Note and questions
- Articles 238, 294 and 218 TFEU
- Case C-43/12 Commission v Parliament and Council

Other: Session 7 Materials

SESSION 8
Decision-making in Practice: Case Study on Union Competence, the Legislative Process and Legal Instruments
Readings:
- Case Study (I): Regulating AI – Union competence, the legislative process, legal instruments and actors involved

B.C.: *Artificial Intelligence. The Practical Legal Issues* (s-c) Other: Session 8 Materials

*Co-funded by the Erasmus+ Programme- Jean Monnet Activities -of the European Union

SESSION 9
Supremacy and Implementation of EU Law
Readings:
- Note and questions
- Case 6/64 Costa v ENEL
- Case C-106/77 Simmenthal

T.N.: Session 9 Materials
B.C.: *European Union Law* (excerpt) (s-c)

SESSION 10
Direct Effect: the General Principle
Readings:
- Note and questions
- Case 26/62 Van Gend en Loos
- Case 36/74 Walrave

Other: Session 10 Materials

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SESSION 11
Direct Effect of Directives
Readings:
- Note and questions
- Article 288 TFEU
- Case 41/74 *Van Duyn*
- Case 148/78 *Ratti*
- Case 106/89 *Marleasing*
Voluntary Additional Reading:
- Case C-555/07 *Kücükdeveci*

Other: Session 11 Materials

SESSION 12
State Liability and EU Non-contractual Liability
Readings:
- Note and questions
- Articles 268 and 340 TFEU
- Joined Cases C-6/90 and 9/90 *Francovich*
- Case C-152/88 *Sofimport*
- Case C-352/98 P *Bergaderm*
Voluntary Additional Reading:
- Joined Cases C-46/93 and C-48/93 *Brasserie du Pêcheur*

Other: Session 12 Materials

SESSION 13
Preliminary Rulings
Readings:
- Note and questions
- Article 267 TFEU
- Case 166/73 *Rheinmühlen-Düsseldorf I*

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- Case C-210/06 Cartesio
- Case 283/81 CILFIT
- Case 314/85 Foto-Frost

Other: Session 13 Materials

SESSION 14
Action for Annulment
Readings:
- Note and Questions
- Article 263 TFEU
- Case 25/62 Plaumann
- Case C-309/89 Codorniu
- Case C-50/00 UPA

Other: Session 14 Materials

SESSION 15
Failure to Act; Plea of Illegality. Judicial Review Exercise
Readings:
- Note and Questions
- Article 265 TFEU
- Case 377/87 European Parliament v Council

Other: Session 15 Materials

SESSION 16
Enforcement Procedure (Action for Failure to Fulfill Obligations)
Readings:
- Note and questions
- Articles 258-260 TFEU
- Case 7/68 Commission v Italy (Art Treasure Case)
- Case 191/95 Commission v Germany

Other: Session 16 Materials
SESSION 17
EU External Relations (I): Areas of External Action; EU Competences, Legal instruments and Decision-Making. The Special Case of the CFSP
Readings:

SESSION 18
EU External Relations (II): Conclusion of International Agreements and Effect of International Law in the EU Legal Order
Readings:
Case Study on the Effect of the WTO Agreements in the EU Legal Order
B.C.: Excerpt from Schütze, European Union Law (s-c)

SESSION 19
Fundamental Rights
Readings:
- Note and questions
- Case 1/58 Stork
- Case 44/79 Hauer
- Case C-60/00 Carpenter
- Articles 51-54 of the Charter of Fundamental Rights of the European Union
- Declaration concerning the Charter of Fundamental Rights of the European Union
- Case C-617/10 ?kerberg Fransson
Voluntary Additional Reading:
- Case C-399/11 Melloni
Other: Session 19 Materials

SESSION 20
Mid-term Exam

INTERNAL MARKET
SESSION 21
Introduction to the Internal Market and Harmonization of EU Law

Readings:
- Note and questions
- Excerpt from Molle, The Economics of the European Integration, 4th Edition

Voluntary Additional Reading:

Case Study (II): Regulating AI – a study of the civil liability rules of the Union. What legal framework for AI?

Other: Session 21 Materials
B.C.: Excerpt from Barnard, The Substantive Law of the EU. The Four Freedoms (s-c)
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SESSION 22
Free Movement of Goods: Customs Duties and Charges Having Equivalent Effect; Discriminatory Internal Taxation

Readings:
- Note and questions
- Articles 28, 30 and 110 TFEU
- Case 24/68 Commission v Italy (Statistical Levy)
- Case 112/84 Humblot
- Case 184/85 Commission v Italy (Bananas)

Other: Session 22 Materials

SESSION 23
Free Movement of Goods: Quantitative Restrictions and Measures Having Equivalent Effect (I)

Readings:
- Note and questions
- Articles 34-36 and 114-115 TFEU
- Case 8/74 Dassonville
- Case 120/78 Cassis de Dijon
- Case 178/84 German Beer Purity Law

Voluntary Additional Reading:
SESSION 24
Free Movement of Goods: Quantitative Restrictions and Measures Having Equivalent Effect (II)
Readings:
- Note and questions
- Case C-267 and 268/91 *Keck*
- Case C-368/95 *Familiapress*
- Case C-110/05 *Commission v Italy (Trailers)*

SESSION 25
Free Movement of Persons (I): Workers; EU Citizenship
Readings:
- Note and questions
- Article 18, 20, 21 and 45 TFEU
- Regulation EU No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union
- Case C-139/85 *Kempf*
- Case C-292/89 *Antonissen*
- Case C-415/93 *Bosman*
- Case C-369/90 *Micheletti*
- Case C-93/18 *Bajratari*

Voluntary Additional Reading:
- Case C-135/08 *Rottmann*

Other: Session 24 Materials
SESSION 26
Free Movement of Persons (II): Family Members and Other Beneficiaries; Rights
Readings:
- Note and questions
- Articles 18, 20 and 21 TFEU
- Articles 2, 3, 7, 16 and 24 of Directive 2004/38
- Case C-34/09 *Ruiz Zambrano*
- Case C-83/11 *Rahman*
- Case C-209/03 *Bidar*
- Case C-333/13 *Dano*
Voluntary Additional Reading:
- Joined Cases C-22/08 and C-23/08 *Vatsouras*
Other: Session 26 Materials

SESSION 27
Free Movement of Persons (III): Derogations and Justifications; Regulation of Non-EU Nationals
Readings:
- Note and questions
- Articles 27-28 of Directive 2004/38
- Case C-145/09 *Tsakouridis*
Other: Session 27 Materials
B.C.: Excerpt from Barnard, *The Substantive Law of the EU. The Four Freedoms* (s-c)

SESSION 28
Freedom of Establishment: Self-employed Persons
Readings:
- Note and questions
- Articles 49-53 TFEU
- Case 2/74 *Reyners*
- Case C-55/94 Gebhard
- Case C-209/18 Commission v Austria

Additional Recommended Readings:

- Directive 2006/123/EC on services in the internal market
- Directive 98/5/EC to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained
- Directive 2005/36/EC on the recognition of professional qualifications

Other: Session 28 Materials

SESSION 29

Freedom of Establishment: Companies

Readings:

- Note and questions
- Articles 49 and 54 TFEU
- Case C-212/97 Centros
- Case C-210/06 Cartesio

Other: Session 29 Materials

SESSION 30

Freedom to Provide Services

Readings:

- Note and questions
- Articles 56-62 TFEU
- Case C-384/93 Alpine Investments
- Opinion of AG Jacobs in Case C-384/93 Alpine Investments
- Directive 2006/123/EC on services in the internal market

Additional Reading:

- Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services

Case concerning the free movement of services and AI – implications of different regulatory choices standards

Other: Session 30 Materials

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SESSION 31

Introduction to the Economic and Monetary Union

Readings:

Other: Session 31 Materials
B.C.: Excerpt from Chalmers, Davies and Monti, European Union Law (s-c)

SESSION 32

Free Movement of Capital

Readings:
- Note and questions
- Articles 63-66 TFEU
- Case C-367/98 Commission v Portugal
- Case C-443/06 Hollmann
- Case C-112/05 Commission v Germany (Volkswagen Law)

Other: Session 32 Materials

SESSION 33

Common Commercial Policy

Readings:
- Note and questions
- Excerpt from Schütze, European Union Law, Cambridge University Press, 2015
- Articles 206 and 207 TFEU
- Case C-26/88 Brother

B.C.: Common Commercial Policy (EU External Relations Law) (s-c)
B.C.: Common Commercial Policy (European Union Law) (s-c)

Other: Session 33 Materials

SESSION 34

Brexit
Readings:
- Article 50 TEU

Other: Session 34 Materials

SESSION 35
Final Exam
BIBLIOGRAPHY

The readings of the course will consist of a mixture of readings from the course book (European Union Law by Barnard and Peers) and judgments of the EU Courts. In addition, students will sometimes be provided with readings from other books or sources.

Students who wish to gain a deeper understanding of EU Law are encouraged to also consult the text by Craig and de Búrca.

COMPULSORY
Title: European Union Law
Author: Barnard, C. and Peers, S.
Publisher / Edition / Year: Oxford University Press / 2nd / 2017
ISBN / ISSN: 978-0198789130
Medium: PRINT

BUY YOUR BOOKS HERE
IE LIBRARY PERMALINK

RECOMMENDED
Title: EU Law: Text, Cases, and Materials
Author: Craig, P. and de Búrca, G.
Publisher / Edition / Year: Oxford University Press / 6th / 2015
ISBN / ISSN: 978-0198714927
Medium: PRINT
EVALUATION CRITERIA

6.1. GENERAL OBSERVATIONS
Each student has four attempts over two consecutive academic years to pass this course. Dates and location of the final exam will be posted in advance and will not be changed.

Students must attend at least 70% of the sessions. Students who do not comply with the 70% attendance rule will receive a 0.0 on their first and second attempts and go directly to the third one (they will need to enroll in this course again the following academic year).

Students who are in the third or fourth attempt should contact the professor during the first two weeks of the course.

6.2. EVALUATION AND WEIGHTING CRITERIA
Students are expected to do the readings and the assigned tasks for each class. Class preparation and class participation are essential in order to pass the course.

The final grade for the course will be based on both individual and group work. The evaluation is based on:

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<th>Criteria</th>
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<tr>
<td>Assignments</td>
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<tr>
<td>Class Participation</td>
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<tr>
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<tr>
<td>Final Exam</td>
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WRITTEN ASSIGNMENTS (20%)
Throughout the course, students will be requested to prepare group or individual assignments in writing. The assignments will consist in the solution of cases or the analysis of judgments of the EU courts that will be discussed in class.

Each written assignment will be posted on the internet platform IE Campus approximately one week before each class and students must then solve the case or prepare the memorandum before the class meeting. A hard copy of the document must be delivered to the professor at the beginning of each class. Students must also upload an electronic document on the Turnitin Assignment folder created for the memorandum on IE Campus.

The evaluation of the written assignments will focus on whether the document provides an answer to the questions asked or a clear and complete analysis of the legal issues raised, and how well students reason and argue their views. In addition, the document must be written in a clear and well-structured manner, and it must include the relevant footnotes when referring to statements given, opinions expressed or facts provided by other authors. Copy-pastes will not be accepted, but students must demonstrate that they are capable of conducting an independent analysis and explaining facts using their own words.

CLASS PARTICIPATION (20%)
Students are expected to attend and prepare in advance all class meetings and to participate actively in debates throughout the course. The class discussions aim to enhance students' capacity to argue and analyze legal issues of the European Union.

Students will also be requested to make one group presentation/to prepare one debate relating to one of the sessions of the syllabus.

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The evaluation of class participation will depend on the depth and quality of the contribution, its clarity and the frequency of contributions. The contributions should demonstrate understanding and knowledge of the topic, capacity of independent analysis and reflection and ability to see the relationship between theory and practice. The contributions should be well-argued and expressed in a clear manner that it is easy to follow. Students must refrain from merely repeating what has already been said by other students. Quiz tests will be held during the semester to provide further input for this part of the evaluation.

EXAMS (60%)

The mid-term (30%) and final exam (30%) will consist of assessment or reflection questions and solution of cases or problem questions.

It is essential that students know and understand the key concepts and main rules and principles of the topics studied in the course. Similarly, they should be familiar with how those rules and principles are applied and enforced in practice.

The evaluation of the exams is based on similar factors as the evaluation of the written assignments. With regard to cases or practical problem questions, the students must analyze a factual situation, apply the appropriate legal principles to the facts and reason their conclusion.

Students may bring the Treaties and the relevant EU Directives to the final exam, provided that the documents do not contain any markings; the documents may only be underlined or highlighted.

6.3. RETAKE POLICY

Any student whose weighted final grade is below 5 will be required to sit for the retake exam to pass the course (except those not complying with the attendance rules, whom are banned from this possibility).

Grading for retakes will be subject to the following rules:

- The retakes will consist of a comprehensive exam. The grade will depend only on the performance on this exam; continuous evaluation over the semester will not be taken into account.

- The exam will be designed bearing in mind that the passing grade is 5 and the maximum grade that can be attained is 8 out of 10.

- The third attempt will require the student to complete:
  - individual assignments (40%);
  - a mid-term (30%); and
  - a final exam (30%).

  This is also applicable to students who do not have required attendance, e.g. sickness.

- Dates and location of the retakes will be posted in advance and will not be changed.

The retake will cover everything that students have learned in class, including readings, lectures, case discussions and group exercises. It will consist of assessment or reflection questions and solution of cases or problem questions.
Professor: CHARLOTTE LESKINEN  
E-mail: celeskinen@faculty.ie.edu

Charlotte Leskinen is Professor of European Union Law and Coordinator of the Dual LL.B. and LL.B. in Civil and English Law at IE University. She holds a LL.M. from University of Helsinki, a M.A. in European Interdisciplinary Studies from College of Europe, Natolin, and a Ph.D. in EU Law from Complutense University of Madrid.

Professor Leskinen specializes in private enforcement of EU competition law. In addition, her research focuses on European and Comparative Competition Law, EU Internal Market Law and fundamental rights. She teaches European Union Law and Competition Law and coaches the IEU team participating in the EUROPA Moot Court Competition organized by the Mo.H.A. Research Center. She has been visiting professor at the Lisbon School of Law at the Catholic University of Portugal and visiting scholar at the School of Law at Northwestern University. Before joining IE University, Professor Leskinen worked as a Senior Research Officer at the Finnish Competition Authority and as a trainee in the DG Competition of the European Commission.

OTHER INFORMATION

Contact Information: charlotte.elisabeth@ie.edu.

Office Hours: The professor is available for meeting students following an appointment made in advance by e-mail to the address indicated above.
CODE OF CONDUCT IN CLASS

1. Be on time: Students arriving more than 5 minutes late will be marked as “Absent”.
   Only students that notify in advance in writing that they will be late for a specific session may be granted an exception (at the discretion of the professor).

2. If applicable, bring your name card and strictly follow the seating chart. It helps faculty members and fellow students learn your names.

3. Do not leave the room during the lecture: Students are not allowed to leave the room during lectures. If a student leaves the room during lectures, he/she will not be allowed to re-enter and, therefore, will be marked as “Absent”.
   Only students that notify that they have a special reason to leave the session early will be granted an exception (at the discretion of the professor).

4. Do not engage in side conversation. As a sign of respect toward the person presenting the lecture (the teacher as well as fellow students), side conversations are not allowed. If you have a question, raise your hand and ask it. If you do not want to ask it during the lecture, feel free to approach your teacher after class.
   If a student is disrupting the flow of the lecture, he/she will be asked to leave the classroom and, consequently, will be marked as “Absent”.

5. Use your laptop for course-related purposes only. The use of laptops during lectures must be authorized by the professor. The use of Social Media or accessing any type of content not related to the lecture is penalized. The student will be asked to leave the room and, consequently, will be marked as “Absent”.

6. No cellular phones: IE University implements a “Phone-free Classroom” policy and, therefore, the use of phones, tablets, etc. is forbidden inside the classroom. Failing to abide by this rule entails expulsion from the room and will be counted as one absence.

7. Escalation policy: 1/3/5. Items 4, 5, and 6 above entail expulsion from the classroom and the consequent marking of the student as “Absent.” IE University implements an “escalation policy”: The first time a student is asked to leave the room for disciplinary reasons (as per items 4, 5, and 6 above), the student will incur one absence, the second time it will count as three absences, and from the third time onward, any expulsion from the classroom due to disciplinary issues will entail 5 absences.
EUROPEAN UNION LAW

IE University
Professor: JOHANNA JACOBSSON
E-mail: jjacobsson@faculty.ie.edu

PREREQUISITES
None.
SUBJECT DESCRIPTION

European Union Law is today similar to domestic law in the sense that it covers an increasing range of different fields of law. This course focuses on the main legal rules and principles of EU law as well as the key judgments of the EU Courts, i.e. the Court of Justice and the General Court of the European Union. The aim is that students will acquire the essential skills and competencies fundamental to successfully practice European Union Law in any substantive area.

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- To understand the development of the European Integration process and the evolvement of European Union Law
- To acquire knowledge of the EU institutions and their tasks in relation to EU Law
- To know the main legal rules and principles of EU Law, including EU constitutional principles and the rules of the Internal Market
- To acquire a sound understanding of the key judgments of EU Law
- To learn to critically analyze judgments of the EU Courts
- To learn to solve cases on EU Law
METHODOLOGY

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EU CONSTITUTIONAL PRINCIPLES

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Readings:
- The Schuman Declaration of May 9, 1950
- Preamble of the EC Treaty (Treaty of Rome)

SESSION 2
Introduction to the European Union: Legal background
Readings:
- Preamble of the Treaty on European Union 1992 (Maastricht Treaty)
- Preamble of the Treaty on European Union 2007 (Lisbon Treaty)

SESSION 3
Political Institutions: The European Council, the Council and the Commission
Readings:
- Note and questions
- Articles 16-18 TEU and Articles 235-250 and 293 TFEU

SESSION 4

25th October 2019
Political Institutions: The European Parliament

Readings:
- Note and questions
- Articles 14 TEU and 223-226, 229-231, 233 and 234 TFEU
- Case 138/79 *Roquette Frères*

Other: Session 4 Materials

SESSION 5
Judicial System: the Court of Justice and the General Court

Readings:
- Note and questions
- Articles 19 TEU and Articles 251-257 TFEU

Other: Session 5 Materials


SESSION 6
Competences and Principles of Subsidiarity and Proportionality

Readings:
- Note and questions
- Articles 2-6 TFEU
- Article 5 TEU
- Protocol on the Application of the Principles of Subsidiarity and Proportionality
- Case C-149/01 *British American Tobacco*

Other: Session 6 Materials

SESSION 7
Decision-making and Legal Instruments

Readings:
- Note and questions
- Articles 238, 294 and 218 TFEU
- Case C-43/12 *Commission v Parliament and Council*
SESSION 8
Decision-making in Practice: Case Study on Union Competence, the Legislative Process and Legal Instruments
Readings:
Case Study (I): Regulating AI – Union competence, the legislative process, legal instruments and actors involved
B.C.: Artificial Intelligence. The Practical Legal Issues
Other: Session 8 Materials
*Co-funded by the Erasmus+ Programme- Jean Monnet Activities -of the European Union
SESSION 9
Supremacy and Implementation of EU Law
Readings:
- Note and questions
- Excerpt from Schütze, R., European Union Law, 2015, pp. 127-133
- Case 6/64 Costa v ENEL
- Case C-106/77 Simmenthal
B.C.: European Union Law (excerpt) (sc)
T.N.: Session 9 Materials
SESSION 10
Direct Effect: the General Principle
Readings:
- Note and questions
- Case 26/62 Van Gend en Loos
- Case 36/74 Walrave
Other: Session 10 Materials
SESSION 11
Direct Effect of Directives
Readings:
- Note and questions
- Article 288 TFEU

25th October 2019
SESSION 12
State Liability and EU Non-contractual Liability

Readings:
- Note and questions
- Articles 268 and 340 TFEU
- Joined Cases C-6/90 and 9/90 *Francovich*
- Case C-152/88 *Sofimport*
- Case C-352/98 *Bergaderm*

Voluntary Additional Reading:
- Joined Cases C-46/93 and C-48/93 *Brasserie du Pêcheur*

Other: Session 12 Materials

SESSION 13
Preliminary Rulings

Readings:
- Note and questions
- Article 267 TFEU
- Case 166/73 *Rheinmühlen-Düsseldorf I*
- Case C-210/06 *Cartesio*
- Case 283/81 *CILFIT*
- Case 314/85 *Foto-Frost*

Other: Session 13 Materials

SESSION 14
Action for Annulment

Readings:
- Note and Questions
- Article 263 TFEU
- Case 25/62 Plaumann
- Case C-309/89 Codorniu
- Case C-50/00 UPA

Other: Session 14 Materials

SESSION 15
Failure to Act; Plea of Illegality. Judicial Review Exercise
Readings:
- Note and Questions
- Article 265 TFEU
- Case 377/87 European Parliament v Council

Other: Session 15 Materials

SESSION 16
Enforcement Procedure (Action for Failure to Fulfill Obligations)
Readings:
- Note and questions
- Articles 258-260 TFEU
- Case 7/68 Commission v Italy (Art Treasure Case)
- Case 191/95 Commission v Germany

Other: Session 16 Materials

SESSION 17
EU External Relations (I): Areas of External Action; EU Competences, Legal instruments and Decision-Making. The Special Case of the CFSP
Readings:

SESSION 18
EU External Relations (II): Conclusion of International Agreements and Effect of International Law in the EU Legal Order
Readings:
**Case Study on the Effect of the WTO Agreements in the EU legal Order**

*B.C.: Excerpt from Schütze, European Union Law*

**SESSION 19**

Fundamental Rights

**Readings:**

- Note and questions
- Case 1/58 *Stork*
- Case 44/79 *Hauer*
- Case C-60/00 *Carpenter*
- Articles 51-54 of the Charter of Fundamental Rights of the European Union
- Declaration concerning the Charter of Fundamental Rights of the European Union
- Case C-617/10 *Kerberg Fransson*

**Voluntary Additional Reading:**

- Case C-399/11 *Melloni*

*Other: Session 19 Materials*

**SESSION 20**

Mid-term Exam

**INTERNAL MARKET**

**SESSION 21**

Introduction to the Internal Market and Harmonization of EU Law

**Readings:**

- Note and questions
- Excerpt from Molle, *The Economics of the European Integration*, 4th Edition

**Voluntary Additional Reading:**


*Case Study (II): Regulating AI – a study of the civil liability rules of the Union. What legal framework for AI?*

*Other: Session 21 Materials*

*B.C.: Excerpt from Barnard, The Substantive Law of the EU. The Four Freedoms*

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**SESSION 22**

25th October 2019
Free Movement of Goods: Customs Duties and Charges Having Equivalent Effect; Discriminatory Internal Taxation

Readings:
- Note and questions
- Articles 28, 30 and 110 TFEU
- Case 24/68 *Commission v Italy (Statistical Levy)*
- Case 112/84 *Humblot*
- Case 184/85 *Commission v Italy (Bananas)*

*Other: Session 22 Materials*

**SESSION 23**

Free Movement of Goods: Quantitative Restrictions and Measures Having Equivalent Effect (I)

Readings:
- Note and questions
- Articles 34-36 and 114-115 TFEU
- Case 8/74 *Dassonville*
- Case 120/78 *Cassis de Dijon*
- Case 178/84 *German Beer Purity Law*

Voluntary Additional Reading:
- Regulation 2019/515

*Other: Session 23 Materials*

**SESSION 24**

Free Movement of Goods: Quantitative Restrictions and Measures Having Equivalent Effect (II)

Readings:
- Note and questions
- Case C-267 and 268/91 *Keck*
- Case C-368/95 *Familiapress*
- Case C-110/05 *Commission v Italy (Trailers)*

*Other: Session 24 Materials*

**SESSION 25**

Free Movement of Persons (I): Workers; EU Citizenship

Readings:
- Note and questions
- Article 18, 20, 21 and 45 TFEU
- Regulation EU No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union
- Case C-139/85 Kempf
- Case C-292/89 Antonissen
- Case C-415/93 Bosman
- Case C-369/90 Micheletti
- Case C-93/18 Bajratari

Voluntary Additional Reading:
- Case C-135/08 Rottmann

Other: Session 25 Materials

SESSION 26
Free Movement of Persons (II): Family Members and Other Beneficiaries; Rights

Readings:
- Note and questions
- Articles 18, 20 and 21 TFEU
- Articles 2, 3, 7, 16 and 24 of Directive 2004/38
- Case C-34/09 Ruiz Zambrano
- Case C-83/11 Rahman
- Case C-209/03 Bidar
- Case C-333/13 Dano

Voluntary Additional Reading:
- Joined Cases C-22/08 and C-23/08 Vatsouras

Other: Session 26 Materials

SESSION 27
Free Movement of Persons (III): Derogations and Justifications; Regulation of Non-EU Nationals

Readings:
- Note and questions
- Articles 27-28 of Directive 2004/38
- Case C-145/09 Tsakouridis

*B.C.: Excerpt from Barnard, *The Substantive Law of the EU. The Four Freedoms*

*Other: Session 27 Materials*

**SESSION 28**

Freedom of Establishment: Self-employed Persons

**Readings:**
- Note and questions
- Articles 49-53 TFEU
- Case 2/74 Reyners
- Case C-55/94 Gebhard
- Case C-209/18 Commission v Austria

**Additional Recommended Readings:**
- Directive 2006/123/EC on services in the internal market
- Directive 98/5/EC to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained
- Directive 2005/36/EC on the recognition of professional qualifications

*Other: Session 28 Materials*

**SESSION 29**

Freedom of Establishment: Companies

**Readings:**
- Note and questions
- Articles 49 and 54 TFEU
- Case C-212/97 Centros
- Case C-210/06 Cartesio

*Other: Session 29 Materials*
SESSION 30
Freedom to Provide Services
Readings:
- Note and questions
- Articles 56-62 TFEU
- Case C-384/93 *Alpine Investments*
- Opinion of AG Jacobs in Case C-384/93 *Alpine Investments*
- Directive 2006/123/EC on services in the internal market

Additional Reading:
- Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services

Case concerning the free movement of services and AI – implications of different regulatory choices standards

Other: Session 30 Materials
*Co-funded by the Erasmus+ Programme- Jean Monnet Activities of the European Union*

SESSION 31
Introduction to the Economic and Monetary Union
Readings:

Other: Session 31 Materials

B.C.: Excerpt from Chalmers, Davies and Monti, *European Union Law*

SESSION 32
Free Movement of Capital
Readings:
- Note and questions
- Articles 63-66 TFEU
- Case C-367/98 *Commission v Portugal*
- Case C-443/06 *Hollmann*
- Case C-112/05 *Commission v Germany (Volkswagen Law)*

Other: Session 32 Materials

SESSION 33
Common Commercial Policy
Readings:

- Note and questions
- Articles 206 and 207 TFEU
- Case C-26/88 Brother

*B.C.: Common Commercial Policy (EU External Relations Law)*
*B.C.: Common Commercial Policy (European Union Law)*
*Other: Session 33 Materials*

**SESSION 34**

Brexit

**Readings:**

- Article 50 TEU

*Other: Session 34 Materials*
*B.C.: Excerpt from Schütze, European Union Law, Second Edition*

**SESSION 35**

Final Exam
EVALUATION CRITERIA

6.1. GENERAL OBSERVATIONS
Each student has four attempts over two consecutive academic years to pass this course. Dates and location of the final exam will be posted in advance and will not be changed.
Students must attend at least 70% of the sessions. Students who do not comply with the 70% attendance rule will receive a 0.0 on their first and second attempts and go directly to the third one (they will need to enroll in this course again the following academic year).
Students who are in the third or fourth attempt should contact the professor during the first two weeks of the course.

6.2. EVALUATION AND WEIGHTING CRITERIA
Students are expected to do the readings and the assigned tasks for each class. Class preparation and class participation are essential in order to pass the course.
The final grade for the course will be based on both individual and group work. The evaluation is based on:

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<tr>
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<tr>
<td>Assignments</td>
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<td>Class Participation</td>
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<td>Mid-term</td>
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<td>Final Exam</td>
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WRITTEN ASSIGNMENTS (20%)
Throughout the course, students will be requested to prepare group or individual assignments in writing. The assignments will consist in the solution of cases or the analysis of judgments of the EU courts that will be discussed in class. Each written assignment will be posted on the internet platform IE Campus approximately one week before each class and students must then solve the case or prepare the memorandum before the class meeting. A hard copy of the document must be delivered to the professor at the beginning of each class. Students must also upload an electronic document on the Turnitin Assignment folder created for the memorandum on IE Campus.
The evaluation of the written assignments will focus on whether the document provides an answer to the questions asked or a clear and complete analysis of the legal issues raised, and how well students reason and argue their views. In addition, the document must be written in a clear and well-structured manner, and it must include the relevant footnotes when referring to statements given, opinions expressed or facts provided by other authors. Copy-pastes will not be accepted, but students must demonstrate that they are capable of conducting an independent analysis and explaining facts using their own words.

CLASS PARTICIPATION (20%)
Students are expected to attend and prepare in advance all class meetings and to participate actively in debates throughout the course. The class discussions aim to enhance students' capacity to argue and analyze legal issues of the European Union.
Students will also be requested to make one group presentation/to prepare one debate relating to one of the sessions of the syllabus.
The evaluation of class participation will depend on the depth and quality of the contribution, its clarity and the frequency of contributions. The contributions should demonstrate understanding and knowledge of the topic, capacity of independent analysis and reflection and ability to see the relationship between theory and practice. The contributions should be well-argued and expressed in a clear manner that it is easy to follow. Students must refrain from merely repeating what has already been said by other students. Quiz tests will be held during the semester to provide further input for this part of the evaluation.

EXAMS (60%)
The mid-term (30%) and final exam (30%) will consist of assessment or reflection questions and solution of cases or problem questions.

It is essential that students know and understand the key concepts and main rules and principles of the topics studied in the course. Similarly, they should be familiar with how those rules and principles are applied and enforced in practice.

The evaluation of the exams is based on similar factors as the evaluation of the written assignments. With regard to cases or practical problem questions, the students must analyze a factual situation, apply the appropriate legal principles to the facts and reason their conclusion.

Students may bring the Treaties and the relevant EU Directives to the final exam, provided that the documents do not contain any markings; the documents may only be underlined or highlighted.

6.3. RETAKE POLICY
Any student whose weighted final grade is below 5 will be required to sit for the retake exam to pass the course (except those not complying with the attendance rules, whom are banned from this possibility).

Grading for retakes will be subject to the following rules:
- The retakes will consist of a comprehensive exam. The grade will depend only on the performance on this exam; continuous evaluation over the semester will not be taken into account.
- The exam will be designed bearing in mind that the passing grade is 5 and the maximum grade that can be attained is 8 out of 10.
- The third attempt will require the student to complete:
  - individual assignments (40%);
  - a mid-term (30%); and
  - a final exam (30%).
  This is also applicable to students who do not have required attendance, e.g. sickness.
- Dates and location of the retakes will be posted in advance and will not be changed.

The retake will cover everything that students have learned in class, including readings, lectures, case discussions and group exercises. It will consist of assessment or reflection questions and solution of cases or problem questions.
Johanna Jacobsson is Professor of European and International Law at the IE University. She holds an LL.B. and LL.M. from the University of Helsinki and a Ph.D. in International Trade Law from the European University Institute (Florence, Italy). She also holds a B.A. in Russian and East European Studies from the University of Helsinki.

Professor Jacobsson’s main research interests are in the fields of EU law, international trade and business law and international dispute settlement. She has previously acted as a law clerk at the Court of Justice of the European Union and been a visiting researcher at the Finnish Institute of International Affairs. Professor Jacobsson has also practiced law in a commercial law firm where her practice focused on dispute settlement (national/EU litigation and commercial arbitration) as well as on competition, employment and general corporate law.

OTHER INFORMATION

Contact Information: johanna.jacobsson@ie.edu.

Office Hours: The professor is available for meeting students following an appointment made in advance by e-mail to the address indicated above.
CODE OF CONDUCT IN CLASS

1. Be on time: Students arriving more than 5 minutes late will be marked as “Absent”.
   Only students that notify in advance in writing that they will be late for a specific session may be granted an exception (at the discretion of the professor).

2. If applicable, bring your name card and strictly follow the seating chart. It helps faculty members and fellow students learn your names.

3. Do not leave the room during the lecture: Students are not allowed to leave the room during lectures. If a student leaves the room during lectures, he/she will not be allowed to re-enter and, therefore, will be marked as “Absent”.
   Only students that notify that they have a special reason to leave the session early will be granted an exception (at the discretion of the professor).

4. Do not engage in side conversation. As a sign of respect toward the person presenting the lecture (the teacher as well as fellow students), side conversations are not allowed. If you have a question, raise your hand and ask it. If you do not want to ask it during the lecture, feel free to approach your teacher after class.
   If a student is disrupting the flow of the lecture, he/she will be asked to leave the classroom and, consequently, will be marked as “Absent”.

5. Use your laptop for course-related purposes only. The use of laptops during lectures must be authorized by the professor. The use of Social Media or accessing any type of content not related to the lecture is penalized. The student will be asked to leave the room and, consequently, will be marked as “Absent”.

6. No cellular phones: IE University implements a “Phone-free Classroom” policy and, therefore, the use of phones, tablets, etc. is forbidden inside the classroom. Failing to abide by this rule entails expulsion from the room and will be counted as one absence.

7. Escalation policy: 1/3/5. Items 4, 5, and 6 above entail expulsion from the classroom and the consequent marking of the student as “Absent.” IE University implements an “escalation policy”: The first time a student is asked to leave the room for disciplinary reasons (as per items 4, 5, and 6 above), the student will incur one absence, the second time it will count as three absences, and from the third time onward, any expulsion from the classroom due to disciplinary issues will entail 5 absences.