

## **EUROPEAN UNION LAW**

**DOBLE GRADO ADMINISTRACIÓN DE EMPRESAS Y  
DERECHO/ DUAL DEGREE BBA + LAW**

Professor: **JOHANNA JACOBSSON**

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Degree course: SECOND

Semester: 1º

Category: BASIC

Number of credits: 6.0

Language: English

### **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 to give the students the basic skills and competencies that are fundamental to successfully practice EU law in any substantive area.

The first part of the course focuses on the EU institutions, the decision-making process, the system of legal remedies and the EU's constitutional principles. The second part deals principally with the EU's internal market law. In addition, the EU's external relations and the common commercial policy will be dealt with. Throughout the course there will be a particular emphasis on the political, economic and social context of the EU institutions and rules to foster a better understanding of the overall context of European integration.

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 relevant also 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

## **OBJECTIVES AND SKILLS**

- To understand the development of the European Integration process and the evolution 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 analyse 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, 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 analysing judgments of the EU Courts or answering assessment questions that will be discussed in class.

<b>Teaching methodology</b>	<b>Weighting</b>	<b>Estimated time a student should dedicate to prepare for and participate in</b>
Lectures	20.0 %	30 hours
Discussions	10.0 %	15 hours
Exercises	10.0 %	15 hours
Group work	20.0 %	30 hours
Other individual studying	40.0 %	60 hours
<b>TOTAL</b>	<b>100.0 %</b>	<b>150 hours</b>

## **PROGRAM**

The course consists of two parts. The first part centres on the so-called Constitutional Law of the European Union. It covers the integration process, the EU's political institutions, the decision-making process, the legal system of the EU – including the legal instruments and legal actions – and the main constitutional principles of EU Law. The second part of the course will focus on the Internal Market of the EU, in addition to which the EU's Common Commercial Policy is introduced.

### **PART I: EU CONSTITUTIONAL PRINCIPLES**

#### **SESSION 1**

Introduction to the European Union: Historical Background

#### **SESSION 2**

Introduction to the European Union: Legal background

#### **SESSION 3**

Political Institutions: The European Council, the Council and the Commission

#### **SESSION 4**

Political Institutions: The European Parliament

#### **SESSION 5**

Competences and Principles of Subsidiarity and Proportionality

#### **SESSION 6**

Decision-making and Legal Instruments

#### **SESSION 7**

Supremacy (primacy) and Implementation of EU Law

#### **SESSION 8**

Direct Effect: the General Principle

## **SESSION 9**

Direct Effect of Directives

## **SESSION 10**

State Liability and EU Non-contractual Liability

## **SESSION 11**

Judicial System: the Court of Justice and Preliminary Rulings

## **SESSION 12**

Action for Annulment and Failure to Act

## **SESSION 13**

Enforcement Procedure (Action for Failure to Fulfill Obligations; the same as Infringement procedure)

## **SESSION 14**

EU External Relations and review

## **SESSION 15**

Mid-term exam

## **PART II: INTERNAL MARKET**

## **SESSION 16**

Fundamental Rights

## **SESSION 17**

Introduction to the Internal Market and Harmonisation of EU Law

## **SESSION 18**

Free Movement of Goods (I): Customs Duties and Charges Having Equivalent Effect; Discriminatory Internal Taxation

## **SESSION 19**

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

## **SESSION 20**

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

## **SESSION 21**

Free Movement of Persons (I): Workers and job-seekers; EU Citizenship

## **SESSION 22**

Free Movement of Persons (II): Family Members and Other Beneficiaries; Students and the Self-Sufficient; Exceptions to the Free Movement of Persons

## **SESSION 23**

Freedom of Establishment: Self-employed Persons

## **SESSION 24**

Freedom of Establishment: Companies

## **SESSION 25**

Freedom to Provide Services; Recap on the exceptions to the free movement rights

## **SESSION 26**

Introduction to the Economic and Monetary Union

## **SESSION 27**

Free Movement of Capital

## **SESSION 28**

Common Commercial Policy

## **SESSION 29**

Review

## **SESSION 30**

Final exam



## **BIBLIOGRAPHY**

The readings of the course 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 book 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](#)

### **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

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

Criteria	Percentage	Comments
Class Participation	20 %	
Assignments	20 %	
Mid-term exam	30 %	
Final exam	30 %	

#### CLASS PARTICIPATION (20%)

Students are expected to prepare in advance for all class sessions. This includes reading all the designated materials, taking notes on them and preparing any assigned tasks. During the sessions, the students are expected to participate actively in discussions. Attendance alone does not contribute to the class participation grade but active participation is required. 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 clear manner that it is easy to follow. Students must refrain from merely repeating what has already been said by other students. They must participate in class discussions throughout the course. Quiz tests will be held during the semester to provide further input for this part of the evaluation.

#### WRITTEN GROUP ASSIGNMENTS (20%)

Throughout the course, students will be requested to prepare group assignments. The assignments will consist of analyses of cases that will be discussed in class or brief group memorandums covering legal issues involved in various topical issues. Students are expected to engage in independent research activity in preparation of the memorandums.

A hard copy of the memorandums must be delivered to the professor at the beginning of the class in which the work is due. Students must also upload an electronic version on the Turnitin Assignment folder created for the memorandum on IE Campus prior to the session.

The evaluation of the written assignments will focus on whether the memorandum 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.

### EXAMS (60%)

The mid-term (30%) and final exam (30%) will consist of essay questions and/or the resolution 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 group assignments. With regard to cases or practical problems, the students must analyse a factual situation, apply the appropriate legal principles to the facts and reason their conclusion.

### **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.

### **PROFESSOR BIO**

Professor: **JOHANNA JACOBSSON**

E-mail: [jjacobsson@faculty.ie.edu](mailto:jjacobsson@faculty.ie.edu)

[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: [jjacobsson@faculty.ie.edu](mailto:jjacobsson@faculty.ie.edu)

Office Hours: The professor is available for meeting students following an appointment made in advance by e-mail.

## 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.