EU Law I

Introduction & Syllabus

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INTRODUCTION

The first part of the EU Law course will cover two main areas:

1. Constitutional issues
2. Remedies

Textbooks

The recommended textbook is Foster, Foster on EU Law (3rd ed. Oxford University Press, 2011)

Assessment

Assessment will be by way of in-class examination (date to be announced, examination combined with EU Law II).

Journals

For those of you who wish to consult journals on EU topics, the leading journals include Common Market Law Review (CMLRev) and the European Law Review (ELRev).

Web Resources

A huge amount of material is available on the internet. The EU's official website – www.europa.eu.int – is a very good means of getting an overview of the EU's activities as well as keeping up-to-date with current EU issues. It has links to all the EU institutions, the most important of which for our purposes are the Council, the Commission, the Parliament and, of course, the European Courts. You can also go directly to the Courts' website at www.curia.eu.int

The EU's official legal database is www.europa.eu.int/eur-lex/en/index.html. It's relatively easy to use and contains EU treaties, legislation, cases and other official documents.

Law Reports

Each EU case has a case number. "C" before the number indicates a judgment of the European Court of Justice (ECJ; e.g., Case **C**-184/99); "T" indicates a judgment of the General Court (e.g., **T**-585/93). The second part of the case number indicates the year (e.g., Case C-184/**99**). You can find the cases on the Court's website (www.curia.eu.int) or on the official EU legal database at www.europa.eu.int/eur-lex/en/index.html. Search by case number rather than name.

Abbreviations

EU lawyers have a penchant for using abbreviations. Here are some of the most important:

CAP : Common Agricultural Policy

CFI : Court of First Instance

CFSP : Common Foreign and Security Policy

E(E)C : European (Economic) Community

ECJ : European Court of Justice

EMU : Economic and Monetary Union

EP : European Parliament

EU : European Union

IGC : Intergovernmental Conference

JHA : Cooperation in the fields of Justice and Home Affairs

MEP : Member of the European Parliament

PJCC : Police and Judicial Cooperation in Criminal Matters

QMV : Qualified Majority Voting

TEU : Treaty on European Union (Maastricht Treaty)

TFEU : Treaty on the Functioning of the European Union

Timeline

1950 Presentation on 9 May of the "Schuman Plan" by the French foreign minister, Robert Schuman to a ministerial meeting in London

1951 Signature of the European Coal and Steel Community (ECSC) Treaty

1952 Entry into force of the ECSC Treaty

1954 Plans for a European Defence Community (EDC) and a European Political Community (EPC) fail when the French National Assembly refuses to debate ratification of the EDC Treaty

1956 Messina Conference of foreign ministers agrees on 2 objectives of (1) developing nuclear energy for peaceful ends and (2) establishing a common market. The Belgian Prime Minister, Paul-Henri Spaak, heads a committee which produces a report (the "Spaak report") with proposals for the new treaties

1957 Signature in Rome of the European Economic Community (EEC) Treaty (now called the EC Treaty) and of the European Atomic Energy Community (Euratom) Treaty

1958 Entry into force of the EEC and Euratom Treaties

1960 Creation of the European Free Trade Association (EFTA)

1966 The "Luxembourg Compromise" reached after the political crisis following France's "empty chair" strategy

1967 Applications of Ireland and the UK to join EEC rejected by de Gaulle

1968 Completion of the customs union

1969 12-year transition period of the EEC ends; EEC enters "definitive" phase

1973 Accession of Denmark, Ireland, the UK. Norway fails to ratify the Accession Treaty

1979 First direct elections to the European Parliament

1981 Accession of Greece

1985 Presentation by the European Commission, headed by Jacques Delors, of the White Paper on completing the internal market by 1992

1986 Accession of Spain and Portugal

1987 Entry into force of the Single European Act

1993 Entry into force of the Treaty of European Union (the Maastricht Treaty), which had been rejected by the people of Denmark in a referendum, but was accepted by them in a second referendum

1995 Accession of Austria, Finland and Sweden. Norway again fails to ratify

1999 Introduction of the euro as a single currency in 11 Member States

	Entry into force of the Treaty of Amsterdam
2001	Laeken European Council announces the formation of a "Convention on the Future of Europe"
2002	ECSC Treaty expires
2003	Entry into force of the Treaty of Nice, following rejection by the Irish people in a first referendum, but acceptance in a second
2004	Accession of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia
	Signature of the Treaty Establishing a Constitution for Europe in Rome
2005	Referenda in France and the Netherlands reject the Constitutional Treaty
	Formal accession negotiations opened with Turkey
2007	Accession of Bulgaria and Romania
	"Reform Treaty" or "Lisbon Treaty", intended to replace the Constitutional Treaty, signed in Lisbon
2008	Lisbon Treaty rejected by referendum in Ireland
2009	Second referendum on Lisbon Treaty in Ireland passes; Lisbon Treaty enters into force
2013	Accession of Croatia expected for 1 July 2013

Present candidate countries:

- Former Yugoslav Republic of Macedonia (FYROM)
- Turkey
- Iceland
- Montenegro
- Serbia

SYLLABUS AND READING LISTS

Day	**Topic and Reading**
Sunday 9th June / Monday 10th June	• The development of European Integration • Aims of the EU • What kind of entity is the EU? Reading: Foster, ch. 1
Tuesday 11th June	• EU institutions and the institutional balance of power Reading: Foster, ch. 2
Wednesday 12th June **Double Session**	• Types of EU legislation • When does the EU have the power to make law? • How does the EU make law? Reading: Foster, ch. 4
Friday 14th June	• Fundamental principles of the EU legal order: The division of competences between the EU and Member States Reading: Foster, ch. 3
Monday 17th June	• Fundamental principles of the EU legal order: Supremacy Reading: Foster, ch. 5
Tuesday 18th June / Wednesday 19th June	• EU law in national courts: direct effect, state liability and the preliminary reference procedure Reading: Foster, ch. 6
Thursday 20th June	• EU law before the EU courts: direct actions Reading: Foster, ch. 7