



COURSE DATA

Data Subject

Code	35206
Name	Legal Institutions of the EU
Cycle	Grade
ECTS Credits	6.0
Academic year	2019 - 2020

Study (s)

Degree	Center	Acad. year	Period
1303 - Degree in Law	Faculty of Law	1	Second term
1921 - D.D. in Business Management Administration-Law	Doubles Studies Faculty of Law - Faculty of Economics	1	Second term
1923 - D.D. in Law-Criminology	Faculty of Law	1	Second term

Subject-matter

Degree	Subject-matter	Character
1303 - Degree in Law	9 - Legal institutions in the European Union	Basic Training
1921 - D.D. in Business Management Administration-Law	1 - Year 1 compulsory subjects	Basic Training
1923 - D.D. in Law-Criminology	1 - Year 1 compulsory subjects	Obligatory

Coordination

Name	Department
CERVERA VALLTERRA, MARIA	65 - International Law 'Adolfo Miaja de la Muela'
JIMENA QUESADA, LUIS	55 - Constitutional Law, Political and Administrative Sciences
REVUELTA PEREZ, INMACULADA	45 - Administrative and Procedural Law

SUMMARY



The elaboration of this Academic Guide is the result of the co-ordination of the three Departments having responsibilities in teaching the subject. It has a directive character containing minimum indications. Each professor, in the framework of his or her legal discipline and background, will focus on specific topics in conformity with his or her academic freedom.

1) Present status of the subject within the study plan, other related subjects and continuity with those subjects

The subject “Legal Institutions of the European Union” (LIEU) is taught during the second term of first academic year in the Law Degree as well as in the Double Degrees “ADE-Derecho” and “Derecho-Criminología”. Although it is under the responsibility of three Departments of the Law Faculty (the Administrative Law Department, the section “Constitutional Law” of the Constitutional Law, Political and Administration Science, and the section “International Public Law and International Relations” of the “Miaja de la Muela” International Law Department) it is actually a transversal subject in which all legal disciplines are involved. Since the accession of Spain to the European Communities (the precedent to the current European) in 1986, a new legal order (the previous so-called European Community Law, whose current denomination is “European Union Law”) co-exists with domestic legal orders of Member States of the Union: as a result of this co-existence, European Union Law determines in a substantial way the material content of domestic legislation and the entire system of law sources, as well as its application and interpretation. Together with this, it must be taken into consideration the large scope of areas having connection with sovereign competence whose exercise has been conferred, partly or totally, by the Spanish State to the European Union, what finally implies that almost all legal disciplines at the domestic legal level have been strongly conditioned by political and legal action of the European Union.

2) Short description of the subject, typology of contents and possible applications.

The subject “Legal Institutions of the European Union” includes in a broad sense the study of European Union (EU) Law. This legal order comprises not only the supra-national normative aspects governing the structure and the internal functioning of the EU –its institutional system, the European legal order, its competences– but also the relationship of the EU with its Member States, as well as with third countries and other international organisations.

The Syllabus of the subject, whose content is reproduced below, has been structured in five parts (or thematic units –T.U– according to section 6 of the present guide):

In the First Part, it is studied the process of European construction since its origins till the present configuration of the “European Union” after the entry into force of the Lisbon Treaty on 1st December 2009. In this first part, it is also explain what is the European Union as well as the distribution of competences between the Union and its Member States.

In the Second Part, the institutional system of the EU is explained together with the description of the composition, competences and functioning of all European institutions and bodies.



The Third Part describes and analyses the legal order of the European Union, its law sources system and the application of European Law by both the Union and Member States.

The Fourth Part studies the judicial structure of the Union and the procedures allowing the Court of Justice of the European Union to ensure the enforcement and application of European Union Law.

Finally, the Fifth Part deals with the competence and action of the EU at international level, including not only the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy, but also the Union's relations with other international organisations and third countries. In this last case, cooperation policy and humanitarian aid take an important place.

PREVIOUS KNOWLEDGE

Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

Other requirements

To follow the present subject, it is recommended among others:

To have a fluent oral and written level of the language in which the subject is taught.

To be able to read texts in several official languages of the European Union such as English and French.

To manage new technological tools and, in particular, the platform Aula Virtual of the University of Valencia,

Etc.

OUTCOMES

1303 - Degree in Law

- Conocer el origen, evolución y situación actual de las instituciones, órganos y competencias de la Unión Europea.



- Conocer el ordenamiento jurídico de la UE y su relación con los ordenamientos nacionales de los Estados miembros.
- Ser capaz de identificar, procurarse, manejar y analizar los textos y documentos propios de la asignatura.
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LEARNING OUTCOMES

In this subject, it is intended that students acquire the following competencies as a result of their learning:

- Knowledge on the origin, evolution and present situation of institutions, bodies and competences of the European Union. (Competence number 1 of the so-called “VERIFICA” programme of the Law Degree, p. 67).
- Knowledge of the European Union’s legal order and its relationship with domestic legal orders of Member States. (Competence number 2 of the VERIFICA programme, p 67).
- Ability to identify, to accede, to manage and to analyse texts and documents within the scope of the subject. (Competence number 3 of the VERIFICA programme, p 67).
- Ability to work in group in order to deal with and to solve legal problems within the scope of the subject (Competence number 4 of the VERIFICA programme, p 67).

DESCRIPTION OF CONTENTS

1. The European Union: General Aspects

Lesson 1. The European Integration Process.

1. Historical evolution of the European integration process. 2. The creation of the European Coal and Steel Community, the European Economic Community (EEC) and the European Atomic Energy Community (Euratom). 3. The reforms of deepening of the European Union. 4. The successive enlargements of the European Union. 5. From the Nice Treaty to the Lisbon Treaty.

Lesson 2. The European Union.

1. The European Union (EU): concept and legal-political nature. 2. Values, objectives and fundamental principles of the EU. 3. The condition of Member State (membership). 4. The Charter of Fundamental Rights of the EU. 5. European citizenship and participation within the EU. 6. The enhanced co-operations.

Lesson 3. The Competences of the European Union.

1. The competences of the EU: conceptual clarifications. 2. Basis of the competences of the Union: the principle of conferral. 3. Categories and areas of competences. 4. The principles governing the exercise of competences: subsidiarity, proportionality and sufficient means. 5. The principles of solidarity and loyal cooperation.



2. The institutional system of the European Union

Lesson 4. The Institutional System (I)

1. The institutional framework of the EU. 2. The European Parliament. 3. The European Council. 4. The Council. 5. The European Commission. 6. The Court of Justice of the European Union: introduction.

Lesson 5. The Institutional System (II)

7. The European Central Bank. 8. The Court of Auditors. 9. The consultative/advisory Bodies: The Economic and Social Committee; the Committee of the Regions. 10. Other bodies, offices and agencies.

3. The European Union Legal Order

Lesson 6. European Union Law Sources.

1. The law sources of the EU: general aspects. 2. The founding Treaties. 3. The legal acts adopted by the institutions of the Union. 4. The legal instruments of the Common Foreign and Security Policy (CFSP). 5. The international Treaties. 6. The general principles of EU Law and the constitutional traditions common to Member States.

Lesson 7. The Principles Governing the Relationship between European Union Law and Legal Orders of Member States.

1. Autonomy and primacy of EU Law. 2. Direct application and effect of EU Law. 3. The application of EU Law by Member States. 4. The national judge as judge of European Law.

4. The Judicial System of the European Union

Lesson 8. The Judicial System of The European Union.

1. The Court of Justice of the European Union (Court of Justice, General Court and specialized courts). 2. The contentious jurisdiction of the Court of Justice of the European Union: actions for failure to fulfil obligations; actions for annulment; actions for failure to act; exception of illegality; action for. 3. Preliminary rulings: the collaboration of judicial bodies of Member States. 4. Appeals on points of law and re-examination. 5. The judicial supervision of the Common Foreign and Security Policy. 6. The consultative jurisdiction of the Court of Justice of the European Union.



5. The external action of the European Union

Lesson 9. The External Action of The European Union (I).

1. The EU as subject of International Law.
2. The external competence of the Union: extent, scope and nature.
3. The Common Foreign and Security Policy (CFSP): material scope, structure and functioning.
4. The Common Security and Defence Policy.

Lesson 10. The External Action of The European Union (II).

1. The EUs relations with international organizations and third countries.
2. Cooperation policy and humanitarian aid.
4. The European External Action Service.

WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	60,00	100
Study and independent work	60,00	0
Preparing lectures	30,00	0
TOTAL	150,00	

TEACHING METHODOLOGY

Students are supposed to learn the theoretical-dogmatic knowledge integrating the subject “Legal Institutions of the European Union”/”*Instituciones Jurídicas de la Unión Europea*”, whose content (syllabus) is included in section 5 (*infra*). The subject is composed of 6 credits ECTS (“European credit transfer and accumulation system”/”*Sistema europeo de transferencia y acumulación de créditos*”), according to the following parameters: 6 credits x 25 hours = 150 hours (RD 1125/2003, Art. 4.5).

The total number of hours is distributed in three types of activities to be carried out by students:

- Guided activities (outside the classroom): 30 hours.
- Activities requiring the actual presence of students and professors: 60 hours.
 - a) Theoretical Classes: 30 hores.
 - b) Applied Classes: 20 hores.
 - c) Complementaries Activities and exams: 10 hores.
- Students’ own work: 60 hours.



During the academic year, all student groups following the subject (together with the activities which will be proposed by their instructor) will carry out one activity under the co-ordination of the three involved Departments teaching the subject (Administrative, Constitutional and International Law). In particular, it will be held a workshop on the access and use of electronic resources of the EU.

EVALUATION

Evaluation system.

A. Oral or written test consisting of one or more exams, which may have an objective nature and include theoretical and practical questions and/or practical cases.

B. Continuous assessment of each student, based on regular attendance and active participation in activities developed in class, such as resolution of practical cases or participation in workshops, delivery of papers and/or reports and/or oral presentations about such activities, either individually or in group, taking into consideration the degree of involvement and the effort done by the student in the teaching-learning process and his/her skills and attitude shown during the development of such activities.

C. Continuous assessment of each student, based on attendance to seminars and visits to entities; and, if applicable, delivery of papers/reports and/or oral presentations about the organized activity, either individually or in group, taking into consideration the degree of involvement and the effort done by the student in the teaching-learning process and his/her skills and attitude shown during the development of such activity.

D. For the accomplishment of the applied and complementary activities, the lecturer of the subject will be able to use the methodology of the Learning-Service.

E. The activities pertaining to the continuous, by their nature, assessment cannot be made up. Therefore, those activities not carried out within the deadline of the first call will not be accepted. In addition shall not be accepted in order to receive a higher mark.

weighing

A 70%

B + C 30%



REFERENCES

Basic

- En orden alfabético:

<http://europa.eu>

- ALONSO GARCÍA, R., Sistema jurídico de la Unión Europea, 4ª edición, Cizur Menor, Civitas-Thomson-Reuters, 2014.
- BARNARD, C., PEERS, S.: European Union Law, Oxford, Oxford University Press, 2017 (2nd ed).
- BOU FRANCH, V., CERVERA VALLTERRA, M., Normativa y jurisprudencia básica del Derecho de la Unión Europea, Valencia, Tirant lo Blanch, 2016 (2nd ed.).
- BOU FRANCH, V. (dir.), Introducción al Derecho de la Unión Europea, Madrid, Civitas, 2014.
- CRAIG, P. and DE BÚRCA, G.: EU Law: Text, Cases and Materials, Oxford University Press, 2015 (6th ed).
- JIMENA QUESADA, L., Social Rights and Policies in the European Union, Valencia, Tirant lo Blanch, 2016.
- LÓPEZ CASTILLO, A. (Dir.): Instituciones y Derecho de la Unión Europea, Valencia, Tirant lo Blanch, Vols. I, II (2018).
- MANGAS MARTÍN, A.; LIÑÁN NOGUERAS, D. L., Instituciones y Derecho de la Unión Europea, 9ª edición, Madrid, Tecnos, 2016.
- MILCZAREK, D., ADAMCZYK, A., and ZAJACZKOWSKI, K. (eds.), Introduction to European Studies: A New Approach to Uniting Europe Warsaw: Centre for Europe/University of Warsaw, 2013
- SARMIENTO, D.: El Derecho de la Unión Europea, Madrid, Marcial Pons, 2016.

Additional

- En orden alfabético:

<http://cde.uv.es/>

FERNÁNDEZ LIESA, C.R. ET ALII, Tratado de Lisboa: Análisis y perspectivas, Madrid, Dykinson, 2009.

GUTIÉRREZ ESPADA, C.; CERVELL HORTAL, M.J.: Adaptación al Tratado de Lisboa (2007) del



sistema institucional decisorio de la Unión, su acción exterior y personalidad jurídica, Granada, Comares, 2010.

ADDENDUM COVID-19

This addendum will only be activated if the health situation requires so and with the prior agreement of the Governing Council

1. Continguts / Contenidos

Se mantienen los contenidos inicialmente recogidos en la guía docente, con las adaptaciones necesarias exigidas por la docencia no presencial.

2. Volum de treball i planificació temporal de la docència

2. Volumen de trabajo y planificación temporal de la docencia

Se mantiene el volumen de trabajo total y las horas de dedicación en créditos ECTS marcadas en la guía docente original. Las horas de actividades complementarias presenciales previstas que no puedan realizarse en línea acrecerán a las horas de sesiones teóricas y/o de actividades aplicadas.

En algunos grupos se mantienen las sesiones programadas en las mismas fechas y horas con la misma duración, realizándose las sesiones a través de videoconferencias síncronas mediante creación de tareas “videoconferencia” en el Aula Virtual y ejecución de estas por Blackboard Collaborate (BBC) el día y hora de la clase presencial.

En los grupos en los que las clases presenciales se han sustituido por actividades asíncronas, no se mantienen los horarios y se ha dado libertad al estudiante para realizar las actividades de acuerdo con su propia programación

3. Metodología docente

3. Metodología docente

En los distintos grupos se han utilizado alguna o varias de las siguientes herramientas:

- Subida al Aula Virtual de los mismos materiales (presentaciones y apuntes) previstos en la guía original para la docencia presencial o de nuevos materiales elaborados o seleccionados ad hoc para la nueva situación de docencia no presencial
- Actividades en Aula Virtual sobre materiales accesibles indicados por el profesor: comentarios de texto, de películas o de vídeos, recensiones de libros, presentación de trabajos individuales o en grupo, casos prácticos, comentarios a sesiones parlamentarias retransmitidas por canales de video institucionales (por ejemplo, del Parlamento Europeo), comentarios a audiencias públicas de instancias jurisdiccionales europeas que figuran en sitios web oficiales (incluido, por ejemplo, el Tribunal Europeo de Derechos Humanos del Consejo de Europa: www.echr.coe.int) foros, chats y cuestionarios de repaso.



- Sustitución de las clases presenciales por chats y por videoconferencias síncronas mediante creación de tareas “videoconferencia” en el Aula Virtual y ejecución de estas por Blackboard Collaborate (BBC) el día y hora de la clase presencial
- Sustitución de las clases presenciales por presentaciones PowerPoint locutadas.

Sistema de tutorías:

Se mantiene el programa de tutorías virtuales (atención en 48 horas laborables máximo por correo electrónico) para los profesores participantes en dicho programa. En todo caso, en el horario de tutorías presenciales, atención síncrona por correo electrónico o mediante la tarea “videoconferencia” en el Aula Virtual y ejecución de esta por Blackboard Collaborate (BBC). Algunos profesores están permanentemente disponibles por correo electrónico o mediante foro específico creado en Aula Virtual.

4. Avaluació

4. Evaluación

Con respecto a la ponderación entre la calificación obtenida en la evaluación continua y la obtenida en la prueba final que estaba establecida en la guía docente al comienzo del curso académico, se modifica en el sentido de que el profesorado de cada grupo pueda incrementar el peso de la evaluación continua desde el mínimo del 30% hasta el 50% y, consecuentemente, reducir el peso del examen final del 70% al 50%. Lo anterior no será óbice para que el profesorado de cada grupo pueda acogerse a la recomendación del Decanato de que el porcentaje de la evaluación continua en la calificación final alcance al menos el 50%. En el caso concreto del profesorado del Área de Derecho internacional Público (Valentín Bou, María Cervera, Rita Delgado, Ramiro Solanes y María Torres), se ha acordado para los grupos que imparten que ese porcentaje de la Evaluación Continua sea del 50% sobre la nota global y que para superar la asignatura no sea necesario obtener un 5 de puntuación en la escala de 10 en la prueba final.

La prueba de evaluación final (examen teórico-práctico) podrá adoptar alguna de las siguientes formas en los diferentes grupos:

- Prueba oral mediante creación de tareas “videoconferencia” en el Aula Virtual y ejecución de estas por Blackboard Collaborate (BBC) el día y hora indicado al estudiante. La prueba será grabada.
- Prueba escrita mediante herramientas de Aula Virtual (tareas, correo electrónico, cuestionario, etc.). Las preguntas podrán ser del tipo opción múltiple, respuesta corta o desarrollo (ensayo) y podrán ser tanto teóricas como prácticas basadas en un supuesto o texto incluido en el enunciado. Las preguntas podrán mostrarse a cada estudiante en distinto orden y una sola pregunta por pantalla sin permitir volver atrás. En las preguntas de opción múltiple las respuestas erróneas podrán descontar puntuación. El profesorado podrá optar por permitir el uso de materiales para la realización de la prueba y determinará el tiempo límite para su realización. Para comprobar que el alumno realiza la prueba individualmente y sin usar material no permitido, el profesorado podrá exigir a los estudiantes que se conecten mediante videoconferencia con la cámara y/o el micrófono activados o utilizar cualquier procedimiento que se arbitre desde las instancias competentes de la Universidad.



El profesorado de cada grupo podrá combinar las anteriores modalidades de prueba y de preguntas y ampliará y detallará por correo electrónico o en Aula Virtual la información sobre la forma de la prueba final y la nota mínima exigida en la prueba final para poder aprobar la asignatura.

En el caso concreto del profesorado del Área de Derecho internacional (Valentín Bou, María Cervera, Rita Delgado, Ramiro Solanes y María Torres), se ha acordado para los grupos bajo su responsabilidad que el examen final sea un cuestionario on-line o en Word que se ejecutara a través del Aula Virtual.

Si una persona no dispone de los medios para establecer esta conexión y acceder al Aula Virtual, deberá contactar con el profesor por correo electrónico en el momento de

publicación de esta adenda a la guía docente.

Los estudiantes que durante la realización de la prueba en línea tengan algún problema de conexión que les impida acceder o continuar con la realización de la prueba, deberán comunicarlo de inmediato al profesor por correo electrónico y se arbitrará una prueba individual, que se le realizará preferiblemente ese mismo día.

5. Bibliografía

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La bibliografía básica y complementaria, así como las demás fuentes documentales recomendadas, se mantienen, pues se cuenta con soporte suficiente accesible en línea.

El profesorado de cada grupo podrá en cualquier caso completar la bibliografía recomendada con otra bibliografía accesible en línea o por otros materiales en Aula Virtual: - Apuntes y presentaciones de elaboración propia o de libre acceso

- Artículos de libre acceso o a través de bases de datos accesibles mediante conexión vpn

- Legislación electrónica

- Fichas temáticas sobre la Unión Europea y otros recursos complementarios disponibles en sitios web institucionales, especialmente el portal de la UE (europa.eu), como por ejemplo: BORCHARDT, Klaus-Dieter, *El ABC del Derecho de la Unión Europea* (Luxemburgo: Oficina de Publicaciones de la Unión Europea, 2011), 143 pp. <https://op.europa.eu/es/publication-detail/-/publication/5d4f8cde-de25-11e7-a506-01aa75ed71a1>; COMISIÓN EUROPEA, 'Cómo funciona la Unión Europea. Guía del ciudadano sobre las instituciones de la UE', Luxemburgo: Oficina de Publicaciones de la Unión Europea, 2014, 44 pp. <http://bookshop.europa.eu/es/c-mo-funciona-la-uni-n-europea-pbNA0414810/?CatalogCategoryID=sciep2OwkgkAAAE.xjhtLxJz>, o FONTAINE, Pascal, *Doce lecciones sobre Europa* (Luxemburgo: Oficina de Publicaciones de la Unión Europea, 2014), 48 pp. <http://bookshop.europa.eu/es/doce-lecciones-sobre-europa-2014-pbNA0213714/?CatalogCategoryID=sciep2OwkgkAAAE.xjhtLxJz>

- Bases de datos de jurisprudencia de libre acceso (entre ellas, especialmente la del Tribunal de Justicia de la UE -curia.eu-) o accesibles mediante conexión vpn.