

**COURSE DATA****Data Subject**

Code	35206
Name	Legal Institutions of the EU
Cycle	Grade
ECTS Credits	6.0
Academic year	2020 - 2021

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

The overall test is to be assessed at between 50% and 70% of the final grade of the course, while the set of continuous assessment activities is to be assessed in the remaining proportion

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

IN CLASS TEACHING MODEL: Theoretical-practical face-to-face classes for the entire course whenever so determined by the Dean's Office for the course. Such teaching may be updated taking into account the evolution of the pandemic and the health situation, and always complying with the indications regarding maximum permitted capacity and recommended interpersonal teaching.

HYBRID TEACHING MODEL: Theoretical-practical face-to-face classes with the group being divided into two or more subgroups (automatically established by the secretary's office). In the weeks of non-face-to-face teaching, the teaching may be synchronous or asynchronous. For this purpose, each professor must specify in the annex to the teaching guide how the teaching of the non face-to-face subgroup will be carried out, and it can be done in any of these ways:

- Videoconference by means of the devices in the classroom (camera and microphone) in a synchronous way, so that the group of students who do not attend in person can follow it. The synchronous way will have to be carried out in the timetable fixed for the subject and for the group.
- To foresee autonomous work for the students, through teaching videos, voice-over ppts, diagrams, reading materials, etc. - -

VIRTUAL TEACHING MODEL: When the teaching cannot be given in total presentiality, nor in hybrid system due to the situation of the pandemic, the dimensions of the classrooms and the maximum capacity allowed in each moment, it will be given in model of total non presentiality of the student body, under the same conditions as indicated for the part of the hybrid system, although priority will be given to synchronous teaching by means of teletransmission via BBC or TEAMS given during the timetable established for the subject and the group, with the professor specifying the model to be followed in the appendix to the teaching guide.