

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

Code	36812
Name	Instituciones jurídicas de la UE
Cycle	Grade
ECTS Credits	6.0
Academic year	2021 - 2022

Study (s)

Degree	Center	Acad. Period
1933 - Double Degree in Law and Economics_2022	Faculty of Economics	1 Second term

Subject-matter

Degree	Subject-matter	Character
1933 - Double Degree in Law and Economics_2022	1 - Asignaturas de primer curso	Obligatory

Coordination

Name	Department
JIMENA QUESADA, LUIS	55 - Constitutional Law, Political and Administrative Sciences

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”, “Derecho-Criminología” and “Derecho-Economía”. 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 Science and Public Administration Department, 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 Union) 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. In parallel, Spain was integrated into a new economic order (the EU single internal market without borders) where free trade among its members was one of the EU’s founding principles and it is committed to opening up world trade as well.

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. In addition, the economic dimension of EU Membership has also a strong influence in our daily lives, since the EU ensures free movement of goods, services, capital and persons by establishing competition rules, by removing technical, legal and bureaucratic barriers, by digitalizing the EU’s single market freedoms (with EU wider rules for telecommunications services, copyright and data protection) or by completing the economic and monetary union with a banking union in response to the recent financial crisis.

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. Of course, the economic dimension of the EU (known as “common market” in its origins) plays again a crucial role both in determining the material scope of EU legislation (e.g., negotiating trade agreements with third countries or global trade rules with the World Trade Organization) and in shaping the European institutional framework (e.g., the European Central Bank), without forgetting the important economic areas covered by Union’s competences or the conciliation between economic freedoms and other fundamental rights.

The Syllabus of the subject, whose content is reproduced below, has been structured in five parts (orthematic 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, without forgetting the “Brexit” crisis and other challenges (economic and financial world crisis, refugee and humanitarian crisis as well as COVID-19 crisis). In this first part, it is also explained what the European Union is from a legal, political and economic perspective (its main values, principles, economic freedoms and fundamental rights, including tensions between the dynamics of both the EMU - Economic and Monetary Union- and the ESM -European Social Model-) as well as the distribution of competences between the Union and its Member States (by taking into account the impact of the EU system of own resources and the management of the European Funds).

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 focus will be put not only on legal and political institutions and bodies, but also on those performing economic and financial tasks (such as the European Central Bank, the European Anti-Fraud Office, the European Union Intellectual Property Office or the European Banking Authority).



The Third Part describes and analyses the legal order of the European Union, its law source system and the application of European Law by both the Union and Member States. Of course, the focus will also be put on legal instruments put into practice in order to face the recent economic and financial crisis (Troika actions, special financial stability mechanisms, etc.).

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. In this context, attention will also be paid to controversial economic issues such as EU competition cases and judicial review by the European Courts.

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. From this point of view, the emphasis will be put, on the one hand, on the legal and political dimensions of such external action and, on the other hand, on its economic, social and cultural dimensions. In this last case, cooperation policy and humanitarian aid take an important place, without forgetting the recent developments of the EU relations with the WTO (World Trade Organization as well as the last EU trade agreements).

The subject Legal Institutions of the European Union embodies, to some extent, one of the essential "pillars" of the studies of Law and Economic. Its main object of analysis is both the legal system and the economic model of the European Union, with special reference to institutional aspects.

The evolution and dynamics of the European integration process (the original aim towards federalization that was present in the 1950's Schuman Declaration or the most recent bet for the constitutionalization of the European Union) implies a broader approach from the Constitutional Law perspective, including the exam of the European Union Law sources (and the substantial legal provisions of the "European Economic Constitution") as well as the protection of fundamental rights at the European level.

In despite of the absence -for the moment- of a European constitutional consensus together with a European constitutional feeling (the 2007 Lisbon Treaty should be seen as a step in the long process of European integration rather than an end-point) the purpose of the subject is to raise awareness on the practical importance of the European Union Law and Economy (as a "transversal" subject) not only for economic and legal operators but also for public authorities and citizenship.

Finally, we must keep in mind that Legal Institutions of the European Union is also closely connected with the objective of creating and consolidating the "European Higher Education Area"

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.

COMPETENCES (RD 1393/2007) // LEARNING OUTCOMES (RD 822/2021)

LEARNING OUTCOMES (RD 1393/2007) // NO CONTENT (RD 822/2021)

Doble titulación Derecho-Economía

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.
- Knowledge of the European Union's legal and economic order and its relationship with domestic legal orders of Member States.
- Ability to identify, to accede, to manage and to analyse texts and documents within the scope of the subject.
- Ability to work in group in order to deal with and to solve legal problems within the scope of the subject.

DESCRIPTION OF CONTENTS

1. The European Union: General Aspects

Lesson 1. The European Integration Process.

1. Historical evolution of the European integration process. 2. Legal and political dynamics: co-operation and integration. 3. Economic dynamics: free trade area, customs union and common market. 4. The creation of the European Coal and Steel Community, the European Economic Community (EEC) and the European Atomic Energy Community (Euratom). 5. The reforms of deepening of the European Union: Single Act, Maastricht Treaty and Amsterdam Treaty. 6. The successive enlargements of the European Union. 7. From the Nice Treaty to the Lisbon Treaty.

Lesson 2. The European Union: legal, political and economic nature.

1. The European Union (EU): concept and legal-political nature. 2. Values, objectives and fundamental principles of the EU. 3. The EU economic model: a highly competitive social market economy. 4. The condition of Member State (membership). 5. The Charter of Fundamental Rights of the EU and the



European Pillar of Social Rights. 6. European citizenship and participation within the EU. 7. Multi-speed Europe from an economic-social perspective: the EMU (Economic and Monetary Union) and the ESM (European Social Model). 8. Multi-speed Europe from a legal-political perspective: The Schengen Area and 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. 6. The EU system of own resources. 7. The economic, social and territorial cohesion: the European funds.

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: focus on those performing economic and financial tasks.

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. 7. New and controversial legal instruments in response to the recent economic and financial crisis: Troika actions and special financial stability mechanisms.

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; tort action. 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. 7. Controversial economic issues: focus on EU competition cases and judicial review by the European Courts.

5. The external action of the European Union

Lesson 9. The External Action of The European Union (I): Legal and Political dimensions.

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): Economic, Social and Cultural dimensions.

1. The EUs relations with international organizations and third countries. 2. The specific EU relation with the World Trade Organization (WTO) and the European Economic Area (EEA). 3. Types of EU trade agreements. 4. Cooperation policy and humanitarian aid. 5. 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 “LegalInstitutions 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 credittransfer 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 made 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 assessment, by their nature, cannot be made up. Therefore, those activities not carried out within the deadline of the first call will not be accepted. In addition, such activities 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>
- ALDECOA LUZÁRRAGA ET ALII (dirs.), *Gobernanza y reforma internacional tras la crisis financiera y económica: el papel de la Unión Europea*, Madrid, Marcial Pons, 2014.
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- BORCHARDT, K.D., *The ABC of the EU law*, Luxembourg, Publications Office of the European Union, 2017, 148 pp. (<https://op.europa.eu/en/publication-detail/-/publication/5d4f8cde-de25-11e7-a506-01aa75ed71a1>)
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- CRAIG, P. and DE BÚRCA, G., *EU Law: Text, Cases and Materials*, Oxford University Press, 2020 (7th ed).
- DE GRAUWE, P., *Economics of Monetary Union*, 2020, Oxford, OUP Oxford (13th ed).
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- SARMIENTO, D.: *El Derecho de la Unión Europea*, Madrid, Marcial Pons, 2020 (3rd ed.).

Additional

- <http://cde.uv.es/>
- BAR CENDÓN, A. (ed.), *Los Tratados de la Unión Europea*, versión consolidada tras el Tratado de Lisboa de 13 de diciembre de 2007, Valencia, Tirant lo Blanch, 2010.
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- 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.



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- MONTI, M. ET ALII, Future financing of the EU. Final report and recommendation of the High Level Group on Own Resources, Brussels, European Commission, 2016.
- PÉREZ DE LAS HERAS, B., El mercado interior europeo. Las libertades económicas comunitarias: mercancías, personas, servicios y capitales, Bilbao, Universidad de Deusto, 2008 (2nd ed).

ADDENDUM COVID-19

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

HYBRID TEACHING

If the academic authority determines it, this subject will be adapted to the hybrid teaching model established by the Faculty of Law, through which face-to-face theoretical-practical classes will be taught in discontinuous weeks for the student. To this end, the Secretary of the Faculty will divide the group into as many subgroups as necessary, teaching in the classroom, at the time established for the subject, to one of the subgroups each week in accordance with the calendar established by the Faculty, providing for the others, as a priority, follow-up of the class through synchronous VIDEO CONFERENCE.

The contents, volume of work and evaluation are maintained in the terms initially foreseen in the academic guide.

NON-PRESENTIAL TEACHING

If the academic authority establishes the change in non-classroom teaching, this subject will be taught to all students under the same conditions as those indicated for the non-classroom teaching part of the hybrid system.

The contents, volume of work and evaluation are maintained in the terms initially foreseen in the academic guide.