UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Diritto dell'Unione Europea

1819-3-A5810130

Learning objectives

Contents

The Course aims to provide the students with the institutional and legal structure of the European Union, as resulting after the entry into force on the 1st of December 2009 of the Lisbon Treaty. EU evolution is explained trough frequent and full reference to the European Court of Justice and the EU Tribunal, as also to legal rules in force under the previous treaties. The reasons therefore is to show the fundamental contribution of the EUCJ in outlining the European Union competences and providing a clear guidance for the general characters and principles of the European Union Law.

Detailed program

Detailed programme for all students

In specific the Course will deal with the following issues. The historical development of the European Union from its origin to the Lisbon Treaty; the institutional frame of the EU; the constitutional principles: EU citizenship and the protection of fundamental rights, the principles of attributed competences and of subsidiarity. Hints will then be given to the European Security and Defence Policy and to the External Action, included the general treaty powers competences. Further the EU institutional frame will be dealt into deep, including the composition and powers of EC institutions, the law-making process and the so called democratic deficit; primary and secondary law; principles of direct applicability and direct effects. Special attention will be awarded to the jurisdictional remedies. The field is approached from the composition and functioning of European Union Court of Justice; it then moves to the rich relation between EUCJ and national courts, including State liability under Francovich, and further deepens EUCJ jurisdiction: direct action for annulment, for infringement of EU law, for failure to act; preliminary rulings procedure.

Last topic on the course will be the relations between national legal system and EU system, where special references will be given to the different approaches underlying national and European supreme Courts.

Detailed programme for attending students

The course will deal with the programme indicated above. However, since frequent and full reference to the European Court of Justice and the EU Tribunal will be made during classes, slight adjustments to the programme are always possible in response to the reactions from students actively participating in the classes. Possible changes vary each year; detailed instructions will be given accordingly.

Prerequisites

Teaching methods

Assessment methods

Assessment methods for all students

Oral exam for **students who do not attend the lessons**;
A choice of one written exam for **students attending lessons**. The written exam will take place at the end of the lessons (or maybe beginning of January) and will take the place of the oral exam.
For **all**: self-proofing test are available on the e-learning platform.

Assessment methods for non-attending students

Oral exam.

Textbooks and Reading Materials

It is advised to prepare the final exam choosing among one of the following textbooks

(**Please note** – Given the substantial changes implemented by the Lisbon Treaty it is absolutely necessary to have and study the last edition!!)

- R. ADAM, A. TIZZANO, *Lineamenti di Diritto dell'Unione europea*, IV edizione, Giappichelli, Torino, 2016 (35 euro)
(Please note : "*Lineamenti*" ; by the same authors is edited a textbook called "Manuale... " that is much wider in scope)
or
- U. VILLANI, *Istituzioni di Diritto dell'Unione europea*, V edizione, Cacucci, Bari, 2017. (40 euro)

Knowledge of the relevant Treaty provisions is required accordingly. The consolidated version of the Treaties currently in force is available at https://eur-lex.europa.eu/collection/eu-law/treaties/treaties-force.html