UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

# COURSE SYLLABUS

# Eu Law - A-L

**2324-3-A5810130-AL**

## Learning objectives

The course aims to achieve the following educational objectives:

1. Provide students with a complete and up-to-date picture of sorting knowledge of the European Union, as well as the ability to understand the process of European integration, of the rules and principles governing the relationship between European Union law and domestic law, in particularly the Italian one.
2. Develop students' ability to critically re-elaborate principles and legal norms. The student must demonstrate that they can apply the notions of law to concrete cases, through the study of official documents of the European Union and, in particular, of the jurisprudence of the Court of Justice.
3. develop in the students autonomous competence of judgment, through the elaboration of legally sustainable arguments with reference to the topics covered by the teaching of the course.
4. provide students with mastery of specific legal terminology. The student must be able to express knowledge correctly, consistently and with the properties of language;
5. Develop students' autonomous learning skills, so as to integrate their own knowledge.

## 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 program for attending students**

Students attending classes and students not attending classes in principle have the same program and workload

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 program 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.

NB - Students who have participated (in presence) to 90% of the teaching activity are considered to be attending.

## Prerequisites

## Teaching methods

The teaching method is mainly based on lectures in the classroom.
During the lessons, the analysis of practical cases, in particular resolved by the Court of Justice of the EU, will be added to the theoretical and framework discussion. This teaching method is used due to the centrality of EU jurisprudence in the development and definition of the peculiar characteristics, general principles and substantive discipline of the EU legal system.

## Assessment methods

**Assessment methods for non-attending students**
Final assessment will consist of oral interview.
Any optional activities which has been offered and carried out by the student will be taken into consideration. The activities in question may be:
a) case analysis dealt with in class, or
b) participation into a competitive seminar.

**Assessment methods for attending students**

the exams consist of a written test with open-ended questions and a final exam in the form of an interview.
(1) The ongoing written test consists of a written exercise with closed and open questions on the program done to that point.
The written test will be held in the first week of December during the suspension of classes and can only be taken by attending students. In case of passing this exemption test, the final interview will be based only on the program carried out in class after the written test and until the end of the course.

(2) The final exam consists of an interview on the topics covered in class.

Non-attending students and those attending who have not completed or passed the written test will be able to take the final exam on the full program of the course.

In all cases, any optional activities which has been carried out by the student will be taken into consideration. The activities in question could be
a) case analysis dealt with in class, or
b) participation into a competitive seminar.

## Textbooks and Reading Materials

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

- R. ADAM, A. TIZZANO, Lineamenti di Diritto dell'Unione europea, V edizione, Giappichelli, Torino, 2022 (37 euro)
  Oppure
- U. VILLANI, Istituzioni di Diritto dell'Unione europea, VI edizione, Cacucci, Bari, 2020. (38 euro)
  Oppure
- U. DRAETTA, F. BESTAGNO, A. SANTINI , Elementi di diritto dell'Unione europea, Giuffré editore, Milano, 2018 .(34 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

## Sustainable Development Goals

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