UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Eu Law - A-L

2425-3-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 for this is to show the fundamental contribution of the CJEU in outlining the European Union competences and providing for a clear guidance for the general characters and principles of the European Union Law.
Special attention will be paid to facts and events developing at the time of giving lectures

Detailed program

The Course will deal with the following issues.

- Historical development of the European Union from its origin to the Lisbon Treaty;
- institutional frame of the EU and 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 the Court of Justice of the European Union; it then moves to the rich relation between CJEU and national courts, including State liability under Francovich, and further deepens CJEU 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.

Prerequisites

Given the foundation and international nature of European integration, it is strongly advisable to have already taken the exam of International Law

Please note that European Union law exams is preparatory to attending the "European Union law and protection of personal data" legal clinic

Teaching methods

The teaching method is based on a combination of** delivery and interactive teaching methods.**
During the lessons, the analysis of practical cases resolved by the Court of Justice of the EU will complete the theoretical and framework discussion. All students, attending and non-attending, are invited to consult the material offered on the e-learning platform on the site, to download and carry out the activities requested from time to time.
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 community legal system and is functional to the pursuit of the training objectives indicated above.The teaching method is mainly based on lectures in the classroom.

Lessons will thus be structured as follows:

- 15 2-hour lessons held in presence mode;
- 15 2-hour lessons carried out in delivery mode in the initial part, and interactively in the subsequent part. The first part is aimed at providing students with tools and knowledge needed to carry out targeted exercises.
- 2 lessons of 2 hours carried out only in interactive mode (through supervised group exercises).
- 4 lessons of 2 hours in remote synchronous mode, which will take place in the evening so as to also allow working students to participate.

Assessment methods

All students are given the right to **choose** whether to be assessed through a written or an oral assessment.
In both cases the exam takes place at the end of the course and covers the entire programme. There are no intermediate tests.

The **oral assessment** consists of an interview on the topics covered in class and on the program indicated in the textbook.
The interview aims to verify the knowledge of the institutions and fundamental concepts characterizing the legal system, the capacity for autonomous reflection, terminological precision, skills and expository autonomy.
During the final assessment, the activities proposed during the lessons and possibly carried out by the student will also be evaluated.

The **written assessment** consists of a series of multiple choice questions , and two open-ended questions.
The written test as defined is aimed at verifying knowledge of the topics covered in class, through a systematic and structured presentation. The ability to construct reasoning in a concise but complete manner will also be assessed, as will written presentation skills.
Passing the written test obviously replaces the oral examination.
During the final assessment, the activities proposed during the lessons and possibly carried out by the student will also be evaluated.

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. 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

QUALITY EDUCATION | PEACE, JUSTICE AND STRONG INSTITUTIONS | PARTNERSHIPS FOR THE GOALS