

LAW 7023: European Union Law

For more than 50 years, Europe has been engaged in a political experiment that rivals the creation and early years of the United States. Starting as a community of six western European states who agreed to pool their sovereignty in the coal and steel sectors, it has transformed itself progressively over the years into a membership of 27 member-States that embraces to varying degrees virtually all areas of economic and political activity. This integration process has been supported, indeed, led in many respects, by the European Courts, with a succession of groundbreaking decisions reaching back to the early 1960s and continuing with increasing frequency as the Union gains more substance.** In this course we will examine the fundamentals of EU law using the draft text of an upcoming second edition of Dinnage and Murphy, "The Constitutional Law of the European Union" (May 2008). This work uses a constitutional platform to gain insight into the structure and functioning of the Union. It is divided into six parts. In Part I, there are survey materials designed to enable a general overview of the subject. Part II addresses various aspects of the EU as an autonomous legal system including primacy of EU law, forms of legislation and its relationship with international law. In Part III, we examine the division of competences between the Union and the Member-States, including such matters as the internal market, intellectual property, competition (antitrust) policy, taxation and financial controls, and the conduct of foreign relations. Part IV contains materials dealing with the branches of EU governance, with particular emphasis on the administration of competition policy and the growth of European rights of action in the courts of the Member- States. Part V is dedicated to Fundamental Rights, including EU Citizenship and due process. Finally, Part VI looks to the future and includes details of the Lisbon Treaty and other innovations. Participants can expect to finish this course feeling that they have a sound grasp of the constitutional and procedural aspects of the EU, which will be invaluable in particular for those planning a career in international business transactions and regulation. Others may enjoy it for its intrinsic interest, recognizing that the unique features of the EU system have secured peace and prosperity for Europeans in a way that seemed inconceivable at the end of the World War II. Assessment is by way of a take-home examination.

Credits: 2.0