

SELF PROGRAM 2023/2024

Paradox and Conflict in European Union Law

Dr Andrew Baldwin

Course information

Number of credits: 6 credits

Contact hours: 30 hours

Hours taught per week: 2,5 hours or 3 hours

Teaching-period: spring 2024

Course description

This course examines how the European Union, as a putative supra-national or federalist entity, reconciles competing legal perspectives. Participants will learn about how each member-state has incorporated the concept of European legislative and judicial supremacy into its domestic constitutional arrangements, as well as the ongoing impact of EU legislation on domestic law. Attention will also be given to how the EU institutions themselves have attempted both to reconcile the differing legal traditions within its member-states (the common-law versus civil-law distinction above all), and to balance the demands of international law (particularly that concerning human rights) against EU requirements.

Course outline

- Class 1:* History of the European Treaties
- Class 2:* Is the EU an association of states, or a federal state?
- Class 3:* What is the EU in international law?
- Class 4:* How has each member-state legally achieved accession?
- Class 5:* Is 'Europeanisation' of national law really happening?

Class 6: How does the EU reconcile the different national legal traditions?

Class 7: How the EU has developed the rights of 'European citizens'?

Class 8: Can the EU overturn national constitutional law?

Class 9: Have member-states truly accepted the primacy of EU law?

Prerequisites

No previous study of the topic is required. The course may well be of particular interest to those with a background in law, politics or even history, but the only prerequisite is simply an interest in the philosophy, workings and ongoing development of the European Union.

Course objectives

This course aims at providing students with the following:

- Appreciation of the issues associated with developing a concept of supra-national law within the legal traditions of diverse and ostensibly sovereign states
- Awareness of the evolving nature of EU law and judicial methodology

Assessment

30% –in-class assessment of knowledge comprehension

70% – final in-class written examination (i.e. class 10)

Attendance:

In order to participate, students must be present. Nevertheless, a maximum of 2 (two) unexcused absences will be allowed otherwise no mark will be given. An unexcused absence at a test (final test or continuous assessment) means no credits for the course.

Bibliography:

A. Albi, *EU Enlargement and the Constitutions of Central and Eastern Europe* (Cambridge: Cambridge University Press, 2005)

R. Schütze, *European Constitutional Law* (Cambridge: Cambridge University Press, 2012)

Further reading will be provided relating to each of the weekly themes as the course progresses.