

## EU Law

### Contents

This course presents the EU law and its institutions, as they currently exist both on the paper and in real life. The course consists of 14 classes to be held during the first seven weeks of the fall semester.

### Goal

Not only to learn about "European institutions", but to understand what is going on.

### Presentation style

Combination of "teaching units", Socratic method, and case discussion. Contributions from the side of the students (presentations, papers) are highly welcome.

### Syllabus (modifications and shifts between classes possible)

#### 1. *Introduction*

- Why study EU law? - Relevance of EU law
- The essence of EU law, its constitutional "core", and possible avenues of reform

#### 2. *The European Integration: Where from and where to*

- From an economic community to a political union
- The "three pillar concept" of the EU
- The original treaties of the European communities, the "single European Act", the "Maastricht Treaty on the European Union", the "Treaty of Amsterdam", the "Treaty of Nice"
- Basic principles of EU law, in particular the principle of "subsidiarity"
- The enlargement of the EU
- Constitutional challenges associated therewith

#### 3. *Players and institutions*

- Council, Commission, Parliament, and the European Court of Justice
- "Policy and law making" in the EU
- Judicial control and "judicial European activism"
- Current institutional structure of the "core players" and its reform

#### 4. *Sources and instruments of EU law, relation of EU law to national law*

- Regulations
- Directives (indirect and direct effects, state liability for non-transformation of directives)
- Supremacy of EU law over national law: why and how

#### 5. *The basic freedoms I (free movement of goods)*

- Nature of the "basic freedoms"
- The fundamental importance of the freedom of free movement of goods
- The case law of the ECJ

#### 6. *The basic freedoms II (continuation of I, free movement of workers and services)*

#### 7. *The basic freedoms III (free movement of capital, freedom of establishment)*

- Company law: From "Delaware" to federal competition in Europe

8. *The European monetary union and other economic issues of the EU*
9. *State aids*
  - Fundamental importance of the European state aids provisions: Principles and (few) exceptions
  - Consequences of unlawful state aids
10. *Infrastructure deregulation I (railways, gas, telephone, airports, etc)*
  - Deregulation of infrastructure industries and vertical disintegration
  - Sector specific competition law as a "market opener"
  - The pertinent EU legislation
11. *Infrastructure deregulation II*
  - The role of the regular competition law
  - Relation to "abuse of a dominant market position"
  - The Sherman Act and EU law
12. *Competition law and antitrust law*
  - Outline of the European legislation
  - Economic impact
13. *Current developments in EU law*
  - The role of human rights and constitutional safeguards
  - The convent for the new "European Constitution"
14. *Outlook, Summary*
  - Europe: "United in diversity"