

George Mason University
School of Law
Course No. 213-001
Day/Time: Wed. Evenings 8-9:50pm
Room: 348 Law Building

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European Union Law

**Instructor: N. Jansen Calamita
Fall 2004**

Text: Bermann, Goebel, Davey & Fox, European Community Law, with Selected Documents Supplement (West 2004).

Assignments to the casebook are indicated by “CB.” Where the casebook refers to particular provisions of the EC Treaty and European Union Treaty, students will be expected to refer to the Selected Documents to review the text of those provisions.

Course Goals and Requirements: The principal goal of the course is to expose students to the legal concepts central to understanding the European Union as a rapidly evolving legal and political community. By the end of the course, students will be familiar with the Union’s historical origins and development, the basic structure of its institutions, and the contours of the law that governs individual, corporate, and state behavior within the EU. In addition, special emphasis will be placed on approaching the EU as an international legal and political actor, both “above” and “alongside” its member states. A critical examination of the prospects for continued legal and political integration within the European Union will frame discussion of individual legal areas.

Nature of Course Content: The casebook and supplementary documents listed above will be complemented on occasion by journal articles or very recent case reports. In addition, students are encouraged to purchase Ralph H. Folsom’s European Union Law (Nutshell Series) (4th Edition - 2004) as a general reference and helpful guide to the Union’s treaty structure.

Method of Evaluation: Student performance will be evaluated primarily on the basis of a final exam; especially productive class participation will be recognized through upward adjustment of the final grade, as appropriate. Poor attendance may result in an incomplete or low grade.

Method of Instruction: Lecture and directed discussion of the relevant cases and other material. Students are expected to come prepared to answer questions and participate actively.

--Part I--

EU Institutional Structure and
Basic Constitutional Law

Class 1 (Aug. 18): Course Overview and Introduction to the European Union

A. Course Overview and Administrative Matters

B. History, Basic Structure, and Purposes of the European Community

CB: Ch. 1 pp.1-27;

1946 Churchill Speech (*see* <http://www.siaf.ch/churchill/1946.html>);

1947 Marshall Speech (*see*
<http://www.fordham.edu/halsall/mod/1947marshallplan1.html>);

1950 Schuman Declaration (*see* http://europa.eu.int/abc/symbols/9-may/decl_en.htm);

Draft Treaty Establishing a Constitution for Europe, Preamble & Art. I-1 through Art. I-6a (*see* <http://ue.eu.int/igcpdf/en/04/cg00/cg00087.en04.pdf>)

Class 2 (Aug. 25): Principle EU Institutions and their Roles

A. The Treaties and Institutions

CB: Ch. 2 pp. 28-74

Class 3 (Sept. 1): EU Institutions and their Roles / Lawmaking Process

A. Complete EU Institutions

CB: Ch. 2 pp. 28-74

B. Begin EU Legislation and Lawmaking: Forms of Community Action

CB: CB: Ch. 3 pp. 75-82

C. The Legislative Process

CB: Ch. 3 pp. 82-103

Class 4 (Sept. 8): EU Legislation and Lawmaking Process / Scope of EU Law

- A. Complete the Legislative Process
CB: Ch. 3 pp. 82-103
- B. Sphere of Community Law and Policy
CB: Ch. 4 pp. 104-128

Class 5 (Sept. 15): Judicial Review and Member State Compliance with EU Law

- A. Actions against Member States for failure to comply with the Treaty or Community rules: Articles 226 to 228
CB: Ch. 11 pp. 423-449
- B. (Begin) Judicial Review of Community Acts
CB: Ch. 5 pp. 129-192

Class 6 (Sept. 22): Judicial Review of Community Acts

- A. CB: Ch. 5 pp. 129-192

Class 7 (Sept. 29): Judicial Review (continued) /Fundamental & Human Rights

- A. (Complete) Judicial Review of Community Acts
- B. Fundamental Rights and Human Rights
CB: Ch. 6 pp. 203-37

Draft Treaty Establishing a Constitution for Europe, Part II: Preamble, Arts. II-1 through II-54 (*see* <http://ue.eu.int/igcpdf/en/04/cg00/cg00087.en04.pdf>)

Class 8 (Oct. 6): Relationship between Union and Member-State Law

- A. The Relationship between Union and Member-State Law (Direct Effect and Supremacy)
CB: Ch. 7 pp. 238-280

Class 9 (Oct. 13): The Reception of Union Law in the Member States

- A. CB: Ch. 8 but only Sections A, C, G (France, Germany, U.K)

Focus on *Solange* I/II and Maastricht rulings.

-- Part II --

The Four Freedoms and the Internal Market

Class 10 (Oct. 20): Begin the “Four Freedoms”

- A. Free Movement of Goods

CB: Ch. 13 pp. 475-535

Class 11 (Oct. 27): Continue the Four Freedoms and the Internal Market

- A. Harmonization of Laws and the Internal Market

CB: Ch. 14 pp. 536-574

- B. Free Movement of Workers

CB: Ch. 15 pp. 575-579; pp. 589-92; 603-610

See also Folsom: pp. 146-162

Class 12 (Nov. 3): Continue the Four Freedoms and the Internal Market

- A. Free Movement of Persons (Non-Workers)

CB: Ch. 16 pp. 630-652

- B. Begin Free Movement of Services (the Right of Establishment)

CB: Ch. 17 pp. 653-712

Class 13 (Nov. 10): Complete the Four Freedoms and the Internal Market

- A. Complete Free Movement of Services (the Right of Establishment)

CB: Ch. 17 pp. 653-712

Class 14 (Nov. 17): External Relations of the European Union

- A. The Treaties and External Powers

CB: Ch. 27 pp. 1021-1048

- B. The Common Foreign and Security Policy

CB: Ch. 27 pp. 1048-1054