

George Mason University School of Law

**European Union Law**

Course No./Sec. 213-001

Fall 2006

Wed. evenings 8:00-9:50 pm

Instructor: Ira E. Hoffman

**Description:** Reviews major legal aspects of the European Union institutions and operations, with emphasis on attaining an integrated market.

**Course Materials:**

- Required Casebook: Bermann, Goebel, Davey & Fox, **CASES & MATERIALS ON EUROPEAN UNION LAW** (2d Ed. 2002) (West's American Casebook Series) (hereinafter "CB")
- Required Documents Supplement: 2004 Supplement to Bermann ("Supp.")
- Recommended Supplement: Folsom, **PRINCIPLES OF EUROPEAN UNION LAW** (2005) (West's Concise Hornbooks Series)

**Grading:** Grades will be evaluated primarily on the basis of the final exam. Especially productive class participation is encouraged, and will result in upward adjustment of the final grade, as appropriate. Poor attendance may result in an incomplete or low grade.

**Method of Instruction:** The course will be taught through a mixture of lecture and "Socratic" method, with heavy emphasis on student participation and class discussion. Students are expected to come prepared to answer questions and participate actively.

**Office Hours:** I will be available for unscheduled meetings after each class. To schedule a meeting at other times, contact me by phone (301-571-2440) or email (ihoffman@gmu.edu).

**Class Schedule, Topics and Required Reading**

**Week 1 (Aug. 23): Course Overview and Introduction to the European Union ("EU")**

- A. Course Overview and Administrative Matters  
CB: xvii-xxiii
- B. Origins, Formation, and History of the EU  
CB: 1-27  
Supp: 2-14  
Churchill Speech (1946) <[www.siaf.ch/churchill/1946.html](http://www.siaf.ch/churchill/1946.html)>  
Marshall Plan (1947) <[www.fordham.edu/halsall/mod/1947marshallplan1.html](http://www.fordham.edu/halsall/mod/1947marshallplan1.html)>  
Schuman Declaration (195) <[http://europa.eu.int/abc/symbols/9-may/decl\\_en.htm](http://europa.eu.int/abc/symbols/9-may/decl_en.htm)>

**Week 2 (Aug. 30): The Treaties and Institutions**

- A. The Treaty Framework
  - CB: 28-33
  - Supp: 15-17
- B. The Institutions
  - CB: 33-74
  - Supp: 17-34

**Week 3 (Sept. 6): The Legislative Process and the Scope of EU Law**

- A. The Legislative Process
  - CB: 75-103
  - Supp: 35-45
- B. The Scope of EU Law: Implied Powers, Preemption; "Subsidiarity"
  - CB: 104-28
  - Supp. 46-64

**Week 4 (Sept. 13): Judicial Review of Community Acts**

- CB: 129-202
- Supp. 65-84

**Week 5 (Sept. 20): Relationship Between EU and Member State Law**

- CB: 238-80
- Supp: 93-100

**Week 6 (Sept. 27): Reception of EU Law in the Member States and Preliminary Reference**

- A. Reception of EU Law in France, Germany and the UK
  - CB: 281-92; 297-324; 336-44
  - Supp: 102-03; 104-08
- B. The Preliminary Reference
  - CB: 352-84
  - Supp: 114-19

**Week 7 (Oct 4): National Remedies for EU Claims and Enforcement Against Member States**

- A. National Remedies for Enforcement of EU Claims  
CB: 385-422  
Supp: 120-29
- B. Enforcement Proceedings Against Member States  
CB: 423-49  
Supp: 130-38

**Week 8 (Oct. 11): Begin the Common Market's "Four Freedoms" - Free Movement of Goods**

- CB: 452-535
- Supp: 140-50

**Week 9 (Oct. 18): Common Market, Internal Market and Harmonization of Laws**

- CB: 536-74
- Supp: 151-53

**Week 10 (Oct. 25): Free Movement of Workers and Persons**

- CB: 575-652
- Supp: 154-65

**Week 11 (Nov. 1): Competition Policy**

- A. Competition Policy and the Single Market  
CB: 784-99  
Supp: 190-92
- B. Cartels  
CB: 800-05
- C. Abuse of a Dominant Position  
CB: 832-36; 836; 841-43; 848-54; 858-63; 868-71  
Supp: 193-98
- D. Horizontal Restraints Under Art. 81  
CB: 877-86; 891; 893-97; 902-07
- E. Vertical Restraints Under Art. 81  
CB: 908-10; 916; 924; 929; 933-40

- F. Merger Control
  - CB: 941-50;967; 984-87
  - Supp: 205-07

**Week 12 (Nov. 8): External Relations and Common Commercial Policy**

- CB: 1023-26; 1028-36; 1041-51; 1055-57; 1070-71; 1073-84; 1092; 1095-1101
- Supp: 233-39

**Week 13 (Nov. 15): Economic and Monetary Union**

- A. The Customs Union
  - CB: 1102-05; 1112; 1115-17; 1122-25
- B. Remedies for Unfair International Trade
  - CB: 1126-32; 1159-70
- C. Free Movement of Capital and Integrated Financial Market
  - CB: 1171-76; 1178-79; 1186-87; 1192-97
  - Supp: 245-46; 248-49
- D. Economic and Monetary Union
  - CB: 1205-23; 1232-38
  - Supp: 259-61

**Week 14 (Nov. 29): Human Rights and Social Policy; Review**

- A. Human Rights
  - CB: 203-05; 208-12; 215-26
- B. Social Policy
  - CB: 1295-1302; 1333-38
- C. Review

**Final Exam: Dec. 15**