EUROPEAN UNION LAW
George Mason University School of Law
Spring 2013, Law 642

Course Description
This is a two-credit course that aims to give students a comprehensive introduction to European Union law in the wake of the recent Treaty of Lisbon and in light of the ongoing debt-triggered crisis in the euro zone and beyond. The first part of the course will survey the succession of treaties that have led to today’s EU and the institutions that govern the Union, and lay out key legal and political themes associated with the European integration project. The middle portion will delve into the nature of the EU legal order, including interaction with the domestic law of member states and international law writ large, legal factors governing the EU’s participation in international institutions, and the Union’s increasingly important fundamental rights framework. The final segment will cover the basics of the internal market and the four freedoms (free movement of goods, services, people and capital), data privacy issues, and the legal dimensions of the euro crisis. The course is essentially a compressed survey of the constitutional, administrative, federal courts, foreign relations, human rights, and economic law of the European Union. We also will give attention to EU law research methods and sources. Students will write a 20- to 25-page research paper on a subject related to EU law.

Course Materials
- Individual cases and other supplementary materials as assigned and posted on TWEN [Supp.]

Course Expectations
The class meets Tuesday evenings from 8:00-9:50 p.m. (including a 10-minute break) in Founders 477. Our expectations basically boil down to the following: be present and on time; do the reading; contribute to group discussion thoughtfully and respectfully; and no use of wireless in class. All students are expected to be in attendance for all sessions, and may be on call, with or without notice. In addition to the assigned reading, students are encouraged to follow news related to the EU in media such as The Economist, the New York Times, the Financial Times, and EUobserver. Please inform us in advance or as soon as possible thereafter of any unavoidable absences. Further detail on the consequences of missing classes is available in the school’s Academic Regulations.

Course Requirements and Grading
A research paper of 20-25 pages will account for 80% of the final grade. Papers are due by noon on Monday, April 29. EU law is a broad field, so topics are limited primarily by your imagination: you may choose to write on issues covered on the syllabus or a subject we were unable to include. Also required, not later than Friday, February 22, is a 1- to 2-page project proposal outlining your topic and how you intend to approach it. Class participation will account for 20% of the final grade.
Contacting Us
We generally will make ourselves available after each class for questions and discussion, and upon advance request can generally be available in the half hour before class as well. You can also reach us by e-mail or phone/voice-mail. If you send an e-mail, please include a phone number and the best time(s) to reach you. We will provide our contact information on the first day of class. (You may reach us via the school beforehand.)

Please note: although each of us is or has been a government attorney – Jeremy with the U.S. Department of State, Georgina with the U.K. Department for Communities and Local Government – the views expressed in this class are our own and should not in any way be attributed to our employers.

We look forward to a great semester!
EUROPEAN UNION LAW – CLASS SCHEDULE, TOPICS AND READINGS

Note: Readings may be modified or supplemented throughout the semester, particularly toward the latter part of the course, with advance notice. Likewise the order of individual sessions is subject to change in the event of instructors’ travel commitments. Hyperlinks or hard copies for all Supplementary materials will be provided via TWEN and/or in class.

Session 1 – Visions of European Union

Jan. 8
Treaties: Preamble of the Treaty on the Functioning of the European Union (TFEU)
Chalmers: Ch. 1, pp. 1-10
Supp: Draft declaration of the European resistance movements (1944)
Margaret Thatcher’s Bruges speech (1988) (up to “That is why the achievements…”)
Schuman Declaration (1950)

Session 2 – EU Tour de Treaties

Jan. 15
Treaties: Table of Contents (skim); TEU Preamble, Articles 1-4, 47, 48(1), TFEU Article 1
Chalmers: Ch. 2, pp. 11-51
Supp: Piris, Ch. 2, pp. 46-48, pp. 63-70

Session 3 – Institutions of the Union

Jan. 22
Treaties: TEU Articles 13-19; TFEU Articles 223-250 (skim)
Chalmers: Ch. 2, pp. 52-91

Session 4 – EU Lawmaking and Democracy; Research Resources

Jan. 29
Treaties: TEU Articles 5, 9-12, 20; 288-292; Protocols 1-2 (skim)
Chalmers: Ch. 3, pp. 92-103, 113-120, 125-136; Ch. 9, pp. 350-352
Supp: Chart on EU legislative procedure; Handout on EU Research Resources

Session 5 – The EU Judicial Order

Feb. 5
Treaties: TEU Articles 19, 267; Declaration 17
Chalmers: Ch. 4, pp. 142-164, and skim to end of chapter; Ch. 5, pp. 184-188; Ch. 7, pp. 267-275
Supp: Van Gend en Loos (ECJ, 1963); Costa v. Enel (ECJ, 1964)

Session 6 – Issues of Sovereignty, Authority & Legitimacy

Feb. 12
Treaties: TFEU Articles 2-6; Declarations 18, 24
Chalmers: Ch. 5, pp. 188-213, 219-227
Supp: Gauweiler v. Treaty of Lisbon (Germany, 2009) (portions)

Session 7 – EU Law in National Systems

Feb. 19
Treaties: TEU Article 19
Session 8 – Individual Consultations on Paper Topics  
Feb. 26
Students are requested to meet instructors individually – starting from 6 pm on Feb. 26 for 20 minutes each, to review and discuss paper topics, based on 1- to 2-page project proposals due by e-mail not later than Friday, Feb. 22.

Session 9 – EU Law & International Law  
March 5
*Treaties:* TEU Articles 3(5), 21-22; TFEU Articles 75, 215, 275; Declaration 25  
*Chalmers:* Ch. 15, pp. 630-637, 652-659  
*Supp:* Kadi v. Council (ECJ, 2008) (portions); EJILTalk! blog post on Kadi

**SPRING BREAK**

Session 10 – EU & Fundamental Rights  
March 19
*Treaties:* TEU Article 6; Protocol No. 8; Declarations 1-2; Charter on Fundamental Rights (portions); European Convention on Human Rights (portions)  
*Chalmers:* Ch. 6, pp. 228-266  
*Supp:* TBD.

Session 11 – Internal Market & Four Freedoms  
March 26
*Treaties:* TFEU articles 21, 26-30; 34-37, 45-50, 56, 63, 110  
*Chalmers:* Ch. 18, pp. 744-752, 760-767; Ch. 20, pp. 829-832, 834-839, 853-855; Ch. 21: pp. 870-878  
*Supp:* Van Duyn v. Home Office (ECJ, 1974)

Session 12 – EU & Data Privacy  
April 2
*Treaties:* TFEU Articles 16, 87; TEU Article 39; Declarations 20-21  
*Supp:* TBD

Session 13 – The Euro & EU Economic/Fiscal Governance  
April 9
*Treaties:* TFEU Article 126 and skim Articles 121-149; TEU Articles 48, 50  
*Chalmers:* Ch. 17, pp. 712-721, pp. 727-740  
*Supp:* TBD

Session 14 – The EU in the World  
April 16
*Treaties:* TEU Articles 27, 29, 31-32, 34-35, 42; TFEU Articles 205, 216, 218, 220-21, 351  
*Chalmers:* Ch. 15, pp. 638-642, 659-672, *or* Gosalbo Bono article  

**RESEARCH PAPER DUE – Noon on Monday, April 29** (by e-mail and hard copy)