EUROPEAN UNION LAW
George Mason University School of Law
Spring 2015, 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 Treaty of Lisbon and in light of the ongoing economic and political challenges in the euro zone and beyond. The course is essentially a compressed survey of the constitutional, administrative, federal courts, human rights, economic and foreign relations law of the European Union. The first part of the course surveys the succession of treaties that have led to today’s EU and the institutions that govern the Union, and lays out key legal and political themes and principles associated with European integration. The middle portion delves into the nature of the EU legal order, including the role of the judiciary, interaction with the domestic law of member states and international law writ large, and the Union’s increasingly important fundamental rights framework. The final segment covers the basics of the EU internal market, the legal dimensions of the euro crisis, specific issues oriented to private-sector practice, and the EU’s increasingly prominent and ambitious role as an international actor in its own right. 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 (Required)
• Consolidated Treaties & Charter of Fundamental Rights (EU Publications Office, 2010) [Treaties]
• Steiner & Woods EU Law, Lorna Woods & Philippa Watson (11th ed., 2012) [Text]
• Individual cases and other supplementary materials as posted on TWEN or Library Reserve [Supp.]

Course Expectations
The class meets Tuesday evenings from 8:00-9:50 p.m., including a 10-minute break. Students are expected to attend and be on time for all sessions; to complete each week’s reading conscientiously; to contribute to group discussion thoughtfully and respectfully; and to refrain from any use of wireless in class. Please inform us in advance or as soon as possible thereafter of any unavoidable absences. Instructors may call on students, with or without notice. In addition to the assigned reading, each student is asked to present and comment upon a current EU-related news item for a couple minutes at the beginning of class once during the term.

Course Requirements and Grading
A research paper of 20-25 pages will account for 75% of the final grade. Papers are due by noon on Tuesday, April 28, by e-mail, with hard copies to be placed in our faculty mailboxes. EU law is a broad field: the keys are identifying subject matter that interests you, ensuring that the paper centers on EU-oriented legal issues, and drawing from a range of legal sources. Papers should draw on course material and be geared toward an educated general reader. Also required, not later than Friday, February 20, is a 1- to 2-page project proposal outlining your topic and intended approach. Class participation, including the news item discussion, will account for 25% 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. Supplementary materials are posted on TWEN and if indicated are available through GMU Law Library Reserve.

Session 1 – Visions of European Union
Jan. 6
Treaties: Treaty on the Functioning of the European Union (TFEU), Preamble
Text: Chapter 1, pp. 19-22
Supp: Draft declaration of European resistance movements (1944)
Margaret Thatcher’s Bruges speech (1988) (pp. 1-4, up to “That is why…”)
Schuman Declaration (1950)
Luuk van Middelaar, The Passage to Europe, pp. 11-12, 15-18 (the “inner sphere”) [Reserve]

Session 2 – European Community/ies & Union Through the Decades
Jan. 13
Treaties: TEU Preamble, Articles 1-2
Text: Chapter 1, pp. 3-19
Luuk van Middelaar, The Passage to Europe, pp. 18-22 [Reserve]

Session 3 – Institutions
Jan. 20
Treaties: TEU Articles 13-17; TFEU Articles 223-250 (skim)
Text: Chapter 2, pp. 24-41, 45-47
Supp: Handout on EU Research Resources

Session 4 – Competences & Law-Making
Jan. 27
Treaties: TEU Articles 3-5, 20, 47; TFEU Articles 1-6, 7-17 (skim), 288-289, 290-292 (skim)
Declarations 18, 24
Text: Chapter 3, pp. 49-62; 64-69 (skim), pp. 77-78
Supp: Jean-Claude Piris, The Lisbon Treaty, pp. 63-70 [Reserve]

Session 5 – Judicial Order I: Supremacy, Direct Effect and Preliminary References
Feb. 3
Treaties: TEU Articles 19, 258-260, 263, 267; Declaration 17; Protocol 3 (skim)
Text: Chapter 2, pp. 41-45; Chapter 4, pp. 81-86; Chapter 5, pp. 99-104, 214-218
Supp: Van Gend en Loos (ECJ, 1963) (excerpts)
Costa v. Enel (ECJ, 1964) (excerpts)

Session 6 – Judicial Order II: The Reach of EU Law and the Perspective of UK Courts
Feb. 10
Text: Chapter 7, re-read p. 86, 102-4; read pp. 105-112, 120-121; Chapter 9, pp. 199-200.
Session 7 – Sovereignty, Legitimacy, Democracy  
Feb. 17
Treaties: Articles 9-12; Protocols 1-2 (skim)
Text: Chapter 3, pp. 73-77; Chapter 4, pp. 89-96
Supp: Gauweiler v. Treaty of Lisbon (German Constitutional Court, 2009) (excerpts)
David Cameron’s EU speech (2013)

Session 8 – Individual Consultations on Paper Topics  
Feb. 24
Students are requested to meet instructors individually – starting from 6 p.m. for 20 minutes each, to
review and discuss paper topics, based on 1- to 2-page project proposals due by e-mail Friday, Feb. 20.

Session 9 – Fundamental Rights  
March 3
Treaties: TEU Article 6; Protocol 8; Declarations 1-2; Charter of Fundamental Rights (skim)
Text: Chapter 6, pp. 129-136 (top), 140-147, 159; re-read p. 84

SPRING BREAK

Session 10 – The Euro & EU Economic/Fiscal Governance  
March 17
Guest: Bob Choo, U.S. Department of State
Treaties: TFEU Articles 119-138 (skim)
Supp: Documents by European Commission, Bruno de Witte, Paul Krugman, George Soros (TBC)

Session 11 – Internal Market & Four Freedoms  
March 24
Treaties: TFEU Articles 21, 26-30; 34-37, 45-50, 56, 63, 110
Text: Chapter 15, pp. 323-331; 333-335; Chapter 18, 380-385; Chapter 21, pp. 436-440
Supp: Van Duyn v. Home Office (ECJ, 1974) (excerpts)

Session 12 – Private Sector Focus: Competition Law in the EU  
March 31
Guest: Mark Nelson, Cleary Gottlieb Steen & Hamilton (TBC)
Treaties: TFEU Articles 101-102
Supp: TBD

Session 13 – EU in the World  
April 7
Treaties: TEU Articles 3(5), 4(3), 18, 21-22; TFEU Articles 205-207, 215-222; Declarations 13, 25
Supp: Documents by Piet Eeckhout, UN General Assembly, Jan Wouters et. al.

Session 14 – Future Directions  
April 14
Treaties: TEU Articles 7, 48-50

RESEARCH PAPER DUE – Noon on Tuesday, April 28