

COURT OF JUSTICE. EUROPEAN INTEGRATION AND FUNDAMENTAL RIGHTS

Curso 2017/2018

(Código:26602514)

1.PRESENTACIÓN

ECTS: 5

1 semester

This course concerns the structure and functioning of European Union Courts which includes not only the study of the organs of this nature, but also their functioning in the European Multilevel system, which leads to interrelate their competences with those of European Union Member States courts, where appropriate.

The Court of Justice interprets EU law guaranteeing an uniform application in all EU Member States. Both, its composition and functions are complex but the establishment of a jurisdiction in the EU is one of its most important features. Through this course, students have to meet a knowledge of the jurisdictional structure in the European Union by studying the European Court of Justice: concept, structure and functions; the General Court: concept, structure and roles; and roles and relationships of both of them with internal organs of EU Member States.

2.CONTEXTUALIZACIÓN

This Official Master on the European Union offers students a high-level academic education that allows them to achieve optimum conditions to develop their professional and academic career. It is intended to provide students with a high-level training that will place them in optimal conditions to work in professional or academic environments.

The fundamental role of this type of degrees in European Union countries is a consequence of the central place a college education must have for a better understanding of the process of integration. For this reason, the different degrees in European Union Studies are a priority for the European institutions and Member States, among which UNED is not an exception.

3.REQUISITOS PREVIOS RECOMENDABLES

- a) Those established for the admission to the Master and specifically for the itinerary in English.
- b) For the analysis of foreign documents, knowledge of any of the official EU languages will be an asset.
- c) Generally, in this Law speciality it is helpful if the student is familiar with the terms (glossary) that are commonly used in the European Union, which will allow more and better understanding of the information.
- d) It is equally relevant in this course that students have basic computer skills, since such skills are needed to follow the course. Students need to access learning materials and other information through these systems.

4.RESULTADOS DE APRENDIZAJE

The objectives to be achieved in the study of this subject are:

- a) Knowledge of the court structure in the European Union as a whole and each of its organs,
- b) Importance of the jurisdiction in the organization and functioning of the European Union,
- c) Relations between the European Union's jurisdiction and the jurisdiction of the Member States, with special reference to Spanish jurisdiction.

5. CONTENIDOS DE LA ASIGNATURA

Programme:

1. Jurisdiction of the European Union
 2. Legal nature of the Court of Justice and the General Court
 3. Structure and composition of the Court of Justice and the General Court
 4. Functions of the Court of Justice and the General Court
 - 4.1. Preliminary rulings
 - 4.2. Actions
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1. Relations between the Court of Justice of the European Union and Spanish courts
 2. Relations between the Court of Justice of the European Union and the Spanish Constitutional Court

6. EQUIPO DOCENTE

- [JOAQUIN SARRION ESTEVE](#)
- [XABIER ARZOZ SANTISTEBAN](#)

7. METODOLOGÍA

This subject will be taught according to the distance education methodology that characterizes the UNED. Thus, students face a self-learning process but assisted by the teacher.

The education process is articulated through various communication distance learning systems. Within these systems, the Master in European Union is provided with support in a virtual interactive platform where the student finds both basic materials and supplementary teaching materials, information, news, exercises and is also trained to perform the evaluation for different subjects. More specifically, the virtual platform will contain: legislation, case law, internet links, a glossary of terms, teaching materials, exercises.

8. BIBLIOGRAFÍA BÁSICA

Comentarios y anexos:

If necessary, the basic bibliography will be updated at the beginning of the academic year.

Main bibliography:

- Chalmers, D., Davies, G. & Monti, G., European Union Law, Cambridge University Press, 2014.

- Craig, P. and De Burca, G., EU Law: Text, Cases, and Materials, 6th ed., Oxford University Press, 2015.
- Ricardo Alonso García, Sistema jurídico de la Unión Europea, Civitas Thomsom Reuters, 2014.
- Tajadura Tejada, J. (coord.), Justicia Constitucional y Unión Europea, CEPC, Madrid, 2008.

English bibliography:

- Cartabia, M., "European Rights: Taking Dialogue Seriously", European Constitutional Law Review, 2009, 5, pp 5-31.
- Bogdandy, A. von, "Pluralism, direct effect, and the ultimate say: On the relationship between international and domestic constitutional law", Int J Constitutional Law, 2008, 6 (3-4), 397- 413.
- Fabbrini, F., Fundamental Rights in Europe, Oxford University Press, 2014.
- Horspool, M., European Union Law, Oxford University Press, 2006.
- Kumm, M., "The Jurisprudence of Constitutional Conflict: Constitutional Supremacy in Europe before and after the Constitutional Treaty", European Law Journal, 11, 3, 262–307, 2005.
- Lindfelt, M., Fundamental Rights in the European Union – Towards Higher Law of the Land? A Study of the Status of Fundamental Rights in a Broader Constitutional Setting, Åbo Akademi University, Åbo, 2007.
- Oppenheimer, A. (ed.), The Relationship between European Community Law and National Law, Cambridge University Press, 2003.
- Poiares Maduro, M., y Azoulai, L. (eds.), The Past and Future of EU Law: The Classics of EU Law Revisited on the 50th Anniversary of the Rome Treaty, Hart Publishing, Oxford y Portland, 2010.
- Pollicino, O., "The New Relationship between National and the European Courts after the Enlargement of Europe: Towards a Unitary Theory of Jurisprudential Supranational Law?", Yearbook of European Law, 2010, 29, 65-111.
- Rossi, L.S., "How Fundamental are Fundamental Principles? Primacy and Fundamental Rights after Lisbon", Yearbook of European Law, 2008.
- Rossi, L. S., and Casorali, F. (Ed.), The EU After Lisbon, Springer, 2016.
- Sarrión Esteve, J., "Actual Trends and Challenges of the Constitutional Fundamental Rights and Principles in the ECJ Case Law from the Perspective of Multilevel Constitutionalism" (September 4, 2015). Available at SSRN: <http://ssrn.com/abstract=2656394>
- Slaughter A.M., The European Court of Justice and National Courts: Doctrine and Jurisprudence Legal Change in Its Social Context, Hart Publishing, 1998.
- Stiernstrom, M., "The Relationship Between Community Law and National Law", (University of Miami, Jean Monnet/Robert Schuman Paper Series Vol.5 No. 33, October 2005), available at: <http://aei.pitt.edu/8162/1/Stiermstromfinal.pdf>
- Torres Pérez, A., Conflicts of Rights in the European Union. A theory of Supranational Adjudication, Oxford University Press, 2009.

Spanish bibliography:

- Aguilar Calahorra, A., "La primera cuestión prejudicial planteada por el Tribunal Constitucional al Tribunal de Justicia de la Unión Europea – Auto del Tribunal

Constitucional 86/2011, de 9 de junio, Revista de Derecho Constitucional Europeo, 16, 2011, <http://www.ugr.es/~redce/REDCE16/articulos/12AAguilar.htm>

- Alonso García, R., El Juez español y el Derecho Comunitario, CGPJ, Madrid, 2003.
- Azpitarte Sánchez, M., El Tribunal Constitucional ante el control del Derecho comunitario derivado, Civitas, Madrid, 2002.
- Elías Méndez, C., "La jurisdicción constitucional en los Estados miembros de la Unión Europea", Revista de Derecho Constitucional Europeo, nº 16, 2011, <http://www.ugr.es/~redce/REDCE16/articulos/01CElias.htm>
- Gómez Sánchez, Y., Derecho Constitucional Europeo, Sanz y Torres, 2015.
- Gómez Sánchez, Y., Constitucionalismo multinivel: derechos fundamentales, Sanz y Torres, 2015.
- Ragone, S., "Las relaciones de los Tribunales Constitucionales de los Estados miembros con el Tribunal de Justicia y con el Tribunal Europeo de Derechos Humanos: una propuesta de clasificación", Revista de Derecho Constitucional Europeo, 16, 2011, <http://www.ugr.es/~redce/REDCE16/articulos/02SRagone.htm>
- Sarrión Esteve, J., El Tribunal de Justicia de Luxemburgo como garante de los derechos fundamentales, Dykinson, 2013.
- Sarrión Esteve, J., Lecciones Fundamentales de Derecho de la Unión Europea, Tirant lo blanch, Valencia, 2017.
- Sobrido Prieto, M., Las comunidades autónomas ante el Tribunal de Justicia y el Tribunal de Primera Instancia de las Comunidades Europeas, Tirant lo Blanch, 2003.
- Tajadura Tejada, J. (coord.), Justicia Constitucional y Unión Europea, CEPC, Madrid, 2008.
- Tenorio Sánchez, P. J., "Diálogo entre tribunales y protección de los derechos fundamentales en el ámbito europeo", Revista General de Derecho Europeo, 31.
- Vidal Prado, C., El impacto del nuevo Derecho europeo en los Tribunales constitucionales, Colex, Madrid, 2004.

It is recommended to consult the following texts:

- European Union Treaties (in force)
- Charter of Fundamental Rights of the EU
- Secondary Law
- Case Law
- Spanish Constitution
- Organic Law of the Constitutional Court
- Organic Law of the Judicial Power
- Other legislation and documentation

9. BIBLIOGRAFÍA COMPLEMENTARIA

Comentarios y anexos:

See "Main bibliography"

10.RECURSOS DE APOYO AL ESTUDIO

On-line course: The course will be conducted on-line. On-line tutorials will be the basic form of interaction between students and the teaching staff. Access to learning materials, submission of essays and other documents, and communication between course actors will take place through the specific on-line channel designed and maintained for the course.

Main links:

- European glossary

http://europa.eu/legislation_summaries/glossary/

- BOE (Boletín oficial del Estado)

<http://www.boe.es/g/es/>

- [El Gobierno Informa \(España\):](http://www.la-moncloa.es)

<http://www.la-moncloa.es>

- [Congreso de los Diputados de España:](http://www.congreso.es)

<http://www.congreso.es>

- [Senado de España:](http://www.senado.es)

<http://www.senado.es>

- [Centro de Documentación del Colegio Europeo de Brujas](#)

[BEDE. Boletín Electrónico de Documentación Europea:](#)

<http://euro.ucl.ac.be/bede/>

- [Consejo de Estado:](http://www.consejo-estado.es)

<http://www.consejo-estado.es>

- [Consejo General del Poder Judicial:](http://www.poderjudicial.es)

<http://www.poderjudicial.es>

- Tribunal Constitucional

<http://www.tribunalconstitucional.es/>

- Tribunal Supremo

<http://www.poderjudicial.es/eversuite/GetRecords?Template=cgpi/ts/principal.htm>

- Centro de Estudios Políticos y Constitucionales:

<http://www.cepc.es>

- Organización Nacional de Naciones Unidas

<http://www.un.org/spanish/>

- Consejo de Europa

<http://www.coe.int/>

- Unión Europea

http://europa.eu/index_es.htm

- Tribunal de Justicia de las Comunidades Europeas

<http://curia.europa.eu/es/index.htm>

11.TUTORIZACIÓN Y SEGUIMIENTO

Prof. Dr. Yolanda Gómez Sánchez
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It is highly advisable that students contact the teacher by e-mail

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It is highly advisable that students contact the teacher by e-mail

12.EVALUACIÓN DE LOS APRENDIZAJES

The specific methodology of UNED allows students to be evaluated through presential exams performed in the network of Associate Centers of UNED in Spain and abroad, or to be evaluated at "distance" through the virtual platform that provides support to education.

Accordingly, the teaching team determines each academic year under the rules adopted by the UNED, the student's assessment of the subject, by one or more of the following online systems:

- a) Conduct of a research.
- b) Questions.
- c) Writing of essays.
- d) Case Studies.
- e) Analysis of case law.

The day and time of assessment exercises will be announced with, at least, two weeks in advance on aLF platform.

If the student does not realize the exercise in time to enable it or does not get the minimum of 5 points, he/she may be presented to the September resit but he/she will not be able to recover during the semester.

13.COLABORADORES DOCENTES

Véase equipo docente.