



Course number						
Course title	European Area of Freedom, Security and Justice					
Credit points	3 ECTS (2CP)					
Total hours	24					
Contact hours	24					
Course level	Masters					
Prerequisites	None					
Category	Mandatory	X	Restricted elective	X	Free elective	X
	Depending on study plan					

COURSE RESPONSIBLE

<i>Name</i>	<i>Academic degree</i>	<i>Academic position</i>
Jūlija Jerņeva	LL.M., PhD cand.	Guest Lecturer

COURSE TEACHERS

<i>Name</i>	<i>Academic degree</i>	<i>Academic position</i>
Mārcis Viļums	LL.M	Guest Lecturer
Kristīne Rāviņa	LL.M	Guest Lecturer

COURSE ABSTRACT

This course covers the main developments and challenges in the Area of Freedom, Security and Justice of the European Union (AFSJ). It discusses the origins of the AFSJ, reasons why and how AFSJ evolved and where it is heading. It addresses the constitutional foundations of AFSJ, its main cornerstones, and current challenges in ensuring and balancing the freedom and the protection of rights with ensuring security. The course will focus on the main cornerstones of the AFSJ: (i) EU citizenship (fundamental rights and national constitutional values, free movement of people within the EU), (ii) third-country nationals and the EU: border controls, visas, asylum and immigration policy, (iii) internal security, EU criminal law, European arrest warrant, fight against international organized crime, (iv) cooperation in

civil matters and mutual recognition, (v) compliance with AFSJ, including the rule of law in EU's Member States.

GRADING CRITERIA

<i>Criteria</i>	<i>Weighting</i>
Quiz	10%
Final exam	90%

COURSE REQUIREMENTS

General understanding of the foundations of European Union law

COURSE PLAN – MAIN SUBJECTS

<i>No.</i>	<i>Main subjects</i>	<i>Planned hours</i>
1	Legal basis and objectives of AFSJ	2
2	Fundamental rights, EU citizenship, asylum and immigration	6
3	Internal security and cooperation in criminal matters	6
3	Internal security and cooperation in civil matters	4
4	Compliance with AFSJ	4

COURSE PLAN – SESSIONS

<i>Session</i>	<i>Session subjects and readings</i>	<i>Lecture/ Seminar</i>
1	<p><u>Introduction. Historical Development. Competences of the EU in the area of AFSJ.</u></p> <p>Readings:</p> <ul style="list-style-type: none"> • <i>Peers, Vol. 1, p. 3-67</i> • <i>Peers, Vol. 2, p. 3-56</i> 	Lecture
2	<p><u>EU Citizenship</u></p> <ul style="list-style-type: none"> ▪ <u>Notion of EU Citizenship</u> ▪ <u>Free movement of persons within the EU</u> ▪ <u>Fundamental rights and national constitutions</u> <p>Readings:</p> <p><i>Selection of relevant case-law (students need to be familiar with the relevant conclusions of the CJEU):</i></p> <ul style="list-style-type: none"> • <i>C-369/90 Micheletti, CJEU judgment of 7 July 1992</i> • <i>C-135/08 Rottmann, CJEU judgment of 2 March 2010</i> • <i>C-92/92 Collins, CJEU judgment of 20 October 1993</i> • <i>C-85/96 María Martínez Sala v Freistaat Bayern, CJEU judgment of 12 May 1998</i> • <i>C-333/13 Dano v Jobcenter Leipzig, CJEU judgment of 11 November 2014</i> • <i>C-413/99 Baumbast and R v Secretary of State for the Home Department, CJEU judgment of 17 September 2002</i> • <i>C-34/09 Ruiz Zambrano, CJEU judgment of 8 March 2011</i> <p><i>Legal doctrine (as additional reading to get more familiar with the subject of fundamental rights in the AFSJ):</i></p> <ul style="list-style-type: none"> • <i>Bachmaier L., Fundamental Rights and Effectiveness in the European AFSJ, The Continuous and Never Easy Challenge of Striking the Right Balance, The European Criminal Law Associations Forum, 2018/1, https://doi.org/10.30709/eucrim-2018-004</i> 	Lecture

Session	Session subjects and readings	Lecture/ Seminar
3	<p><u>Third-country nationals and the EU: border controls, immigration and asylum</u></p> <ul style="list-style-type: none"> ▪ <u>Schengen Area & external border control</u> ▪ <u>Common visa policy</u> ▪ <u>Asylum policy</u> ▪ <u>Measures on immigration and integration</u> <p>Readings (students need to be familiar with the relevant conclusions of the CJEU):</p> <ul style="list-style-type: none"> • <i>C-643/15 Slovak Republic and Hungary v Council of the EU, CJEU judgment of 6 September 2017</i> • <i>Joined cases C-715/17, C-718/17 and C-719/17 Commission v Poland, Hungary and Czech Republic, CJEU judgment of 2 April 2020</i> • <i>Joined cases C-411/10 and C-493/10 N.S. and Others, CJEU (Grand Chamber) judgment of 21 December 2011</i> 	Lecture
4	<p><u>Two one-hour seminar on EU citizenship, free movement and immigration.</u></p> <p><i>The plan and structure of the seminar will be announced in the preceding lecture. During the seminar, everybody will be expected to take an active part in the discussion.</i></p>	Seminar
5	<p><u>European Arrest Warrant</u></p> <p>Readings:</p> <ul style="list-style-type: none"> • <i>Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States 2002/584/JHA</i> • <i>COUNCIL FRAMEWORK DECISION 2009/299/JHA of 26 February 2009</i> • <i>Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty</i> • <i>Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings) Article 5 «Letter of Rights in European Arrest Warrant proceedings»</i> • <i>Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings</i> 	Lecture

Session	Session subjects and readings	Lecture/ Seminar
6	<p><u>Mutual trust, Presumption of Equivalent Protection and Justice in EU</u></p> <p>Readings:</p> <ul style="list-style-type: none"> • <i>CJEU, 18 December 2014, Opinion 2/13, ECLI:EU:C:2014:2454</i> • Lenaerts K., <i>La vie après l'avis: exploring the principle of mutual (yet not blind) trust</i>, in <i>Common Market Law Review</i>, 2017, p. 805 • <i>ECHR, Avotiņš v. Latvia</i>, https://hudoc.echr.coe.int/fre?i=001-163114 • Andrea Miglionico, Francesco Maiani, 'One principle to rule them all? Anatomy of mutual trust in the law of the Area of Freedom, Security and Justice', (2020), 57, <i>Common Market Law Review</i>, Issue 1, pp. 7-44 	Lecture
7	<p><u>European Investigation Order</u></p> <p>Readings:</p> <ul style="list-style-type: none"> • <i>Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters</i> • <i>Framework Decision 2008/978/JHA on the European Evidence Warrant</i> • <i>Framework Decision 2003/577/JHA on the execution in the European Union of orders freezing property or evidence</i> 	Lecture
8	<p><u>Joint Investigation Teams</u></p> <p>Readings:</p> <ul style="list-style-type: none"> • <i>Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders</i> 	Lecture
9	<p><u>Cooperation in Criminal Matters: Discussions and Conclusions</u></p> <p>Readings to be specified</p>	Lecture/Seminar
10	<p><u>Civil law cooperation</u></p> <p>Readings:</p> <ul style="list-style-type: none"> • <i>Peers, Vol. 2, p. 338-395</i> • <i>Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Brussels I), as amended</i> • <i>Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I), as amended</i> 	

<i>Session</i>	<i>Session subjects and readings</i>	<i>Lecture/ Seminar</i>
	<ul style="list-style-type: none"> • <i>Decision 2006/719/EC — accession to the Hague Conference on Private International Law</i> • <i>Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters</i> 	
11	<p><u>Civil law cooperation</u></p> <p>Readings:</p> <ul style="list-style-type: none"> • Peers, Vol. 2, p. 338-395 • Agnieszka Frackowiak-Adamska, "Trust until it is too late! Mutual recognition of judgments and limitations of judicial independence in a Member State: L and P", (2022), 59, Common Market Law Review, Issue 1, pp. 113-150 • <i>Judgment of the CJEU of 18 October 2016 in Case C-135/15 Greece</i> • <i>Judgment of the CJEU of 8 May 2019 in Case C-25/18 Kerr</i> • <i>Judgment of the CJEU of 9 October 2019 in Case C-548/18 BNP</i> • <i>Judgment of the CJEU of 9 July 2020 in Case C-343/19 VKI</i> • <i>Order of the CJEU of 3 September 2020 in Case C-98/20 mBank</i> 	
12	<p><u>Compliance with AFSJ</u></p> <ul style="list-style-type: none"> ▪ <u>Articles 2 and 7 TEU</u> ▪ <u>Rule of law</u> ▪ <u>Value conflict between EU and its MS</u> <p>Readings (students need to be familiar with the relevant conclusions of the CJEU):</p> <ul style="list-style-type: none"> • <i>Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget</i> • <i>C-156/21, Hungary v Parliament and Council, CJEU judgment of 16 February 2022</i> • <i>C-157/21, Poland v Parliament and Council, CJEU judgment of 16 February 2022</i> 	Lecture + Seminar (class discussion)

COURSE LEARNING OUTCOMES

The main objective of the course is to get updated on the theoretical and practical discussion about the nature of the AFSJ as well as to improve the technical skills relevant to the application of the AFSJ rules.

Knowledge:

1. The students as a minimum understand the nature of the AFSJ as an EU legal system and its interaction with Member States' national legal systems; understand the sources of international law and their relations, the formation of rules and main mechanisms of the application of these rules.

Skills:

2. The students as a minimum know how to identify applicable rules of AFSJ and know how to use the available tools to do so.
3. The students know how to analyse judgments, scholarly work, and international documents and how to interpret EU law insofar as it relates to the AFSJ. Based on this skill they can build an argument in favour of the right or claim.

Competencies:

4. The students as a minimum understand the nature of AFSJ as an EU legal system and its interaction with Member States' national legal systems; understand the sources of the AFSJ, the formation of rules and main mechanisms of the application of these rules.

By completing the study course and successfully passing examination, the student will be able to:

<i>Study results</i>	<i>Evaluation criteria</i>		
	<i>(40-69%)</i>	<i>(70-89%)</i>	<i>(90-100%)</i>
<i>Knowledge (1)</i>	The student has acquired only basic knowledge of the course subject. The student lacks understanding of some of the core issues of the course subject.	Overall, the student's knowledge complies with the expectations. However, there are issues that the student does not fully understand.	The student has demonstrated in-depth knowledge and understanding of the issues related to the course subject.
<i>Skills (2)</i>	The student has demonstrated only basic level of skills.	The student has demonstrated good skills.	The student has demonstrated excellent skills.
<i>Competences (3)</i>	The student can apply the knowledge only at a basic level. The student struggles with assessment and evaluation of legal issues. The student can identify the relevant legal norms. However, the student cannot correctly apply them.	The student can apply the knowledge at a reasonably good level. However, the student does not have the necessary level to be able to fully apply the acquired knowledge independently. The student has some problems to correctly apply the legal norms.	The student is able to apply the knowledge independently and correctly. The student can assess and evaluate legal issues, identify the relevant legal norms, and correctly apply them.

Please analyse the contribution of defined grading criteria to learning outcomes. Number of grading criteria and learning outcomes should correspond to previously defined one.

<i>Grading criteria</i>	<i>Learning outcomes</i>		
	1.	2.	3.
Final exam	X	X	X

COURSE LITERATURE

Compulsory literature

<i>No.</i>	<i>Author, year, title, publisher</i>
1.	Legal acts and cases discussed during sessions
2.	Steve Peers, EU Justice and Home Affairs Law, Vol. I & II, 4th ed (OUP, 2016)

Additional literature and sources

<i>No.</i>	<i>Author, year, title, publisher</i>
2.	Treaty on European Union
3.	Treaty on the Functioning of the European Union
4.	EU factsheets on AFSJ
5.	Legal doctrine indicated as reading material for the sessions