



**RIGA
GRADUATE
SCHOOL OF
LAW**

Course Outline

Course number	RME131					
Course title	EU Constitutional Law					
Credit points	3 ECTS (2 CP)					
Total hours	24					
Contact hours	12					
Independent studies	-----					
Course level	Masters					
Prerequisites	-----					
Category	Mandatory	X	Restricted elective		Free elective	X

COURSE RESPONSIBLE

<i>Name</i>	<i>Academic degree</i>	<i>Academic position</i>
Filip Cyńczyk	PhD	Visiting Lecturer

COURSE TEACHERS

<i>Name</i>	<i>Academic degree</i>	<i>Academic position</i>
Filip Cyńczyk	PhD	Visiting Lecturer

COURSE ABSTRACT

The course addresses the key principles of European constitutional law, mainly focusing on the legal and institutional system of the European Union (EU), but also including the Council of Europe (CoE) influence on the European Integration processes. The course is divided into three parts.

The first part of the course focuses on the most topical principles of the European legal order (e.g. democracy, the rule of law, loyal cooperation, protection of fundamental rights, etc.).

These are analysed in light of the origin and evolution of the European integration process and consideration of the development and consolidation of the EU's founding values, principles and objectives. Peculiar attention will be devoted to EU citizenship, analysing its evolution, its main features and the rights stemming from that place. In this framework, a particular focus will be put on the Court of Justice of the European Union (CJEU), highlighting its crucial role in shaping the legal and institutional framework of the EU.

The second part aims at clarifying the main legal-institutional elements of the EU constitutional legal order. Among others, it analyses the allocation of competences between the EU and the Member States (vertical division of powers); the principal institutions of the Union, their role and functioning, as well as their interrelationship (a horizontal division of powers); the EU legal sources, their hierarchical and functional systematisation, as well as their overarching governing principles (e.g. direct effect and primacy of EU law); the judicial system of the EU.

The third part of the course will be interactive. Theoretical issues will be confronted with practical cases (in particular, the case law of the CJEU) to allow the students to understand and verify how major EU actors actually implement EU constitutional law and principles. The EU constitutional legal order will also be addressed and discussed in the light of recent and current crises (e.g. migration, terrorism, post-Brexit consequences, extraordinary situations demanding to make snap political decisions) so as to assess how contemporary challenges may have an impact on the evolution of EU constitutional system and some of its founding values, such as the rule of law and the protection of fundamental rights.

GRADING CRITERIA

<i>Criteria</i>	<i>Weighting</i>
Essay (Home assignment)	60%
Short form (commentary)	30%
Class participation	10%

COURSE REQUIREMENTS

This course is mandatory for the International and European Law programme. Participation in the seminar is highly encouraged.

COURSE PLAN – MAIN SUBJECTS

<i>No.</i>	<i>Main subjects</i>	<i>Planned hours</i>
1.	Introduction to the course	1
2.	Introduction to European Constitutional Law: origin and evolution of the European integration experience; EU founding values, principles and objectives; the EU citizenship and its rights; foundations and development of the EU.	7
2.	The legal-institutional system of the EU: main institutions (role, features, functioning, mechanisms); sources of EU Law (hierarchical and functional systematisation, procedures of law-making, principles governing the interrelation between the EU and the national legal systems).	8
3.	Human rights protection in the EU (the EU and the ECHR, the Charter of fundamental rights of the EU and the CJEU; relevant case-law: practical discussion and exercises).	7
4.	Course sum-up	1

COURSE PLAN – SESSIONS

<i>Session</i>	<i>Session subjects and readings</i>	<i>Lecture/ Seminar</i>
1 [p. 1]	Course introduction	Sem.
1 [p. 2] and 2	Introduction to European Constitutional Law: origin and evolution of the European integration process; foundations and development of the EU and the Council of Europe	Lec.
3	The EU founding values, principles and objectives; in particular: the EU system of democracy and the issue of the democratic deficit	Lec.
4	The EU Citizenship: notion, origin and evolution, main features, rights; in particular: the crucial role of the CJEU in shaping the fundamental legal status of the European citizens	Lec.
5	The allocation of competences between the Union and the Member States; the principles governing Union competences and their exercise	Lec.
6	The EU institutional framework (1/2): the European Parliament and the Council (role, main features, functioning) and their interactions	Lec.

<i>Session</i>	<i>Session subjects and readings</i>	<i>Lecture/ Seminar</i>
7	The EU institutional framework (2/2): The European Commission and the European Council (role, main features, functioning) and their interactions	Lec.
8	The EU legal framework: sources, hierarchy of norms, principles governing the interrelation between EU and national legal systems	Lec.
9	The enforcement of and the judicial control over the implementation of EU law. In particular: the Court of Justice of the EU (role, origin and evolution, main features, competences and powers); the Court's structure and functioning, the judges and their election	Lec.
10	Human rights protection in Europe (1/2): The EU, the CJEU and the Charter of fundamental rights of the European Union	Lec.
11	Human rights protection in Europe (2/2): The EU Member States, the EU and the question of the accession to the European Convention on human rights	Lec.
12 [p. 1]	Selected case before the CJEU: discussion and simulation	Sem.
12 [p. 2]	Course sum-up	Sem.

COURSE LEARNING OUTCOMES

This course has the following main learning outcomes:

Knowledge:

1. Knowledge of the legal-political foundations of the European integration experience, its origin and evolution, as well as its main values and objectives; familiarity with the features and the functioning of the leading European institutions, their interrelations and dynamics;
2. Understanding of the sources of the EU legal order, their systematisation, organisation and interrelationship; in particular: an enhanced knowledge of the European human rights standards and protection mechanisms

Skills:

3. Presentation skills to develop complex arguments and apply EU law to a variety of different contexts; especially in the framework of some of the current challenges to human rights, democracy and the rule of law in the EU;

4. Ability to analyse practical situations of possible human rights violations and identify possible redress mechanisms.

Competencies:

5. Ability to analyse, understand and interpret the case law of the two European Courts (CJEU, ECtHR); capacity to construct legal counter-arguments to the analysis put forward by the Courts in their case law, and to take a position with respect to their decisions;
6. Capacity to analyse judgments, scholarly work, and relevant international documents and acts.

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

<i>Learning outcomes</i>	<i>Evaluation criteria</i>		
	<i>(40-69%)</i>	<i>(70-89%)</i>	<i>(90-100%)</i>
<i>Knowledge</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</i>	The student has demonstrated only basic level of skills.	The student has demonstrated good skills.	The student has demonstrated excellent skills.
<i>Competences</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.	4.	5.	6.
Essay	X	X	X	X	X	X
Short form (commentary)	X	X	X	X	X	
Competences	X	X				X

COURSE LITERATURE

Compulsory literature

<i>No.</i>	<i>Author, year, title, publisher</i>
1.	A. Rosas, L. Armati, EU Constitutional Law - An Introduction, Oxford and Portland, Oregon, Hart Publishing, III ed., 2018.
2.	[OR] R. Schütze, European Constitutional Law, Cambridge, Cambridge University Press, II ed., 2015.
3.	Legal sources: Treaty on the European Union; Treaty on the Functioning of the European Union; Charter of Fundamental Rights of the European Union, 4 European Convention for the Protection of Human Rights and Fundamental Freedoms.

Additional literature and sources

<i>No.</i>	<i>Author, year, title, publisher</i>
1.	Supplementary teaching tools and reading materials (e.g. slides, Power Point Presentations, documents, case-law, legislation, bibliographical references, etc.) will be made available through the online platform as the class progresses