

Ministry of Education and Science of Ukraine
Yaroslav Mudryi National Law University
Department of Law of the European Union

S Y L L A B U S

of academic discipline

" EUROPEAN UNION LAW AND ITS LEGAL SYSTEM "

Level of higher education – the second (master's) level

Degree of higher education – master

Field of knowledge – 29 "International Relations"

Speciality – 293 "International Law"

Discipline status – compulsory

Recruitment year – 2022

Kharkiv - 2022

Syllabus of academic discipline "European Union law and its legal system" for students of the second (master's) level of higher education in the field of knowledge 29 "International Relations" speciality 293 "International Law".
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Developer:

Tetyana Komarova,

Doctor of Law, Professor,

Approved at the meeting of the EU Law Department

(minutes No.1 dated "01" September 2022)

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The updated version (with changes and additions) was approved at a meeting of the Department of Law of the European Union (minutes No 12 of 22 June 2023)

The head of the department – Komarova Tatyana Vyacheslavovna, doctor of legal sciences, professor, professor

Data about the teacher

| | |
|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The name of the academic discipline | European Union law and its legal system |
| Status of the academic discipline | Compulsory |
| Teacher | Tetyana Vyacheslavivna Komarova, professor of the Department of Law of the European Union, Doctor of Law, professor |
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| Consultations | in accordance with the developed schedule of individual consultations |
| Online consultations | Join the Zoom conference https://us04web.zoom.us/j/7607429176?pwd=THpvc1VGQ1BadDU3THE5ZDQ2YkExQT09 Conference ID: 760 742 9176 |

Abstract of the discipline

The subject of study is the legal system of the European Union, which established the relevant mechanisms for the protection of the EU law.

Within the discipline, the constitutional foundations of the EU legal order and the challenges that the EU faces in the implementation of its competence.

Particular attention is paid to current problems of the EU law such as fundamental rights in the EU, anti-discrimination law of the EU and legal mechanisms for the protection of the EU law (judicial and extrajudicial mechanisms). The precedent practice of the EU Court of Justice is analyzed.

The purpose and objectives of the educational discipline

The purpose of the educational discipline is to form theoretical, practical and scientific knowledge in the field of EU law, its principles of operation, values and constitutional foundations, and to form professional ideas about the interaction of the EU legal order with the legal systems of the EU member states and the place of private individuals in them, as well as in the formation of skills to correctly use the norms of EU law in future professional activities.

Objectives:

- mastering by students of the necessary theoretical provisions developed by the science of the EU law, which reveal the essence and features of the legal system of the EU law;

- mastering the normative material that is the result of the law-making activity of the EU institutions and bodies, the practice of the EU judicial system, as well as those rules of conduct that are formed in the process of cooperation between the EU, its member states and other subjects of international law;

- familiarization with the process of functioning of the EU legal order;

- familiarization with the latest case law of the Court of Justice of the EU, as well as the development of students' skills to independently analyze and evaluate it, in particular through the theoretical generalization of practical experience;

- determination of applied problems arising in the process of functioning of the EU legal order, identification of ways to overcome these problems;

- acquainting students with the methodology of obtaining information on various aspects of the European Union's activities, including with the help of a bibliography and modern technical means (electronic databases and the Internet).

Educational discipline in the structure of the educational and professional programme. Interdisciplinary connections

Prerequisites: European Union Law, Public International Law.

Co-requisites: Legal regulation of the EU internal market.

Post-requisites: EU Corporate Law and Governance, Competition (Antitrust) Law of the European Union, Protection of Rights at the European Court of Human Rights, EU Migration Law.

Expected learning outcomes

As a result of mastering the discipline, the higher education student must demonstrate the following learning outcomes:

LO 1. To demonstrate knowledge of key concepts, principles, theories and doctrines of European Union law

LO 2. To demonstrate knowledge of the laws of the evolution of the EU legal system and its relationship with the legal systems of the EU member states.

LO 3. To reveal the weaknesses of the mechanisms for protecting the values of the European Union.

LO 4. To characterize the current state of development of fundamental rights in the European Union.

LO 5. To characterize the current state of development of the anti-discrimination law of the European Union.

LO 6. To characterize the current state of development of mechanisms for the protection of the law of the European Union, to formulate their proposals for the improvement of the relevant mechanisms of protection.

LO 7. To carry out a logical, critical and systematic analysis of regulatory legal acts of the European Union and judicial practice of the European Union.

LO 8. To demonstrate knowledge of precedential norms related to fundamental rights and anti-discrimination in the European Union.

LO 9. To provide professional advice on protecting the rights and interests of subjects of various levels in the European Union.

LO 10. To characterize the strategic directions of Ukraine's foreign policy activity in relation to the European Union, and the effectiveness of cooperation in the relevant directions.

LO 11. To carry out an analysis of the process of implementation of Ukraine's international legal obligations under the Association Agreement with the EU and EU case law and demonstrate the ability to substantiate proposals for amendments to Ukrainian legislation taking into account EU case law.

**Types of educational activities and independent work
for students of full-time higher education**

| № | Classroom classes (contact) | | Self-study (hours) |
|---|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|---------------------|
| | Topics of lectures | Topics of practical classes | |
| 1 | General characteristics of the legal system of the European Union. | General characteristics of the legal system of the European Union. | 10 |
| 2 | Interaction of the legal systems of the member states with the legal system of the EU. | Interaction of the legal systems of the member states with the legal system of the EU. | 10 |
| 3 | Values of the European Union. | Values of the European Union. | 10 |
| 4 | Practical aspects of implementing the values of the European Union. | Practical aspects of implementing the values of the European Union. | 10 |
| 5 | Fundamental rights in the European Union. | Fundamental rights in the European Union. | 16 |
| 6 | Anti-discrimination law of the European Union. | Anti-discrimination law of the European Union. | 16 |
| 7 | Protection of the law of the European Union in the national courts of the member states and the Court of Justice of the EU. | Protection of the law of the European Union in the national courts of the member states and the Court of Justice of the EU. | 14 |
| 8 | Non-judicial protection of | Non-judicial protection of the | 14 |

| | | | |
|--|--------------------------------|----------------------------|--|
| | the law of the European Union. | law of the European Union. | |
|--|--------------------------------|----------------------------|--|

Types of educational activities and independent work

for students of higher education in the correspondence form of education

| № | Classroom classes (contact) | | Self-study (hours) |
|---|--------------------------------------------------------------------|----------------------------------------------------------------------------------------|---------------------|
| | Topics of lectures | Topics of practical classes | |
| 1 | General characteristics of the legal system of the European Union. | | 138 |
| 2 | | Interaction of the legal systems of the member states with the legal system of the EU. | |
| 3 | Values of the European Union. | Values of the European Union. | |
| 4 | Fundamental rights in the European Union. | Fundamental rights in the European Union. | |

Self-study of students

Independent work of students is carried out in the following forms:

- preparation of an individual final written work;
- development of new scientific and educational literature, legislative acts of foreign countries;
- work on cases on the adoption and implementation of administrative acts;
- completion of practical tasks, self-testing;
- writing essays and abstracts;
- preparation of abstracts for scientific and practical conferences;
- participation in competitions of student scientific works;
- preparation for practical classes, colloquiums and testing.

Educational, methodological and information support of the educational discipline

Basic literature:

1. Право Європейського Союзу: основи теорії : підручник / за ред. І. В. Яковюка. Харків : Право, 2021. 360 с.
2. Право Європейського Союзу : підручник / [Р. А. Петров (кер. авт. кол.), А. О. Вакуленко, Ван Елсуwege П. та ін.] ; за ред. Р. А. Петрова. Вид. 10-те, змінене і допов. Харків : Право, 2021. 484 с.
3. Право Європейського Союзу : нормат. матеріали / упоряд.: І. В. Яковюк, Т. М. Анакіна, Т. В. Комарова, О. Я. Трагнюк; за ред. І. В. Яковюка. – Харків : Право, 2019. – 500 с.
4. Європейське право: право Європейського Союзу : підручник : у чотирьох кн. / за заг. ред. В. І. Муравйова. К. : Ін Юре, 2015-2016.
5. Історія європейської інтеграції від Римської імперії до Європейського Союзу: монографія / під ред. І. В. Яковюка. К., 2012. 208 с.
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8. Кернз В. Вступ до права Європейського Союзу: Навч. посіб. / Пер. з англ К.: Знання, 2002. 381 с.
9. Комарова Т. В. Юрисдикція Суду Європейського Союзу: моногр.. Х.: Право, 2010. 360 с.
10. Комарова Т.В. Суд Європейського Союзу: розвиток судової системи та практики тлумачення права ЄС: монографія. Харків: Право, 2018. 528 с.

- 11.Копійка В.В., Європейський Союз на сучасному етапі: структурні зміни та стратегія розвитку : научное издание / В. В. Копійка, Т. І. Шинкаренко, М. А. Миронова. К.: Знання, 2010. 94 с.
- 12.Кордон М.В. Європейська та євроатлантична інтеграція України / Навч. Посібник. К.: ЦУЛ, 2008. 172 с.
- 13.Микієвич М. М. Інституційне право Європейського Союзу у сфері зовнішньої політики та безпеки: Монографія. Львів : Видавничий центр ЛНУ ім. Івана Франка, 2005. 416 с.
- 14.Петров Р. А. Транспозиция "acquis" Европейского Союза в правовые системы третьих стран : моногр.К. : Истина, 2011. 384 с.
- 15.Поглиблення відносин між ЄС та Україною: що, чому і як? / За ред. М. Емерсона та В. Мовчан. Брюссель: CEPIS, Київ: ІЕД, 2016. 255 с.
- 16.Посельський В. Європейський Союз: інституційні основи європейської інтеграції. К. : Смолоскип, 2002. 168 с.
- 17.Право Європейського Союзу: підруч. / за ред. В. І. Муравйова. К.: Юрінком Інтер, 2011. 704 с.
- 18.Сидорук Т.В. Інтеграційні процеси в сучасній Європі: навч. посіб. Львів: ЛА «Піраміда», 2010. 354 с.
- 19.Тоді Ф., Нарис історії Європейського Союзу. / Пер. з англ. М.Марченко. К.: К.І.С., 2001. 142 с.

- 20.Тюшка А. Договір про конституцію для Європи: генезис, юридична природа, політична цінність. К.: К.І.С., 2007. 228 с.
- 21.Хартли Т. К. Основы права европейского Сообщества / Т. К. Хартли; [пер. с англ.]. М.: Закон и право, ЮНИТИ, 1998. –03 с.
- 22.Яковюк І.В. Правові основи європейської інтеграції: загальнотеоретичний аналіз : монографія. Х. : Право, 2013. 760 с.

Additional literature:

1. Яковюк І. В. Громадянство ЄС: поняття і співвідношення з національним громадянством. *Проблеми законності* . 2010. Вип. 107. С. 13–22.
2. A Plea for a Foreign Affairs Exception. *Legal Issues of Economic Integration*. 2003. Vol. 30, No. 1. P. 61–79.
3. Abenhaïm M. Epilogue, at least, on the reform of the General Court. *Kluwer Competition Law Blog*, January 26, 2016. URL: <http://kluwer-competitionlawblog.com/2016/01/26/epilogue-at-last-on-the-reform-of-the-general-court/> (accessed 13 March 2018).
4. Baranowska G. ‘A Tale of Two Borders: Poland’s continued illegal actions at its border with Belarus’, (10 March 2022) *VerfBlog*, <https://verfassungsblog.de/a-tale-of-two-borders/>.
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6. Blauberger M. With Luxembourg in Mind ... The Remaking of National Policies in the Face of ECJ Jurisprudence. *Journal of European Public Policy*. 2012. Vol. 19, Issue 1. P. 109–126.
7. Blauberger M. The European Court of Justice and its Political Impact. *West European Politics*. 2017. Vol. 40, No. 4. P. 907–918.

8. Cartabia M. Europe as a Space of Constitutional Interdependence: New Questions about the Preliminary Ruling. *German Law Journal*. 2015. Vol. 16, No. 6. P. 1791–1796.
9. Grabowska-Moroz B., Grogan J., Kochenov D.V. Reconciling Theory and Practice of the Rule of Law in the European Union. *Hague J Rule Law*. 2022. 14. P. 101–110.
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11. Kochenov D. 'The Acquis and Its Principles: The Enforcement of 'Law' versus the Enforcement of 'Values' in the European Union', in A. Jakab and D. Kochenov (eds), *The Enforcement of EU Law and Values* (OUP, 2017), 8.
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13. Kochenov D.V. Dialogical rule of law in the hands of the Court of Justice. *CEU DI Working Papers*. 2023. 11.
https://democracyinstitute.ceu.edu/sites/default/files/article/attachment/2023-04/Dimitry%20Kochenov%20Dialogical%20Rule%20of%20Law%20in%20the%20Hands%20of%20the%20Court%20of%20Justice%20CEU%20DI%20OWP%202023_11.pdf
14. Lazowski, A. 2022. Strengthening the rule of law and the EU pre-accession policy: *Republika v. Il-Prim Ministru*. *Common Market Law Review*. 59 (6), pp. 1803-1822.
15. Lazowski, A. 2022. Court of Justice of the European Union and the United Kingdom after Brexit: Game Over? *European Law Review*. 47 (6), pp. 666-686.

16. Lazowski, A. and Butler, G. (ed.) 2022. *Shaping EU Law the British Way. UK Advocates General at the Court of Justice of the European Union*. Oxford Hart Publishing. 654 p.
17. Lazowski, A. (ed.) 2010. *The application of EU law in the new member states: brave new world*. Oxford Oxford University Press. 586 p.
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21. Peers S. The CJEU and the EU's accession to the ECHR: a clear and present danger to human rights protection 2014 Available from: <http://eulawanalysis.blogspot.co.uk/2014/12/the-cjeu-and-eus-accession-to-echr.html>
22. Rasmussen H. *On the Law and Policy in the European Court of Justice*. Dordrecht ; Boston ; London : Martinus Nijhoff Publishers, 1986. 555 p.
23. Rasmussen H. The European Court's Acte Clair Strategy in C. I. L. F. I. T.; Or: Acte Clair, of Course! But What Does it Mean? *European Law Review* 1984. Vol. 9. P. 242–259.
24. Recommendations to national courts and tribunals in relation to the initiation of preliminary ruling proceedings (2018/C 257/01). *Court of Justice of the European Union. Official Journal of the European Union*. 2018.
25. Scheppele K. L., Kochenov D.V., Grabowska-Moroz B. EU Values Are Law, After All: Enforcing EU Values through Systemic Infringement

- Actions by the European Commission and the Member States of the European Union. *Yearbook of European Law*. 2020. 39. P.3-21.
- 26.Stone Sweet A. The European Court of Justice and the Judicialisation of EU Governance. *Living Reviews in EU Governance*. 2010. Vol. 5, No. 2. 54 p.
- 27.Valiullina F. Dialogue of the Courts in Europe: Interactions between the European Court of Human Rights, the Court of Justice of the European Union and the Courts of the ECHR Member States. *Doctor's thesis*. 2017.
- 28.Wagenbaur B. Court of Justice of the EU: Commentary on Statute and Rules of Procedure. C. H. Beck, Hart, Nomos, 2013. 921 p.
- 29.Ward A. Judicial Review and the Rights of Private Parties in EC Law. Oxford: Oxford University Press, 2000. 700 p.
- 30.Wennerås P. Saving a forest and the rule of law: Commission v Poland. Case C-441/17 R, Commission v Poland, Order of the Court (Grand Chamber) of 20 November 2017. *CMLRev*. 2019. 56. P.541-562.

Internet resources:

Official website of the EU: <http://europa.eu.int>

European Parliament: www.europarl.europa.eu

Council of the EU: www.consilium.europa.eu

European Commission: ec.europa.eu

The EU Court of Justice: <http://curia.europa.eu/>

European Chamber of Accounts: eca.europa.eu

European Central Bank: www.ecb.int

Economic and Social Committee: www.eesc.europa.eu

Committee of the Regions: www.cor.europa.eu

European Ombudsman: www.ombudsman.europa.eu

Agencies EU : europa.eu/agencies

Europol : www.europol.europa.eu

Database of the EU legislation: <http://eur-lex.europa.eu/en/index.htm>

The official platform for the public who wants to participate in the EU legislative process: http://ec.europa.eu/yourvoice/consultations/index_en.htm

Animation about the decision-making process in the EU:
<http://europarlament.touteurope.eu/understanding/decision-making/print.html>

General reports on the EU activities
<http://europa.eu/generalreport/en/welcome.htm>

Human rights in EU law (EU information site):
http://europa.eu/pol/rights/index_en.htm

Centre for official EU documentation: publications.europa.eu

Catalogues: www.europa.eu.int/libraries

Eurostat: epp.eurostat.ec.europa.eu

European space: <http://eu.prostir.ua/>

The EU Historical Archives: <http://www.iue.it/ECArchives/EN/Eurhistar.shtml>

European External Action Service: <http://www.eeas.europa.eu/>

Representation of the EU in Ukraine:
http://eeas.europa.eu/delegations/ukraine/index_uk.htm

Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states, on the other hand, 2014: http://www.kmu.gov.ua/kmu/control/uk/publish/article?art_id=248387631&cat_id=223223535

Implementation of the Association Agreement by Ukraine:
<https://pulse.kmu.gov.ua>

The EU acquis acts translated into Ukrainian: <https://minjust.gov.ua/acquis-communautaire>

Requirements of the teacher

Students *must*: regularly attend practical classes; systematically and actively work in lectures and practical classes; give a full and thorough answer to the question; justify their point of view when discussing the report; fully and convincingly present arguments when solving tasks; analyze the norms of the EU law and their compliance with national law, to analyze judicial and law enforcement practice; qualitatively perform written practical tasks, control and independent work. Practical lessons missed for valid reasons can be reworked upon prior agreement with the teacher.

Students *are recommended to*: participate in scientific conferences, competitions of scientific works, the work of a scientific circle of international law, write scientific articles, participate in a moot court on the EU law, and take additional online courses on the EU law.

The teacher *takes into account* other educational and scientific achievements of the student, which are confirmed by documents (letters, diplomas, certificates, etc.).

It is a mandatory requirement that students comply with the norms of the "Code of Academic Ethics of Yaroslav Mudryi National Law University" (https://nlu.edu.ua/files/norm_doc/kodeks_academichnoyi_etyky.pdf).

The teacher pays special attention to compliance with the anti-plagiarism policy. In the case of the detection of signs of violation of the rules regarding the prevention of plagiarism or the independence of writing the work, a decision may be made to cancel the grade for the work.

Attendance at lectures and practical classes is mandatory. During both lectures and practical classes, students have the right to ask the teacher questions on the relevant topic at any time and are invited to take an active part in the discussion. During classroom classes, please use gadgets only for educational purposes (for example, to view lecture presentations, keep lecture notes and track the necessary information. In case of urgent need, you can leave the classroom without disturbing the teacher and other students.

Control measures

Forms of students' knowledge control are current and final control.

The task of current control is to check the understanding and assimilation of a certain material, the ability to independently process texts, the ability to understand the content of a topic or section, the ability to publicly or in writing present certain material (presentation).

The objects of current control of students' knowledge are:

a) systematic and active work at lectures, and practical classes (attending relevant forms of the educational process, activity and level of knowledge when

discussing issues; participation in student conferences, circles, competitions, Olympiads; other forms of work);

b) execution of test control works (test modules);

c) performance of tasks for independent processing (independent processing of topics in general or individual issues; writing abstracts, essays and their presentation; preparation of abstracts of educational or scientific texts; preparation of abstract materials from publications; other forms of work).

In the course of a practical lesson, a student can receive a grade on a two-point scale (0, 1, 2);

The mandatory form of independent work of students is the preparation of an individual final written work. The maximum number of points based on the results of the defence of an individual final written work is 4 points.

The form of final control of the knowledge of higher education students in a discipline is an exam. The maximum number of points for an exam is 60 points. The exam is held in oral form based on exam tickets. The minimum evaluation of the results of the current control and independent work, for which the student is admitted to the exam, is 20 points.

Scale of final pedagogical control

| Assessment on the ECTS scale | Definition | Rating on a national scale for credit | Rating according to the 100-point scale used at NYU |
|------------------------------|----------------------------------------------------------------------------|---------------------------------------|-----------------------------------------------------|
| A | Excellent - Excellent execution, with only a small number of errors | 5 | 90 - 100 |
| B | Very good - above average with a few errors | 4 | 80-89 |

| | | | |
|-----------|-----------------------------------------------------------------------------------------|--------|-------|
| C | Good - generally correct work with a number of minor errors | | 75-79 |
| D | Satisfactory - not bad, but with a significant number of shortcomings | 3 | 70-74 |
| E | Sufficient – performance meets minimum criteria | | 60-69 |
| FX | Unsatisfactory - work needs to be done before rewriting | | 2 |
| F | Unsatisfactory - serious further work is required, and a mandatory repeat course | 0 - 19 | |