**Федеральное государственное автономное учреждение**

**высшего профессионального образования**

**Национальный исследовательский университет**

**Высшая школа экономики**

**National Research University**

**The Higher School of Economics**

Faculty of Law

Department of International Law

Program of the discipline

**“European Union Law”**

for specializations 030900.62 and 030900.68 “Jurisprudence”

Authors:

Vera Rusinova ([vrusinova@hse.ru](mailto:vrusinova@hse.ru)),

Samuel Hutchinson (sam\_hutch2004@yahoo.fr)

Approved at the meeting

of the Department of International Law

Head of the Chair:

Yumashev Yu.M.

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**I. Introduction**

“European Union Law” (108 (3 ECTS)) is a facultative course for the students of the 3rd year of study. The content of the course is divided into two parts: the first part deals with the history, nature, structure and legal system of the European Union, the second one is dedicated to the material law of the European Union: regulation of the internal market, economic and monetary union, corporate and competition law.

Minimal requirements for participants of this course are: sufficient level of English, basic knowledge on theory of state and law, Constitutional law and general part of civil law.

Main goal of the teaching of the discipline «European Union Law» is development of cultural and professional competences (knowledge, skills and abilities) in the sphere of European Union Law. The tasks of the course are:

1. *Generation of knowledge on*:

* role and significance of the European Union Law in regulation of social relations;
* main features of current EU Law, particularities of its subjects, sources, object of regulation;
* main directions of development of the EU Law;
* principles of the EU Law, its content, development and sources;
* system of bodies and institutions of the EU;
* sources of EU Law, directions of codification;
* protection of human rights in the EU;
* role of the EU in the modern society;
* legal regulation of co-operation between the Russian Federation and the EU;
* organization of the judicial system of the EU;
* principles of the internal market of the EU;
* realization of the principle of freedom of movement of goods in the EU;
* basics of the monetary union;
* corporate law of the EU;
* custom policy, regulation of the foreign trade in the framework of the custom space of the EU.

1. *Formation of the following abilities and skills:*

* application of the EU norms in concrete situations;
* analysis of legal sources and interpretation of legal norms;
* free use of the special legal terms of the EU Law;
* search and analysis of the scientific, legal and other types of information on the EU law.

**Methodological novelty of the discipline «European Union Law»**:

* the language of teaching from the study year of 2012/13 is English;
* use of innovative educational technologies (problematic lectures, Socrates method, wide tasks with work in small groups);
* elaboration of new methodological materials;
* introduction of the written form of the final control.

**Place of the course in the system of innovative qualifications**

Participation in the course «European Union Law» allows students to gain innovative professional qualifications, connected with formation of abilities and skills which will help them to solve tasks in application of law, legal consulting, law-enforcement and research in the sphere of the EU Law and legal regulation of the co-operation between the EU and Russia in English.

**II. Content of the discipline «European Union Law»**

* *Novelty of the course*

*Novelty of the course* «European Union Law» is predetermined by the following factors. First of all, the course incorporates all the changes in the EU Law caused by the adoption of the Lisbon treaty of 2009. Secondly, teaching is based on the analysis of the jurisprudence of the Court of the European Union, i.a. decisions taken during last three years. Thirdly, the novelty is connected to the language of teaching: basic and additional literature, as well as normative sources of this course is in English language.

Students of the third year of the law faculty of the Higher School of Economics to whom the program of lectures proposed hereby is aimed at, were given until now basic knowledge only in institutional EU law. Those who among them receive grants to study in the fifth year at the University of Luxembourg have little or no knowledge of EU material law when they start their study there. They are greatly handicapped since they have to compete with students from Luxemburg and France who, before reaching the fifth year, have received a two year education both in institutional and material EU law. As a result, several of the students from the Higher School of Economics experience great difficulty to pass their exams and get a Master 2 degree there, not mentioning the fact that the number of grants offered by the Ministry of Foreign affairs of Luxembourg which at the beginning of the joint program between the University of Luxembourg and the Higher School of Economics was of 4 grants per year was cut down to 2 grants the second after the program started.

Those figures and the testimonies of some of the students from the Law faculty of the Higher School of Economics who were sent to study at the University of Luxembourg lead us to believe that if some of those students experienced great difficulties in their studies at the University of Luxembourg is due to the fact that they were not well enough prepared for studies on European law.

In order to improve the preparation of our students to studies abroad, the program of lectures proposed herewith offers the following the possibilities:

- lectures on institutional and material EU law,

-teaching in English during lectures and seminars,

-seminars applying legal methodology used in major European universities. This methodology includes in depth analysis of decisions of the ECJ and commentary of provisions of EU law as well as written exams.

*Content of the course*

* *Comparison with the similar courses in Russia*

In the Russian Federation the course on «European Union Law» (European Law) has been taught as a separate discipline only since 1990-s. Nowadays the course is taught at the MGUA named after O.E. Kutafin, Moscow State University named after M.V. Lomonosov, MGIMO, the Diplomatic Academy of the Ministry of Foreign Affairs, Academy of foreign trade, Kazan Federal University, I. Kant Baltic Federal University and some other universities. A major feature of the course prepared and taught at the national Research University “The Higher School of Economics” is use of English as a teaching language and emphasis on the English language literature. In comparison the syllabi of the courses on EU Law taught in other Russian universities in Russian hardly have even few sources in English recommended as basis or additional literature.

* *Comparison with the similar courses abroad*

The program of lectures proposed hereby follows the standards set by major European law schools. The University Paris II Pantheon-Assas, considered as the top law faculty in France, currently offers to students of the French University College in Moscow, a partner in Russia of the University Paris II, a program of lectures on basic EU law consisting of two parts, the first one dedicated to “Elements of institutional law”, the second, to “Elements of Business law”. Another major French law faculty, the Aix-Marseille University proposes to its students a program which also includes institutional EU law (legal order of the EU) and material EU law (internal market, anti-trust law). For more details about the plan of lectures and seminars offered by the Aix-Marseille University, go to: <http://formations.univ-amu.fr/PRDIE5D1.html>.

* *Comparison with the similar courses in Russia, taught at the National Research University “The Higher School of Economics”*

At to the beginning of 2013 only one course on EU Law is taught at the National Research University “The Higher School of Economics” - «Internal Market and Law of the European Union». This course is taught at the Master-level program of the Faculty of World Economics and Politics on specialization «031900.68 – International Relations». In comparison to the course “EU Law” this discipline is taught in Russian and is dedicated to one aspect of the material law – legal regulation of the internal market.

**Content of the discipline “European Union Law”**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **№** | **Topics** | **Hours in sum** | **Hours** | | **Self-study** |
| **Lectures** | **Seminars** |
| 1 | **Chapter I. European Union. Institutions and Legal System.** Introduction in the EU Law. History of the European Integration. Legal nature of the EU. | 6 | 2 |  | 4 |
| 2 | Institutions and bodies of the EU. | 6 | 2 |  | 4 |
| 3 | Sources of the EU Law. Law-making process in the EU. | 6 | 2 |  | 4 |
| 4 | Competence of the EU | 6 | 2 | 2 | 4 |
| 5 | EU law characters. | 10 | 2 |  | 4 |
| 6 | Judicial system of the EU. | 6 | 2 |  | 4 |
| 7 | Protection of Human Rights in the European Union | 4 |  |  | 4 |
| 8 | Foreign policy of the EU. | 6 | 2 |  | 4 |
| 9 | Russia and the EU. Legal framework of co-operation. | 6 | 2 |  | 4 |
| 10 | **Chapter II. Material Law of the EU**  Law of the internal market of the EU. | 14 | 4 | 2 | 8 |
| 11 | Economic and Monetary Union. | 12 | 6 |  | 6 |
| 12 | Competition law of the EU. | 18 | 8 | 2 | 6 |
| 13 | Corporate law of the EU. | 12 | 6 |  | 6 |
|  | **In sum:** | 108 | 40 | 6 | 62 |

**III. Content of the discipline «European Union Law»**

**Chapter I. European Union. Institutions and Legal System.**

**Topic 1. Introduction in the EU Law. History of the European Integration. Legal nature of the EU.**

1. [Historical Background](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e642&recno=13&searchType=Quick&query=european+union" \l "law-9780199231690-e642-titleGroup-1" \o "): history of the European Integration.
2. [Founding of European Communities: ECSC, EDC, EEC, EURATOM](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e642&recno=13&searchType=Quick&query=european+union" \l "law-9780199231690-e642-titleGroup-3)
3. The [Sectorial Integration](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e642&recno=13&searchType=Quick&query=european+union#law-9780199231690-e642-titleGroup-4)
4. [Founding of the European Union with the Treaty of Maastricht (1992)](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e642&recno=13&searchType=Quick&query=european+union" \l "law-9780199231690-e642-titleGroup-5)
5. [The Treaties of Amsterdam (1997) and Nice (2001)](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e642&recno=13&searchType=Quick&query=european+union" \l "law-9780199231690-e642-titleGroup-6)
6. [The Treaty Establishing a Constitution for Europe (2004) and the Treaty of Lisbon](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e642&recno=13&searchType=Quick&query=european+union" \l "law-9780199231690-e642-titleGroup-7) (2007)
7. [Legal Status and Nature of the European Union](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e642&recno=13&searchType=Quick&query=european+union" \l "law-9780199231690-e642-titleGroup-8)
8. [Member States, Accession Process, and Accession Candidates](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e642&recno=13&searchType=Quick&query=european+union" \l "law-9780199231690-e642-titleGroup-9)
9. Purposes and [Activities of the European Union](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e642&recno=13&searchType=Quick&query=european+union" \l "law-9780199231690-e642-titleGroup-12)
10. [Future Prospects and Challenges](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e642&recno=13&searchType=Quick&query=european+union" \l "law-9780199231690-e642-titleGroup-13) of the EU.

**Basic Literature:**

1. [Chalmers D. European Union Law. CUP Cambridge, 2010.](http://www.oxfordlawcitator.com/protected/Citator?type=bib&doc=law-9780199231690-e642&link=law-9780199231690-e642-bibItem-54" \t "_blank)
2. [Craig P., de Búrca G. EU Law: Text, Cases, and Materials. 5th Ed. OUP Oxford, 2011.](http://www.oxfordlawcitator.com/protected/Citator?type=bib&doc=law-9780199231690-e642&link=law-9780199231690-e642-bibItem-56" \t "_blank)
3. [Treaty of Lisbon amending the Treaty on European Union and the Treaty Establishing the European Community, 13.12.2007) // OJ. 2007. C306.](http://www.oxfordlawcitator.com/protected/Citator?type=bib&doc=law-9780199231690-e642&link=law-9780199231690-e642-bibItem-67" \t "_blank)

**Additional literature:**

1. [Single European Act, 17.02.1986 // 1754 UNTS 3.](http://www.oxfordlawcitator.com/protected/Citator?type=bib&doc=law-9780199231690-e642&link=law-9780199231690-e642-bibItem-61)
2. [Treaty Establishing a Constitution for Europe, 16.12.2004 // OJ. 2004. C310.](http://www.oxfordlawcitator.com/protected/Citator?type=bib&doc=law-9780199231690-e642&link=law-9780199231690-e642-bibItem-62" \t "_blank)
3. [Treaty Establishing the European Atomic Energy Community (Euratom), 25.03.1957 // 294 UNTS 260.](http://www.oxfordlawcitator.com/protected/Citator?type=bib&doc=law-9780199231690-e642&link=law-9780199231690-e642-bibItem-63)
4. [Treaty Establishing the European Economic Community, 15.03.1957 // 294 UNTS 17.](http://www.oxfordlawcitator.com/protected/Citator?type=bib&doc=law-9780199231690-e642&link=law-9780199231690-e642-bibItem-64" \t "_blank)
5. [Treaty Instituting the European Coal and Steel Community, 18.04.1951 // 261 UNTS 140.](http://www.oxfordlawcitator.com/protected/Citator?type=bib&doc=law-9780199231690-e642&link=law-9780199231690-e642-bibItem-65" \t "_blank)
6. [Treaty of Amsterdam amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts, 2.10.1997 // OJ. 1997. C340/308.](http://www.oxfordlawcitator.com/protected/Citator?type=bib&doc=law-9780199231690-e642&link=law-9780199231690-e642-bibItem-66" \t "_blank)
7. [Treaty of Nice amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts. 26.02.2001 // OJ. 2001. C80/1.](http://www.oxfordlawcitator.com/protected/Citator?type=bib&doc=law-9780199231690-e642&link=law-9780199231690-e642-bibItem-68" \t "_blank)
8. [Treaty on European Union, 7.02.1992 // OJ. 1992. C191/1.](http://www.oxfordlawcitator.com/protected/Citator?type=bib&doc=law-9780199231690-e642&link=law-9780199231690-e642-bibItem-69)
9. [Franz C., Mayer](http://www.mpepil.com/subscriber_articles_by_author2?author=Mayer,%20Franz%20C&letter=M) I. S. European Union, Historical Evolution // The Max Planck Encyclopedia of Public International Law / Ed. R. Wolfrum. Oxford, 2012 (MPEIL).
10. Case 6/64 [Costa v ENEL](http://www.oxfordlawcitator.com/protected/Citator?type=bib&doc=law-9780199231690-e642&link=law-9780199231690-e642-bibItem-57" \t "_blank) [1964] ECR 585.
11. Case 26/62 [NV Algemene Transport- en Expeditie Onderneming van Gend & Loos v Netherlands Inland Revenue Administration](http://www.oxfordlawcitator.com/protected/Citator?type=bib&doc=law-9780199231690-e642&link=law-9780199231690-e642-bibItem-58" \t "_blank) [1963] ECR 1.

**Topic 2. Institutions and bodies of the EU.**

1. Introduction. Historical development.

The European Parliament

the Council of the European Union

the European Commission

the European Council

the European Central Bank

the Court of Justice of the European Union

the European Court of Auditors

**Basic Literature:**

1. [Chalmers D. European Union Law. CUP Cambridge, 2010.](http://www.oxfordlawcitator.com/protected/Citator?type=bib&doc=law-9780199231690-e642&link=law-9780199231690-e642-bibItem-54" \t "_blank)
2. [Craig P., de Búrca G. EU Law: Text, Cases, and Materials. 5th Ed. OUP Oxford, 2011.](http://www.oxfordlawcitator.com/protected/Citator?type=bib&doc=law-9780199231690-e642&link=law-9780199231690-e642-bibItem-56" \t "_blank)
3. [Treaty of Lisbon amending the Treaty on European Union and the Treaty Establishing the European Community, 13.12.2007) // OJ. 2007. C306.](http://www.oxfordlawcitator.com/protected/Citator?type=bib&doc=law-9780199231690-e642&link=law-9780199231690-e642-bibItem-67" \t "_blank)

**Additional Literature:**

1. [Peterson](http://www.google.ru/search?hl=ru&tbo=p&tbm=bks&q=inauthor:%22John+Peterson%22&source=gbs_metadata_r&cad=8) J., [Shackleton](http://www.google.ru/search?hl=ru&tbo=p&tbm=bks&q=inauthor:%22Michael+Shackleton%22&source=gbs_metadata_r&cad=8) M. The Institutions of the European Union. [The New European Union Series](http://www.google.ru/search?hl=ru&tbo=p&tbm=bks&q=bibliogroup:%22The+New+European+Union+Series%22&source=gbs_metadata_r&cad=8): Oxford, 2012.
2. EU Institutions and Other Bodies, http://europa.eu/about-eu/institutions-bodies/index\_en.htm

**Topic 3. Sources of the EU Law. Law-making process in the EU.**

1. Sources of European Union law.

Primary law of the EU.

Secondary law of the EU. [Directives](http://en.wikipedia.org/wiki/Directive_(European_Union)" \o "Directive (European Union)), [regulations](http://en.wikipedia.org/wiki/Regulation_(European_Union)), [decisions](http://en.wikipedia.org/wiki/Decision_(European_Union)), [recommendations](http://en.wikipedia.org/wiki/Recommendation_(European_Union)), opinions.

The EU law and International Law.

Law-making initiative.

Law-making procedures.

**Basic Literature:**

1. [Chalmers D. European Union Law. CUP Cambridge, 2010.](http://www.oxfordlawcitator.com/protected/Citator?type=bib&doc=law-9780199231690-e642&link=law-9780199231690-e642-bibItem-54" \t "_blank)
2. [Craig P., de Búrca G. EU Law: Text, Cases, and Materials. 5th Ed. OUP Oxford, 2011.](http://www.oxfordlawcitator.com/protected/Citator?type=bib&doc=law-9780199231690-e642&link=law-9780199231690-e642-bibItem-56" \t "_blank)
3. [Treaty of Lisbon amending the Treaty on European Union and the Treaty Establishing the European Community, 13.12.2007) // OJ. 2007. C306.](http://www.oxfordlawcitator.com/protected/Citator?type=bib&doc=law-9780199231690-e642&link=law-9780199231690-e642-bibItem-67" \t "_blank)

**Additional Literature:**

1. Borchardt K.-D. ABC of the European Union Law, http://europa.eu/documentation/legislation/pdf/oa8107147\_en.pdf
2. Decision-making in the European Union, <http://europa.eu/about-eu/basic-information/decision-making/index_en.htm>
3. [von Bogdandy](http://www.mpepil.com/subscriber_articles_by_author2?author=von%20Bogdandy,%20Armin&letter=v) A., [Smrkolj](http://www.mpepil.com/subscriber_articles_by_author2?author=Smrkolj,%20Maja&letter=S) M. European Community and Union Law and International Law // MPEIL.

**Topic 4. Competence of the EU.**

**4.1. The nature of the competences attributed to the EU.**

-competences of control and competence of action

-international and internal competence

**Basic Literature:**

Craig & de Búrca, EU law, text, Cases and Materials, 4th edn, OUP, 2007.

Shaw, Law of the European Union, 3rd edn, Macmillan, 2000

Steiner, Woods & Twigger-Flesner, EU law, 9th edn, Blackstone, 2006.

Wyatt & Dashwood European Community Law, 5th edn, Sweet & Maxwell, 2006.

**Additional Literature**:

Boskovits K., the community judge and the articulation of normative competences between the European community and its Member States, Sakkoulas, Bruylant

Constantinesco, V., Michel, V., community competences, Rép.dr.com., Dalloz

Cross E.D., Preemption of member state law in the European Economic Community: a frame work for analysis, Common Market Law Review 1992.447.

Gautier Y., The exclusive community competence, Mélanges en homage à Guy Isaac, Presses de l’Université des sciences socials de Toulouse, 2004, p.165.

Jacqué, J.P., The communautarisation of the national policies//Revue Pouvoirs, No48, 1989.p.19.

Louis J.V., A few reflexions on the repartition of competences between the European Community and its State members, Revue d’intégration européenne, Montréal, 1979, p.355.

Michel, V., Researches on the competences of the Community, L’Harmattan, 2003.

Tizzano A., Some observations on the development of community competences//Revue Pouvoirs, No48, p.81.

Usher, J.A., The scope of community competence. Its recognition and enforcement//Journal of Commom Market Studies, No2 December 1985, p.121.

**4.2. The EU system of attribution of competences**

-the technique of attributions of competences.

-the relations between national competence and European competence.

**Basic Literature:**

Craig & de Búrca, EU law, text, Cases and Materials, 4th edn, OUP, 2007.

Shaw, Law of the European Union, 3rd edn, Macmillan, 2000

Steiner, Woods & Twigger-Flesner, EU law, 9th edn, Blackstone, 2006.

Wyatt & Dashwood European Community Law, 5th edn, Sweet & Maxwell, 2006.

**Additional Literature**:

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competences between the European community and its Member States,

Sakkoulas, Bruylant

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Tizzano A., Some observations on the developpement of community competences//Revue Pouvoirs, No48, p.81.

Usher, J.A., The scope of community competence. Its recognition and enforcement//Journal of Common Market Studies, No2 December 1985, p.121.

**4.3. The EU system of exercise of competences.**

-the principle of subsidiarity

-the principle of proportionality

**Basic Literature:**

Craig & de Búrca, EU law, text, Cases and Materials, 4th edn, OUP, 2007.

Shaw, Law of the European Union, 3rd edn, Macmillan, 2000

Steiner, Woods & Twigger-Flesner, EU law, 9th edn, Blackstone, 2006.

Wyatt & Dashwood European Community Law, 5th edn, Sweet & Maxwell, 2006.

**Additional Literature**:

Bribosia H., Subsidiarity and repartition of competences between the Community and State members//Rev. Marché unique européen, No4/1992, p.165

Clergerie J.L., Le principe de subsidiarité, Ellipses, 1997.

Constantinesco V., Le principe de subsidiarité, un passage obligé vers l’Union européenne, Mélanges Boulouis, Dalloz, p.35

Diverse, The subsidiarity//Rev.aff.eur., numéro spécial, 1998.

Feral P.A, The principle of subsidiarity in the European community//RDP 1996.2003.

Lenaerts K. and Ypersele P.van, the principle of subsidiarity and its context//CDE 1994.3.

Sauron J.L., The late implementation of the principle of subsidiarity//RMC 1998.645.

**Topic 5. The EU law characters.**

**5.1. Direct effect of Community law.**

-direct applicability and direct effect.

-direct effect of Treaty articles.

-direct effect of regulations

-the question of direct effects of directives.

**Basic Literature:**

Craig & de Burca, EU law, text, Cases and Materials, 4th edn, OUP, 2007.

Shaw, Law of the European Union, 3rd edn, Macmillan, 2000

Steiner, Woods & Twigger-Flesner, EU law, 9th edn, Blackstone, 2006.

Wyatt & Dashwood, European Community Law, 5th edn, Sweet & Maxwell, 2006.

**Additional Literature:**

De Búrca, Giving effect to European Community Directives//55 MLR 215, 1992.

Coppel, J., Horizontal direct effect of Directives?// 26 International Law Journal 69,

1997

Schermers, H., No direct effect of Directives//4 EPL 529, 1997.

Slot P.J Annotation on the case C-194/94, *CIA International SA v Signalson SA*

*and Securities SPRL//* 33 Common Market Law Review 1035*,* 1996*.*

Szyszczak E, Annotation on the case C-188/89 *Foster and Others v British Gas plc*// 27

Common Law Review 859, 1990.

Winter, Direct applicability and direct effect: two distinct and different concepts in

Community law//Common Market Law Review, 425, 1972.

**Judicial decisions:**

Case C-188/89 *Foster and Others v British Gas plc*.

Case C-194/94, *CIA International SA v Signalson SA and Securities SPRL*

**5.2. Supremacy of Community Law**

-the doctrine of supremacy

-Community law in the UK

-the Supremacy principle in France

-Community law in Germany

-Community law in Italy

-The supremacy principle and the Lisbon Treaty.

**Basic Literature:**

Craig & de Búrca, EU law, text, Cases and Materials, 4th edn, OUP, 2007.

Shaw, Law of the European Union, 3rd edn, Macmillan, 2000

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**Additional Literature**:

Aziz, M., Sovereignty lost, sovereignty regained? Some reflections on the

Bundesverfassungsgericht’s *bananas* Judgement//9 Columbia Journal of European

Law 109-40, 2002-3.

Bradley, A., The sovereignty of Parliament: Form or Substance? In Jowell and Oliver (eds), The Changing Constitution, 5th edn, ch 2, OUP, Oxford, 2004.

Craig, P., Britain in the European Union in Jowell and Oliver (eds), The Changing Constitution, 6th edn, OUP, Oxford, 2007.

Dutheil de la Rochére, J., Conseil constitutionnel Decision No2004-496//42 Common Market Law Review, 2005, 859-69.

van Gerven, W., Bridging the gap between Community and national laws//32 Common Market Law Review, 1995, 679-702.

Jacobs, F., The evolution of the European legal order//41 Common Market Law Review 303-16, 2004.

Kumm, M., The jurisprudence of Constitutional conflict: Constitutional supremacy in Europe before and after the Constitutional Treaty, 11 European Law Journal,2004, 262-307.

Slaughter, A., Stone Sweet, A. and Weiler J.H.H. 9 (eds), The European Court and National Courts-Doctrine and jurisprudence: legal change in its social context, Hart, Oxford, 1998.

Walker, N., (ed) Sovereignty in transition, Hart, Oxford, 2003.

Walker, N, The idea of constitutional pluralism//65 MLR 317, 2002.

de Witte, B., Direct effect, supremacy, and the nature of the legal order in Craig & de Búrca (eds), The evolution of EU law, OUP, Oxford, 1999, 117-213.

**Judicial decisions:**

Judgement on the *bananas* case of the German Bundesverfassungsgericht.

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**Topic 6. Judicial system of the EU.**

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2. Composition of the judicial system of the EU

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**Topic 7. Protection of Human Rights in the European Union**

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2. Protection of human rights in the EU from the institutional prospective.
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4. Accession of the EU to the ECHR.

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-the right of legation

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**Chapter II. Material Law of the EU**

**Topic 10. Law of the Internal Market of the EU.**

**10.1. Free movement of goods**

**10.1.1.** **The abolition of customs duties and internal taxation**

-The Customs Union: common customs tariff (Articles 26 and 27 EC)

-Free movement of goods provisions in the Treaty.

-Customs duties.

-Charges having equivalent effect of a customs duty.

-Charges falling within the scope of internal taxation.

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**10.1.2. Quantitative restrictions and measures having the equivalent effects.**

-prohibition of quantitative restrictions and measures having equivalent effect: Articles 28 and 29 EC.

-distinctly and indistinctly applicable measures.

-derogation (article 30 EC)

-the rule of reason

-the principles of mutual recognition and equivalence

-the ruling in and its aftermath

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**10.2. Free movement of persons: workers’ rights and the right of establishment.**

-Free movement of workers

-Independent rights

-Are job seekers entitled to equal treatment?

-Rights for workers’ families.

-Access to social and other benefits.

-Freedom of establishment.

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**10.3. Free movements of services: the freedom to provide and receive services.**

-Definitions of services and the requirement of remuneration.

-Non-economic services.

-Services, non-discrimination and the direct effect of Article 49 EC

-the freedom to provide a service.

-the freedom to receive a service.

-services provided across borders where neither the recipient nor the provider move

across borders.

-illegal services.

-the Lisbon Strategy and the Services Directive.

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-objectives.

-achievements.

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-objectives.

-achievements.

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-objectives.

-achievements.

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-achievements.

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-the delimitation of the relevant product market

-the delimitation of the relevant geographical market.

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-agreements prohibited *per se*

-the possibilities of validating certain types of agreements.

-the evidence of prohibited agreement.

-the sanctions against prohibited agreements.

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-prohibited vertical agreements

-exemptions of probited vertical agreements

-“black clauses” in vertical agreements.

-the sanctions against prohibited vertical agreements

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**12.4. Abuse of dominant position.**

-the delimitation of the relevant market

-determination of a dominant position of a firm or a group of firms

-the different types of abuses

-the sanctions against the abuse of a dominant position

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1. ECJ, March 31, 1998, *Kali* (collective dominant position).
2. ECJ, November 13 1975, *General Motors* (abusive exploitation of a dominant position

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through prices above the level of the market).

**12.5. Merger control**

-the mergers concerned by the control of European antimonopoly organs

-the determination of the relevant market

-the creation or strengthening of a dominant position

-the procedure to be followed by merging firms

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1. Decision of the Commission, 2001, *Schneider/Legrand* (refusal of the Commission to

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**12. 6. The principle of interdiction of State aids.**

-the notion of State aid.

-the affectation of trade between Member States.

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2. ECJ, 1983, *P&O Ferries European Ferries c/Commission* (abnormal financial support to contracts).
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from the State if they compensate activities of public services)

**12. 7. Exemptions of prohibition of State aids.**

-State aids automatically compatible with EU law

-State aids a priori non compatible with EU law.

-the procedure of control of State aids.

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public services should not be considered as a State aid).

**Topic 13. Corporate EU law.**

**13.1. The corporate contract.**

-subscription in cash and assets other than cash

-vocation to profit and losses

-*affectio societatis*.

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**Judicial Decisions:**

1. ECJ, November 1990, *Marleasing*.
2. ECJ, March 9, 1999, *Centros*.

**13.2. Incorporation of a company.**

-incorporation procedures.

-legal personality of a company.

-the fate of the acts passed before the incorporation period.

**Basic Literature:**

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1. Directive 68/151/EEC Council, March 9 1968

**Additional Literature:**

1. Besnard-Goudet R., The take over of acts and the necessary qualification of a company being incorporated// Dr. *s sociétés,* December 2011*,* p.5.
2. Chaput Y., Corporate law, PUF, 1993.

Chartier Y., Business law-commercial companies, PUF, collec. Thémis, 2000.

Didier P., Commercial companies law, Que sais-je?

Le Cannu., Corporate law, Monchrestien, 2003.

Mercadal B. and Janin Ph., commercial companies, Francis Lefebvre, 2004.

Merle Ph, commercial companies, Précis Dalloz, 2005.

Mestre J. and Blanchard-Sebastien C, Commercial companies, Lamy.

Poillot-Peruzetto and Luby, the EC law applied to a firm, Dalloz, 1998.

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Ripert G. and Roblot R., Elementary treatise of commercial law, LGDJ, 2002, t.1

Royal H., Family civil companies, LGDJ 2006.

Vidal D., Corporate law, LGDJ 2006.

**Judicial Decisions:**

1. ECJ, November 1990, *Marleasing*.
2. ECJ, March 9, 1999, *Centros*.

**13. 3. Nullity of companies and corporate deliberations.**

-cases of nullity

-the legal regime of the nullity action.

-the adjustment

**Basic Literature:**

Luby, Pasqualini & Pasqualini-Salerno, Corporate community law, July 1996.

Menjucq M., International and European corporate law, Montchrestien, 2001.

Cozian M., Viandier (A.) and Deboissy (Fl.), Corporate law, Litec, 2005.

Vidal D., Corporate law, LGDJ 2006.

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1. Directive 68/151/EEC Council, March 9 1968

**Additional Literature:**

1. Besnard-Goudet R., The take over of acts and the necessary qualification of a company

being incorporated// Dr. *s sociétés,* December 2011*,* p.5.

1. Chaput Y., Corporate law, PUF, 1993.

Chartier Y., Business law-commercial companies, PUF, collec. Thémis, 2000.

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1. Hannoun Ch, Nullity action//RDT com, p.227, 1993.

Le Cannu P. The inexistence or the nullity of shell companies//, *Bull. Joly*

*Sociétés*, 1992, p.875.

Le Cannu., Corporate law, Monchrestien, 2003.

Mercadal B. and Janin Ph., commercial companies, Francis Lefebvre, 2004.

Merle Ph, commercial companies, Précis Dalloz, 2005.

Mestre J. and Blanchard-Sebastien C, Commercial companies, Lamy.

Poillot-Peruzetto and Luby, the EC law applied to a firm, Dalloz, 1998.

1. Paillette E.,The activity of a company being incorporated//Rev.sociétés, 1980, p.419.

Ripert G. and Roblot R., Elementary treatise of commercial law, LGDJ, 2002, t.1

Vidal D., Corporate law, LGDJ, 2006.

**Judicial Decisions:**

1. ECJ, November 1990, *Marleasing*.
2. ECJ, March 9, 1999, *Centros*.

**13.4. The partners**

-the quality of a partner

-the rights and responsibilities of a partner

-the existence of a group of partners.

**Basic Literature:**

Luby, Pasqualini & Pasqualini-Salerno, Corporate community law, Joly 1996.

Menjucq M., International and European corporate law, Montchrestien, 2001.

Cozian M., Viandier (A.) and Deboissy (Fl.), Corporate law, Litec, 2005.

Vidal D., Corporate law, LGDJ 2006.

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**Additional Literature:**

1. Chaput Y., Corporate law, PUF, 1993.

Chartier Y., Business law-commercial companies, PUF, collec. Thémis, 2

Cozian M., The bare owner or the usufructuary, who has the quality of partner?//,

JCP E, 1994, I, p.374.

1. Deboissy Fl and Wicker G, The voting right is a prerogative of the usufructuary of

securities representing the capital of a company//JCP E 2004, p.1290.

1. Derrupe J, A neglected partner: the usufructuary of shares or corporate stock//LPA,

13 juillet 1994.

1. Didier P., Commercial companies law, Que sais-je?
2. Hannoun Ch, Nullity action//RDT com, 1993, p.227.
3. Le Cannu P. The inexistence or the nullity of shell companies//*Bull. Joly Sociétés*,

1992, p.875.

Le Cannu., Corporate law, Monchrestien, 2003.

Mercadal B. and Janin Ph., commercial companies, Francis Lefebvre, 2004.

Merle Ph, commercial companies, Précis Dalloz, 2005.

Mestre J. and Blanchard-Sebastien C, Commercial companies, Lamy.

Poillot-Peruzetto and Luby, the EC law applied to a firm, Dalloz, 19

Paillette E. The activity of a company being incorporated//Rev.sociétés, 1980, p.419.

Regnaut-Moutier C. Towards the recognition of the quality of partner to the usufructuary of securities?//Bull. Joly Sociétés. 1994, p.1155.

Ripert G. and Roblot R., Elementary treatise of commercial law, LGDJ, 2002, t.1

Royal H., Family civil companies, LGDJ 2006.

Vidal D., Corporate law, LGDJ 2006.

**13. 5. The directors**

-the necessity to appoint a representative of the company.

-the limits to the powers of top executives.

-the responsibility of executives.

**Basic Literature:**

Luby, Pasqualini & Pasqualini-Salerno, Corporate community law, Joly 1996.

Menjucq M., International and European corporate law, Montchrestien, 2001.

Cozian M., Viandier (A.) and Deboissy (Fl.), Corporate law, Litec, 2005.

Vidal D., Corporate law, LGDJ 2006.

EEC Treaty

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1. Directive 68/151/EEC Council, March 9, 1968

**Additional Literature:**

1. Chaput Y. The influence of the objects of a company on the powers of the directors of

companies other than joint stock companies and private limited company//JCP N, 1987,I, p.304*.*

1. Chaput Y., Corporate law, PUF, 1993.

Chartier Y., Business law-commercial companies, PUF, collec. Thémis, 2000.

1. Didier P., Commercial companies law, Que sais-je?

Le Cannu., Corporate law, Monchrestien, 2003.

Mercadal B. and Janin Ph., commercial companies, Francis Lefebvre, 2004.

Merle Ph, commercial companies, Précis Dalloz, 2005.

Mestre J. and Blanchard-Sebastien C, Commercial companies, Lamy.

Poillot-Peruzetto and Luby, the EC law applied to a firm, Dalloz, 1998.

Ripert G. and Roblot R., Elementary treatise of commercial law, LGDJ, 2002, t.1

Vidal D., Corporate law, LGDJ 2006.

**13.6. The protection of corporate interest.**

-the functions of statutory auditor.

-the abuse of voting rights.

-the intervention of third parties in the life of the company.

**Basic Literature:**

Luby, Pasqualini & Pasqualini-Salerno, Corporate community law, July 1996.

Menjucq M., International and European corporate law, Montchrestien, 2001.

Cozian M., Viandier (A.) and Deboissy (Fl.), Corporate law, Litec, 2005.

Vidal D., Corporate law, LGDJ 2006.

EEC Treaty

Treaty of the Functioning of the European Union

1. Directive 68/151/EEC Council, March 9, 1968

**Additional Literature:**

1. Chaput Y. The influence of the objects of a company on the powers of the directors of
2. companies other than joint stock companies and private limited company//, JCP N,
3. 1987, I, page 304.
4. Chartier Y., Business law-commercial companies, PUF, collec. Thémis, 2000.

Didier P., Commercial companies law, Que sais-je?

1. Le Cannu., Corporate law, Monchrestien, 2003.

Mercadal B. and Janin Ph., commercial companies, Francis Lefebvre, 2004.

Merle Ph, commercial companies, Précis Dalloz, 2005.

Mestre J. and Blanchard-Sebastien C, Commercial companies, Lamy.

Poillot-Peruzetto and Luby, the EC law applied to a firm, Dalloz, 1998.

Ripert G. and Roblot R., Elementary treatise of commercial law, LGDJ, 2002, t.1

Vidal D., Corporate law, LGDJ 2006.

**Judicial Decisions:**

1. ECJ, November 1990, *Marleasing*.
2. ECJ, March 9, 1999, *Centros*

**Examples of control questions and tasks for self-studying:**

1. Analyse judgments of the European Court of Human Rights on Cantoni v. France (no. 17862/91, 15.11.1996), and Matthews v. the United Kingdom (no. 24833/94, 18.02.1999 (Grand Chamber)). Is it possible to bring a case before the European Court of Human Rights against a State for national measures giving effect to the EU law or for the consequences of a treaty which it had been involved in adopting?
2. Which changes will be made to the COE system of human rights protection in order to make the accession of the EU to the ECHR possible?
3. What are the three main types of competence according to the Lisbon Treaty?
4. Which legislative procedures have been introduced aiming at strengthening the capacity of the European Union (EU) to act? In what fields the EU has special competences?
5. What are “passerelle clauses”?
6. What is the principle of proportionality? What is the principle of subsidiarity?
7. Do you agree that direct effect is one of the greatest achievements of the European Court of Justice?
8. To what extent is it possible to distinguish between direct applicability and direct effect?
9. Have Directives a direct effect?
10. What can do a EU judge when a directive is badly transposed in the internal law of member State?
11. Consider the purpose of the doctrine of indirect effect in relation to Marleasing. What are the difficulties with this doctrine?
12. What is the role of the High Representative of the Union for Foreign Affairs and
13. Security Policy?
14. What are the main objectives of the EU policy in foreign affairs?
15. How the EU and the members States coordinate their foreign policies?
16. What is the right of legation?
17. What is the status of the EU in international organizations?
18. What are the differences between a duty, a charge and internal taxation?
19. Can any charges imposed on goods by reason of crossing a frontier be justified?
20. Can a charge be both a customs charge and internal taxation?
21. What are measures having an equivalent effect to a quantitative restriction (MERQ)?
22. What are services for the purposes of the EU treaty?
23. What are the objectives and achievements of the Economic and Monetary Union?
24. What is the legal basis of the Economic and Monetary Union?
25. What are the objectives and tools of the ECB monetary policy?
26. What is the role of EU economic governance in a context of globalization?
27. Why and how the budget policy of the EU should be reformed in a time of crisis?
28. What are the key factors to define a relevant market?
29. What is the different between horizontal agreements and vertical agreements? Cite

different types of horizontal and vertical agreements?

1. What is a block exemption?
2. What is the methodology followed by the European Commission to characterise the

abuse of dominant position?

1. What changes brought the Regulation 1/2003 to merger control in the EU?
2. Is a company a contract or an institution?
3. What are the specifies of corporate contact in comparison to general law contract?
4. What are the cases of nullity of a company in the 1968 Regulation?
5. What is the contribution of the Marleasing case (CJCE,1990) to the debate on the legal nature of the objects of a company?
6. What is the influence of the objects of a company on the powers of directors?

**Topics of essays and papers:**

1. Institutions of the EU after the entering into force of the Lisbon Treaty.
2. [Legal Status and Nature of the European Union](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e642&recno=13&searchType=Quick&query=european+union" \l "law-9780199231690-e642-titleGroup-8)

Secondary law of the EU.

The EU law and International Law.

1. [Jurisdiction](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e1720&recno=11&searchType=Quick&query=european+union" \l "law-9780199231690-e1720-titleGroup-14) of the Court of Justice of the EU
2. Accession of the European Union to the European Convention of Human Rights.
3. Perspectives of development of co-operation between Russia and the EU: legal aspects.

Exclusive competences and shares competences.

Principle of proportionality and principle of subsidiarity

Primacy and direct effect of EU legal norms

Direct vertical effect and indirect horizontal effect of a Directive?

The role and functions of the High Representative of the Union in international affairs.

The right of legation

The notion of services according to the EU treaty.

The organization and the role of European Central Bank

The role of the Eurogroup.

Horizontal and vertical agreements according to the EU law.

Abuse of dominant position according to the EU law.

Cases of a nullity of a company according to EU law.

The notion of objects of a company according to EU law.

**Questions for the evaluation of knowledge gained on the discipline “European Union Law”:**

1. [Historical Background](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e642&recno=13&searchType=Quick&query=european+union" \l "law-9780199231690-e642-titleGroup-1): history of the European Integration.
2. [Founding of European Communities: ECSC, EDC, EEC, EURATOM](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e642&recno=13&searchType=Quick&query=european+union#law-9780199231690-e642-titleGroup-3).
3. The [Sectorial Integration](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e642&recno=13&searchType=Quick&query=european+union#law-9780199231690-e642-titleGroup-4).
4. [Founding of the European Union with the Treaty of Maastricht (1992)](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e642&recno=13&searchType=Quick&query=european+union" \l "law-9780199231690-e642-titleGroup-5).
5. [The Treaties of Amsterdam (1997) and Nice (2001)](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e642&recno=13&searchType=Quick&query=european+union" \l "law-9780199231690-e642-titleGroup-6).
6. [The Treaty Establishing a Constitution for Europe (2004) and the Treaty of Lisbon](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e642&recno=13&searchType=Quick&query=european+union" \l "law-9780199231690-e642-titleGroup-7) (2007).
7. [Legal Status and Nature of the European Union](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e642&recno=13&searchType=Quick&query=european+union" \l "law-9780199231690-e642-titleGroup-8).
8. [Member States, Accession Process, and Accession Candidates](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e642&recno=13&searchType=Quick&query=european+union" \l "law-9780199231690-e642-titleGroup-9).
9. Purposes and [Activities of the European Union](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e642&recno=13&searchType=Quick&query=european+union" \l "law-9780199231690-e642-titleGroup-12).
10. [Future Prospects and Challenges](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e642&recno=13&searchType=Quick&query=european+union" \l "law-9780199231690-e642-titleGroup-13) of the EU.
11. Introduction. Historical development.
12. The European Parliament.
13. The Council of the European Union
14. The European Commission.
15. The European Council.
16. The European Central Bank.
17. The Court of Justice of the European Union.
18. The European Court of Auditors.
19. Sources of European Union law.
20. Primary law of the EU.
21. Secondary law of the EU. [Directives](http://en.wikipedia.org/wiki/Directive_(European_Union)" \o "Directive (European Union)), [regulations](http://en.wikipedia.org/wiki/Regulation_(European_Union)), [decisions](http://en.wikipedia.org/wiki/Decision_(European_Union)), [recommendations](http://en.wikipedia.org/wiki/Recommendation_(European_Union)), opinions.
22. The EU law and International Law.
23. Law-making initiative.
24. Law-making procedures.
25. [Development of the Judicial System](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e1720&recno=11&searchType=Quick&query=european+union" \l "law-9780199231690-e1720-titleGroup-5) of the EU.
26. [The Court of Justice](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e1720&recno=11&searchType=Quick&query=european+union#law-9780199231690-e1720-titleGroup-7).
27. [The General Court](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e1720&recno=11&searchType=Quick&query=european+union#law-9780199231690-e1720-titleGroup-10).
28. [The Civil Service Tribunal](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e1720&recno=11&searchType=Quick&query=european+union#law-9780199231690-e1720-titleGroup-13).
29. [Jurisdiction](http://www.mpepil.com/subscriber_article?script=yes&id=/epil/entries/law-9780199231690-e1720&recno=11&searchType=Quick&query=european+union" \l "law-9780199231690-e1720-titleGroup-14) of the Court of Justice of the EU.
30. Judicial Procedure.
31. Historical evolution of the role of human rights in the EU.
32. Protection of human rights in the EU from the institutional prospective.
33. Charter of Fundamental Rights of the European Union.
34. Accession of the EU to the ECHR.
35. History of development of co-operation between Russia and the EU.
36. Agreement on Partnership and Co-operation of 1994.
37. Other bilateral agreements between Russia and the EU.
38. Road maps of 2005.
39. Perspectives of development of co-operation between Russia and the EU.
40. Competences of the EU.
41. New Legislative procedures of the Lisbon treaty.
42. Passerelle clauses.
43. Principle of proportionality.
44. Principle of subsidiarity.
45. Direct applicability and direct effect.
46. Horizontal and vertical direct effect.
47. The doctrine of supremacy of EU law developed by the ECJ.
48. Remedies in EU law.
49. ECJ’s conditions for state liability breaching EU law.
50. The role of the High Representative of the Union for Foreign Affairs.
51. The mechanism of decision of the EU in the field of foreign policy.
52. Main objectives of the EU policy in foreign affairs.
53. The right of legation.
54. The status of the EU in international organizations.
55. The Custom Union: common customs tariffs.
56. Free movements of goods provisions in the Treaty.
57. Prohibition of quantitative restrictions and measures having equivalent effect.
58. Free movement of workers.
59. Free movement of Services
60. Definitions of services according to EU law.
61. Limitations on services freedom.
62. The legal basis of Economic and Monetary Union.
63. The organization and role of the ECB.
64. The role of the Eurogroup.
65. Fiscal policy surveillance in Eurozone.
66. The necessity of federal fiscal policy in the Eurozone.
67. The notion of relevant market in EU competition law.
68. Horizontal and vertical agreements.
69. Abuse of dominant position.
70. Merger control.
71. The method of calculation of penalties for breaching EU competition law.
72. The freedom of establishment of a company in the EU.
73. The cases of nullity of a company according to EU law.
74. The status of the European corporation.
75. The influence of the objects of a company on the power of directors.
76. The protection of the rights of minority shareholders.

**IV. Forms of control**

The final and interlocutory control on the level of knowledge is carried out in the following forms:

* questioning
* solving cases
* making presentations of the decisions of the Court of the European Union

testing.

Final control on the discipline «European Union Law» is carried out in the form of passed/not passed exam. The exam is written and consists of three parts:

10 tests (10 х 2 = 20 points)

2 open questions (2 х 20 = 40 points)

1 case (1 х 50 points).

|  |  |
| --- | --- |
| **Points** | **Resulting grade for exam** |
| 0 | 0 |
| 1-10 | 1 |
| 11-20 | 2 |
| 21-30 | 3 |
| 31-40 | 4 |
| 41-50 | 5 |
| 51-60 | 6 |
| 61-70 | 7 |
| 71-80 | 8 |
| 81-90 | 9 |
| 91-100 | 10 |

**The overall course grade** (10-point scale) is calculated as a sum of

*G* = 0,8 E+ 0,2 S

The overall course grade G (10-point scale) includes results achieved by students in their exam (E) and seminars (S).