

**THE NATIONAL RESEARCH UNIVERSITY  
HIGHER SCHOOL OF ECONOMICS  
Faculty of Law**

Approved at the Academic Council of Master Program session “Law of International Trade, Finance and Economic Integration” (Protocol N 4, 30 May 2018)

**EUROPEAN UNION LAW  
Course syllabus**

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<b>ETC</b>	8
<b>Contact hours</b>	48
<b>Self-study hours</b>	220
<b>Year of study</b>	1
<b>Format of course learning</b>	Without use of online-course

**1. Course Description**

**a. Title of a Course**

European Union Law

**b. Pre-requisites**

Elementary familiarity with international law is presumed. No prior familiarity with European Union Law is necessary.

**c. Course Type** (compulsory, elective, optional)

Compulsory

**d. Abstract**

European Union Law is a compulsory course to be taught in English. A good command of legal English is required.

European Union Law course aims to familiarize the students with the main trends in EU market and economic integration as well as its external relations. The course will also analyze the main supranational documents related to market and economic integration and jurisprudence of the European Court Justice. Thus, the course will include elements of public international law and EU law ‘properly so called’.

The target audience is both students of the Faculty of Law of the HSE and foreign students.

The course is taught in English.

**2. Learning Objectives**

The course’s objectives are numerous but its main purpose is to provide students with the necessary tools to understand and analyze the nature, role and effects of EU law, regulation, proceedings and decision-making. To that end, the first sessions will lay the necessary grounds, that is, introduce historical aspects of the European integration, emergence of EU law, its general principles, main actors and an overview of general institutional design.

After the necessary introductory sessions, we will look at the production and implementation of EU law; the EU institutions; general access to justice; who can become an EU citizen, including a corporate one, and influence the Union’s decision-making; who can become a litigant and influence litigation, and who is actually affected by litigation, including EU Member States.

Largely, half of the course is dedicated to EU law and regulation of various economic aspects, such as EU internal market, EU external economic relations, energy relations, mega-regional integration, and Brexit.

**3. Learning Outcomes**

### **Knowledge and understanding:**

- demonstrate general knowledge and understanding of basic notions of institutions and actors of European integration, and the role of EU law in that process;
- demonstrate extensive knowledge and understanding of policies and principles of EU market and economic integration and its external economic relations, including four market freedoms, EU competition law, EU energy law, mega-regional integration, etc.

### **Skills and abilities:**

- demonstrate the ability to find, select and evaluate primary and secondary EU law, as well as sources deemed 'informal' in a given area;
- demonstrate a solid understanding of the European decision-making process, in particular legislative and regulatory framework applicable to all kinds of economic activities in the EU and its external economic relations.

### **Students should gain the following competences:**

- ability to work with information (search, evaluate, use information, necessary for fulfilment of scientific and professional tasks, from various sources, including application of the systematic approach);
- ability to carry out professional activities in EU and international setting;
- ability to search, analyze, and work with legally relevant information by using the juridical, comparative and other specific methods;
- ability to describe legal problems and situations in the field of EU law;
- ability to work with and interpret primary operative tests.

## **4. Course Plan**

### **I. INTRODUCTION: THE HISTORY AND FUTURE OF EUROPEAN INTEGRATION**

#### **Topic 1**

Introduction and breakdown

#### **Topic 2**

Historical and conceptual overview of European integration

**Topic 3**

From Community law to EU law: a historical outline

**Topic 4**

Evolution of the creative role of the Courts

## **II. FUNDAMENTAL PROCEEDINGS AND CONSIDERATIONS**

**Topic 5**

Production and implementation of EU law

**Topic 6**

Primacy of EU law

**Topic 7**

Direct effect

**Topic 8**

Access to justice

**Topic 9**

Preliminary ruling procedure

**Topic 10**

Responsibility of Member States

**Topic 11**

Citizenship

**Topic 12**

Private actors and private enforcement of EU law

## **III. EU INSTITUTIONS**

**Topic 13**

Main EU institutions

**Topic 14**

Other EU institutions

## **IV. EUROPEAN MARKET AND ECONOMIC INTEGRATION**

**Topic 15**

Customs union

**Topic 16**

Common market

**Topic 17**

Common currency

**Topic 18**

Economic union

**Topic 19**

Free movement of goods

**Topic 20**

Free movement of persons

**Topic 21**

Free movement of services

**Topic 22**

Free movement of capitals

**Topic 23**

Formal regulation and informal standardization

**Topic 24**

Competition/ Mergers and acquisitions

**Topic 25**

Anti-dumping/ State aid

## V. EU ENERGY LAW

### **Topic 26**

EU third energy package

### **Topic 27**

EU emissions trading scheme

### **Topic 28**

EU environmental regulation and current approaches to sustainable development

## VI. EU EXTERNAL ECONOMIC RELATIONS

### **Topic 29**

EU external relations

### **Topic 30**

International trade and investment

### **Topic 31**

Mega-regional integration

## VII. BREXIT. CONCLUSIONS

### **Topic 32**

The impact of Brexit on four freedoms

### **Topic 33**

The impact of Brexit on various economics sectors

### **Topic 34**

The impact of Brexit on EU external relations

## Conclusions. Discussion

## **Content of the discipline:**

### **5. Reading list:**

#### **a. Required:**

##### *Main texts:*

1. Beaumont P., Danov M., Trimmings K., Yueksel B. (eds.) Cross-Border Litigation in Europe (Studies in Private International Law). – Hart Publishing, 2017. [электронный ресурс]. E-book в БД EBSCO eBooks. – Режим доступа:  
<http://proxylibrary.hse.ru:2048/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=1612374>
2. Cafaggi F., Law S. (eds.) Judicial Cooperation in European Private Law (Judicial Review and Cooperation series). Edward Elgar Publishing, 2017. [электронный ресурс]. E-book в БД ElgarOnline. – Режим доступа:  
<https://proxylibrary.hse.ru:2424/view/edcoll/9781786436689/9781786436689.xml?rskey=uwkMES&result=16>

##### *Other texts:*

1. L. Ankersmit, ‘Opnion 2/15 and the future of mixity and ISDS », 18 May 2017, [электронный ресурс]. Режим доступа:  
<http://europeanlawblog.eu/2017/05/18/opinion-215-and-the-future-of-mixity-and-isds/>
2. L. Ankersmit, ‘Investment Court System in CETA to be judged by the ECJ’, [электронный ресурс]. Режим доступа:  
<https://europeanlawblog.eu/2016/10/31/investment-court-system-in-ceta-to-be-judged-by-the-ecj/>
3. A. Aseeva, ‘Intergenerational climate justice’, in Thomas Cottier et al. (Eds.), *Intergenerational Equity: Environmental and Cultural Concerns*, BRILL, Nijhoff Classics in International Law series, 2019, [электронный ресурс]. Статья в БД – SSRN. Режим доступа:  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3127461](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3127461) , read only pp. 8-11

4. C. Eckes, ‘Don’t Lead with Your Chin! If Member States continue with the ratification of CETA, they violate European Union law’, [электронный ресурс]. Режим доступа: <https://europeanlawblog.eu/2018/03/13/dont-lead-with-your-chin-if-member-states-continue-with-the-ratification-of-ceta-they-violate-european-union-law/>
5. European Commission, Press release, “State aid: Commission decides Spanish professional football clubs have to pay back incompatible aid”, 4 July 2016, [электронный ресурс]. Режим доступа: [http://europa.eu/rapid/press-release\\_IP-16-2401\\_en.htm](http://europa.eu/rapid/press-release_IP-16-2401_en.htm)
6. S. Peers, “What next after the UK vote to leave the EU?”, 24 June 2016, on EU Law Analysis blog, [электронный ресурс]. Режим доступа: <http://eulawanalysis.blogspot.ch/2016/06/what-next-after-uk-vote-to-leave-eu.html>
7. H. Schepel, ‘From Conflicts-Rules to Field Preemption: Achmea and the Relationship between EU Law and International Investment Law and Arbitration’, [электронный ресурс]. Режим доступа: <https://europeanlawblog.eu/2018/03/23/from-conflicts-rules-to-field-preemption-achmea-and-the-relationship-between-eu-law-and-international-investment-law-and-arbitration/>
8. D. Thym, ‘The Missing Link: Direct Effect, CETA/TTIP and Investor-State Dispute Settlement’, [электронный ресурс]. Режим доступа: <http://eulawanalysis.blogspot.com/2015/01/the-missing-link-direct-effect-cetattip.html>

**b. Optional:**

1. Podcast: Damian Chalmers (LSE) on Europe’s judicial agendas, [электронный ресурс]. Режим доступа: <http://youtu.be/YA89y0KhpOM>

*Case-law:*

1. Opinion 2/15 of the Court on Free Trade Agreement between the European Union and the Republic of Singapore (2017), [электронный ресурс]. Режим доступа: [http://www.mlex.com/Attachments/2017-05-16\\_2CW21X23B07N046Z/C0002\\_2015%20EN.pdf](http://www.mlex.com/Attachments/2017-05-16_2CW21X23B07N046Z/C0002_2015%20EN.pdf)

2. Opinion of Advocate General Sharpston on Opinion procedure 2/15 delivered on 21 December 2016, [электронный ресурс]. Режим доступа: <http://curia.europa.eu/juris/document/document.jsf?text=&docid=186494&pageIndex=0&doctlang=EN&mode=req&dir=&occ=first&part=1>

## 6. Grading System

Grading in this course will be based on three types of work product:

- (1) Attendance, active participation and in-class discussion
- (2) One in-class presentation
- (3) Written assignment

## 7. Guidelines for Knowledge Assessment

### - Attendance, active participation and in-class discussion: 20%

Each student is expected to attend all the sessions having gone through and thought about the assigned material, including the questions and any problems in the text/ judgement/ video, podcast, etc. that are assigned, and actively participate in class discussions, ask questions and make analytical comments about the assignments. Sessions will be structured as a mix of lectures, seminars, and participative workshops in order to stimulate class discussion: the participants are expected to cover the assigned materials in advance for each class.

### - Oral presentation (with or without PowerPoint or other support materials): 40%

This assessment component includes a 10-minute in-class presentation during one of the classes that serves to help steer the discussion of the relevant topic. Tentative topics per each session are presented further in the syllabus.

### - Written assignment: 40%

Written exam by the end of the course.

## 8. Methods of Instruction

The course notes contain required and further reading materials and you are also invited to do your own research using the library and electronic resources. Students

are expected to do 27-28 academic hours of reading, researching and preparation per week. Classes will be structured as participative workshops in order to stimulate class discussion. Students are expected to read the materials indicated prior to each seminar.

Use of interactive educational technologies, including:

- socratic method; but also
- interactive seminars;
- participative workshops;
- group discussion;
- brainstorming sessions.

#### **9. Special Equipment and Software Support (if required):**

Access to internet and computer-based drafting equipment.