



# *The Hebrew University of Jerusalem*

## *Syllabus*

### *INTRODUCTION TO EUROPEAN UNION LAW - 62782*

*Last update 27-02-2015*

*HU Credits: 2*

*Degree/Cycle: 2nd degree (Master)*

*Responsible Department: LLB and LLM LAw*

*Academic year: 0*

*Semester: 2nd Semester*

*Teaching Languages: English*

*Campus: Mt. Scopus*

*Course/Module Coordinator: guy harpaz*

*Coordinator Email: [guy.harpaz@mail.huji.ac.il](mailto:guy.harpaz@mail.huji.ac.il)*

*Coordinator Office Hours:*

*Teaching Staff:*

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Prof Guy Harpaz

Course/Module description:

The course is aimed at providing the students with a basic understanding about the EU and its unique legal order. The focus of the course would be on the constitutional-institutional dimensions of the EU legal order as opposed to its commercial aspects

Course/Module aims:

to provide introductory knowledge and critical thinking of the relevant issues

Learning outcomes - On successful completion of this module, students should be able to:

to critically analyze constitutional issues of the EU

Attendance requirements(%):

90

Teaching arrangement and method of instruction: regular lectures supported by reading materials

Course/Module Content:

Chapter One - introduction to the Course

Chapter Two - Introduction to the EU

Chapter Three - Institutions, Legal Sources, Legislative Process, legal enforcement

Chapter Four - Judge made Constitutional Law

Chapter Five - A Constitution for Europe? The Charter of Fundamental Rights, the Constitutional Treaty and the Lisbon Treaty

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## *Chapter Six – The National Constitutional Response*

## *Chapter Seven - Normative Power Europe and the State of Israel*

## *Chapter Eight – The Challenges*

### *Required Reading:*

*Chapter One - introduction to the Course*

*The importance and relevance of the course, teaching methodology, the exam*

## *Chapter Two – Introduction to the EU*

*Historical background, transformation from the European Coal and Steel Community into the EU, main trends, enlargement, deepening*

### *Reading*

*Schuman Declaration*

*[http://europa.eu/about-eu/basic-information/symbols/europe-day/schuman-declaration/index\\_en.htm](http://europa.eu/about-eu/basic-information/symbols/europe-day/schuman-declaration/index_en.htm)*

### *Nobel Prize*

*[http://www.nobelprize.org/nobel\\_prizes/peace/laureates/2012/eu-lecture\\_en.html](http://www.nobelprize.org/nobel_prizes/peace/laureates/2012/eu-lecture_en.html)*

*Joseph Weiler (2011), 'Editorial: 60 Years since the First European Community - Reflections on Political Messianism', *European Journal of International Law*, 22/3, 303-309*

*<http://ejil.oxfordjournals.org/content/22/2/303.full.pdf>*

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אריה רייך, "האיחוד האירופאי", פרק 8 לספרו של רובי סיבל המשפט הבינלאומי - מהדורה שנייה

*Optional reading - Hebrew*

ליאור זמר ושרון פרדו, הרהורים על אקטיביזם שיפוטי, משפט ועסקים ז (2007), 203, 205-207

*Chapter Three - Institutions, Legal Sources, Legislative Process, legal enforcement*

*Articles 258-260, 263-265, 267 288-289*

*Treaty on the functioning of the EU*

[http://europa.eu/eu-law/decision-making/treaties/pdf/consolidated\\_versions\\_of\\_the\\_treaty\\_on\\_european\\_union\\_2012/consolidated\\_versions\\_of\\_the\\_treaty\\_on\\_european\\_union\\_2012\\_en.pdf](http://europa.eu/eu-law/decision-making/treaties/pdf/consolidated_versions_of_the_treaty_on_european_union_2012/consolidated_versions_of_the_treaty_on_european_union_2012_en.pdf)

*Chapter Four - Judge made Constitutional Law*

*Reading*

*G. Mancini, The Making of a Constitution for Europe, 26 Common Market Law Review (1989), 595-614*

*Joseph Weiler (1999), "The Transformation of Europe," in: The Constitution of Europe: Do the New Closes Have an Emperor? 2405-2431 & 2478-2483*

*G. Harpaz, Judicial Review by the European Court of Justice of UN "Smart Sanctions" against Terror in the Kadi Dispute, 14 EFAR (2009), 65.*

*C - 6/64 Costa v. ENEL [1964] ECR 585*

*Factortame (2) [1991] AC 603*

*C- 26/62 Van Gend en Loos [1963] ECR 1*

*C- 43/75 Defrenne v. SABENA [1976] EC R 455*

*C- 36/74 Wallrave and Koch v. AVCI [1974] ECR 1405*

*C- 148/78 Public Ministrey v. Ratti [1978] ECR 1629*

*C - 152/84 Marshall [1986] ECR 723*

*C- 106/89 Marleasing SA v. La Commercial [1990] ECR I - 4135*

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FRANCOVICH - לעיל ראה

C- 29/69 Stauder v. Ulm [1969] ECR 419

C- 4/73 Nold v. Commission [1974] ECR 491

C- 299/95 Kremzow v. Austria [1997] ECR I – 2629

C – 159/90 Society for the Protection of the Unborn v Grogan [1991] I – ECR 4685

[http://eur-lex.europa.eu/smartapi/cgi/sga\\_doc?smartapi!celexplus!prod!CELEXnumdoc&numdoc&eq;61990J0159](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&numdoc&eq;61990J0159)

C-70/88 European Parliament v Council of the European Communities, Para. 13-14  
21-31

[http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri&eq;CELEX:61988CJ0070:EN:HTML)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri&eq;CELEX:61988CJ0070:EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri&eq;CELEX:61988CJ0070:EN:HTML)

Opinion 1/91 (EEA)

[http://eur-lex.europa.eu/resource.html?uri&eq;cellar:efe0bbc1-9bd7-4058-9b08-bfcbdf60d43f.0002.06/DOC\\_1&format&eq;PDF](http://eur-lex.europa.eu/resource.html?uri&eq;cellar:efe0bbc1-9bd7-4058-9b08-bfcbdf60d43f.0002.06/DOC_1&format&eq;PDF)

Opinion 2/94 (accession ECHR)

[http://eur-lex.europa.eu/resource.html?uri&eq;cellar:3645916a-61ba-4ad5-84e1-57767433f326.0002.02/DOC\\_1&format&eq;PDF](http://eur-lex.europa.eu/resource.html?uri&eq;cellar:3645916a-61ba-4ad5-84e1-57767433f326.0002.02/DOC_1&format&eq;PDF)

Opinion 2/13

<http://curia.europa.eu/juris/celex.jsf?celex&eq;62013CV0002&lang1&eq;en&type&eq;TXT&ancre&eq;>

C-265/95 Commission v France just as discussed in class

[http://eur-lex.europa.eu/legal-](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri&eq;CELEX:61995CJ0265&from&eq;EN)

[content/EN/TXT/PDF/?uri&eq;CELEX:61995CJ0265&from&eq;EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri&eq;CELEX:61995CJ0265&from&eq;EN)

Joined Case C-402/05 and C-415/05 P Kadi and Al Barakaat International Foundation v Council and Commission,.

[http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri&eq;CELEX:62005J0402:EN:HTML)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri&eq;CELEX:62005J0402:EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri&eq;CELEX:62005J0402:EN:HTML)

Optional reading – Hebrew

ליאור זמר ושרון פרדו, הרהורים על אקטיביזם שיפוטי, משפט ועסקים ז' (2007), 203

Chapter Five – A Constitution for Europe? The Charter of Fundamental Rights, the Constitutional Treaty and the Lisbon Treaty

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G. Harpaz (2011), 'European Integration in the Aftermath of the Ratification of the Treaty of Lisbon: Quo Vadis?' *European Public Law* 17/1 *European Public Law*, 73

C-131/12 *Google Spain SL and Google Inc. v Agencia Española de Protección de Datos (AEPD) and Mario Costeja González*  
*The Google verdict*

<http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d2dc30d5c0d8a2ace7114b1eaf06e8b55ebf4e04.e34KaxiLc3qMb40Rch0SaxuNbh90?text=&docid=152065&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=184925>

## *Chapter Six – The National Constitutional Response*

A. Steinbach, 'The Lisbon Judgment of the German Federal Constitutional Court' 11/4 *German Law Journal* (2010), 368  
[http://www.germanlawjournal.com/pdfs/Vol11-No4/Vol\\_11\\_No\\_04\\_367-390\\_Steinbach.pdf](http://www.germanlawjournal.com/pdfs/Vol11-No4/Vol_11_No_04_367-390_Steinbach.pdf)

ARMIN VON BOGDANDY and STEPHAN SCHILL, *Overcoming Absolute Primacy: Respect for National Identity under the Lisbon Treaty* *Common Market Law Review* 48: 1-38, 2011.

## *Chapter Seven - Normative Power Europe and the State of Israel*

I. Manners, *Normative Power Europe: A Contradiction in Terms?*, 40/2 *JCMS* 235 (2002)  
<http://onlinelibrary.wiley.com/doi/10.1111/1468-5965.00353/pdf>

Yoram Hazoni  
<http://via.readerimpact.com/v/1/c52153a35cd149240c64579a6e6648a96b7210346658c26c>

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G. Harpaz and A. Shamis (2010), 'Normative Europe and the State of Israel: An Illegitimate Eurotopia?', 48/3 *Journal of Common Market Studies*, 579-616

G. Harpaz and Eyal Robinson, (2010) 'The Interface between Trade, Law and Politics and the Erosion of Normative Power Europe: Comment on Brita', *European Law Review*

## Chapter Eight – The Challenges

Etzioni, Amitai, "The Community Deficit" . *Journal of Common Market Studies*, Vol. 45, No. 1, pp. 23-42, March 2007 Available at SSRN: <http://ssrn.com/abstract=961924> or DOI: 10.1111/j.1468-5965.2007.00701.x

### Additional Reading Material:

#### Course/Module evaluation:

End of year written/oral examination 100 %

Presentation 0 %

Participation in Tutorials 0 %

Project work 0 %

Assignments 0 %

Reports 0 %

Research project 0 %

Quizzes 0 %

Other 0 %

### Additional information: