



## *The Hebrew University of Jerusalem*

### *Syllabus*

## *Introduction to EU Law - 62782*

*Last update 19-02-2017*

*HU Credits: 2*

*Degree/Cycle: 1st degree (Bachelor)*

*Responsible Department: 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*

*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 Clothes 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*

*FRANCOVICH - לעיל ראה*

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

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

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*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*

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

*Opinion 1/91 (EEA)*

*Opinion 2/94 (accession ECHR)*

*Opinion 2/13*

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

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

*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*

*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*

*Chapter Six - The National Constitutional Response*

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A. Steinbach, 'The Lisbon Judgment of the German Federal Constitutional Court'  
*11/4 German Law Journal (2010), 368*

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)*

Yoram Hazoni

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

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

### *Chapter Eight - Euro-skepticisms and the way forward*

Etzioni, Amitai, "The Community Deficit" . *Journal of Common Market Studies, Vol. 45, No. 1, pp. 23-42, March 2007*

Weiler, Editorial: *The Case for a Kinder, Gentler Brexit EJIL Talk*  
<http://www.ejiltalk.org/editorial-the-case-for-a-kinder-gentler-brexit/>

Georgopoulos, *EJIL Talk*

<http://www.ejiltalk.org/brexit-article-50-teu-and-the-constitutional-significance-of-the-uk-referendum/>

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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: