



## *Syllabus*

### *Introduction to EU Law - 62782*

*Last update 19-02-2017*

*HU Credits: 2*

*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:  
Prof Guy Harpaz*

*Course/Module description:*

*The course is aimed at providing the students with a basic understanding about*

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*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*

*Chapter Six □ The National Constitutional Response*

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*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>*

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

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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 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

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

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

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*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*

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

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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/>

*Additional Reading Material:*

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*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:*