

23-24

MÁSTER UNIVERSITARIO EN UNIÓN
EUROPEA

GUÍA DE ESTUDIO PÚBLICA



COURT OF JUSTICE. EUROPEAN INTEGRATION AND FUNDAMENTAL RIGHTS

CÓDIGO 26602514

UNED

23-24

COURT OF JUSTICE. EUROPEAN
INTEGRATION AND FUNDAMENTAL
RIGHTS

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Nombre de la asignatura	COURT OF JUSTICE. EUROPEAN INTEGRATION AND FUNDAMENTAL RIGHTS
Código	26602514
Curso académico	2023/2024
Título en que se imparte	MÁSTER UNIVERSITARIO EN UNIÓN EUROPEA
Tipo	CONTENIDOS
Nº ETCS	6
Horas	150.0
Periodo	SEMESTRE 1
Idiomas en que se imparte	CASTELLANO

PRESENTACIÓN Y CONTEXTUALIZACIÓN

ECTS: 5

1 semester

This course concerns the structure and functioning of European Union Courts which includes not only the study of the organs of this nature, but also their functioning in the European Multilevel system, which leads to interrelate their competences with those of European Union Member States courts, where appropriate.

The Court of Justice interprets EU law guaranteeing an uniform application in all EU Member States. Both, its composition and functions are complex but the establishment of a jurisdiction in the EU is one of its most important features. Through this course, students have to meet a knowledge of the jurisdictional structure in the European Union by studying the European Court of Justice: concept, structure and functions; the General Court: concept, structure and roles; and roles and relationships of both of them with internal organs of EU Member States.

This Official Master on the European Union offers students a high-level academic education that allows them to achieve optimum conditions to develop their professional and academic career. It is intended to provide students with a high-level training that will place them in optimal conditions to work in professional or academic environments.

The fundamental role of this type of degrees in European Union countries is a consequence of the central place a college education must have for a better understanding of the process of integration. For this reason, the different degrees in European Union Studies are a priority for the European institutions and Member States, among which UNED is not an exception.

REQUISITOS Y/O RECOMENDACIONES PARA CURSAR ESTA ASIGNATURA

- a) Those established for the admission to the Master and specifically for the itinerary in English.
- b) For the analysis of foreign documents, knowledge of any of the official EU languages will be an asset
- c) Generally, in this Law speciality it is helpful if the student is familiar with the terms

(glossary) that are commonly used in the European Union, which will allow more and better understanding of the information.

d) It is equally relevant in this course that students have basic computer skills, since such skills are needed to follow the course. Students need to access learning materials and other information through these systems.

EQUIPO DOCENTE

Nombre y Apellidos

Correo Electrónico

Teléfono

Facultad

Departamento

JOAQUIN SARRION ESTEVE (Coordinador de asignatura)

isaac@der.uned.es

91398-7618

FACULTAD DE DERECHO

DERECHO CONSTITUCIONAL

Nombre y Apellidos

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FACULTAD DE DERECHO

DERECHO CONSTITUCIONAL

HORARIO DE ATENCIÓN AL ESTUDIANTE

Dr. Joaquín Sarrión Esteve

Personal attention:

Tuesday from 10 to 14 hours and from 15 to 19 hours.

2.68. Faculty of Law. UNED.

E-Mail: jsarrion@der.uned.es

Phone: 0034/91 398 7618

Interaction: virtual forum /mail /phone

Other (social networks):

Twitter: @joagsarrion

It is highly advisable that students contact the teacher by e-mail or the virtual platform. Students can also use email phone (during personal attention hours) to contact the teaching team, although it is recommended to contact preferably through the platform or by mail. To arrange a face-to-face meeting, it is recommended to confirm in advance with the teacher.

COMPETENCIAS QUE ADQUIERE EL ESTUDIANTE

BASIC AND GENERAL COMPETENCES:

CG01 –To know how to solve problems in multidisciplinary environments related to the European Union.

CG02 –To know how to communicate ideas and opinions based on specific and advanced knowledge about the European Union and make reasoned judgments about them.

CG03 –To interpret the content of the texts and documents of the European Union so that the student is able to make decisions and formulate options about them in the complex environment of the structure and order of the European Union.

CB6 –To acquire and understand knowledge that provides a basis or opportunity to be original in the development and/or application of ideas, often in a research context

CB7 –To know how to apply the knowledge acquired and the ability to solve problems in new or little-known environments within broader (or multidisciplinary) contexts related to the area of study.

CB8 –To be able to integrate knowledge and to face the complexity of making judgments based on information that, being incomplete or limited, includes reflections on the social and ethical responsibilities linked to the application of their knowledge and judgments.

CB9 –To know how to communicate conclusions and the ultimate knowledge and reasons to specialized and non-specialized audiences in a clear and unambiguous way.

CB10 –To acquire the learning skills that allow to continue studying in a way that will be largely self-directed or autonomous.

SPECIFIC COMPETENCES:

CE01 –To work in multidisciplinary contexts that are typical of the European Union and solve problems in that area.

CE02 –To control the instruments of regulation and management of the European Union in professional and academic contexts.

CE03 –To identify rules and documents within the legal-political system resulting from the integration of the legal systems of the Member States and the European Union.

CE04 –To find, analyze and apply the legislation emanating from the different institutions and bodies of the European Union, as well as that of the Member States that refers to or is involved in the European system.

CE05 –To find, analyze and apply the jurisprudence of the Courts that make up the jurisdiction of the European Union as well as the jurisprudence of any order and level of the member states that refers to or is involved with the European Union system.

RESULTADOS DE APRENDIZAJE

The objectives to be achieved in the study of this subject are:

- a) Knowledge of the court structure in the European Union as a whole and each of its organs,
- b) Importance of the jurisdiction in the organization and functioning of the European Union,
- c) Relations between the European Union's jurisdiction and the jurisdiction of the Member States, with special reference to Spanish jurisdiction.

CONTENIDOS

1. Introduction to the Jurisdiction of the European Union

- Introduction to the Jurisdiction of the European Union

2. The Court of Justice of the European Union. Legal Nature and Competence

- Legal Nature of the Court of Justice of the European Union.
- Competence of the Court of Justice of the European Union.

3. Structure of the Court of Justice of the European Union: the Court of Justice, the General Court and Specialized Courts

- Structure of the Court of Justice of the European Union:
- the Court of Justice
- the General Court
- Specialized Courts

4. Functions of the European Court of Justice

- Preliminary Rulings
- Actions to the European Court of Justice

5. Relations between the Court of Justice of the European Union and Spanish courts

- Relations between the Court of Justice of the European Union and Spanish courts

6. Relations between the Court of Justice of the European Union and the Spanish Constitutional Court

- Relations between the Court of Justice of the European Union and the Spanish Constitutional Court

METODOLOGÍA

This subject will be taught according to the distance education methodology that characterizes the UNED. Thus, students face a self-learning process but assisted by the teacher.

The education process is articulated through various communication distance learning systems. Within these systems, the Master in European Union is provided with support in a virtual interactive platform where the student finds both basic materials and supplementary

teaching materials, information, news, exercises and is also trained to perform the evaluation for different subjects. More specifically, the virtual platform will contain: legislation, case law, internet links, a glossary of terms, teaching materials, exercises.

In addition teaching team will use additional communication distance systems to support students as Twitter, Facebook specific pages, and a Telegram canal.

SISTEMA DE EVALUACIÓN

TIPO DE PRUEBA PRESENCIAL

Tipo de examen

No hay prueba presencial

CARACTERÍSTICAS DE LA PRUEBA PRESENCIAL Y/O LOS TRABAJOS

Requiere Presencialidad

No

Descripción

The specific methodology of UNED allows students to be evaluated at "distance" through the virtual platform Alf that provides support to education.

The evaluation of the subject will consist in a final distance exam (100%). Nevertheless, students can choose to perform two optional practical activities at the platform, in this second case, the evaluation will be based on the practical activities (30%) and a final distance exam (70%).

The evaluation exercise will be available on the ALF online platform, and must be answered, in English language.

The Teaching team will notice the data of the Evaluation with enough antelation.

Criterios de evaluación

Final distance evaluation exercise (final distance exam)

-Two short theoretical questions (3 points each one)

-One question of writing or a comment of an extract of a ECJ case law (4 points)

The evaluation exercise will be available on the ALF online platform, and must be answered, in English language.

Ponderación de la prueba presencial y/o los trabajos en la nota final

The evaluation (and qualification) of the subject will consist in a exclusive final distance exam (100%) as a general rule. For students who choose to perform the optional practical activities, the qualification will be: practical activities (30%) and the final distance exam (70%).

Fecha aproximada de entrega

Comentarios y observaciones

The evaluation exercise will be available on the ALF online platform, and must be answered, in English language, in the ordinary call (February).

If the student does not realize the exercise in time to enable it or does not get the minimum of 5 points, he/she may be presented to the September retest but he/she will not be able to recover during the semester.

PRUEBAS DE EVALUACIÓN CONTINUA (PEC)

¿Hay PEC? No

Descripción

Criterios de evaluación

Ponderación de la PEC en la nota final

Fecha aproximada de entrega

Comentarios y observaciones

OTRAS ACTIVIDADES EVALUABLES

¿Hay otra/s actividad/es evaluable/s? Si,no presencial

Descripción

Optional practical activities

Several practical activities will take place through the specific on-line Alf platform.

Criterios de evaluación

Ponderación en la nota final 30%

Fecha aproximada de entrega

Comentarios y observaciones

¿CÓMO SE OBTIENE LA NOTA FINAL?

The evaluation (and qualification) of the subject will consist in a exclusive final distance exam (100%) as a general rule. For students who choose to perform the optional practical activities, the qualification will be: practical activities (30%) and the final distance exam (70%).

BIBLIOGRAFÍA BÁSICA

ISBN(13):9780198714927

Título:EU LAW: TEXT, CASES, AND MATERIALS6

Autor/es:

Editorial:OUP Oxford

ISBN(13):9780198789130

Título:EUROPEAN UNION LAW2

Autor/es:

Editorial:OUP Oxford

ISBN(13):9781107664340

Título:EUROPEAN UNION LAW: TEXT AND MATERIALS2014

Autor/es:

Editorial:: CAMBRIDGE UNIVERSITY PRESS

If necessary, the basic bibliography will be updated at the beginning of the academic year.

It is recommended to use a handbook on EU law, and to consult the following texts:

- EuropeanUnion Treaties (in force)
- Charter ofFundamental Rights of the EU
- Secondary Law
- Case Law
- Spanish Constitution
- Organic Law of the Constitutional Court
- Organic Law of the Judicial Power
- Other legislation and documentation

BIBLIOGRAFÍA COMPLEMENTARIA

ISBN(13):9783030005535

Título:DICTIONARY OF STATUSES WITHIN EU LAW THE INDIVIDUAL STATUSES AS PILLAR OF EUROPEAN UNION INTEGRATION2019

Autor/es:

Editorial:: SPRINGER

ISBN(13):9788411258265

Título:EL RECONOCIMIENTO Y PROTECCIÓN DE LOS DERECHOS Y LIBERTADES EN UN MUNDO EN TRANSFORMACIÓN ¿HACIA UN NUEVO PARADIGMA CONSTITUCIONAL?2023

Autor/es:

Editorial:Aranzadi / Thomson Reuters

ISBN(13):9788479915537

Título:JURISDICCION Y PROTECCION DE LOS DERECHOS FUNDAMENTALES EN LA UNION EUROPEA2021

Autor/es:

Editorial:Editorial Universitas

ISBN(13):9789877072396

Título:EL SISTEMA EUROPEO DE PROTECCION MULTINIVEL DE DERECHOS HUMANOS EN SU LABERINTO2022

Autor/es:

Editorial:Universidad Nacional de Córdoba

ISBN(13):9789897128042

Título:PROTECCION JURISDICCIONAL DE LOS DERECHOS. SISTEMAS ESPAÑOL, UNIVERSAL, REGIONAL EUROPEO Y SUPRANACIONAL2021

Autor/es:

Editorial:Jurúa

Additional Complementary Bibliography:**English bibliography:**

Cartabia, M., "European Rights: Taking Dialogue Seriously", *European Constitutional Law Review*, 2009, n. 5, pp 5-31.

Barnard, C., *The substantive law of the EU. The Four Freedoms*, Oxford University Press, Oxford, 2010.

Bartolini, A., Colcelli, V., y Cippitani, R. (eds.), *Dictionary of the Statutes within EU law*, Springer, 2019.

Biondi, A., Eeckhout, P., Ripley, S. (Ed.), *EU Law after Lisbon*, Oxford University Press, Oxford, 2012.

Bogdandy, A. von, "Pluralism, direct effect, and the ultimate say: On the relationship between international and domestic constitutional law", *Int J Constitutional Law*, 2008, 6 (3-4), pp. 397-413.

Di Federico, G. (Ed.), *The EU Charter of Fundamental Rights*, Springer, 2009.

Douglas-Scott, S., Hatzis, N. (Ed.), *Research Handbook on Eu Law and Human Rights* (Research Handbooks in European Law Series), Edward Elgar Publishing, 2017.

Fabbrini, F., *Fundamental Rights in Europe*, Oxford University Press, Oxford, 2014.

Fairhurst, J., *Law of the European Union*, 11th edition, Pearson, 2016.

Horspool, M., *European Union Law*, Oxford University Press, Oxford, 2006.

Kumm, M., "The Jurisprudence of Constitutional Conflict: Constitutional Supremacy in Europe before and after the Constitutional Treaty", *European Law Journal*, 11, 3, pp. 262–307, 2005.

Lindfelt, M., *Fundamental Rights in the European Union –Towards Higher Law of the Land? A Study of the Status of Fundamental Rights in a Broader Constitutional Setting*, ÅboAkademiUniversity, Åbo, 2007.

Mjöl Arnardóttir, A., and Buyse, A. (Ed.), *Rethinking relations between the ECHR, EU, and national legal orders*, Routledge, 2016.

Oppenheimer, A. (ed.), *The Relationship between European Community Law and National Law*, Cambridge University Press, Cambridge, 2003.

Poiares Maduro, M., y Azoulai, L. (eds.), *The Past and Future of EU Law: The Classics of EU Law Revisited on the 50th Anniversary of the Rome Treaty*, Hart Publishing, Oxford y Portland, 2010.

Pollicino, O., "The New Relationship between National and the European Courts after the Enlargement of Europe: Towards a Unitary Theory of Jurisprudential Supranational Law?", *Yearbook of European Law*, 2010, n. 29, pp. 65-111.

Rossi, L.S., "How Fundamental are Fundamental Principles? Primacy and Fundamental Rights after Lisbon", *Yearbook of European Law*, 2008.

Rossi, L. S., and Casorali, F. (Ed.), *The EU After Lisbon*, Springer, 2016.

Sarrión Esteve, J., "Actual Trends and Challenges of the Constitutional Fundamental Rights and Principles in the ECJ Case Law from the Perspective of Multilevel Constitutionalism" (September 4, 2015), available at SSRN: <http://ssrn.com/abstract=2656394>

Stiernstrom, M., "The Relationship Between Community Law and National Law", (University of Miami, Jean Monnet/Robert Schuman Paper Series, v.5 n. 33, October 2005), available at: <http://aei.pitt.edu/8162/1/Stiernstromfinal.pdf>

Torres Pérez, A., *Conflicts of Rights in the European Union. A theory of Supranational Adjudication*, Oxford University Press, Oxford, 2009.

Walkila, S., *Horizontal Effect of Fundamental Rights in EU Law*, Europa Law Publishing, 2015.

Weatherill, S., *Law and Values in the European Union*, Oxford University Press, Oxford, 2016.

Spanish bibliography:

Aguilar Calahorra, A., "La primera cuestión prejudicial planteada por el Tribunal Constitucional al Tribunal de Justicia de la Unión Europea –Auto del Tribunal Constitucional 86/2011, de 9 de junio, *Revista de Derecho Constitucional Europeo*, 16, 2011, <http://www.ugr.es/~redce/REDCE16/articulos/12AAguilar.htm>

Aguilar Calahorra, Augusto, *Dimensión constitucional del principio de primacía*, Thomsom-Reuters, 2015.

Alonso García, R., *El Juez español y el Derecho Comunitario*, CGPJ, Madrid, 2003.

Alonso García, R., *Sistema jurídico de la Unión Europea*, Civitas Thomsom Reuters, 2014.

Arzoz Santiesteban, Xabier, *Tutela de los derechos fundamentales de la Unión Europea por el Tribunal Constitucional*, INAP, 2015.

Azpitarte Sánchez, M., *El Tribunal Constitucional ante el control del Derecho comunitario derivado*, Civitas, Madrid, 2002.

Cippitani, R., *Interpretación y derecho de la integración*, Astrea, 2016.

Díaz Crego, María, *Protección de los derechos fundamentales en la Unión Europea y en los Estados miembros*, Reus, 2009.

Elías Méndez, C., "La jurisdicción constitucional en los Estados miembros de la Unión Europea", *Revista de Derecho Constitucional Europeo*, nº 16, 2011, <http://www.ugr.es/~redce/REDCE16/articulos/01CElias.htm>

Gómez Sánchez, Yolanda (coord.), *Los derechos en Europa*, UNED, 1997.

Gómez Sánchez, Y., *Derecho Constitucional Europeo*, Sanz y Torres, 2015.

Gómez Sánchez, Y., *Constitucionalismo multinivel: derechos fundamentales*, Sanz y Torres, 3a edición, 2015.

Gordillo, L., y Martinico, G., *Historia del país de las hadas. La jurisprudencia constitucionalizadora del Tribunal de Justicia*, 2015.

Rodríguez-Izquierdo Serrano, Myriam (ed.) *Jurisprudencia y Sistema de Derechos en la Unión Europea*, Athenaica, 2016.

Ragone, S., "Las relaciones de los Tribunales Constitucionales de los Estados miembros con el Tribunal de Justicia y con el Tribunal Europeo de Derechos Humanos: una propuesta de clasificación", *Revista de Derecho Constitucional Europeo*, 16, 2011, <http://www.ugr.es/~redce/REDCE16/articulos/02SRagone.htm>

Sarrión Esteve, J., "Los conflictos entre libertades económicas y derechos fundamentales en la jurisprudencia del Tribunal de Justicia de la Unión Europea", *Revista de Derecho Político*, nº 81, 2011, pp. 379-412.

Sarrión Esteve, J., *El Tribunal de Justicia de Luxemburgo como garante de los derechos fundamentales*, Dykinson, 2013. Online ebook available at the UNED Library.

Sarrión Esteve, Joaquín, *La Unión Europea tras Lisboa*, Zarzo, 2015.

Sarrión Esteve, J., *Apuntes de Derecho de la Unión Europea*, Tirant lo blanch, Valencia, 2016.

Sarrión Esteve, J., *Lecciones Fundamentales de Derecho de la Unión Europea*, Tirant lo blanch, Valencia, 2017.

Sobrido Prieto, M., *Las comunidades autónomas ante el Tribunal de Justicia y el Tribunal de Primera Instancia de las Comunidades Europeas*, Tirant lo Blanch, 2003.

Tajadura Tejada, J. (coord.), *Justicia Constitucional y Unión Europea*, CEPC, Madrid, 2008.

Tenorio Sánchez, P. J., "Diálogo entre tribunales y protección de los derechos fundamentales en el ámbito europeo", *Revista General de Derecho Europeo*, 31.

Vidal Prado, C., *El impacto del nuevo Derecho europeo en los Tribunales constitucionales*, Colex, Madrid, 2004.

Vecchio, Fausto., *Primacía del Derecho Europeo y Salvaguarda de las Identidades Constitucionales*, Boletín Oficial del Estado, 2015

RECURSOS DE APOYO Y WEBGRAFÍA

On-line course: The course will be conducted on-line.

Access to learning materials, submission of essays and other documents, and communication between course actors will take place through the specific on-line channel designed and maintained for the course, including the virtual forum and the board of notices at the virtual platform.

Teaching team will provide with other additional channels as social channels for communication and support teaching, including the Canal UNED, Radio UNED, etc.

Main links:

Canal UNED:

Master en Unión Europea (Master in European Union) serie:
<https://canal.uned.es/series/5a6f781cb1111fec0b8b4569>

Jean Monnet Module "Jurisdicción y Procedimientos en la Unión Europea", EUJuris, Canal UNED. <https://canal.uned.es/series/602a5c39b6092369ff03db45>

Legal Coffee Meetings serie: <https://canal.uned.es/series/5ab0f2edb111f11778b456a>

Other activities in streaming thanks to Canal UNED

Web Pages

http://www.uned.es/dpto_con/

<https://iurisprudencia.net/>

<https://takingalook.ideasoneurope.eu/> (in English)

Social channels:

Telegram: <https://t.me/iurisprudencianet>

Facebook: <https://www.facebook.com/iurisprudenciaNet/>

Linkedin: <https://www.linkedin.com/in/joaquinsarrionesteve/>

European glossary

http://europa.eu/legislation_summaries/glossary/

Reviews in English

Common Market Law Review, <https://kluwerlawonline.com/Journals/Common+Market+Law+Review/2>

European Constitutional Law Review, <https://www.cambridge.org/core/journals/european-constitutional-law-review>

European Law Review, <https://www.sweetandmaxwell.co.uk/Product/Academic-Law/European-Law-Review/Journal/30791372#:~:text=The%20European%20Law%20Review%20is,and%20administration%20of%20the%20law.>

Reviews in Spanish:

Anuario Iberoamericano de Justicia Constitucional, <https://www.cepc.gob.es/publicaciones/revistas/anuario-iberoamericano-de-justicia-constitucional>

Revista de Derecho Constitucional Europeo, <https://www.ugr.es/~redce/>

Revista de Derecho Político, <https://revistas.uned.es/index.php/derechopolitico>

Revista de Estudios Políticos, <https://www.cepc.gob.es/publicaciones/revistas/revista-de-estudios-politicos>

Revista de las Cortes Generales, <https://revista.cortesgenerales.es/rcg>

Revista Española de Derecho Constitucional, <https://www.cepc.gob.es/publicaciones/revistas/revista-espanola-de-derecho-constitucional>

Revista Universitaria Europea, <http://www.revistarue.eu/>

Teoría y realidad constitucional, <https://revistas.uned.es/index.php/TRC?msckid=a24a149bcee811ec80525d0d30d9790a>

Other useful links:

UNED Library facilitate access to:

Cambridge Core (Social Sciences and Humanities)

SpringerLINK Books (Including Social Sciences)

Elsevier

Ebook Central

VLex (Law)

Thomsom Reuters Proview (Law, includes 23 reviews within Law).

It is important also to note the following resources:

-The resource “Derechos Fundamentales” (Fundamental Rights) of the Agencia Estatal del Boletín Oficial del Estado, https://www.boe.es/legislacion/derechos_fundamentales.php

-European Union website, http://europa.eu/index_es.htm

-European Court of Justice website, <http://curia.europa.eu/>

IGUALDAD DE GÉNERO

En coherencia con el valor asumido de la igualdad de género, todas las denominaciones que en esta Guía hacen referencia a órganos de gobierno unipersonales, de representación, o miembros de la comunidad universitaria y se efectúan en género masculino, cuando no se hayan sustituido por términos genéricos, se entenderán hechas indistintamente en género femenino o masculino, según el sexo del titular que los desempeñe.