

# Droit constitutionnel européen

## Lecturers

Julio BAQUERO CRUZ (Coordinator) and Arnaud Van Waeyenberge

## Course mnemonic

DROI-0603

## ECTS credits

5 credits

## Language(s) of instruction

French

## Course period

First term

## Campus

Solbosch

## Course content

This course proposes a deep analysis of the basic legal structures of the European Union, which finds itself for various reasons (economic crisis, institutional crisis, Brexit, COVID-19, rule of law crisis in some Member States, climate crisis, Ukraine war...) in a difficult and decisive moment in its evolution. We are going to focus on the structural principles of Union law (direct effect, primacy, autonomy, relationship with State law), its founding values, in particular the rule of law and democracy, the system of competences, the legal aspects of its institutional and decision-making model, the role of each institution and the special position of the European Court of Justice and of the preliminary rulings procedure, the various contemporary phenomena of fragmentation and erosion (Brexit, enhanced cooperation, international agreements among groups of Member States...), the economic model of the treaties, their rigidity, the legal challenges of the response to the COVID-19 crisis, and the constitutional aspects of the war in Ukraine. The course consciously leaves aside some issues that belong to the constitutional law of the Union but which are already dealt with in specific courses in the master's degree, such as the external relations of the Union, Union citizenship or fundamental rights.

## Objectives (and/or specific learning outcomes)

The main objective is to allow the students to start working about the constitutional law of the Union and with the case law of the Court on institutional matters. To do so, we are going to study the Union system in its historical evolution and as regards its present state. We will also analyse its possible future development. The students will need to learn to read and actively use the case law of the European Court of Justice and to work with other official documents of Union law. The objective is therefore practical and

theoretical at once: to learn how to work in this field having a solid technical and theoretical base, while being aware of the wider context of the legal and institutional legal issues of the Union.

## Pre-requisites and co-requisites

### Required knowledge and skills

Basic legal knowledge, such as knowledge of constitutional law, could be useful. A prior knowledge of the Union's political system could also be useful.

## Teaching method and learning activities

Teaching will be ex cathedra, but with a sustained dialogue with the students. Each class will require an important preparation of assigned reading materials.

## Contribution to the teaching profile

The course will help developing a confirmed expertise regarding the institutional and constitutional law of the European Union. It also helps having the theoretical and technical knowledge that may allow anticipating its future evolution.

## References, bibliography and recommended reading

Paul Craig et Gráinne de Búrca, *EU Law: Text, Cases, and Materials*, Oxford University Press, 7ème édition, 2020.

Jean-Paul Jacqué, *Droit institutionnel de l'Union européenne*, 9ème édition, Dalloz, Paris, 2018.

Julio Baquero Cruz, *What's left of the law of integration: Decay and resistance in European Union law*, Oxford University Press, Oxford, 2018.

You will find detailed bibliographic references for each class in Université virtuelle.

## Course notes

Université virtuelle

## Other information

### Place(s) of teaching

Solbosch

### Contact(s)

Julio.Baquero-Cruz@ec.europa.eu

## Evaluation method(s)

written examination

### written examination

Open question with developed answer

Open book examination

### Evaluation method(s) (additional information)

Written exam with open book for both sessions.

### Determination of the mark (including the weighting of partial marks)

Exam 60 % / Active and pertinent participation in class 10% / TP 30%

NB: To obtain the pass grade of 10/20 you need to pass both the exam and the TP.

### Main language(s) of evaluation

English and French

## Programmes

Programmes proposing this course at the faculty of Law and Criminology

MS-DREU | Specialized Master in European Law | unit U

