

## **EU Law**

### **Course Description**

#### **The Legal Order of the European Union – EST 1020**

Prof. Peter G. Xuereb

The course spans two semesters and is examined by an assignment at the end of the first semester and a final test at the end of the second semester.

The course covers the main heads of the European Union's Legal Order. It starts with a chronological history of the development of the legal order via the conclusion of the first Treaties and the various amending treaties up to the current time. From the start the contribution of the European Court of Justice to this development is highlighted. Then follows an overview of the institutions of the EC and the Union, their composition (briefly) and their powers, including the concept of institutional balance. The next topic is Decision-making in the Union, with emphasis on the Community method. This is followed by the Principle of Supremacy of Community/Union Law and the relationship of Union Law and National Law, as well as the relationship between the European Court of Justice and national courts. Then we examine the so-called General Principles of Community Law, through the case-law of the European Court of Justice. This is followed by a study of the Principles of Direct Applicability, Direct Effect and of State Liability, and remedies in national courts. This usually takes us to the end of the first semester. The second semester is devoted to the Jurisdiction of the European court of Justice, covering the Preliminary Rulings Procedure, Enforcement Actions, and the Direct Action for Annulment.

The objective is to cover the main elements of the so-called Community Legal Order, which has an inherent dynamic to become over time the basic legal order of the Union as a whole and much of which applies across the sphere of competences of the Union. The student will develop an understanding of the legal perspective of the evolution and the workings of the Union, with emphasis on the relationship between Community/Union Law and National Law and the approach and methodology of the European Court of Justice in interpreting, developing and applying Union Law.

Textbooks are as advised on the Booklist distributed at the start of the academic year. Materials will be supplied at every stage of the course to supplement the textbooks.

#### EST1022 and EST1023

NB: The first semester programme is offered as EST1022 Law of the EU Institutions and General Principles of EU Law - to visiting students who are here only for the relevant semester and to MA students who are instructed to follow this course. While the second semester programme is offered as EST1023 Enforcement of EU Law - to visiting students who are here only for the relevant semester.