

Spring semester 2009

Jurisprudence on European integration

- Tiesu prakse Eiropas integrācijas jautājumos (angļu valodā) -

Important decisions of the European Court of Justice and decisions of the constitutional courts of the member states concerning the participation in the process of European integration

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DAAD lecturer

- **Course description:**

(course code JurZ5067)

In European law, the judiciary plays a more important role in the development of law than in most national legal systems. Many central legal norms and legal institutions are not based on specific articles in the founding treaties but have been elaborated by the European Court of Justice during decades of legal practice. This is true in particular for the important general principles of Community law. Nevertheless, European Law is not a case-law system as for instance the British common Law. It is rooted in the continental legal tradition. For a European jurist of the 21st century it is essential to know the European jurisprudence and to know how to work with it. He must understand the broader functional and dogmatic context. He must be able to assess the significance and the practical relevance of the decisions, to question the applied methods and to critically evaluate the contents.

This course will present the fundamental decisions of the European Court of Justice. Furthermore, it will discuss important decisions of the constitutional courts and the supreme courts of the member states which concern the participation of the state in the process of supranational integration. The knowledge about the different approaches and perspectives in European and constitutional jurisprudence will provide the participants with a deeper understanding of the interaction between European and national law. The course is not confined to the contents of the decisions but also aims at an analysis of the *argumentation patterns*, the applied *methods* and the *understanding of the courts of their perspective roles*. Apart from providing a broad knowledge, the course trains participants to become conscious of the strong and weak points and the limits of legal argumentation. In accordance with this course concept, frequent discussions build an integral part of the course. Finally, the course will discuss if and in what respect the Treaty of Lisbon, should it come into force, will give rise to changes of the European Court's practice.

The course is organised together with the DAAD lecturer at the University of Tartu, Dr. Christoph Schewe, as a *joint course for students of the University of Latvia, the Riga Graduate School of Law and the University of Tartu*. The joint project shall underline the strong link between the subject and the common future of Latvia, Estonia and Germany in a united Europe. It also aims to *promote contacts between young Latvian and Estonian jurists* and to contribute to the building of networks in the Baltics.

The course follows the *concept of block lectures*, which has proved successful at many European universities: After a few separate introductory lectures, the main part of the course will take place during two joint two-day meetings, one on *March 6/7 in Rīga*, the other on *March 27/28 in Tartu*. To receive the credit points, participants have to take part at *both* two-day meetings. The concentration on a coherent subject for several days, far away from daily work routine, will allow a more

intense and fruitful work. In the evenings, the participants will have the opportunity for comparative studies in student and cultural life (are there better bars, clubs and parties in Tartu than in Rīga?).

The course addresses to *students of all study programs* that are interested in European law. The two-day meetings are also open for interested lecturers and legal practitioners, who are invited to join our discussions.

- **Conditions:**

The course is open for students of all faculties and also for students of the Riga Graduate School of Law. In order to get 2 credit points (B), participants are required to give a short own presentation (concerning an important decision) or to pass a final examination. Students at the Riga Graduate School of Law may achieve 2.5 credit points by doing both. Students who do not need to get credit points are also invited to participate on an informal basis.

- **Time and Place:**

1. Tuesday, 10.02., 17.02., 24.02., 17.03.2009, 16.30 - 18.00, Auditorium 42 (Raiņa bulv. 19)
2. Two-day meetings (block lectures) on Friday/Saturday, 6./7.03.2009 (Rīga) and 27./28.03.2009 (Tartu).

- **Contents:**

- § 1 Introduction
- § 2 Basic concepts, implementation and enforcement of the law of the European Union
- § 3 The competences of the European Union
- § 4 The institutions of the European Union
- § 5 Fundamental rights and the rule of law in the European Union
- § 6 The economic fundamental freedoms of the citizens in the European Union
- § 7 Membership and participation of the state in the European Union

- **Bibliography (selection):**

Boulois, Jean; Chevallier, Roger-M.; Blanquet, Marc; Fasquelle, Daniel (editors): Les grands arrêts de la jurisprudence communautaire, vol. 2: Droit communautaire des affaires, marché intérieur, politiques communautaires, 5th edition 2002

Hummer, Waldemar; Vedder, Christoph (editors): Europarecht in Fällen, 4th edition 2005

Kaczorowska, Alina (editor): Law of the European Union. 150 Leading Cases, 3rd edition 2004

Mager, Ute; Herrmann, Danielle (editors): Höchstrichterliche Rechtsprechung zum Europarecht, 2004

Pechstein, Matthias (editor): Entscheidungen des Europäischen Gerichtshofs. Studienauswahl, 4th edition 2007

Röttgen, Norbert: Die Argumentation des Europäischen Gerichtshofs. Typik, Methodik, Kritik, doctoral thesis, Bonn 2001

Tulkošanas un terminoloģijas centrs (editor): Eiropas Kopienas Tiesas spriedumu tulkojumi latviski (Latvian translation of important ECJ decisions), <http://www.ttc.lv/index.php?id=88>

Turner, Chris: EU Law. Key Cases, 2006

Weatherill, Stephen: Cases and Materials on EU Law, 8th edition 2007

- **Further informations:**

At www.lanet.lv/~tschmit1 or directly from the lecturer (tschmit1@gwdg.de).