

EUROPEAN UNION LAW
George Mason University
Antonin Scalia Law School
Spring 2022, Law 642-001

Course Description & Summary

This two-credit course aims to give students a comprehensive introduction to European Union law in light of the ongoing pandemic, economic and political challenges facing the (as of now) 27-country bloc. In the opening weeks, we will survey the succession of treaties that have led to today's EU and the institutions that govern the Union, and lay out key legal and political themes and principles associated with European integration. The middle portion of the course delves into the nature of the EU legal order, including the role of the judiciary, interaction with the domestic law of member states and international law, and the Union's increasingly important fundamental rights framework. The final segment covers data privacy law and immigration issues, the basics of the EU internal market and competition (antitrust) framework, and the EU's increasingly prominent and ambitious role as an international actor in its own right. The course offers a compressed survey of the constitutional, administrative, human rights, justice and home affairs, economic and foreign relations law of the European Union. The emphasis throughout is on institutional aspects of the EU, and specifically on the relationship between the EU and its member states, with comparisons to U.S. law and legal policy as appropriate.

We are living in interesting times in direct relation to the EU itself (*e.g.*, the impact of Brexit specifically, and European anti-multilateralism generally) and indirectly via the transition of U.S. administrations and the Trump administration's skepticism concerning multilateral agreements that have the effect (actual or perceived) of diluting nation-State sovereignty. We will take advantage of these and other relevant current events as they happen in order to gain a deeper understanding of the EU as an entity and its goals. With this in mind, I will expect that, in addition to the assigned reading in preparation for each week's meeting, everyone will have taken the time during the week to peruse the front pages of right- and left-wing European newspapers (for example, the UK's *Telegraph* and *Guardian*, Brexit notwithstanding). I plan to discuss current events at the beginning of every class.

Student Learning Outcomes

- Students will have a historical appreciation of the post-World War II drivers of integration that underlie the EU today.
- Students will understand the legal framework that supports the supra-national entity that is the EU today, and why the United Kingdom exercised its right to opt out ("Brexit").
- Students will be exposed to the mix of civil-law common law approaches that establish the EU legal regime.
- Students will learn the broad legal and policy areas that, with the consent of the Member States, fall within the competence of the EU.

Course Materials

- **Required:** *An Introduction to European Law*, Robert Schütze (2nd ed., 2015) [Text]
- *EU Treaties and Legislation*, available publicly via the EU website:
<https://eur-lex.europa.eu/homepage.html>
- Individual cases and other supplementary materials as noted in class
- In-class readings, to be provided as handouts

Course Expectations

The class meets Monday evenings from 8:10-10:10 p.m., including a ten minute break. Students are expected to attend and to be on time for all sessions, to complete each week's reading conscientiously, including European newspapers, to contribute to group discussion thoughtfully and respectfully, and to refrain from any non-course-related use of wireless in class. Please inform the instructors in advance or as soon as possible thereafter of any unavoidable absences.

Course Requirements and Grading

There will be no final exam for this course; instead, students will write a 20- to 25-page research paper on an EU law topic.

A research paper of 20-25 pages will account for 60% of the final grade and class participation will account for 40%. EU law is a broad field: keys for the research paper are identifying subject matter that interests you, ensuring that your paper centers on EU-oriented legal issues, drawing from a range of legal sources, and presenting the topic or thesis in a thoughtful manner. Papers should draw on course material (including current events discussed in class) and be geared toward an educated general reader. Also required, **no later than Friday, March 25**, is a 1- to 2-page project proposal outlining your research topic and intended approach. Research papers are due **by noon on Monday May 2, 2022**, by e-mail; no hard copies required.

Contacting Me

I will make myself available after each class for questions and discussion, and upon advance request can generally be available in the half hour before class as well. You can also reach me by e-mail or phone/voice-mail. If you send an e-mail, please include a phone number and the best time(s) to reach you. I will provide our contact information on the first day of class (you may reach me via the school beforehand.)

EUROPEAN UNION LAW – CLASS SCHEDULE, TOPICS AND READINGS

Basic text is Robert Schütze, *An Introduction to European Law*, 2nd edition (Cambridge University Press, 2015). Treaty articles are available in Schütze-edited supplement or official EU treaty publications (<https://eur-lex.europa.eu/homepage.html>). Supplementary materials noticed in class. Readings may be modified or supplemented during the semester, with advance notice, particularly in the latter half of the course.

Session 1 History of the European Union; Union Institutions **Jan. 24**

Text: Introduction, Chapter 1, pp. 10-38

Session 2 Union Legislation **Jan. 31**

Text: Chapter 2, pp. 39-64

Session 3 Union Competences **Feb. 7**

Text: Chapter 3, pp. 65-89

Session 4 Fundamental Rights **Feb. 14**

Text: Chapter 4, pp. 90-111

Session 5 Direct Effect **Feb. 21**

Text: Chapter 5, pp. 115-141

Session 6 Supremacy **Feb. 28**

Text: Chapter 6, pp. 142-160

Session 7 National Action **Mar. 7**

Text: Chapter 7, pp. 161-190

SPRING BREAK – NO CLASS **Mar. 14**

Session 8 European Actions **Mar. 21**

Text: Chapter 8, pp. 191-218

Due Friday, March 25: 1- to 2-page project proposal outlining your research topic and intended approach

Session 9 Internal Market I & II **Mar. 28**

Text: Chapter 9, pp. 221-267

Session 10 EU International Trade **Apr. 4**

Materials to be provided at class

Session 11 Internal Market: Persons

Apr. 11

Text: Chapter 10, pp. 268-294

Session 11 Competition Law - Cartels

Apr. 18

Text: Chapter 12, pp. 295-320

Session 12 – EU Environmental law and Protection of Personal Data

Apr. 25

7th Environmental Action Plan (2013-2020);

Water Framework Directive (2000/60/EC)

Schrems v. Data Protection Commissioner (ECJ, 2015) (excerpts)

General Data Protection Regulation (2015) (excerpts/skim)

RESEARCH PAPER DUE – By noon on Monday May 2, 2022
