

**Ministry of Education and Science of Ukraine
Yaroslav Mudryi National Law University**

Department of Law of the European Union

**WORK PROGRAMME OF ACADEMIC DISCIPLINE
" EUROPEAN UNION LAW AND ITS LEGAL SYSTEM "**

Level of higher education – the second (master's) level

Degree of higher education – master

Field of knowledge – 29 "International Relations"

Speciality – 293 "International Law"

Discipline status – compulsory

Recruitment year – 2022

Kharkiv 2022

Work programme of the discipline "European Union law and its legal system" for students of higher education of the second (Master's) level of higher education in the field of knowledge 29 "International relations" speciality 293 "International law". Kharkiv: Yaroslav Mudryi National Law University, 2022. 24 p.

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1. Description of the discipline

The curriculum of the **discipline "European Union law and its legal system"** was developed in accordance with the educational and professional programme "International Law" of the second (Master's) level of higher education, field of knowledge 29 "International Relations", speciality 293 "International Law".

Name of indicators	Field of knowledge, specialty, level of education	Didactic structure of the discipline	
		full-time education	full-time education
Number of ECTS credits – 5.0	Field of knowledge - 29 "International law" Speciality - 293 "International Law" Level of education – the second (master's) degree	Compulsory	Compulsory
Number of modules - 2		Year of preparation: 2022-2023	Year of preparation: 2022-2023
		Semester	Semester
Total number of hours – 150		1	1
Weekly hours for full-time education: classrooms - 4, independent work of the student - 6 - 8.		Lectures	Lectures
		26 hours	6 hours
		Practical/seminar classes	Practical/seminar classes
		24 hours	6 hours
		Self-study	Self-study
		100 hours	138 hours
	Types of control: current control; final control of knowledge (exam)	Types of control: current control; final control of knowledge (exam)	

The purpose of the educational discipline is to form theoretical, practical and scientific knowledge in the field of the EU law, its principles of operation, values and constitutional foundations, and to form professional ideas about the interaction of the EU legal order with the legal systems of the EU member states and the place of private individuals in them, as well as in the formation of skills to correctly use the norms of EU law in future professional activities.

Objectives:

- mastering by students of the necessary theoretical provisions developed by the science of EU law, which reveal the essence and features of the legal system of the EU law;

- mastering the normative material that is the result of the law-making activity of the EU institutions and bodies, the practice of the EU judicial system, as well as those rules of conduct that are formed in the process of cooperation between the EU, its member states and other subjects of international law;

- familiarization with the process of functioning of the EU legal order;

- familiarization with the latest case law of the Court of Justice of the EU, as well as the development of students' skills to independently analyze and evaluate it, in particular through a theoretical generalization of practical experience;

- determination of applied problems arising in the process of functioning of the EU legal order, identification of ways to overcome these problems;

- acquainting students with the methodology of obtaining information on various aspects of the European Union's activities, including with the help of a bibliography and modern technical means (electronic databases and the Internet).

Prerequisites: European Union Law, Public International Law.

Co-requisites: Legal regulation of the EU internal market.

Post-requisites: EU Corporate Law and Governance, Competition (Antitrust) Law of the European Union, Protection of Rights at the European Court of Human Rights, EU Migration Law.

2. Expected learning outcomes

As a result of mastering the discipline, the higher education student must demonstrate the following learning outcomes:

LO 1. To demonstrate knowledge of key concepts, principles, theories and doctrines of European Union law

LO 2. To demonstrate knowledge of the laws of the evolution of the EU legal system and its relationship with the legal systems of the EU member states.

LO 3. To reveal the weaknesses of the mechanisms for protecting the values of the European Union.

LO 4. To characterize the current state of development of fundamental rights in the European Union.

LO 5. To characterize the current state of development of the anti-discrimination law of the European Union.

LO 6. To characterize the current state of development of mechanisms for the protection of the law of the European Union, to formulate their proposals for the improvement of the relevant mechanisms of protection.

LO 7. To carry out a logical, critical and systematic analysis of regulatory legal acts of the European Union and judicial practice of the European Union.

LO 8. To demonstrate knowledge of precedential norms related to fundamental rights and anti-discrimination in the European Union.

LO 9. To provide professional advice on protecting the rights and interests of subjects of various levels in the European Union.

LO 10. To characterize the strategic directions of Ukraine's foreign policy activity in relation to the European Union, and the effectiveness of cooperation in the relevant directions.

LO 11. To carry out an analysis of the process of implementation of Ukraine's international legal obligations under the Association Agreement with the EU and EU case law and demonstrate the ability to substantiate proposals for amendments to Ukrainian legislation taking into account EU case law.

The teaching of the discipline ensures the formation of general and special competencies and the achievement of learning outcomes determined by the higher education standards of the relevant speciality and the educational and professional programme "International Law", namely:

General competencies :

GC 1. Ability to critical thinking, analysis and synthesis.

GC 2. The ability to identify and solve problems arising in the professional sphere, to formulate and ask questions for their further solution.

GC 6. Ability to work effectively in an intercultural environment, in particular, to

develop and manage international projects.

GC 7. Ability to conduct research at the appropriate level.

GC 10. Ability to work (collect, receive, systematize and synthesize) with a variety of information and large amounts of information from various sources, analyze and critically and constructively evaluate it, taking into account the cross-cultural characteristics of subjects of international relations.

GC 11. Ability to use the latest information and communication technologies for professional purposes.

GC 15. Ability to understand the specifics of the subject area and professional activity, to make informed, balanced decisions and to be aware of their ethical consequences.

GC 16. Ability to communicate with representatives of other professional groups of different levels, from other fields of knowledge and activities, as well as the ability to work in an international professional environment.

Special competencies:

SC 2. The ability to communicate freely in a foreign language, both orally and in writing, in the professional sphere.

SC 3. Ability to independently provide legal representation of the interests of individuals, legal entities or the state when considering cases in national and international institutions and organising the provision of legal services.

SC 4. Ability to comprehensively use highly specialized knowledge in specific areas of regulation of international public law, international private law, and European law to solve applied problems.

SC 7. Ability to represent the interests of Ukraine or individuals and legal entities in international judicial institutions, arbitrations, and national courts of foreign countries.

SC 10. The ability to provide a full and versatile international legal assessment of the actions of subjects of international law.

SC 12. Ability to conduct research and/or introduce innovations in various fields and

institutions of international public law, international private law, and the EU law.

SC 14. Ability to apply an interdisciplinary approach in the assessment of international legal phenomena and international relations using legal instruments.

SC 15. Ability to make decisions in situations requiring a systematic, logical and functional interpretation of the norms of international law (public/private), the European Union law, as well as an understanding of the peculiarities of the practice of their application.

SC 16. Ability to work with international documentation (treaties, acts of international organizations and bodies, etc.), determine their legal nature, draft projects and accompanying documentation in Ukrainian and foreign languages.

SC 20. Ability to provide a proper legal assessment of evidence in a legal case and a specific procedural situation, the ability to work with evidence, to solve the problems of planning and organizing the legal process, and to solve a legal case within different jurisdictions.

SC 21. The ability to communicate effectively in an international, multicultural environment using knowledge in the fields of international law, European law and international relations.

Programme learning outcomes:

PLO 1. To analyze multifaceted problems of international and national legal content and propose ways to solve them.

PLO 5. To provide legal representation of the client in national courts, international commercial arbitrations, state authorities and local governments.

PLO 6. To protect the interests of one's state in national courts, international commercial arbitrations, international courts and organizations, in particular integration ones, at international conferences.

PLO 7. To make informed decisions based on the acquired knowledge of international public, private and the EU law and be aware of their consequences for various subjects of national and international law.

PLO 9. To be aware of the mechanism and consequences of the implementation of the norms of international treaties, the application of acts of international

intergovernmental organizations, the implementation of decisions of international courts in the national legal order.

PLO 16. To determine the content and legal nature of national normative legal acts, international treaties and other international documents, identify conflicts between the norms of international treaties, between the norms of an international treaty and acts of national legislation, and also propose ways to resolve them.

PLO 17. To conduct research on international legal issues, using primary sources and methods of legal interpretation of complex problems arising from this research, to argue the conclusions and present the research results.

PLO 18. To freely use of available information and communication technologies and databases for professional activities.

3. Contents of the curriculum

Module 1. Constitutional basics of the legal system of the European Union

General characteristics of the legal system of the European Union.

Supranational nature of the European Union. The EU competence, its nature, content and types. Implementation of the EU competence. Demarcation of subjects of responsibilities and powers between the EU and the member states. Principles of subsidiarity and proportionality (Protocol No. 2 to the Treaty on the Functioning of the EU). Sources of the EU law, their characteristics and features of application.

Interaction of the legal systems of the member states with the legal system of the EU. The principle of close cooperation. Supremacy of the EU law over national law of the EU member states. The direct effect of the EU law in national legal systems of the EU member states. Preliminary requests from judicial institutions of the EU member states. Liability of member states for violation of the EU law.

Values of the European Union. The EU values: human dignity, freedom, democracy, equality, rule of law and respect for human rights, in particular those belonging to minorities. Prospects for their further development. Analysis of the content of each value.

Practical aspects of implementing the values of the European Union. Guarantees of values. Mechanisms for the protection of values: political and legal. Cases of violation of EU values. The case of Poland. The case of Hungary. The crisis of the rule of law in the EU.

Module 2. Actual problems of the law of the European Union: practical dimension.

Fundamental rights in the European Union. Charter of Fundamental Rights of the EU, proclamation and official recognition of the Charter. The substantive law of the Charter: theoretical and doctrinal approaches to rights. Scope of the Charter. Formulation of Charter rights through case law of the EU Court of Justice. Judicial dialogue between the Court of Justice of the EU and the ECtHR. The principle of proportionality and limitation of Charter rights.

Anti-discrimination law of the European Union. General principles of anti-discrimination law of the European Union and equal treatment. Key concepts in the EU anti-discrimination legislation. Scope and enforcement of anti-discrimination provisions: workplace and non-workplace. Discrimination. Exceptions to the principle of non-discrimination.

Protection of the law of the European Union in the national courts of the member states and the Court of Justice of the EU. The principle of efficiency when applying the EU law in national legal systems. Review of the practice of national courts of member states regarding the protection and application of the EU law. Proceedings in the Court of Justice of the EU against member states for violation of the EU law. Proceedings in the EU Court of Justice in cases of annulment of illegitimate EU regulatory acts. Grounds for proceedings. Subjects of proceedings.

Non-judicial protection of the law of the European Union. The European Ombudsman: powers, a procedure for their implementation. The procedure for applying to the Ombudsman. Filling out an application to the Ombudsman.

4. Scope and structure of the discipline

4.1. For students of full-time higher education

№ п/п	Date (according to the schedule)	Subjects of the training course	Volume (hours)			
			Total	Including		
				Lectures	Practical classes, seminar classes, colloquiums, etc	Self-study
		Module 1. Constitutional basics of the legal system of the European Union				
		Topic 1. General characteristics of the legal system of the European Union.		4	4	10
		Topic 2. Interaction of the legal systems of the member states with the legal system of the EU.		2	2	10
		Topic 3. Values of the European Union.		2	2	10
		Topic 4. Practical aspects of implementing the values of the European Union.		4	2	10
		Totally		12	10	40
		Module 2. Actual problems of the law of the European Union: practical dimension.				
		Topic 5. Fundamental rights in the European Union.		4	4	16

		Topic 6. Anti-discrimination law of the European Union.		4	4	16
		Topic 7. Protection of the law of the European Union in the national courts of the member states and the Court of Justice of the EU.		2	2	14
		Topic 8. Non-judicial protection of the law of the European Union.		2	2	14
		<i>Totaly</i>		14	14	60
		Total hours / ECTS credits	150/5,0	26	24	100

4.2. For applicants of higher education in correspondence form of education

№ п/п	Date (according to the schedule)	Subjects of the training course	Volume (hours)			
			Totaly	Including		
				Lectures	Practical classes, seminar classes, colloquiums, etc	Self-study
		Module 1. Constitutional basics of the legal system of the European Union				
		Topic 1. General characteristics of the legal system of the European Union.		2	-	20
		Topic 2. Interaction of the legal systems of the member states with the legal system of the EU.		-	2	16
		Topic 3. Values of the European Union.		2	2	16
		Topic 4. Practical aspects of implementing the values of the European Union.		-	-	16

		Totally		4	4	68
		Module 2. Actual problems of the law of the European Union: practical dimension.				
		Topic 5. Fundamental rights in the European Union.		2	2	18
		Topic 6. Anti-discrimination law of the European Union.		-	-	18
		Topic 7. Protection of the law of the European Union in the national courts of the member states and the Court of Justice of the EU.		-	-	18
		Topic 8. Non-judicial protection of the law of the European Union.		-	-	16
		<i>Totally</i>		2	2	6
		Total hours/credits ECTS	150/5,0	6	6	138

5. Forms of pedagogical control and means of evaluating learning results

Forms of students' knowledge control are current and final control.

The task of current control is to check the understanding and assimilation of a certain material, the ability to independently process texts, the ability to understand the content of a topic or section, the ability to publicly or in writing present certain material (presentation).

The objects of current control of students' knowledge are:

- a) systematic and active work at lectures, and practical classes (attending relevant forms of the educational process, activity and level of knowledge when discussing issues; participation in student conferences, circles, competitions, Olympiads; other forms of work);
- b) performing of test control works (test modules);

c) completion of tasks for independent processing (independent processing of topics in general or individual issues; writing abstracts, essays and their presentation; preparation of abstracts of educational or scientific texts; preparation of abstract materials from publications; other forms of work).

During the practical lesson, a student can receive a grade on a two-point scale (0, 1, 2;

The mandatory form of independent work of students is the preparation of an individual final written work. The maximum number of points based on the results of the defence of an individual final written work is 4 points.

The form of final control of the knowledge of higher education students in a discipline is an exam. The maximum number of points for an exam is 60 points. The exam is held in oral form based on exam tickets. The minimum evaluation of the results of the current control and independent work, for which the student is admitted to the exam, is 20 points.

Distribution of points between forms of organization of the educational process and types of control measures:

Current control					Final control		Final scores
Modul № 1		Modul № 2		Independent work of students	Exam		
P/s	Test	P/s	Test				
max 20	max 4	max 28	max 4	Max 4		max 60	Max 100

6 . Criteria for evaluating learning outcomes

type of control	Scores	Criteria (for each assessment)
Current control in a practical session	Max 4	Excellent assimilation of educational material on the topic, some minor shortcomings are possible.
	2	Satisfactory level of assimilation of the material, a significant number of errors

	Min 0	Unsatisfactory level of assimilation of the material.
Testing/quiz/colloquium	Max 4	The results of processing the material are high, and a small number of insignificant errors are possible.
	2	Satisfactory level of assimilation of the material, but a significant number of errors.
	Min 0	Unsatisfactory level of assimilation of the material.
Exam	Max 60	<p>1. Comprehensive, systematic and deep knowledge of the material provided by the curriculum of the academic discipline, including orientation in the main scientific doctrines and concepts of the discipline.</p> <p>2. Learning the main and additional literature recommended by the department.</p> <p>3. Ability to independently replenish knowledge of the discipline and use the acquired knowledge in practical work.</p>
	55	<p>1. Complete knowledge of the material provided by the curriculum of the academic discipline.</p> <p>2. Mastering the basic literature and getting to know the additional literature recommended by the department.</p> <p>3. Ability to independently replenish knowledge of the discipline, understanding its importance for practical work.</p>
	50	<p>1. Sufficiently complete knowledge of the material provided by the program of the academic discipline, in the absence of significant inaccuracies in the answer.</p> <p>2. Learning the basic literature recommended by the department.</p> <p>3. Ability to independently replenish knowledge of the discipline, understanding its importance for practical work.</p>
	45	<p>1. Knowledge of the basic material provided by the curriculum of the academic discipline, in an amount sufficient for further study and future work in the profession.</p> <p>2. Learning the basic literature recommended by the department.</p> <p>3. Errors and significant inaccuracies in the answer to the exam in the presence of knowledge to eliminate them independently or with the help of a teacher.</p>
	40	1. Knowledge of the basic material provided by the curriculum of the academic discipline, in an

		<p>amount sufficient for further study and future work in the profession.</p> <p>2. Acquaintance with the basic literature recommended by the department.</p> <p>3. Errors in the answer to the exam in the presence of knowledge to eliminate the most significant errors with the help of the teacher.</p>
	35	<p>1. Gaps in knowledge of certain parts of the main material provided by the curriculum of the academic discipline.</p> <p>2. The presence of errors in the answer to the exam.</p>
	Min 0	<p>1. Lack of knowledge of a significant part of the main material provided by the program of the academic discipline.</p> <p>2. Impossibility to continue studying or carry out professional activities without passing a repeated course in this discipline.</p>

7. Pedagogical control for full-time / correspondence students of higher education

Scale of final pedagogical control

Assessment on the ECTS scale	Definition	Rating on a national scale for credit	Rating according to the 100-point scale used at NYU
A	Excellent - Excellent execution, with only a small number of errors	5	90 - 100
B	Very good - above average with a few errors	4	80-89
C	Good - generally correct work with a number of minor errors		75-79
D	Satisfactory - not bad, but with a significant number of shortcomings		70-74
E	Sufficient – performance meets minimum criteria	3	60-69
FX	Unsatisfactory - work needs to be done before rewriting	2	20-59

F	Unsatisfactory - serious further work is required, and a mandatory repeat course		0 - 19
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8. Educational, methodological and information support of the discipline

Basic literature:

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2. Право Європейського Союзу : підручник / [Р. А. Петров (кер. авт. кол.), А. О. Вакуленко, Ван Елсуwege П. та ін.] ; за ред. Р. А. Петрова. Вид. 10-те, змінене і допов. Харків : Право, 2021. 484 с.
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- 11.Копійка В.В., Європейський Союз на сучасному етапі: структурні зміни та стратегія розвитку : научное издание / В. В. Копійка, Т. І. Шинкаренко, М. А. Миронова. К.: Знання, 2010. 94 с.
- 12.Кордон М.В. Європейська та євроатлантична інтеграція України / Навч. Посібник. К.: ЦУЛ, 2008. 172 с.
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Database of the EU legislation: <http://eur-lex.europa.eu/en/index.htm>

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http://ec.europa.eu/yourvoice/consultations/index_en.htm

Animation about the decision-making process in the EU:
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