

5.0 crédits

30.0 h

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Enseignants:	Bailleux Antoine ; Van der Mensbrugge François ;
Langue d'enseignement:	Anglais
Lieu du cours	Bruxelles
Thèmes abordés :	<p>The course will cover the following principal topics:</p> <ul style="list-style-type: none"> <li>-Enlargement and Copenhagen political conditionality (given Treaty basis in Article 49 TEU).</li> <li>-Article 7 TEU on the consequences of a breach of Article 6 TEU.</li> <li>-Expansion of the EC's legislative capacity in the area of human rights protection and the adoption of non-discrimination directives (Article 13 EC).</li> <li>-The relationship between judicial protection and the rule of law (most notably the effectiveness of judicial protection within the third pillar in the light of the case law of the Court of Justice on Pupino and Segi).</li> <li>-Legal protection of persons targeted by Community measures following instructions by the UN Security Council (CFI judgments in Yusuf, Kadi, Ayadi, Hassan, and their pending appeals).</li> <li>-The expansion of Community law into the area of State-controlled economic activities (see most notably the FENIN judgment of the Grand Chamber of 11 July 2006, Case C-205/03 P) and the increasing importance of non-economic values and principles in the construction of a new model of EU competition law.</li> <li>-The declaration of the Charter of Fundamental Rights in December 2000, its current status, and situation under the Lisbon Treaty.</li> <li>-The development by the European Court of Justice of its own human rights jurisdiction and the broader issue of an overlap of jurisdiction between the European Court of Justice in Luxembourg and the European Court of Human Rights in Strasbourg (how the close development of two near, but not identical, human rights jurisdictions in Europe affects the development of human right in the European legal space). This particular issue should focus on the question of litigants attacking EU measures before the European Court of Human Rights on the basis that an EU Member State implementing EU measures has taken an action violating the European Convention on Human Rights (the Bosphorus saga).</li> <li>-In relation to the foregoing, the issue of trans-national judicial conversations in human rights against the backdrop of judicial "globalization" (most notably determining whether, and how, courts make use of comparative methodology).</li> <li>-The establishment of the Fundamental Rights Agency : Council Regulation (EC) No 168/2007 of February 15, 2007 establishing a European Union Agency for Fundamental Rights, in O.J., L 53 of February 22, 2007. The ambit of the new FRA covers the phenomena of racism, xenophobia and anti-Semitism, the protection of rights of persons belonging to minorities, as well as gender equality.</li> <li>-The importance of information and communication with respect to the rights that citizenship of the Union confers on its citizens to improve their awareness of their rights: see most notably Council Decision of 19 April 2007 establishing for the period 2007-2013 the specific programme 'Fundamental rights and citizenship' as part of the General programme 'Fundamental Rights and Justice', in O.J., L 110/33 of April 27, 2007.</li> </ul>
Acquis d'apprentissage	<p>The European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States. Whilst these principles are today enshrined in Article 6 TEU, European Heads of State and Government already had these principles in mind when reflecting on European identity as early as 1973. The Court of Justice further referred to the rule of law and the requirements of judicial protection in its 1986 Les Verts judgment, which remains as relevant today as it was twenty-one years ago : "It must first be emphasized that the European Economic Community is a Community based on the rule of law, inasmuch as neither its Member States nor its institutions can avoid a review of the question whether the measures adopted by them are in conformity with the basic constitutional charter, the Treaty".</p> <p>Today, in the tussle of day-to-day politics in the EU, it is easy to forget how the founding of the European Economic Community and its development into the European Union have played a part in creating a climate in which the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, could flourish. These principles came to the fore on a monumental scale with the accession of the former Communist countries and the reunification of Germany in the 1990s. In order to be able to start accession negotiations and eventually accede to the EU, these countries first had to meet the Copenhagen political criteria, which require "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities". Over the past decade, enlargement has shown its enduring value as one of the EU's most effective policies, successfully contributing to the proliferation of the rule of law, promoting democratic development and contributing to peace and stability within the EU and its relations with the neighbouring States (the Balkans, Turkey, the three Caucasian countries).</p> <p>Having this in mind, the European Court of Justice has developed its own human rights jurisdiction and there exists today an overlap of jurisdiction between the European Court of Justice in Luxembourg and the European Court of Human Rights in Strasbourg. Precisely, the course will strive to enhance the understanding of these developments against the backdrop of the dialectical relationship between the European human rights acquis and European identity.</p> <p><i>La contribution de cette UE au développement et à la maîtrise des compétences et acquis du (des) programme(s) est accessible à la fin de cette fiche, dans la partie « Programmes/formations proposant cette unité d'enseignement (UE) ».</i></p>

Modes d'évaluation des acquis des étudiants :	Written or oral examination.
Méthodes d'enseignement :	The course will combine lectures and case-law method. Prior reading of cases is highly recommended.
Cycle et année d'étude: :	<a href="#">&gt; Master [120] en études européennes</a>
Faculté ou entité en charge:	EURO