


5 credits

30.0 h

Q1

Teacher(s)	Wathelet Melchior ;
Language :	French
Place of the course	Louvain-la-Neuve
Main themes	<p>The course is divided into two main chapters:</p> <p>(I) EU Courts System</p> <p>Considering the specificities of the EU legal order, the professor highlights the relations, similarities and differences between national judges and EU judges. The fundamental characteristics of the EU judicial institution are then presented. After a brief historical overview of the establishment of the Court of Justice, the General Court (formerly the Court of First Instance) and specialised courts, their structure, composition and procedures are being described. The division of competences between the two levels of jurisdiction are treated at this stage. This will be the occasion to consider the three different aspects of the Court of Justice's activity: Constitutional Court, Supreme Court and, when dealing with references for preliminary rulings, the centre of a network linking it to national courts.</p> <p>(II) The various types of proceedings</p> <p>All the different types of proceedings before the Court of Justice of the European Union are being studied at length: action for failure to fulfil obligations, action for annulment (as well as the plea for illegality), action for failure to act, references for preliminary rulings (on the interpretation or validity of EU law), actions implicating the non-contractual liability of the Union or of a Member State for a breach of EU law, and request for an opinion. For each of them, the legal basis, potential applicants and defendants, procedure, effects, conditions for a valid action as well as the relevant (national or European) court are being analysed.</p>
Aims	<p>Following the course of European Law (LDROI1226) taught in the programme of Bachelor of Laws, EU Litigation aims at providing students with a complete overview of the judicial mechanisms foreseen by the TEU and TFEU to ensure the implementation of EU law. Students who pass the final exam will be able to identify situations in which proceedings can be appropriate, define the type of action to be taken and understand the procedure to be followed to this end.</p> <p>-----</p> <p><i>The contribution of this Teaching Unit to the development and command of the skills and learning outcomes of the programme(s) can be accessed at the end of this sheet, in the section entitled "Programmes/courses offering this Teaching Unit".</i></p>
Evaluation methods	Written exam (15/20) including theoretical and (mostly) practical questions (cases) for which students are expected to develop a structured argumentation in order to deal with a situation calling for or involving proceedings before the Court of Justice of the European Union. The oral presentation of a judgment is also marked (5/20; see below).
Teaching methods	<p>As much as possible and considering the number of enrolled students, participative teaching methods are promoted. The teacher will illustrate the course with numerous examples derived from his own personal experience and invite students to apply their recently obtained knowledge to concrete situations.</p> <p>Students are moreover requested to present individually a judgment (taken from the list of relevant case-law provided by the professor) to their peers. This oral presentation counts for 5 points out of the final mark (i.e. 5/20).</p> <p>A visit to the Court of Justice of the European Union is organized in order to enable students to attend a public hearing of a case introduced beforehand during the course and to explore on the spot the institution they study.</p>
Inline resources	A document entitled ' Plan détaillé (2017-2018) ' (PPT of the course) and another one entitled ' Liste des arrêts (2017-2018) ' (list of the case-law out of which each student will have to choose a judgment she/he will have to present orally during the course) are available on Moodle. Hard copies of these documents are also available at Service cours. Both documents are in French.
Bibliography	L'ouvrage de référence pour le cours est le suivant : M. WATHELET et J. WILDEMEERSCH, Contentieux européen (2^{ème} édition), Bruxelles, Larcier, 2014 (ouvrage en deux volumes).
Faculty or entity in charge	BUDR

Programmes containing this learning unit (UE)				
Program title	Acronym	Credits	Prerequisite	Aims
Master [120] in Law	DROI2M	5		
Advanced Master in European Law	DREU2MC	5		