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| Teacher(s) | Bailleux Antoine ; |
| Language : | English |
| Place of the course | Louvain-la-Neuve |
| Prerequisites | Basic knowledge of EU law and awareness to fundamental rights issues. <i>The prerequisite(s) for this Teaching Unit (Unité d'enseignement – UE) for the programmes/courses that offer this Teaching Unit are specified at the end of this sheet.</i> |
| Main themes | <p>1. Introduction ' human rights and values in Europe</p> <p>2. The architecture of human rights protection in Europe (I) ' the Council of Europe S. Greer, The European Convention on Human Rights. Achievements, Problems and Prospects, Cambridge, CUP, 2006, Chapter 1.</p> <p>3. The architecture of human rights protection in Europe (II) ' the European Union P. Craig and G. de Burca, EU Law, Oxford, OUP, 2008, Chapter 11.</p> <p>4. The architecture of human rights protection in Europe (III) ' the challenges of a multi-level system - ECtHR, Bosphorus Airways v. Ireland, 30 June 2005. - ECJ, C-402/05 P Kadi v. Council and Commission [2008] ECR I-6351.</p> <p>5. The legal regime of human rights protection in Europe (I) ' direct effect and positive obligations - ECtHR, Storck v. Germany, n° 61603/00, 6 June 2005 . - ECJ, C-470/03 A.G.M. [2007] ECR I-2749.</p> <p>6. The legal regime of human rights protection in Europe (II) ' proportionality and margin of appreciation - ECJ, C-245/01 RTL Television [2003] ECR I-12489. - ECtHR, A, B and C v. Ireland, 6 December 2010.</p> <p>7. The legal regime of human rights protection in Europe (III) ' toward a hierarchy of rights ? - ECJ, C-112/00 Schmidberger [2003] ECR I-5659. - ECtHR, Von Hannover v. Germany, 24 June 2004.</p> <p>8. Rights, values and policies in the EU (I) ' the scope of EU fundamental rights law - ECJ, C-328/04 Attila Vajnai [2005] ECR I-8577. - ECJ, C-555/07 Küçükdeveci , [2010] ECR I-365.</p> <p>9. Rights, values and policies in the EU (II) ' the internal market - ECJ, C-36/02 Omega [2004] ECR I-9609. - ECJ, C-438/05 Viking [2007] ECR I-10779</p> <p>10. Rights, values and policies in the EU (III) ' competition law - ECJ, C-550/07 P Akzo Nobel, [2010] ECR I-8301. - ECJ, T-138/07 Schindler, 13 July 2011, not yet published.</p> <p>11. Rights, values and policies in the EU (IV) ' EU citizenship - ECJ, C-127/08 Metock [2008] ECR I-6241. - ECJ, C-34/09 Ruiz Zambrano, 8 March 2011, not yet published.</p> <p>12. Rights, values and policies in the EU (V) ' the area of freedom, security and justice - ECJ, C'491/10 PPU Zarraga, [2010] ECR I-14247. - ECJ, C-61/11 PPU El Dridi, 28 April 2011, not yet published.</p> |
| Aims | <p>This course seeks to achieve four different objectives.</p> <p>First, it aims to provide a general overview of the system(s) of fundamental rights protection in Europe. In this respect, the first part of the course will focus on the place and role of fundamental rights within both the Council of Europe and the European Union and will seek to unpack the interplay between the judicial bodies of these two international organizations in the field of human rights.</p> <p>Second, this course purports to introduce the students to the basic concepts and patterns of reasoning used in fundamental rights adjudication. The second part of the course will therefore analyse a number of key elements of the human rights' « toolkit », namely the concepts of direct effect and positive obligation, the proportionality test, and the margin of appreciation doctrine. It will also discuss the existence and desirability of a hierarchy within the category of fundamental rights and of the creation of a (presumably lower) category of « fundamental principles ».</p> <p>A third goal of this course is to show the extent to which the rights and values inherent in the European legal order contribute to the shaping of the policies of the European Union. In that regard, the third part of this course will seek to demonstrate that, notably through the case-law of the European Court of Justice, human</p> |

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| | <p>rights and values bear a strong influence on the functioning of the internal market, on the enforcement of competition law, on the development of the European citizenship and on the completion of an area of freedom, security and justice.</p> <p>Finally, it is expected that, through this course, the students will acquire a better perception of the mutually beneficial relationship between fundamental rights and Europe. Whereas fundamental rights need Europe to develop and thrive, Europe needs fundamental rights to consolidate its unity and define its specificity. At the same time, it is hoped that the students will come to realise that the concepts of « fundamental rights » and of « Europe » are nothing more than intellectual constructs, the evolving products of the never-ending interaction of law, ethics and politics.</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 | Oral. Two questions, one of which is a case prepared in advance by each student. |
| Teaching methods | <p>Prior to each lecture, students are requested to read the cases or texts identified in the course outline.</p> <p>At the beginning of each lecture, students will be provided with a handout summarising the main issues discussed during that lecture.</p> <p>During the lectures, students will be invited to comment on the cases or texts that they were requested to read. Active participation during the lectures will account for 20% of each student's final mark.</p> |
| Bibliography | |
| Other infos | Prerequisite: LEUSL2021 "Droit matériel de l'UE" or LEUSL2023 "Substantive law of the EU" |
| Faculty or entity in charge | EURO |

| Programmes containing this learning unit (UE) | | | | |
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| Program title | Acronym | Credits | Prerequisite | Aims |
| Master [120] in European Studies | EURO2M | 5 | LEUSL2021 OR LEUSL2023 |  |