


5.00 credits

30.0 h

Q1

Teacher(s)	Van Malleghem Pieter-Augustijn ;
Language :	English
Place of the course	Louvain-la-Neuve
Learning outcomes	
Evaluation methods	<p>A. Permanent evaluation</p> <p>The class will be subject to permanent evaluation.</p> <p>(a) In order to help students to prepare for the final exam, students will be asked to respond to a practice question via Moodle during the semester. Participation is optional, but strongly recommended. The practice question will be evaluated on one point. In case the student passes the test (i.e. obtains 0,5/1 or more), the result of the test will count as a bonus point on the final exam in January (e.g. if the student obtains 0,5/1, he will receive half a bonus point on the exam). The bonus point will not be taken into account for the September exam session.</p> <p>(b) Students will be asked to write three short ($\frac{1}{2}$ to $\frac{3}{4}$ of a page) reaction papers in response to selected theoretical readings assigned for class. The reactionpapers will be graded for a total of three points (1 for every reaction paper). Reaction papers may be written for four theoretical readings assigned for class. Students may either write three reaction papers in response to papers of their choice, or write four reaction papers and be graded on their three best papers.</p> <p>B. Exam</p> <p>A written exam in January will follow, to be evaluated on 17 points. Students may opt out of the January written exam and choose to write a 10 page paper on a topic of their choice among those addressed by the class, subject to the approval of the teacher.</p> <p>C. September exam session</p> <p>A written exam graded on 17 points will also be organized for the September exam session. As in January, students may opt out of the August written exam and choose instead to write a 10 page paper on a topic of their choice among those addressed by the class, subject to the approval of the teacher. Students who take the exam in September may rely on the grade assigned for their reaction papers written throughout the semester, or may write a 5 page paper to be graded on three points out of twenty. Students may also consolidate both papers written in preparation for the September exam into a 15 page paper. However, any bonus points obtained through section (a) of the permanent evaluation will no longer be counted in September.</p>
Content	<p>The course addresses the key principles of European Union constitutional law through an analysis of the case-law of the Court of Justice ("CJEU") as well as several theoretical perspectives on the discipline. The main themes of the class will be the vertical division of powers (between the Union and its Member States), the horizontal division of powers (between European institutions), the principle of direct effect, the status of human rights within the European legal order, legal pluralism, national identity, citizenship and the rule of law. The primary source material for the class is the case-law of the CJEU. The class seeks to develop a realist perspective on judicial decision-making. By the end of the course, students will be able to construct legal counter-arguments to the analysis put forward by the Court in its case-law. This will allow the student to take a critical position with respect to the case-law of the Court.</p> <p>The course also engages with theoretical perspectives on the discipline. We will discuss different conceptualizations of the notion of constitutionalism, and address whether and how the notion can be and is relevant for the European Union legal order. These theoretical perspectives are brought to bear on an analysis of the case-law of the Court.</p>
Inline resources	The reading materials necessary for the preparation of class (legislation, case law and scholarly work) will be available on Moodle as the class progresses.
Bibliography	<ul style="list-style-type: none"> • K. Lenaerts and P. Van Nuffel, European Union Law, Sweet & Maxwell, 2011. • A. Rosas, L. Armati, EU Constitutional Law: An Introduction, Hart Publishing, 2018. • R. Schütze, European Constitutional Law, Cambridge University Press, 2016. • A. Somek, The Cosmopolitan Constitution, Oxford University Press, 2014.
Faculty or entity in charge	BUDR

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