

# Advanced EU Law and Comparative Regional Integration

## Course Description

This course provides an advanced and in-depth analysis of European Union law through a comparative perspective, examining the EU's legal and institutional framework alongside other regional integration organizations, including the World Trade Organization (WTO), Mercosur, the Andean Community, the African Union, and the Eurasian Economic Union (EAEU).

Particular attention is devoted to the role of the Court of Justice of the European Union (CJEU) in safeguarding the EU legal order, its accessibility for individuals and states, and the extent of its perceived political influences. The course combines doctrinal analysis with comparative and critical approaches, enabling students to evaluate how legal systems contribute to regional integration and governance beyond the EU context.

## Learning Outcomes

By the end of the course, students will be able to:

- Critically analyse the core principles and values of EU law in a comparative regional context;
- Assess the role of judicial bodies in sustaining and shaping regional integration processes;
- Evaluate the accessibility, legitimacy, and institutional positioning of the CJEU;
- Compare institutional and judicial mechanisms across different regional integration systems;
- Apply comparative legal reasoning to contemporary issues, including external relations and sanctions regimes.

## Course Structure and Content

### Module 1: Advanced Principles and Values of EU Law and Comparative Perspectives

#### Lecture 1 (2 hours): Core Principles and Values of EU Law

Analysis of fundamental principles of EU law, including democracy, the rule of law, fundamental rights, and internal market freedoms, with particular emphasis on their interpretation and enforcement by the CJEU. Comparative examination of analogous principles within other regional integration frameworks, such as the WTO, Mercosur, and the African Union.

#### Key CJEU Cases:

- *Van Gend en Loos v. Nederlandse Administratie der Belastingen* (Case 26/62)
- *Costa v. ENEL* (Case 6/64)
- *Kadi and Al Barakaat International Foundation v. Council and Commission* (Joined Cases C - 402/05 P and C - 415/05 P)

#### Practical Session 1 (2 hours): Comparative Case Law Analysis

Comparative analysis of selected cases from the CJEU and other regional or international adjudicatory bodies. Examination of how different regional systems address similar legal challenges, with reference to WTO Dispute Settlement Body decisions and Mercosur's Permanent Review Tribunal.

## **Module 2: EU Institutional Framework in Comparative Perspective**

### **Lecture 2 (2 hours): The EU Institutional Framework and Its Counterparts**

Examination of the EU's institutional structure, including the European Parliament, the Council of the EU, and the European Commission, and their role in maintaining the EU legal order. Comparative analysis with institutional arrangements in Mercosur, the African Union, and the Andean Community.

#### **Key CJEU Cases:**

- *Les Verts v. European Parliament* (Case 294/83)
- *Commission v. Council (ERTA)* (Case 22/70)

### **Practical Session 2 (2 hours): Institutional Checks and Balances**

Analysis of the EU system of checks and balances, focusing on the institutional “triangle” and the evolution towards a more complex institutional structure. Comparative discussion of institutional accountability mechanisms in other regional organizations.

## **Module 3: The Role and Accessibility of the Court of Justice of the European Union**

### **Lecture 3 (2 hours): The CJEU as Guardian of the EU Legal Order**

Examination of the role of the CJEU in ensuring uniform interpretation and application of EU law. Discussion of access to justice for individuals and Member States, and analysis of the Court's institutional position and perceived political influences.

#### **Key CJEU Cases:**

- *Kadi and Al Barakaat International Foundation v. Council and Commission* (Joined Cases C - 402/05 P and C - 415/05 P)
- *Rosneft v. HM Treasury* (Case C - 72/15)
- *Associação Sindical dos Juizes Portugueses* (Case C - 64/16)

### **Practical Session 3 (2 hours): Judicial Independence and Institutional Legitimacy**

Critical analysis of selected CJEU judgments to assess issues of judicial independence, legitimacy, and the interaction between law and politics in supranational adjudication.

## **Module 4: Comparative Judicial Systems and Regional Integration**

### **Lecture 4 (2 hours): Courts and Dispute Settlement in Regional Integration Systems**

Comparative study of the CJEU, the WTO Dispute Settlement Body, and other regional courts, focusing on their jurisdiction, authority, and contribution to legal integration.

#### **Cases for Comparison:**

- *Union Royale Belge des Sociétés de Football Association ASBL v. Bosman* (Case C -415/93)
- Selected cases from the WTO Appellate Body and the Andean Court of Justice

#### **Practical Session 4 (2 hours): Judicial Decisions and Their Systemic Impact**

Assessment of the impact of landmark judicial decisions on regional integration processes, with comparative reference to the EU and other regional systems.

### **Module 5: EU - Russia Legal Relations**

#### **Lecture 5 (2 hours): Evolution of EU - Russia Legal Relations (1989 – 2011)**

Analysis of the development of legal relations between the EU and Russia, with a focus on the pre-sanctions legal framework and key cooperation agreements.

#### **Key Documents and Cases:**

- EU-Russia Partnership and Cooperation Agreement
- *Verband der freien Rohrwerke eV (VFR) v. Commission* (Case T-374/00), *Simutenkov v Ministerio de Educación y Cultura* (Case C - 265/03)

#### **Practical Session 5 (2 hours): Legal Analysis of EU - Russia Agreements**

Detailed examination of the legal structure and interpretation of EU - Russia agreements and their role within the EU external relations framework.

### **Module 6: EU - EAEU Relations and Regional Governance**

#### **Lecture 6 (2 hours): Comparative Governance Structures of the EU and EAEU**

Comparative legal analysis of the governance structures and legal frameworks of the EU and the EAEU, focusing on institutional design and regulatory approaches.

#### **Key Documents:**

- Treaty on the Eurasian Economic Union
- EU Eastern Partnership Agreements

#### **Practical Session 6 (2 hours): Legal and Institutional Interaction**

Case studies examining legal and political interaction between the EU and the EAEU from a comparative and analytical perspective.

### **Module 7: EU Sanctions Policy and Judicial Review**

#### **Lecture 7 (2 hours): EU Sanctions Policy and Judicial Oversight**

Analysis of the evolution of the EU's sanctions policy since 2014, with emphasis on the role of the CJEU in reviewing sanctions measures, including procedural safeguards and the protection of fundamental rights.

#### **Key CJEU Cases:**

- *Rosneft v. HM Treasury* (Case C - 72/15)
- *Aven v Council* (Case T - 301/22)

### **Practical Session 7 (2 hours): Legal Challenges to EU Sanctions**

Examination of recent case law concerning EU sanctions, focusing on legal reasoning, judicial standards of review, and broader implications for EU external action.

## **Assessment Methods**

- Comparative research essay: 30%
- Participation in practical sessions and class discussion: 70%

## **Recommended Reading**

1. Damian Chalmers, Gareth Davies, Giorgio Monti «*European Union Law*»
2. Catherine Barnard, Steve Peers «*European Union Law: Text and Materials*»
3. Paul Craig, Gráinne de Búrca «*EU Law: Text, Cases, and Materials*»
4. Trevor Hartley «*The Foundations of European Union Law*»
5. Finn Laursen «*Comparative Regional Integration: Theoretical Perspectives*»
6. Peter Van den Bossche, Werner Zdouc «*The Law and Policy of the World Trade Organization*»
7. Marcilio Toscano Franca Filho, Lucas Lixinski «*The Law of MERCOSUR*»
8. Olufemi Amao «*African Union Law: The Emergence of a Sui Generis Legal Order*»
9. Otto Holman «*The External Relations of the European Union*»
10. «*The Eurasian Project and Europe. Regional Discontinuities and Geopolitics*»
11. José Luis da Cruz Vilaça «*EU Law and Integration: Twenty Years of Judicial Application of EU Law*»