

Course Name : European Union Law							
Course Code	Course Type	Regular Semester	Lecture (hours/week)	Seminar (hours/week)	Lab. (hours/week)	Credits	ECTS
LAW 413	B	Fall	3.00	1.00	0.00	3.50	6.00
Lecturer		Gentjan Skara, PhD					
Assistant							
Course language		Albanian					
Course level		Master					
Description		This subject deals with the establishment and the functioning of the initially European Communities and now the European Union. It starts with an analysis of the political social and economic circumstances that existed after the second World War and which led to the agreements of cooperation that brought about among others the establishment of the three Economic Communities. Then we analyze the hurdles existing in the way of market unification and the history and law for their surmounting. The Single European Act and the new Strategy for the Technical Harmonization is analyzed fully here. Then we proceed with the full explanation of the scope of the four fundamental freedoms that constitute the pillar of the economic union, expressly the freedom of movement of goods, of people, of capital (including the monetary union), as well as of services and of establishment. Then chronologically we go on with the project for the European Unions, starting with the Maastricht Treaty Plan to the Lisbon Treaty. The institutions, their role and their interplay take an important part in this stage of the subject. The European Court of Justice and its specific jurisdiction combined with same case law take one important chapter in this framework. We continue with the principles of the EU Law, and then with its international personality. At last we analyze the relations of the European Union with the Balkans specifically we treat the Stability Pact as well as the Stabilization and Association Process, the elements of a SA Agreement, the stages of the relations between Albania and we and its financial assistance. At the end the student has got enough valuable information re the European integration, its objectives and the aims of Albania in this process.					
Objectives		Having completed this class, participants should be able to understand EU legal system, political driving forces in the process of the European Integration, institutional framework of the EU; sources of EU Law; decision making process; functioning of the common market and the four fundamental freedoms and the foreign policy of the EU toward Western Balkan with the special reference to Albania.					
Core Concepts		1. European Union 2. Values of the European Union 3. The Process of Enlargement and withdrawal from the European Union 4. Commission 5. European Parliament 6. The Council 7. The Court of Justice of the European Union 8. Internal market 9. Common European Currency: Euro 10. The principle of supremacy 11. Internal market 12. Free movement of goods 13. Free movement of goods 14. Measures having the equivalent effect 15. European citizenship 16. Free movement of persons 17. Free movement of workers 18. Discrimination due to citizenship, gender 19. Free movement of goods and Services					
Course Outline							
Week	Topic						

1	Introduction: European Integration from Paris to Lisbon This week will address the historic process of development of the European Union. An overview of post-World War II Europe will be presented and the main reasons that led to the birth of the Coal and Steel Community and the European Economic Community will be discussed. Also, all subsequent amendments will be treated historically focusing on the innovations brought by the amendment. Relevant literature: 1. Paul Craig and Grainne de Burca, EU Law: Text, Cases, and Materials (7th edn, OUP 2020) chapter 1, 1-31.
2	Membership and Withdrawal in the European Union: Conditions and Procedures Enlargement of the European Union Membership and Withdrawal in the European Union: Conditions and Procedures Enlargement of the European Union is one of the most controversial topics. During this lecture, the enlargement of the European Union will be treated chronologically. The legal basis provided for in the European Economic Treaty will be considered first, and then the terms of membership will be analyzed focusing on the Western Balkan countries. In addition to the enlargement procedure, the Lisbon Treaty, for the first time, provided for the withdrawal procedure. An overview taking the UK as an example will be discussed in class. Relevant literature: 1. Paul Craig and Grainne de Burca, EU Law: Text, Cases, and Materials (7th edn, OUP 2020) chapter 2, 32-57.
3	Values and Objectives of the European Union; EU competencies This lecture will focus on the values and objectives of the European Union. The European Union is considered a club with common values. But are these values common to the 27 member states? Also, nowadays there is a discussion about the objectives and competencies of the European Union. The Lisbon Treaty brought an innovation in this regard by delimiting and classifying competencies. Practical examples will also be given during the lecture so that the competencies are properly understood. Relevant literature: 1. Paul Craig and Grainne de Burca, EU Law: Text, Cases, and Materials (7th edn, OUP 2020) chapter 4.
4	Institutional Framework of the European Union In this lecture we will focus on the institutional framework of the European Union. It is important to clarify whether the 'principle of separation of powers' also exists in the European Union. Then, the main institutions will be identified explaining i) their historical evolution; ii) composition; and iii) the competencies of these institutions. In addition to the main institutions, two advisory institutions such as the Committee of the Regions and the Economic and Social Committee will be explained. Relevant literature: 1. Paul Craig and Grainne de Burca, EU Law: Text, Cases, and Materials (7th edn, OUP 2020) chapter 3, 59-101.
5	EU judicial structure This week will discuss the EU judicial structure. The Court of Justice of the European Union (CJEU) is the judicial authority of the EU. It ensures compliance with the law in the interpretation and implementation of the EU Treaties. As part of its mission, the Court: i) evaluates the legality of the EU institutions' acts; ii) ensures that Member States comply with the obligations under the Treaties; and iii) interprets the EU law upon request of national courts. In this week, students will be introduced as well with the enforcement actions against MS; Preliminary rulings, Review of legality and damages actions. Relevant literature: 1. Paul Craig and Grainne de Burca, EU Law: Text, Cases, and Materials (7th edn, OUP 2020) chapter 13, 14, 15, 17
6	Sources of law and the way of decision-making in the EU This lecture will explain the sources of law; the way of decision making and who are the main actors in this process. As the decision-making process is difficult, a practical example will be given in the classroom. Students will be divided into groups to stimulate a decision making process. Relevant literature: 1. Paul Craig and Grainne de Burca, EU Law: Text, Cases, and Materials (7th edn, OUP 2020) chapter 5 and 6.
7	The principle of direct applicability, the direct effect and the principle of supremacy This week will address the nature of EU law. With the establishment of the Union, the Member States have limited their legislative sovereignty and in doing so, have established an independent legal body which is binding on them, their citizens and their courts. To better understand the legal nature, the main decisions of the ECJ will be discussed during the lecture. Relevant literature: 1. Paul Craig and Grainne de Burca, EU Law: Text, Cases, and Materials (7th edn, OUP 2020) chapter 8. Cases: 1. Judgement of 5 February 1963, NV Algemene Transport- en Expeditie Onderneming van Gend & Loos v Netherlands Inland Revenue Administration, C-26/62, ECLI:EU:C:1963:1. 2. Judgment of 15 July 1964, Flaminio Costa v E.N.E.L, C-6/64, ECLI:EU:C:1964:66 3. Judgment of 4 December 1974, Yvonne van Duyn v Home Office, C-41/74, ECLI:EU:C:1974:133 4. Judgment of 9 March 1978, Amministrazione delle Finanze dello Stato v Simmenthal SpA, C-106/77, ECLI:EU:C:1978:49 5. Judgment of 10 April 1984, Sabine von Colson and Elisabeth Kamann v Land Nordrhein-Westfalen, C-14/83, ECLI:EU:C:1984:153
8	Midterm Exam

9	Internal Market: Definition, Importance and Regulation This week will deal with the internal market. Firstly, it will discuss the reasons why the internal market (common market) was established and how has evolved since 1957. Secondly, the class will discuss the definition and importance of the internal market. In the end, the lesson will a brief outline of main institution involved in the regulation of the internal market. Relevant Literature: 1. Catherine Barnard, The EU Substantive Law of the EU (6 edition, Oxford University Press 2019) 15-30 dhe 559-614
10	Free Movement of Goods This week will be focused on the free movement of goods which is one of the 'four pillar of internal market'. The lessons will start with the importance of free movement of goods, definition of the concept 'worker' and identification of the legal base in the Treaty. Also, the lesson will discuss the restrictions of the free movement of goods that are stipulated in the treaty, associated with ECJ decision. Students will discuss the relevant cases in the free movement of goods. Relevant Literature: 1. Catherine Barnard, The EU Substantive Law of the EU (6 edition, Oxford University Press 2019) 39-197. Cases: 1. Judgment of 23 November 1978, Regina v Ernest George Thompson, Brian Albert Johnson and Colin Alex Norman Woodiwiss, C-7/78, ECLI:EU:C:1978:209 2. Judgment of 23 February 1995, Criminal proceedings against Aldo Bordessa, Vicente Marí Mellado and Concepción Barbero Maestre, C-358/93 and C-416/93, ECLI:EU:C:1995:54 3. Judgment of 15 July 1964, Flaminio Costa v E.N.E.L, C-6/64, ECLI:EU:C:1964:66 4. Judgment of 9 July 1992, Commission of the European Communities v Kingdom of Belgium, C-2/90, ECLI:EU:C:1992:310 4. Judgment of 1 July 1969, Commission of the European Communities v Italian Republic, C-24/68, ECLI:EU:C:1969:29 5. Judgment of 1 July 1969, Sociaal Fonds voor de Diamantarbeiders v S.A. Ch. Brachfeld & Sons and Chougol Diamond Co, Joined cases 2 and 3-69, ECLI:EU:C:1969:30 6. Judgment of 9 December 1997, Commission of the European Communities v French Republic, C-265/95, ECLI:EU:C:1997:595 7. Judgment of 12 July 1973, Riseria Luigi Geddo v Ente Nazionale Risi, C-2/73, ECLI:EU:C:1973:89 8. Judgment of the Court of 20 February 1979, Reë-Zentral AG v Bundesmonopolverwaltung für Branntwein, C-120/78, ECLI:EU:C:1979:42. 9. Judgment of the Court of 24 November 1993, Criminal proceedings against Bernard Keck and Daniel Mithouard, Joined cases C-267/91 and C-268/91, ECLI:EU:C:1993:905
11	Free movement of workers and self-employed This week will discuss the free movement of workers and self-employed. The free movement of workers is considered among the four pillars of the internal market. After identifying the legal base of the right of the workers, the students will discuss several cases that explain the meaning of workers. Furthermore, secondary legislation and restriction to the free movement of workers will be discussed. Relevant Literature: 1. Catherine Barnard, The EU Substantive Law of the EU (6 edition, Oxford University Press 2019) 233-284. Cases 1. Judgment of 7 September 2004, Michel Trojani v Centre public d'aide sociale de Bruxelles (CPAS), C-456/02, ECLI:EU:C:2004:488 2. Judgment of 19 October 2004, Kunqian Catherine Zhu and Man Lavette Chen v Secretary of State for the Home Department, C-200/02. 3. Judgment of 7 May 1998, Clean Car Autoservice GesmbH v Landeshauptmann von Wien, C350/96, ECLI:EU:C:1998:205 4. Judgment of 19 March 1964, Unger v Bedrijfsvereniging voor Detailhandel en Ambachten, C-75/63, ECLI:EU:C:1964:19 5. Judgment of 23 November 2010, Land Baden-Württemberg v Panagiotis Tsakouridis, C-145/09, ECLI:EU:C:2010:708 6. Judgment of 26 May 1982, Commission of the European Communities v Kingdom of Belgium, C-149/79, ECLI:EU:C:1982:195 7. Judgment of 12 February 1974, Giovanni Maria Sotgiu v Deutsche Bundespost, C-152/73, ECLI:EU:C:1974:13
12	EU Citizenship and the right of persons from the third countries This week analyse the EU citizenship and the right of persons from the third countries. Firstly, the lesson will identify the reasons why was important to introduce the EU citizenship. After that, the lesson will follow with the treaty provision on the right of EU citizens and secondary legislation. In the end, the right of persons from the third countries will be discussed Relevant Literature: 1. Catherine Barnard, The EU Substantive Law of the EU (6 edition, Oxford University Press 2019) 318-403.

13	Free movement of services This week will be focused on the free movement of services. It will discuss the importance of free movement of services in the internal market and the legal base in the treaty (Arts 49-62 TFEU). A special attention will be paid the secondary legislation: Directive 2006/123/EC on the services in the internal market and Directive 2005/36/EC on the recognition of professional qualifications. Also, during the lesson, students will be introduced with relevant cases on the area of the free movement of services. Literature: 1. Catherine Barnard, The EU Substantive Law of the EU (6 edition, Oxford University Press 2013) 304-364. Cases: 1. Judgment of the Court of 30 November 1995, Reinhard Gebhard v Consiglio dell'Ordine degli Avvocati e Procuratori di Milano, C-55/94, ECLI:EU:C:1995:411 2. Judgment of the Court (Second Chamber) of 21 April 2005, Commission of the European Communities v Hellenic Republic, C-140/03, ECLI:EU:C:2005:242 3. Judgment of the Court of 31 March 1993, Dieter Kraus v Land Baden- Württemberg, C-19/92, ECLI:EU:C:1993:125 4. Judgment of the Court of 3 December 1974, Johannes Henricus Maria van Binsbergen v Bestuur van de Bedrijfsvereniging voor de Metaalnijverheid, C-33/74, ECLI:EU:C:1974:131 5. Judgment of the Court of 4 October 1991, The Society for the Protection of Unborn Children Ireland Ltd v Stephen Grogan and others, C-159/90, ECLI:EU:C:1991:378 6. Judgment of the Court of 30 November 1995, Reinhard Gebhard v Consiglio dell'Ordine degli Avvocati e Procuratori di Milano, C-55/94, ECLI:EU:C:1995:411
14	Masat drejtuar në arritjen e lëvizjes së lirë të shërbimeve dhe të drejtën e vendosjes Ky leksion trajton masat drejtuar në arritjen e lëvizjes së lirë të shërbimeve dhe të drejtën e vendosjes. Studentët do të njihen me dy direktiva kryesore: i) Direktiva 2006/123/CE e cila fokusohet në trajtimin e barabartë lidhur me aksesin dhe kushtet në kryerjen e detyrës dhe ii) Direktiva 2005/36/CE e cila fokusohet në njohjen e kualifikimeve profesionale. Gjithashtu, gjatë leksionit do të trajtohen çështjet e GJED lidhur me përjashtimet si rregulli publik dhe mbrojtja publike. Studentët do të njihen se si gjykata i ka aplikuar këto dy përjashtime. Literatura përkatëse: 1. Catherine Barnard, The EU Substantive Law of the EU (6 edition, Oxford University Press 2013) 496-536.
15	Free movement of capitals This week will be focused on the free movement of capitals. It will discuss the importance of free movement of capitals in the internal market and the legal base in the treaty. A special attention will be paid the secondary legislation and the ECJ case law. Relevant Literature 1. Catherine Barnard, The EU Substantive Law of the EU (6 edition, Oxford University Press 2019) 519-558 Cases 1. Judgment of the Court of 23 February 1995, Criminal proceedings against Aldo Bordessa, Vicente Marí Mellado and Concepción Barbero Maestre, Joined cases C-358/93 and C-416/93, ECLI:EU:C:1995:54 2. Judgment of the Court of 1 June 1999, Klaus Konle v Republik Österreich, C-302/97, ECLI:EU:C:1999:271
16	Final Exam

Prerequisites	The student must attend the course at a minimum rate of 75%.
Literature	• Consolidated Version of the Treaty on European Union [2008] OJ C115/13 • Craig, Paul. De Burca, Graine. EU Law: Text, Cases, and Materials (Oxford: OUP 2020) • Catherine Barnard, The EU Substantive Law of the EU (5 edition, Oxford University Press 2019) • Pierre Mathijsen and Peter Dyrberg, Mathijsen's Guide to European Union Law (Sweet and Maxwell 2013)
References	• Çështjet Gjyqësore: 1. Judgment of the Court of 23 February 1995, Criminal proceedings against Aldo Bordessa, Vicente Marí Mellado and Concepción Barbero Maestre, Joined cases C-358/93 and C-416/93, ECLI:EU:C:1995:54 2. Judgment of the Court of 1 June 1999, Klaus Konle v Republik Österreich, C-302/97, ECLI:EU:C:1999:271 3. Judgment of the Court of 30 November 1995, Reinhard Gebhard v Consiglio dell'Ordine degli Avvocati e Procuratori di Milano, C-55/94, ECLI:EU:C:1995:411 4. Judgment of the Court (Second Chamber) of 21 April 2005, Commission of the European Communities v Hellenic Republic, C-140/03, ECLI:EU:C:2005:242 5. Judgment of the Court of 31 March 1993, Dieter Kraus v Land Baden-Württemberg, C-19/92, ECLI:EU:C:1993:125 6. Judgment of the Court of 3 December 1974, Johannes Henricus Maria van Binsbergen v Bestuur van de Bedrijfsvereniging voor de Metaalnijverheid, C-33/74, ECLI:EU:C:1974:131 7. Judgment of the Court of 4 October 1991, The Society for the Protection of Unborn Children Ireland Ltd v Stephen Grogan and others, C-159/90, ECLI:EU:C:1991:378 8. Judgment of the Court of 30 November 1995, Reinhard Gebhard v Consiglio dell'Ordine degli Avvocati e Procuratori di Milano, C-55/94, ECLI:EU:C:1995:411 9. Judgment of 23 November 2010, Land Baden-Württemberg v Panagiotis Tsakouridis, C-145/09, ECLI:EU:C:2010:708 10. Judgment of 26 May 1982, Commission of the European Communities v Kingdom of Belgium, C-149/79, ECLI:EU:C:1982:195 11. Judgment of 12 February 1974, Giovanni Maria Sotgiu v Deutsche Bundespost, C-152/73, ECLI:EU:C:1974:13. 12. Judgment of 7 September 2004, Michel Trojani v Centre public d'aide sociale de Bruxelles (CPAS), C-456/02, ECLI:EU:C:2004:488 13. Judgment of 19 October 2004, Kunqian Catherine Zhu and Man Lavette Chen v Secretary of State for the Home Department, C-200/02. 14. Judgment of 7 May 1998, Clean Car Autoservice GesmbH v Landeshauptmann von Wien, C350/96, ECLI:EU:C:1998:205 15. Judgment of 19 March 1964, Unger v Bedrijfsvereniging voor Detailhandel en Ambachten, C-75/63, ECLI:EU:C:1964:19 16. Judgment of 1 July 1969, Commission of the European Communities v Italian Republic, C-24/68, ECLI:EU:C:1969:29 17. Judgment of 1 July 1969, Sociaal Fonds voor de Diamantarbeiders v S.A. Ch. Brachfeld & Sons and Chougol Diamond Co, Joined cases 2 and 3-69, ECLI:EU:C:1969:30 18. Judgment of 9 December 1997, Commission of the European Communities v French Republic, C-265/95, ECLI:EU:C:1997:595 19. Judgment of 12 July 1973, Riseria Luigi Geddo v Ente Nazionale Risi, C-2/73, ECLI:EU:C:1973:89 20. Judgment of the Court of 20 February 1979, Rewe-Zentral AG v Bundesmonopolverwaltung für Branntwein, C-120/78, ECLI:EU:C:1979:42. 21. Judgment of the Court of 24 November 1993, Criminal proceedings against Bernard Keck and Daniel Mithouard, Joined cases C-267/91 and C-268/91, ECLI:EU:C:1993:905 22. Judgment of 23 November 1978, Regina v Ernest George Thompson, Brian Albert Johnson and Colin Alex Norman Woodiwiss, C-7/78, ECLI:EU:C:1978:209 23. Judgment of 23 February 1995, Criminal proceedings against Aldo Bordessa, Vicente Marí Mellado and Concepción Barbero Maestre, C-358/93 and C-416/93, ECLI:EU:C:1995:54 24. Judgment of 15 July 1964, Flaminio Costa v E.N.E.L, C-6/64, ECLI:EU:C:1964:66 25. Judgment of 9 July 1992, Commission of the European Communities v Kingdom of Belgium, C-2/90, ECLI:EU:C:1992:310 • Klaus - Dieter Borchardt, ABC-ja e së Drejtës së Bashkimit Europian (Ministria e Integritetit Europian 2010) • Adam Lazowski & Aida Gugu Bushati, Bazat e së Drejtës Europiane: Me përmbledhje vendimesh nga Gjykata e Drejtësisë e BE-se (Dudaj 2014)
Course Outcome	
1	Upon the completion of the course the students should be able to understand the organization and internal functioning of the European Union.
2	Upon the completion of the course the students should be able to understand the political driving forces and the role of specific states in the process of european integration.
3	Upon the completion of the course the students should be able to understand the policies of Union the sense of the reforms and the tendencies of enlargement.
4	Upon the completion of the course the students should be able to understand the aims, the principles and the values of the European Union.

5	Upon the completion of the course the students should be able to understand the role and the functioning of the institutions of the Union.
6	Upon the completion of the course the students should be able to gain a full view of the functioning of the Internal Market and of the four fundamental freedoms which constitute the beginning and the core of the European integration.
7	Upon the completion of the course the students should be able to gain a full view of the EU citizenship and the right of the third countries
8	Upon the completion of the course the students should be able to understand free movement of goods, services, workers and capitals in an enlarged union
9	Upon the completion of the course the students should be able to understand the restriction on free movement of goods, services, workers and capitals in an enlarged union
10	Upon the completion of the course the students should be able to understand the foreign policy of the EU and specifically the Stabilization and Association Process where Albania is an party to.

Course Evaluation

In-term Studies	Quantity	Percentage
Midterms	1	40
Quizzes	0	0
Projects	0	0
Term Projects	0	0
Laboratory	0	0
Class Participation	0	0
Total in-term evaluation percent		40
Final exam percent		60
Total		100

ECTS Workload (Based on Student Workload)

Activities	Quantity	Duration (hours)	Total (hours)
Course duration (Including the exam week: 16x Total hours of the course)	16	4	64
Study hours outside the classroom (Preparation, Practice, etc.)	14	4	56
Duties	0	0	0
Midterms	1	12	12
Final Exam	1	18	18
Other	0	0	0
Total Work Load			150
Total Work Load / 25 (hours)			6.00
ECTS			6.00