EUROPEAN UNION LAW
(LAW 846F)

Professor Helen E. Hartnell
Golden Gate University School of Law
Fall Semester 2010

SYLLABUS

Course Description

This course is designed to provide students with a working knowledge of the legal system of the European Union ("EU"). While the EU is only about half the size of the United States in geographical terms, it is considerably larger than the U.S. in terms of population (500 vs. 300 million). The EU is also the largest economy in the world (based on 2008 IMF data), ahead of both the United States and China. These are not the only reasons to study the EU, but provide one among many reasons for learning about this important example of regional integration.

There are many reasons to study the EU, many of which we will come to appreciate during the course of the semester. Some of these bear mention at the outset, since they suggest why this course should interest a wide range of students.

In practical terms, there is a great advantage to having a firm grasp of EU law, since it affects virtually every imaginable aspect of globalization, from trade to fundamental/human rights, from services to employment law, from corporate and financial law to civil and criminal litigation, and from antitrust to family law. More generally, the EU provides an outstanding basis of comparison for deepening your understanding of U.S. law, whether your interests lie in the fields of public or private law. Even more important, from a theoretical or policy perspective, is that the EU provides the best existing illustration of how international law and cooperation among nations can transform sovereignty as well as the notion of what law is, what is its purpose, and where it comes from. The EU is the most advanced legal order on earth, in terms of integrating international with national law, which makes it essential knowledge for anyone who wishes to use international law to better global society. Timeliness is also a factor in the decision whether to study EU law. The EU radically revamped its treaty structure in 2009, so students who take the course now will be at the forefront of many new developments.

The EU legal system is a federal-type of legal structure, but not to be confused
with a federal state like the United States! It is composed of supranational (i.e., EU) and national (i.e., Member State) political structures, constitutions, and legal orders. Our course of study requires that we begin by grasping the constitutional and institutional architecture of the EU itself, and by investigating how it interacts with the pre-existing Member State politico-legal orders. At the same time, students will acquire basic competency in regard to a number of important substantive legal areas. More generally, the course aims to provide the basic tools needed to understand the underlying principles of European legal integration, and to help you become comfortable working with EU legal sources.

The course will pioneer an innovative approach to teaching EU Law. Rather than teaching doctrine, we will work through a series of problems designed to convey the core knowledge in a dynamic, realistic and engaging manner. After a handful of introductory lectures, the bulk of the class will be based on problems ranging from litigation to legislative change and lobbying. The latter part of the semester will involve students in a number of projects that allow us to delve deeper into particular topics of interest to the class. These projects will involve a number of tutorial-style meetings with the professor, and an in-class oral presentation by each group of students.

The course is designed both to serve the needs of advanced international (LL.M. or S.J.D.) students, and to serve as an advanced comparative law course for J.D. students. There are no prerequisites for taking this course.

Course Readings

The course is based on a Reader, which will be available at the beginning of the Fall Semester. The Reader contains a variety of materials, including EU primary law (i.e., treaties), EU secondary law (i.e., regulations, directives, etc.), case law, and excerpts from books, articles, and other sources. Numerous additional resources will be on reserve in the GGU Law Library for your use throughout the semester.

Course Details and Requirements

This is a three credit course.

All students in this course are expected to: attend class meetings each Monday and Wednesday from 10:15 - 11:30 a.m.; come to each class prepared to discuss the assigned readings; and participate in class discussions and assigned exercises. All students in the class will be expected to participate in a group project, which
will be explained during the first week of class.

Your grade for the course will be based primarily on a written, open-book final examination. The grade received on the basis of the final examination may be raised by one grade-step (e.g., from B+ to A-) in recognition of the quality - not quantity! - of a student's contribution to class discussion. If you feel disadvantaged by a grading system that takes class participation into account in this way, please discuss this with me before the last day to drop the course, so that we can make other arrangements.

You are responsible for signing the attendance sheet that is circulated during each class meeting (except during the first week of the semester, when class membership is expected to fluctuate). The grade received on the basis of the final examination and participation may be lowered by one grade step (e.g., from A- to B+) for excessive absences or lack of preparedness. You are permitted three (3) absences during the semester; thus four (4) or more absences are deemed excessive (absent a doctor's excuse or other accommodation).

If you feel unprepared for a particular class, please be sure to give me a written note to that effect before class begins.

Course TWEN Site

Students are encouraged to join the TWEN site in order to facilitate easy and timely communication, along with distribution of pertinent course information. You can find the course TWEN site at: http://lawschool.westlaw.com/twen.

Date of Final Examination; Review Session

The final exam is scheduled for Wednesday, December 2, starting at 2:00 p.m. An optional review session will be held during the period between the last class meeting on November 22 and the date of the exam.

Contact Information and Meetings

I am available to meet with students during posted office hours or by appointment. My office is in room 3334, which is near the back elevator. You can contact me by e-mail at hhartnell@ggu.edu or by telephone at (415) 442-6660 to schedule an appointment.
# Class Meeting Schedule and Reading Assignments

**August 16 (M)** | Introduction to Course  
**August 18 (W)** | European Integration in Historical Perspective  
**August 23 (M)** | An Overview of Primary and Secondary EU Law  
**August 25 (W)** | An Overview of the EU's Institutional Architecture  
**August 30 (M)** | The Internal Market and Free Movement of Goods  
**September 1 (W)** | Problem #1  
**September 6 (M)** | Labor Day Holiday (No Class Meeting)  
**September 8 (W)** | Problem #1  
**September 13 (M)** | Problem #2  
**September 15 (W)** | Problem #2  
**September 20 (M)** | Problem #2  
**September 22 (W)** | Problem #3
SEPTEMBER 27 (M) PROBLEM #3
SEPTEMBER 29 (W) PROBLEM #3
OCTOBER 4 (M) PROBLEM #4
OCTOBER 6 (W) PROBLEM #5
OCTOBER 11 (M) PROBLEM #6
OCTOBER 13 (W) PROBLEM #6
OCTOBER 18 (M) PROBLEM #6
OCTOBER 20 (W) PROBLEM #7
OCTOBER 25 (M) PROBLEM #8
OCTOBER 27 (W) PROBLEM #8
NOVEMBER 1 (M) PROBLEM #8
NOVEMBER 3 (W) PROBLEM #8
NOVEMBER 8 (M) LOBBYING IN THE EU
NOVEMBER 10 (W) GROUP PROJECTS
NOVEMBER 15 (M) GROUP PROJECTS
NOVEMBER 17 (W) GROUP PROJECTS
NOVEMBER 22 (M) COURSE CONCLUSION
NOVEMBER 29 OR 30 PRE-EXAMINATION REVIEW SESSION (OPTIONAL)
DECEMBER 2 (TH) FINAL EXAMINATION (STARTING AT 2:00 P.M., UNLESS CLASS OPTS FOR TAKE-HOME EXAMINATION)