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MÁSTER UNIVERSITARIO EN UNIÓN
EUROPEA

GUÍA DE ESTUDIO PÚBLICA



LEGAL RELATIONSHIP BETWEEN THE LAW OF THE EUROPEAN UNION AND THE NATIONAL LEGAL SYSTEM

CÓDIGO 2660250-



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Nombre de la asignatura	LEGAL RELATIONSHIP BETWEEN THE LAW OF THE EUROPEAN UNION AND THE NATIONAL LEGAL SYSTEM
Código	2660250-
Curso académico	2017/2018
Títulos en que se imparte	MÁSTER UNIVERSITARIO EN UNIÓN EUROPEA
Tipo	CONTENIDOS
Nº ETCS	6
Horas	150.0
Periodo	SEMESTRE 1
Idiomas en que se imparte	INGLÉS

PRESENTACIÓN Y CONTEXTUALIZACIÓN

In the frame of the subject “Legal relationship between the Law of the European Union and the national legal system”, the legal systems for reception of Community law in the domestic Law are analyzed, as well as the implementation and monitoring European production of law, which can lead to situations of conflict or doubt, particularly in relation to the primacy of European law over national law.

In this sense, it is particularly interesting to analyze the evolution of this field in Spain, as well as the attitude of the Spanish courts and of the Spanish Constitutional Court regarding this issue.

This course attempts to explore these issues, analyzing the national courts’ (ordinary and constitutional) case-law and the ECJ’s case-law, and, as appropriate, decisions by the constitutional courts of other EU countries.

REQUISITOS Y/O RECOMENDACIONES PARA CURSAR ESTA ASIGNATURA

- a) Those established for the admission to the Master and specifically for the itinerary in English.
- b) For the analysis of foreign documents, knowledge of any of the official EU languages will be an asset.
- c) Generally, in this speciality in Law it is helpful if the student is familiar with the terms (glossary) that are commonly used in the European Union, which will allow more and better understanding of the information.
- d) It is equally relevant in this course that students have basic computer skills, since such skills are needed to follow their course. Students need to access learning materials and other information through these systems.



EQUIPO DOCENTE

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COMPETENCIAS QUE ADQUIERE EL ESTUDIANTE

RESULTADOS DE APRENDIZAJE

To get to know the incidence of the European Union in the Spanish legal system; the European Union legal system; the direct effect and primacy of European Union law and three channels for resolving conflicts between domestic law and EU law.

To get knowledge on the application of EU Law by the ordinary courts in the Member States. Aim of this course is also to learn about the Spanish case in particular about the position of the Spanish Constitutional Court towards EU Law.



CONTENIDOS

METODOLOGÍA

This subject will be taught according to the distance education methodology that characterizes the UNED. Thus, students face a self-learning process but assisted by the teacher. The education process is articulated through various communication distance learning systems. Within these systems, the Master in European Union is provided with support in a virtual interactive platform where the student finds both basic materials and supplementary teaching materials, information, news, exercises and is also trained to perform the evaluation for different subjects. More specifically, the virtual platform will contain: legislation, case law, internet links, a glossary of terms, teaching materials, exercises.

SISTEMA DE EVALUACIÓN

BIBLIOGRAFÍA BÁSICA

If necessary, the basic bibliography will be updated at the beginning of the academic year.

Main bibliography:

Craig, P. and De Burca, G., EU Law: Text, Cases, and Materials, Oxford University Press, latest edition.

Tajadura Tejada, J. (coord.), Justicia Constitucional y Unión Europea, CEPC, Madrid, 2008.

English bibliography:

Cartabia, M., The Italian Constitutional Court and the Relationship between the Italian Legal System and the European Community; 12 Mich. J. Int'l L. 173 (1990-1991).

Cartabia, M., Europe and Rights: Taking Dialogue Seriously, European Constitutional Law Review (2009), 5 : pp 5-31.

Horspool, M., European Union Law, Oxford University Press, 2006.

Kumm, M., The Jurisprudence of Constitutional Conflict: Constitutional Supremacy in Europe before and after the Constitutional Treaty, European Law Journal, Volume 11, Issue 3, pages 262–307, May 2005.

Oppenheimer, A. (ed.), The Relationship between European Community Law and National Law, Cambridge University Press, 2003 (2 volumes).

Pollicino, O., The New Relationship between National and the European Courts after the Enlargement of Europe: Towards a Unitary Theory of Jurisprudential Supranational Law?, 2.

Yearbook of European Law (2010) 29 (1): 65-111. doi: 10.1093/yel/29.1.65,

<http://yel.oxfordjournals.org/content/29/1/65.full>



Slaughter A.M., The European Court of Justice and National Courts: Doctrine and Jurisprudence Legal Change in Its Social Context, Hart Publishing, 1998.

Stiernstrom, M., The Relationship Between Community Law and National Law (University of Miami, Jean Monnet/Robert Schuman Paper Series Vol.5 No. 33. , October 2005), available at: <http://aei.pitt.edu/8162/1/Stiermstromfinal.pdf>

Von Bogdandy, A., Pluralism, direct effect, and the ultimate say: On the relationship between international and domestic constitutional law. Int J Constitutional Law (2008) 6 (3-4): 397-413.

Spanish bibliography:

Aguilar Calahorra, A., La primera cuestión prejudicial planteada por el Tribunal Constitucional al Tribunal de Justicia de la Unión Europea –Auto del Tribunal Constitucional 86/2011, de 9 de junio, Revista de Derecho Constitucional Europeo, núm. 16, 2011, <http://www.ugr.es/~redce/REDCE16/articulos/12AAguilar.htm>

Alonso García, R., El Juez español y el Derecho Comunitario, CGPJ, Madrid, 2003.

Azpitar Sánchez, M., El Tribunal Constitucional ante el control del Derecho comunitario derivado, Civitas, Madrid, 2002.

Azpitar Sánchez, M., ¿Quién ha de pagar el incumplimiento del derecho de la Unión, el Estado o las Comunidades Autónomas? A propósito de algunos aspectos de interés del informe del Consejo de Estado español de 15 de diciembre de 2010, Revista d'estudis autonòmics i federals, ISSN 1886-2632, Nº. 15, 2012, págs. 85-123

Azpitar Sánchez, M., Integración europea y legitimidad de la jurisdicción constitucional, Revista de Derecho Comunitario Europeo, ISSN 1138-4026, Año nº 20, Nº 55, 2016, págs. 941-975

Ragone, S., Las relaciones de los Tribunales Constitucionales de los Estados miembros con el Tribunal de Justicia y con el Tribunal Europeo de Derechos Humanos: una propuesta de clasificación, Revista de Derecho Constitucional Europeo, núm. 16, 2011, <http://www.ugr.es/~redce/REDCE16/articulos/02SRagone.htm>



Vidal Prado, C., El impacto del nuevo Derecho europeo en los Tribunales constitucionales, Colex, Madrid, 2004.

BIBLIOGRAFÍA COMPLEMENTARIA

RECURSOS DE APOYO Y WEBGRAFÍA

Websites:

Useful information is available to students at:

http://www.uned.es/dpto_con/

Links:

http://europa.eu/index_es.htm

<http://curia.europa.eu/es/index.htm>

<http://www.coe.int/>

<http://www.boe.es>

<http://www.la-moncloa.es>

<http://www.congreso.es>

<http://www.senado.es>

<http://euro.ucl.ac.be/bede/>

<http://www.consejo-estado.es>



<http://www.poderjudicial.es>

<http://www.tribunalconstitucional.es/>

<http://www.poderjudicial.es/eversuite/GetRecords?Template=cgpj/ts/principal.htm>

<http://www.cepc.es>

<http://www.un.org/spanish/>

IGUALDAD DE GÉNERO

En coherencia con el valor asumido de la igualdad de género, todas las denominaciones que en esta Guía hacen referencia a órganos de gobierno unipersonales, de representación, o miembros de la comunidad universitaria y se efectúan en género masculino, cuando no hayan sido sustituido por términos genéricos, se entenderán hechas indistintamente en género femenino o masculino, según el sexo del titular que los desempeñe.

