

22-23

MÁSTER UNIVERSITARIO EN UNIÓN
EUROPEA

GUÍA DE ESTUDIO PÚBLICA



MULTILEVEL SYSTEM OF THE FUNDAMENTAL RIGHTS IN THE EUROPEAN UNION

CÓDIGO 26602571

UNED

22-23

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FUNDAMENTAL RIGHTS IN THE EUROPEAN
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Nombre de la asignatura	MULTILEVEL SYSTEM OF THE FUNDAMENTAL RIGHTS IN THE EUROPEAN UNION
Código	26602571
Curso académico	2022/2023
Título en que se imparte	MÁSTER UNIVERSITARIO EN UNIÓN EUROPEA
Tipo	CONTENIDOS
Nº ETCS	5
Horas	125.0
Periodo	SEMESTRE 2
Idiomas en que se imparte	INGLÉS

PRESENTACIÓN Y CONTEXTUALIZACIÓN

ECTS: 5

2nd semester

The recognition of rights and freedoms has always been one of the most important foundations of societies, institutions and democratic groups. European Union has not been immune to the importance of the recognition of a list of fundamental rights. And even over a long period of time, the European Convention on Human Rights and constitutional traditions common to the Member States have informed the implementation of rights by European Union institutions and their defense by the Court of Justice. There have been several attempts to adopt a bill of rights, and finally it was possible thanks to the drafting and proclamation of the Charter of Fundamental Rights in 2000. However, even before, the Court of Justice had made a very valuable and effective jurisprudential construction that, *de facto*, allowed that outmoded Communities and the actual European Union recognized and applied fundamental rights in their field.

This course addresses a detailed study of the multilevel system of rights on European Union that now has, as best support, the Fundamental Rights' Charter with the same legal value as the Treaties.

Now it is virtually impossible to know European Union without an enough and rigorous information about the multi-level system of rights that is recognized and applied in EU. This elective course is on track to meet this goal.

This Official Master on the European Union offers students a high-level academic education that allows them to achieve optimum conditions to develop their professional and academic career. It is intended to provide students with a high-level training that will place them in optimal conditions to work in professional or academic environments.

The fundamental role of this type of degrees in European Union countries is a consequence of the central place a college education must have for a better understanding of the process of integration. For this reason, the different degrees in European Union Studies are a priority for the European institutions and Member States, among which UNED is not an exception.

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, it is specially 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 the course. Students need to access learning materials and other information through these systems.

EQUIPO DOCENTE

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Prof. Dr. Cristina Elías Méndez

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It is highly advisable that students contact the teacher by e-mail.

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COMPETENCIAS QUE ADQUIERE EL ESTUDIANTE

COMPETENCIAS BÁSICAS Y GENERALES:

CG01 - Saber resolver problemas en entornos multidisciplinares relativos a la Unión Europea.

CG02 - Saber comunicar ideas y opiniones basadas en conocimientos específicos y avanzados sobre Unión Europea y emitir juicios razonados sobre las mismas.

CG03 - Interpretar el contenido de los textos y documentos de la Unión Europea de forma que el alumno sea capaz de adoptar decisiones y formular opciones sobre ellos en el entorno complejo de la estructura y ordenamiento de la Unión Europea.

CB6 - Poseer y comprender conocimientos que aporten una base u oportunidad de ser originales en el desarrollo y/o aplicación de ideas, a menudo en un contexto de investigación

CB7 - Que los estudiantes sepan aplicar los conocimientos adquiridos y su capacidad de resolución de problemas en entornos nuevos o poco conocidos dentro de contextos más amplios (o multidisciplinares) relacionados con su área de estudio

CB8 - Que los estudiantes sean capaces de integrar conocimientos y enfrentarse a la complejidad de formular juicios a partir de una información que, siendo incompleta o limitada, incluya reflexiones sobre las responsabilidades sociales y éticas vinculadas a la aplicación de sus conocimientos y juicios

CB9 - Que los estudiantes sepan comunicar sus conclusiones y los conocimientos y razones últimas que las sustentan a públicos especializados y no especializados de un modo claro y sin ambigüedades

CB10 - Que los estudiantes posean las habilidades de aprendizaje que les permitan continuar estudiando de un modo que habrá de ser en gran medida autodirigido o autónomo.

COMPETENCIAS ESPECÍFICAS:

CE04 - Encontrar, analizar y aplicar la legislación emanada de las diferentes instituciones y órganos de la Unión Europea, así como la de los Estados Miembros que se refiera o esté implicada en el sistema europeo.

CE05 - Encontrar, analizar y aplicar la jurisprudencia de los Tribunales que componen la jurisdicción de la Unión Europea así como la jurisprudencia de cualquier orden y nivel de los estados miembros que se refiera o que estén implicadas con el sistema de la Unión Europea.

CE06 - Elaborar proyectos en el ámbito del sistema integrado por los ordenamientos de los Estados Miembros y de la Unión Europea.

CE07 - Elaborar propuestas, informes y dictámenes sobre materias propias del sistema integrado de la Unión Europea.

CE08 - Integrar la perspectiva institucional en el análisis de las normas y políticas de la Unión Europea.

RESULTADOS DE APRENDIZAJE

Knowledge:

- Students are expected to acquire extensive and advanced knowledge of the EU multilevel system of fundamental rights.
- Students will be able to discuss the legal norms on this subject.
- Students will be able to apply case-law knowledge.

Learning will be based on the materials referred to or provided by the teaching staff. If required, academic guidance will be available on-line. In this regard, the teaching staff is committed to providing guidance that is tailored to the specific needs of individual students.

Skills: Students are expected to develop their ability to find their way through the complex EU multilevel Fundamental Rights framework. One of the crucial skills to be honed by students is the selection, usage and management of documentary sources, jurisprudence and doctrinal materials.

Attitudes: A willingness to autonomous work is essential to maximize the results of the course. This combination of knowledge, skills and attitudes will prepare students for the task of understanding the protection of the multilevel Fundamental Rights in Europe.

CONTENIDOS

1. Origin and evolution of rights and freedoms.
2. The work of the European Court of Justice to protect fundamental rights
3. The Charter of Fundamental Rights.

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

TIPO DE PRUEBA PRESENCIAL

Tipo de examen

No hay prueba presencial

CARACTERÍSTICAS DE LA PRUEBA PRESENCIAL Y/O LOS TRABAJOS

Requiere Presencialidad

No

Descripción

The specific methodology of UNED allows students to be evaluated at "distance" through the virtual platform ALF that provides support to education.

Accordingly to it, the evaluation of the subject will consist in an exercise through the virtual platform with TWO short theoretical questions (5 points each one)

The evaluation exercise will be available on the ALF online platform and must be answered in English.

If the student does not take the exam in May/June or does not get the minimum of 5 points, he/she may take the exam in September.

The extraordinary evaluation exercise will be available on the ALF online platform and must be answered in English in September.

Criterios de evaluación

Accuracy and precision of the answers.

Correct use of the legal terms.

Ponderación de la prueba presencial y/o los trabajos en la nota final

The evaluation of the subject will consist in an exercise through the virtual platform with TWO short theoretical questions (5 points each one).

Fecha aproximada de entrega

May

Comentarios y observaciones

PRUEBAS DE EVALUACIÓN CONTINUA (PEC)

¿Hay PEC?

No

Descripción

Criterios de evaluación

Ponderación de la PEC en la nota final

Fecha aproximada de entrega

Comentarios y observaciones

OTRAS ACTIVIDADES EVALUABLES

¿Hay otra/s actividad/es evaluable/s?

No

Descripción

Criterios de evaluación

Ponderación en la nota final

Fecha aproximada de entrega

Comentarios y observaciones

¿CÓMO SE OBTIENE LA NOTA FINAL?

The evaluation of the subject will consist in an exercise through the virtual platform with TWO short theoretical questions (5 points each one).

BIBLIOGRAFÍA BÁSICA

Main bibliography

- Craig, P. and De Burca, G., EU Law: Text, Cases and Materials, Oxford University Press, latest edition.
- Gómez Sánchez, Y., Constitucionalismo multinivel: derechos fundamentales, Sanz y Torres, Madrid, ultima edición.
- Gómez Sánchez, Y. y Elías Méndez, C., Derecho constitucional europeo, Thomson Reuters Aranzadi, 2019.
- Balaguer Callejón, F. (coord.), Cámara Villar, G, López Aguilar, J.F., Balaguer Callejón, M.L., Montilla Martos, J.A., Manual de Derecho Constitucional, vol. II, Tecnos, última edición.

English bibliography

- Cartabia, M., Europe and Rights: Taking Dialogue Seriously, European Constitutional Law Review (2009), 5: pp 5-31.
- Horspool, M., European Union Law, 10th edition, Oxford University Press, 2018.
- 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.
- Pernice, I. and Kanitz, R., “Fundamental Rights and Multilevel Constitutionalism in Europe”, <https://www.whi-berlin.eu/documents/whi-paper0704.pdf>
- 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, <https://yel.oxfordjournals.org/content/29/1/65.full>
- 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

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

- Elías Méndez, C., La jurisdicción constitucional en los Estados miembros de la Unión Europea, *Revista de Derecho Constitucional Europeo*, nº 16, 2011, <https://www.ugr.es/~redce/REDCE16/articulos/01CElias.htm>
- Cámara Villar, G.: Los derechos fundamentales en el proceso histórico de construcción de la Unión Europea y su valor en el Tratado Constitucional, *Revista de derecho constitucional europeo*, Nº. 4, 2005, pags. 9-42
- Vidal Prado, C., Multilevel Protection of Fundamental Rights in Europe: The Case of Spain, Editors: H.-J. Blanke, P. Cruz Villalón, T. Klein, J. Ziller, H.-J. Blanke et al. (eds.), *Common European Legal Thinking*, Springer, 2015, https://www.researchgate.net/publication/282183975_Multilevel_Protection_of_Fundamental_Rights_in_Europe_The_Case_of_Spain
- Vidal Prado, C., *El impacto del nuevo Derecho europeo en los Tribunales constitucionales*, Colex, Madrid, 2004.

It is recommended to consult the following texts:

- European Union Treaties (in force)
- Charter of Fundamental Rights of the EU
- European Convention on Human Rights
- European Law
- Case Law of the EUCJ
- Spanish Constitution
- Organic Law of the Constitutional Court (Spain)
- Other legislation and documentation

BIBLIOGRAFÍA COMPLEMENTARIA

See "Main bibliography".

RECURSOS DE APOYO Y WEBGRAFÍA

On-line course: The course will be conducted on-line. On-line tutorials will be the basic form of interaction between students and the teaching staff. Access to learning materials, submission of essays and other documents, and communication between course actors will take place through the specific on-line channel designed and maintained for the course.

Main links:

European glossary

https://europa.eu/legislation_summaries/glossary/

European Union Agency for Fundamental Rights

https://fra.europa.eu/fraWebsite/home/home_en.htm

Fundamental Rights in the European Union

https://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_european_

union

/index_es.htm

https://www.europarl.europa.eu/charter/default_en.htm

https://ec.europa.eu/justice/fundamental-rights/index_en.htm

BOE (Boletín oficial del Estado)

<https://www.boe.es/g/es/>

El Gobierno Informa (España):

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

Congreso de los Diputados de España:

<https://www.congreso.es>

Senado de España:

<https://www.senado.es>

Consejo de Estado:

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

Consejo General del Poder Judicial:

<https://www.poderjudicial.es>

Tribunal Constitucional

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

Tribunal Supremo

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

Centro de Estudios Políticos y Constitucionales:

<https://www.cepc.es>

UN

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

European Council

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

European Union

https://europa.eu/index_es.htm

The Court of Justice of the European Union

https://curia.europa.eu/jcms/jcms/Jo1_6308/

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 se hayan sustituido por términos genéricos, se entenderán hechas indistintamente en género femenino o masculino, según el sexo del titular que los desempeñe.