

23-24

MÁSTER UNIVERSITARIO EN UNIÓN
EUROPEA

GUÍA DE ESTUDIO PÚBLICA



THE CIVIL SERVICE OF THE EUROPEAN UNION

CÓDIGO 26600148

UNED

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Nombre de la asignatura	THE CIVIL SERVICE OF THE EUROPEAN UNION
Código	26600148
Curso académico	2023/2024
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

INTRODUCTION

THE CIVIL SERVICE OF THE EUROPEAN UNION is an optional course of the second semester of the Master in European Union, major in Multilevel European Integration and Fundamental Rights, taught by the UNED.

Coordinating Professor: Dra. Maria Casado Garcia-Hirschfeld

CONTEXT

Nowadays, the law of the civil service of the European Union constitutes a branch of European administrative law and the Staff Regulations has become its legal structure. Its configuration is delimited by certain characteristics that we can consider them as defining features of the civil service of the European Union and which are the following four: statutory unit, competence in terms of representation and excellence, permanence referred to the durability in employment and finally, independence.

This last feature, independence, is one of the guiding principles of the civil service of the European Union that differentiates it from the international civil service. This distinction is based on the nature of the legal link between the official and the institution, for which he depends on and works for, that is intimately associated to the supranational quality that the EU has endowed itself from its very first origins, and which will be analysed in further detail during this course.

The difference of legal links between the staff of international organizations, in general, and of the European Union, specifically, is that in the former the relationship is based on a Public Law contract where the rendering of services is subject to the signing of this contract, while the EU officials are linked by an employment relationship that is permanent and stable as it's guaranteed by the application of the Staff Regulations.

On the other side, the agents of the European Union are bond by a specific regime, the so-called "Conditions of Employment of Other Servants of the European Union (CEOS)", which is based on an employment contract with the institution or EU agency for which they provide their services, but to which also many of the provisions of the Staff Regulations are applied, by analogy. However, it is necessary to highlight that it belongs to a specific category that, according to the cases to which we will refer, will be treated individually.

The staff members at the service of the administration of the European Union are characterized by belonging to a "closed" system in which its officials are the main holders of their job title, and which recognizes the development and growth of a professional career through different promotions in the core of the institution. The Staff Regulations and the

CEOS, both offer the necessary guarantees to enforce the rights recognized in their regulatory texts.

The statutory nature of the employment link reinforces the authority of the organization over its staff members and, in return, recognizes the exclusive competence of the institutions in relation to the internal organization of their administrative services which are, in the end, discretionary powers.

The Staff Regulations is an autonomous instrument with the purpose to regulate the legal relations between the institutions and their officials by establishing reciprocal rights and obligations. The liaison between an official of the European Union is twofold, on one hand, the statutory link representing the norm of greater rank of legislative nature, and on the other hand, the link with the institution to which it belongs is of a regulatory nature composed by internal provisions approved by the institutions and which are of lower rank. This duality is based on the organization of the civil service of the European Union whose legislation allows the institutionalization of the different authorities.

The institutions are competent to determine, from among their bodies, the Administrative Authorities that will develop the set of powers and functions that the Staff Regulations attributes to each administrative body as its own, including the competent authorities in the cases of delegation and substitution that can be foreseen by the Staff Regulations. This means that, within the scope of each institution, the "Competent Authority in matters of the staff members" is not normatively predetermined, but it is subject to ad hoc designation and revocation.

The Staff Regulations of the European Union is presented as a general rule and, at the same time, as a limit to the margin of manoeuvre that may arise from the approval, interpretation and application of atypical acts, the law of the civil service of the European Union doesn't allow a confinement in a univocal formula.

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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.

PRECONDITIONS RECOMMENDED

Course on legal practice. Study and analysis of the rights and obligations of staff members, officials, and agents at the service of the European institutions, sources of law of the civil service of the EU, its regulation, and internal rules.

This course will devote special attention to pre-litigation procedures, to jurisdictional protection and to the analysis of case-law on which some practical cases and legal analysis will be carried out. For this purpose, it is necessary that the students have a solid base in European Union law and some notions about the procedure of litigation before the Court of Justice of the European Union.

Learning achievements (according to Spanish Regulation - *art. 7 del Real Decreto 1027/2011, de 15 de julio, por el que se establece el Marco Español de Cualificaciones para la Educación Superior*).

EQUIPO DOCENTE

Nombre y Apellidos
Correo Electrónico
Teléfono
Facultad
Departamento

CARLOS JOSE VIDAL PRADO (Coordinador de asignatura)
cvidal@der.uned.es

COLABORADORES DOCENTES EXTERNOS

Nombre y Apellidos
Correo Electrónico

MARIA CASADO GARCIA-HIRSCHFELD
mcasadogh@invi.uned.es

HORARIO DE ATENCIÓN AL ESTUDIANTE

TUTORING AND FOLLOW-UP

The updated information will appear on the aIF platform at the beginning of the course and during its development to carry out the requested tasks and analyses.

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

MARIA CASADO GARCIA-HIRSCHFELD: mcasado@bruselas.uned.es

LEARNING ASSESSMENT

The specific methodology of the UNED allows students to be assessed "in person" through the exams conducted in the network of Associated Centres of the UNED both in Spain and abroad or "at a distance" through the virtual platform that serves as support and channelling of teaching.

The professor reserves the discretion to propose a presential exam in one of the associated centres of the student's choice or give them a limited period of time to do it remotely.

During the semester, several tasks of analysis, readings and case studies will be carried out and considered for the final evaluation.

Consequently, the teaching staff will determine at the beginning of each academic year, within the framework of the rules and regulations approved by the UNED, the evaluation process of the students of this course, by means of one or some of the following systems: Realization of a research work through the virtual platform. Examination held in associated centres. Develop certain topics through the virtual platform. In all the systems of evaluation, the student will have at least two calls during the academic year to evaluate the course.

COMPETENCIAS QUE ADQUIERE EL ESTUDIANTE

COMPETENCIAS BÁSICAS Y GENERALES:

CG04 - Gestión de los procesos de comunicación e información. Expresión y comunicación eficaces a través de distintos medios y con distinto tipo de interlocutores a través de un uso eficaz de las herramientas y recursos de la Sociedad del Conocimiento (competencia en el uso de las TIC; en la búsqueda de información relevante; en la gestión y organización de la información; en la recolección de datos, el manejo de bases de datos y su presentación).

CG05 - Trabajo en equipo desarrollando distinto tipo de funciones o roles como Habilidad para coordinarse con el trabajo de otros; habilidad para negociar de forma Eficaz; habilidad para la mediación y resolución de conflictos; habilidad para coordinar grupos de trabajo o liderazgo (en el marco del aprendizaje)

CG06 - Compromiso ético y respeto por las buenas prácticas educativas y científicas en relación con el desarrollo del aprendizaje.

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:

CE02 - Dominar los instrumentos de regulación y ordenación de la Unión Europea en contextos profesionales y académicos.

CE03 - Identificar normas y documentos dentro del sistema jurídico-político resultante de la integración de los ordenamientos jurídicos de los Estados Miembros y de la Unión Europea

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

RESULTADOS DE APRENDIZAJE

Course on legal practice. Study and analysis of the rights and obligations of staff members, officials and agents at the service of the European institutions, sources of law of the civil service of the EU, its regulation and internal rules.

This course will devote special attention to pre-litigation procedures, to jurisdictional protection and to the analysis of case-law on which some practical cases and legal analysis will be carried out. For this purpose, it is necessary that the students have a solid base in European Union law and some notions about the European administrative litigation.

Learning achievements (according to Spanish Regulation - art. 7 del Real Decreto 1027/2011, de 15 de julio, por el que se establece el Marco Español de Cualificaciones para la Educación Superior).

Haber adquirido conocimientos avanzados y demostrado, en un contexto de investigación científica y tecnológica o altamente especializado sobre el sistema jurídico multinivel integrado por los ordenamientos de los Estados Miembros y de la Unión Europea, una comprensión detallada y fundamentada de los aspectos teóricos y prácticos y de la metodología de trabajo en uno o más campos de estudio.

Saber aplicar e integrar sus conocimientos, la comprensión de estos, su fundamentación científica y sus capacidades de resolución de problemas en entornos nuevos y definidos de forma imprecisa, incluyendo contextos de carácter multidisciplinar tanto investigadores como profesionales altamente especializados en cualquier materia relativa a la economía y el transporte en los estados Miembros y la Unión Europea.

Saber aplicar e integrar sus conocimientos, la comprensión de estos, su fundamentación científica y sus capacidades de resolución de problemas en entornos nuevos y definidos de forma imprecisa, incluyendo contextos de carácter multidisciplinar tanto investigadores como profesionales altamente especializados.

Saber evaluar y seleccionar la teoría científica adecuada y la metodología precisa de los campos de la economía y el transporte en los estados Miembros y la Unión Europea, para formular juicios a partir de información incompleta o limitada incluyendo, cuando sea preciso y pertinente, una reflexión sobre la responsabilidad social o ética ligada a la solución que se proponga en cada caso.

Ser capaces de predecir y controlar la evolución de situaciones complejas mediante el desarrollo de nuevas e innovadoras metodologías de trabajo adaptadas al ámbito científico, investigador o profesional relativos a la economía y el transporte en los estados Miembros y la Unión Europea.

Saber transmitir de un modo claro y sin ambigüedades a un público especializado o no, resultados procedentes de la investigación científica o del ámbito de la innovación más avanzada, así como los fundamentos más relevantes sobre los que se sustentan.

Haber desarrollado la autonomía suficiente para participar en proyectos de investigación y colaboraciones científicas o tecnológicas dentro su ámbito temático, en contextos interdisciplinares y, en su caso, con una alta componente de transferencia del conocimiento.

Ser capaces de asumir la responsabilidad de su propio desarrollo profesional y de su especialización en el amplio campo de la economía y el transporte en los estados Miembros y la Unión Europea.

Conocer la tendencia de la jurisdicción española respecto de la recepción de las normas de la Unión Europea

CONTENIDOS

I. STAFF REGULATIONS: INTRODUCTION TO THE CONCEPT

STAFF REGULATIONS: INTRODUCTION TO THE CONCEPT

II. CAREER OF A STAFF MEMBER

II. CAREER OF A STAFF MEMBER

III. PROCEDURAL ISSUES (I)

III. PROCEDURAL ISSUES (I)

IV. HARASSMENT COMPLAINTS IN EU INSTITUTIONS

II. HARASSMENT COMPLAINTS IN EU INSTITUTIONS

V. COMPLAINT PROCEDURE

V. COMPLAINT PROCEDURE

VI. PROCEDURAL ISSUES (II)

VI. PROCEDURAL ISSUES (II)

METODOLOGÍA

The course will be taught according to the non-face-to-face methodology that characterizes the UNED, in which prevails the self-learning of the student but assisted by the professor and articulated through various systems of professor-student communication.

Within these systems, it is worth mentioning that the Master in European Union of which this itinerary in English takes part, is provided with support of an interactive virtual platform where the student finds both basic didactic materials and complementary didactic materials, such as, information, news, exercises and training for the understanding and assessment corresponding to the different subjects. More specifically, the virtual platform will contain:

Contents: The student will be given access to full text books and works related to the subject.

Glossary of terms: The most common terms are extracted and delimited in the context of the study.

Exercises: Their purpose is for the student to exercise the task of understanding and studying, while acquiring useful skills and knowledge which will be needed when carrying out the tests.

Links: They are made available to the student as useful resources for the study and understanding of the right to privacy and data protection regulations.

In addition, students can access videoconferences, activities through AVIPs classrooms and educational content broadcast by Canal UNED.

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

El estudiante deberá realizar tres tareas que incluirán la lectura y análisis de casos prácticos y un examen final, que consistirá en un test de 10 preguntas y dos preguntas de desarrollo sobre los contenidos incluidos en el programa de la asignatura. La duración de este examen será de 90 minutos.

Criterios de evaluación

Aprobado: 5 a 6,9

Notable: 7 a 8,9

Sobresaliente: 9 y 10

Los exámenes calificados con Sobresaliente podrán también recibir la mención de Matrícula de Honor si reúnen méritos especiales (redacción, rigor terminológico, exposición clara y precisa).

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

Fecha aproximada de entrega

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?

Deben superarse las tareas de evaluación continua y el examen final.

BIBLIOGRAFÍA BÁSICA

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.

The manual of the subject and the basic texts for the study of it, will be available to the student on the platform at the beginning of the course.

Main links:

The Treaty on the Functioning of the European Union

EUR-Lex - 12012E/TXT - EN - EUR-Lex (europa.eu)

Staff Regulations of Officials and the Conditions of Employment of Other Servants of the EU

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01962R0031-20140501&from=EN>

The Court of Justice of the European Union

CURIA - Home - Court of Justice of the European Union (europa.eu)

BIBLIOGRAFÍA COMPLEMENTARIA

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.

The manual of the subject and the basic texts for the study of it, will be available to the student on the platform at the beginning of the course.

Main links:

The Treaty on the Functioning of the European Union

EUR-Lex - 12012E/TXT - EN - EUR-Lex (europa.eu)

Staff Regulations of Officials and the Conditions of Employment of Other Servants of the EU

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01962R0031-20140501&from=EN>

The Court of Justice of the European Union
CURIA - Home - Court of Justice of the European Union (europa.eu)

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>

BEDE. Boletín Electrónico de Documentación Europea:

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

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

European Union Court Justice

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

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.