

17-18

MÁSTER UNIVERSITARIO EN UNIÓN
EUROPEA

GUÍA DE ESTUDIO PÚBLICA



MULTILEVEL SYSTEM OF THE FUNDAMENTAL RIGHTS IN THE EUROPEAN UNION

CÓDIGO 26602571



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Nombre de la asignatura	MULTILEVEL SYSTEM OF THE FUNDAMENTAL RIGHTS IN THE EUROPEAN UNION
Código	26602571
Curso académico	2017/2018
Títulos 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

2 semester

The recognition of rights and freedoms has always constituted one of the most important foundations of societies and groups, and, particularly, 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.

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 Law speciality 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 the 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

Knowledge:

- Students are expected to acquire extensive and advanced knowledge of the EU multilevel Fundamental Rights.
- Students will be able to discuss the law about 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 good disposition towards 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

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

- Gómez-Sánchez, Y. Constitucionalismo multinivel: derechos fundamentales, Sanz y Torres, Madrid, ultima edición.
- Craig, P. and De Burca, G., EU Law: Text, Cases, and Materials, 5th ed., OxfordUniversityPress, 2011. Information on the book available at:
<http://www.oup.com/us/catalog/general/subject/Law/EuropeanLaw/?view=usa&ci=9780199576999>
- Balaguer Callejón, F, Cámara Villar, G, López Aguilar, J.F., Balaguer Callejón, M.L., Montilla Marto, J.A., Manual de Derecho Constitucional, vol. II, Tecnos, última edición

English bibliography

- Cartabia, M., Europeand Rights: Taking Dialogue Seriously, European Constitutional Law Review (2009), 5 : pp 5-31.
- Horspool, M., European Union Law, OxfordUniversityPress, 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.
- 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>
- 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, <http://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., 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

http://europa.eu/legislation_summaries/glossary/

•European Union Agency for Fundamental Rights

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

•Fundamental Rights in the European Union

[http://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_european_u](http://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_european_union)

[nion](http://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_european_union/index_es.htm)
[/index_es.htm](http://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_european_union/index_es.htm)

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

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

•BOE (Boletín oficial del Estado)

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

· El Gobierno Informa (España):

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

· Congreso de los Diputados de España:



<http://www.congreso.es>

· Senado de España:

<http://www.senado.es>

· **BEDE. Boletín Electrónico de Documentación Europea:**

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

· Consejo de Estado:

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

· Consejo General del Poder Judicial:

<http://www.poderjudicial.es>

•**Tribunal Constitucional**

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

•**Tribunal Supremo**

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

•**Centro de Estudios Políticos y Constitucionales:**

<http://www.cepc.es>

•**UN**

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

•**European Council**

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

•**European Union**

http://europa.eu/index_es.htm

•**European Union Court Justice**

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

