

# INTRODUCTION TO THE EUROPEAN UNION I

Summer Semester, 2009  
Loyola University School of Law  
at the  
University of Vienna

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## SYLLABUS

“People only accept change when they are faced with necessity,  
and only recognize necessity when a crisis is upon them.”

Jean Monnet

From the rubble of World War II, visionary European leaders forged a limited agreement to cooperate economically in hopes of restoring prosperity and preventing a return to war. Six nations in 1951 (Belgium, France, Germany, Italy, Luxembourg, and the Netherlands) began a process of economic integration that would establish the foundation for the continued evolution of a more unified Europe. Subsequent Treaties and the accession of six more nations (Denmark, Greece, Ireland, Portugal, Spain, and the United Kingdom) produced the European Union. In 1995, Austria, Finland, and Sweden joined, adding momentum to the European integration project. In May, 2004, the group expanded exponentially, with ten new countries joining at once (The Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, and Slovakia), bringing the Union's membership to twenty-five. Finally on January 1, 2007, Bulgaria and Romania entered, bringing the total to its present twenty-seven.

The European Union represents a complex institutional framework and process to promote “an ever closer union among the peoples of Europe,”<sup>1</sup> in what some commentators consider the most ambitious example of deliberate political and economic integration *ever in history*. These twenty-seven nations and some 495 million people have brought an unprecedented era of peace and prosperity to Europe. The entire continent has been changed dramatically by these developments, and most of the continent has been peacefully united – in a novel legal and political form.

Seminar Objectives: This seminar will explore this historic evolution from the Treaty of Paris in 1951, through subsequent Treaties, up to the new proposed Treaty of Lisbon. We will

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<sup>1</sup> Preamble, EC Treaty.

study the essential institutional features and legal principles that make this polity function and that distinguish this union from previous attempts at international cooperation. The course will focus on the architecture and institutions of the EU, and especially on the role of the Court of Justice, the rule of law, and the broad interpretation of the basic Four Freedoms.

**Expected Student Learning Outcomes:** First and foremost, students completing this course can expect to understand the unique (really) nature of this novel polity called the European Union. This is significant because the EU is complex and entirely different from our government and our federalism. Its organization and institutions do not compare well with counterparts in the U.S. Second, students can expect to become familiar with the political and governmental functioning of the EU, its processes, and vernacular. Finally, students can expect to gain an understanding of the development of the EU as a significant movement in the advancement of legal science, in a period of substantial change in international relations and economic globalization.

**Required Text and Other Resources:** As with other rapidly emerging events around the world today, the growing body of EU law and related developments leave the textbooks behind. Thus, we will not use one textbook as our primary source of course materials. Rather, seminar readings have been prepared and distributed prior to the course. Additional readings will be distributed during the seminar. Further, we will resort to every available resource for the current news on this dynamic process, especially the Internet. Because none of the available texts is up to date with recent changes brought on by the massive enlargements in 2004 and 2007, and the rejection of the Treaty of Lisbon by Ireland, and because judicial decisions are rendered continually by the European Court of Justice, we will refer occasionally to electronic resources and international media reports of developments.

**Seminar Schedule:** The seminar will meet on Tuesday through Friday, from 10:15 a.m. until 11:45 a.m. in the Juridicum. The first class will meet on Tuesday, July 21, 2009, and the final class will be on Friday, July 31, 2009. The final examination will be on Saturday morning, August 1, 2009.

**Class Attendance:** The law school's minimal requirement of 80% attendance is applicable to this seminar. Students who fail to attend 80% of the classes (regardless of reason) are not allowed to take the final examination.

**Course Format and Expectations:** The class will be presented in the lecture-discussion format, including the traditional Socratic and case methods. Our explorations will take us beyond the relevant descriptive information about the EU and its Member States. Particular emphasis will be placed on inquiry into the coherence and philosophical underpinnings of the governmental and legal institutions, processes, and values advanced by the Union. Students are encouraged to participate in the class presentations with informed questions and comments. Students are expected to be prepared for class by reading the assigned materials prior to each class. Because class participation is valued as a teaching tool, it will be included in the final grades (see below).

Course Grading: Final grades in the course will be computed on the following basis:  
Class participation 20%, final exam 80%.

Seminar/Tour of the Principal Institutions of the European Union: Some students particularly enjoy learning about Europe and wish to see first-hand the institutions and principal governmental seats of the EU. Twelve years ago, seventeen students participated in what has become an annual *Seminar/Tour of the Principal Institutions of the European Union*, including visits to Brussels (seat of the Council of Ministers and many offices of the Commission and Parliament), Luxembourg (the European Court of Justice), and Strasbourg (official home of the European Parliament, the Council of Europe, and the European Court of Human Rights). The group attends special presentations at the major institutions, as well as an evening reception at a leading U.S. law firm in Brussels. The seminar/tour terminates in Paris for a weekend before the return flight.

This special Seminar/Tour is not an "open-enrollment" program. Because of its sophistication and in-depth examination inside the EU institutions, only students enrolled in a Loyola EU-related course are invited to apply. In exceptional cases, students with demonstrated interest and knowledge of Europe may be admitted.

Students who participate are allowed one or two hours of academic credit upon the submission of an appropriate paper on some legal facet of the EU relating to the Seminar/Tour. The Seminar/Tour will be offered this year from December 13 - 20.

Office Hours: Prof. Hugg maintains office hours each Tuesday - Friday morning from 9 a.m. til 10 a.m. in the offices of the Roman Law Institute (third floor, right), Schenkenstraße 8-10, 1010 Vienna, and is available at other times by appointment. Prof. Hugg may be contacted most easily via e-mail at [hugg@loyno.edu](mailto:hugg@loyno.edu). His cell phone is 504-931-3696 or Vienna cell phone to be announced the first day of class. Students are encouraged to e-mail, call, or visit at any time to discuss the course and related topics of interest.

# **INTRODUCTION TO THE EUROPEAN UNION**

**Summer Semester, 2009**

## **Seminar Schedule**

Day 1

Tuesday, July 21

Historical Introduction to the European Union

Day 2

Wednesday, July 22

Institutions of the European Union

Day 3

Thursday, July 23

Doctrinal Foundations of the EU and the ECJ

Day 4

Friday, July 24

Current Issues in the EU, from an Insider's Perspective  
Mag. Verena Haas, LL.M.

Day 5

Tuesday, July 28

Judicial Review of Community Acts

Day 6

Wednesday, July 29

Case Law of the ECJ

Day 7

Thursday, July 30

Fundamental Rights in the EU

Day 8

Friday, July 31

The Lisbon Treaty and the Future of the EU

Final Examination

Saturday, August 1