

Introduction to the Laws of European Union

Contact Information:

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Schedule: Summer II June 1 – June 29th

6:00p.m. – 8:45p.m. MTW

The aim of this course is to provide students with a basic understanding of how the European Union uses the law as a means to achieve market objectives through national and international business transactions. To this end the class will examine the basic components lawyers need to know when preparing to draft contracts involving EU member states. These include:

- the emergence of the European Economic Community
- how the European Union is administered/governed by the four main institutions
- the sources and general principles of the European Community law
- how European Community law is integrated at a national level
- the contributions of the Court of Justice to this process
- how European community law is enforced at both a national and European level

Course Agenda: The course will be graded on a practical written assignment, which will guide students through the drafting of a basic contract enforceable within the European Union. There will be four contractual drafting assignments that will be designed to build upon each other so that the fourth and final assignment will result in a draft of a complete contractual agreement. Over the course of the semester, each student will prepare an agreement governed by European Union law. The agreement should not exceed ten (10) pages. Additionally, 15% of the grade will be based on a student experiential in class assignment.

EU History and Treaty Development

Introduction to EC/EU law: We will begin with an overview of the role of law in the EU and the concepts of sovereignty and competence in the EU context. Comparative law: One Europe, two systems: how Civil Law and Common Law systems have contributed to the EU legal order.

Distinguishing the EU from other international structures and organizations, specifically Council of Europe, United Nations and WTO.

Fundamental Freedoms Established by the EU

Class Assignment: We will begin to focus on the contractual agreement. There will be four (4) main parts to the agreement. The first substantive part of the agreement will deal with the use of agents, employees and the free movement of workers. There will be a class lecture covering the subject matter. Students will then receive the first part of the drafting assignment. This first drafting assignment will be due the following Tuesday at the beginning of class.

EU Regulations, Directives and Enforcement Structure

Class Assignment: The second substantive part of the agreement will deal with directives involving the leasing of property, the procurement of goods and services. There will be a class lecture covering the subject matter. Students will receive the second part of the drafting assignment. The second part of the drafting assignment will be due the following Tuesday at the beginning of class.

EU and International Trade

Class Assignment: Class will consist of the reviewing, correcting and stream-lining of assignments one and two. Additionally, we will devote class time to further examining the details of all relevant EU directives to help students better understand the nuances of the contractual drafting process.

Immigration and the Free Movement of Goods and People

Class Assignment: The third substantive part of the agreement will deal with directives concerning choice of law, choice of forum, language to be used, currency accepted (as well as conversion terms). There will be a class lecture covering these areas of law. Students will be provided with the third part of the drafting assignment. The third part of the drafting assignment will be due at the beginning of class the following Tuesday.

Who Can Sue, Be Sued and What For

Class Assignment: The fourth part of the agreement will deal with the inclusion of alternative dispute resolution procedures available and the importance they play in contracting to do business within the European Union. There will be a class lecture covering this growing area of the law and students will be assigned the final important segment for the agreement.

Class Assignment: There will be a final class lecture recapping all topics covered during the course of the semester and a chance for students to ask any final questions they may have before combining all individual drafts into one cohesive final agreement.

USE of the CISG and INCOTERMS and RECAP

Class Assignment: In this class students working in teams will be presented with sample contractual language and challenged to find the defect and redraft to reflect clients intent. The sample contractual language will cover all topics discussed through this point in the semester. This should aid students in clarifying the language used in their own contractual agreement before final drafts are due.

“Brexit” and Updates

Class Assignment: The class lecture will deal with preparing a client letter in response to specific concerns the client has expressed regarding certain terms of the contractual agreement. Students will be assigned the task of returning to class the next day having drafted a three (3) to four (4) paragraph client explanation letter.

Last class set aside for individual contract drafting review.

Course materials:

Materials will be handed out in class as needed. Students will become proficient in locating relevant, current law in a broad range of topics.

Secondary online sources are as follows:

www.jeanmonetprogram.org is the website of a joint Harvard/New York University program to teach EU law. Supporting the open source approach to learning, these institutions have made their full courses available on line, including lectures and reading materials. Selective excerpts from the materials in this program will be used in reading assignments.

www.euractiv.com contains daily articles on current legal (and other) topics, but also contains extensive references and links to official materials and studies of other organizations such as NGOs, think tanks, trade organizations and legal journals.

www.euobserver.com, www.europeanvoice.com and www.eupolitix.com are basically news sources discussing new legislation and its implementation in the member states.

www.eubusiness.com focuses on news regarding business aspects of EU law and has extensive guides to specific sectors and

<http://adjudicatingeurope.eu/> An interesting blog on the European Court of Justice – its cases, its members, its politics.

<http://eutopialaw.com/>

<http://www.presseurop.eu/en>

<http://www.statewatch.org/> (One of the best sites on the web for tracking developments in EU law and policy)