

MODEL CURRICULUM


EUROPEAN AND
INTERNATIONAL LAW



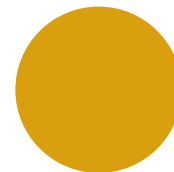
A network diagram consisting of several nodes connected by black lines. The nodes are colored: a blue circle, a grey circle, a green circle, a red circle, and a teal circle. A yellow circle is partially visible on the left edge, and a white circle is partially visible at the bottom left. The lines connect the nodes in a complex, overlapping pattern.



FOREWORD



In times of economic crisis, social injustice, climate change, water scarcity, energy depletion, resource wars, and other global challenges, Public International Law is becoming the definitive guide. The solution of these challenges cannot be achieved solely at a national level, but require a reliable international cooperation based on international agreements.



The same applies to the law of the European Union. The enlarged European Union must play a growing role in a globalized world. A strong Europe in the world should serve to promote peace and prosperity and this cannot be achieved without the legal framework. Therefore, the importance and influence of the European Union on legal education should not be underestimated. Thus, the European Law is so important for all Member States.

A considerable part of all laws are based on European Law. We need well-trained lawyers, who are confident in the application of European Law as well as Public International Law. This is especially true for the countries in Southeastern Europe, who plan to accede to the European Union.

Accordingly, all of the partners, including the Europa-Institut, collaborated closely to set up common structures and standards to harmonise the research and teaching of European and International Law by developing a model curriculum.

A curriculum has to be a dynamic process and has to be adjusted to the needs and challenges of our society. However, the curricula should reflect innovation and answer the demands of the markets.

The analysis of the Bologna Process and its conditions and implications for the curricula of jurisprudence and in particular European and international law at

our Bologna Conference was an informative examination of the topic and prerequisite for the fruitful coordination and understanding of the teaching methods of the various countries. Afterwards, we met again at the Round Table in Saarbrücken to work out the draft model curriculum. The aim of this meeting was to share and exchange best practices.

The drafted model curriculum in European and International Law works as a basis for the development of joint teaching activities and as a model in the curriculum reformation by all faculties interested. The model curriculum should not be a strict set of rules. It is supposed to serve as a guideline that has benefited from the cross-border cooperation and combines the best of the various curricula that already exist. We explicitly want to point out that there exist other concepts to teach European and International Law. The drafted model curriculum is a compromise of minimum standards and should be adjusted to the needs of every faculty.

**WE ARE OPEN FOR COMMENTS
AND DISCUSSIONS.**

For all participants involved
Prof. Dr. Thomas Giegerich

RECOMMENDATIONS

Based on various discussions we would suggest the following recommendations in the context of teaching European and International Law:

1

Public International Law should serve as a basis for European Union Law, therefore it should be taught first.

Proposal:

2nd year:

1. Semester
Constitutional Law

2nd year:

2. Semester
Public International Law

3rd year:

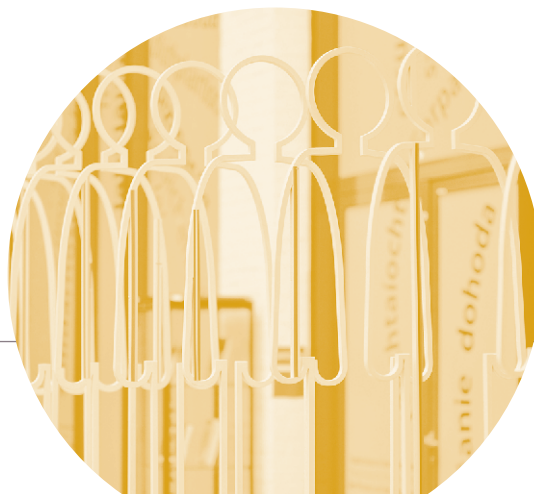
1. Semester
European Union Law

2

European Union Law and Public International Law should not be taught in the same semester.

3

Both topics should not be taught in the first semesters since students need a basic understanding of the concept of legal principles, substantive and procedural law.





4

In case of teaching European topics from the very beginning of the legal studies (first 2 years of the bachelor studies), a course which deals with the topics of European Integration such as history, institutions and main principles, would be advisable. This can raise the awareness of the importance of European Union Law.

5

Lectures of national criminal, private and public law should point out the links to European Union Law. This can also raise the awareness of the importance of European Union Law.

6

We would suggest the following teaching methods:

- Lectures with case-law
- Accompanied with tutorials/ practical trainings on a mandatory basis
- Case-studies: solving a fictional case
- Seminars (with guest lecturers) in master programmes (5th year)
- Study visits to European institutions and courts
- Moot Courts for experienced students, which are counted also as teaching hours
- Exams should also involve a case-study due to the importance of case-law

PROGRAM

Public International Law

2–3 hours per week (min. one semester)
Mandatory / 2nd year

Outline of topics Public International Law (GP)

I. Concept and Delimitation of Public International Law

II. Theoretical Basics

1. Public International Law as Law
2. Reason of Validity
3. Principal Structures
4. Public International Law and International Relation Theory

III. Fundamental Development of Public International Law (History)

1. Formation of Territorial States as Requirement
2. Spanish Late Scholastics
3. Hugo Grotius as „Father of Public International Law“
4. „System of Westphalia“ and Ius Publicum Europaeum (1648–1815)
5. Era of National States (1815–1918)
6. League of Nations and World War II (1919–1945)
7. Era of an Organized Global Community (UN) since 1945

IV. Subjects of Public International Law

1. Definition
2. States (Elements, Formation and Decline, Recognition of States and Governments, „failed states“)
3. International Organizations and EU
4. De facto Regime, Rebels and Liberation Movement, Peoples
5. Individuals and Companies – Diplomatic Protection
6. Atypical Subjects of Public International Law (Holy See, Sovereign Military Order of Malta, International Committee of the Red Cross)

V. Sources of Public International Law

1. Art. 38 para. 1 ICJ-Statute
2. Public International Law Treaties
3. Customary International Law
4. General Principles
5. Soft Law
6. Tools for Determining Rules of Public International Law
7. General Part of Sources of Law (Hierarchy [including ius cogens], Relativity [including erga omnes-obligations], Gaps, Fragmentation)

VI. Public International Law and National Law

1. Theoretical Background: Monism und Dualism/Pluralism
2. Validity, Applicability and Hierarchy in the Domestic Sphere
3. Public International Law and the German Basic Law
4. Reception of Public International Law in Foreign Legal Systems
5. Internationalized Constitutions

VII. Public Authorities of States as Main Actors in Public International Law

1. Territorial Sovereignty, Territorial Jurisdiction, Law of Aliens
2. Citizenship and Personal Jurisdiction
3. Extraterritorial Jurisdiction
4. Diplomatic and Consular Relations

VIII. Rights and Fundamental Obligations of States (comp. Declaration of Principles 1970)

1. Independence, Internal and External Sovereignty, Right of Self-Determination
2. Sovereign Equality and Immunity of States
3. Prohibition of the Use of Force – Right of Self-Defense – Collective Security

4. Prohibition of Intervention
5. Pacta sunt servanda
6. Duty to Mutual Cooperation
7. Duty to Peaceful Settlement of International Disputes

IX. Peaceful Settlement of International Disputes and International Arbitration/ Jurisdiction

1. Mechanisms
2. Judicial Dispute Settlement (International Arbitration, International Court of Justice, Other international Courts and Tribunals)
3. Enforcement by limited Self-help

X. Responsibility of States

1. Internationally Wrongful Acts
2. Circumstances for Precluding Wrongfulness
3. Fault-based Liability, Absolute Liability, Strict Liability
4. Legal Consequences
5. Law of War (International Humanitarian Law)

Elective courses*:

International Criminal Law
International Economic Law
International Energy Law
International Environmental Law
International Financial Law
International Human Rights Law
International Humanitarian Law
International Labour Law
International Law of the Sea
International Organisations
International Security Law

SKILLS achieved:

- to understand the nature, function and efficacy of international law
- to identify and critically appreciate the concept of “the State” in international law
- To be familiar with the fora for the peaceful settlement of international disputes
- to recognise and be able to critically consider the traditional sources of international law
- to be able to apply the law of treaties
- to be familiar with and critically apply the law of State responsibility, including the law of countermeasures
- to be familiar with and appreciate critically the rules governing States’ recourse to inter State armed force

* In alphabetical order, courses marked in bold are recognized as important.

PROGRAM

European Union Law

Basics of European Union Law

Min. 4 hours per week (min. one semester)

2nd or 3rd year

Outline of topics European Law I

I. Institutional Part

1. Development of European Integration

- a. The idea of Europe and the European Union
- b. Evolution of the EU and its economic and political Context
- c. The European Communities
- d. From the Treaty of Paris to the Lisbon Treaty
- e. Establishment of the European Union

2. Enlargement and Deepening

- a. Integration Aspects
- b. Enlargement and Neighborhood Policy
- c. Enlargement Process
- d. Accession Criteria
- e. Conditionality

3. EU Structure – Relation EU-Member States

- a. Supremacy
- b. Direct effect

4. Supranationality and European Citizenship

- a. Supranational vs. Intergovernmental
- b. Evolution and Nature of the Union Citizenship
- c. Right to Move and Reside within the Union
- d. Political Rights of the Union citizens

5. EU Competence and Principle of Subsidiarity

- a. Categories of EU Competences, Art. 3-6 TEU
- b. General Competences, Art. 114 and 352 TFEU
- c. Doctrine of implied (external) Powers
- d. Principle of Subsidiarity
- e. National parliamentary Scrutiny – Subsidiarity Procedure, Prot. 2
- f. Judicial Review

6. Structure and Competences of Institutions

- a. Institutional Framework
- b. European Commission
- c. Council
- d. European Council

e. European Parliament

f. Court of Justice of the European Union

g. Other Institutional and Union Advisory Bodies

7. Sources of Law and Forms of Action

- a. Legislative Procedure
- b. Sources
 - i. Directives
 - ii. Regulations
 - iii. Decisions
 - iv. Recommendations

8. Judicial System and Remedies

- a. Preliminary Ruling
- b. Infringement Procedures
- c. Annulment Actions
- d. Damage Actions

9. Human Rights Protection and General Legal Protection

- a. Birth of European Fundamental Rights
- b. The Charter of Fundamental Rights
- c. Relationship to the European Charter of Human Rights

10. Relation of EU-Law with National Law and Public International Law

II. Substantial Part

1. Fundamental Freedoms of the Internal Market

- a. Internal Market
- b. Free Movement of Goods
- c. Free Movement of Workers
- d. Free Movement of Services
- e. Freedom of Establishment
- f. Free Movement of Capital and Payments

2. General Non-Discrimination for reasons of nationality



Elective courses :

EU Competition Law

EU Antidiscrimination Law

EU Consumer Protection Law

EU Contract Law

EU Environmental Law

EU Labour Law & Social Security

EU Migration & Asylum Law

EU Procedural Law

European Fundamental Rights Law

European Private Law

Internal Market Law

EU State Aid Law

SKILLS achieved:

- to provide a thorough understanding of the historical development of co-operation and integration in Europe, and to outline the ideological, political and economic factors which have shaped, and continue to shape this development
- to provide knowledge and critical understanding of the current constitutional structure of the EU, and introduce the current debates on the constitutional future of the EU
- to get to know and critically understand the composition, role and functions of the main institutions of the EU
- to raise the knowledge and critical understanding of the way in which law is made and enforced in the EU, and of the relationship between EU law and national law
- to provide an appreciation of the pervasive impact and influence of European Union law on national law
- to provide knowledge and critical understanding of the various judicial remedies available in the European Community legal system, including but not limited to the preliminary ruling procedure (Art. 267 TFEU), the enforcement action (Art. 258 TFEU), the action for judicial review (Art. 263 TFEU) and the action for damages (Art. 340 TFEU)



IMPRINT

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