Lectures and seminars taught by M. BLANQUET

Courses at Toulouse 1 Capitole University

- General European Union Law: second year law ▶
- L1 & L2 courses
- Licence years one and two
- Courses taught by M. Blanquet at Licence 1 and 2 level

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Licence in Law, year one: European institutions

Title 1: DEVELOPMENTS IN EUROPEAN INTEGRATION

Chapter 1: implementation of the system

Section 1: Choice of model

Section 2: Statement of rationale

Chapter 2: Advances in the process

Section 1: Enlargements

Section 2: Acceleration: completion of the single market

Section 3: Restructuring: the creation of the European Union

Section 4: reorganisation attempts: the Treaties of Amsterdam and Nice

Section 5: Rebuilding of the European Union: the end of the European Community

Title 2: ORGANISATION OF THE EUROPEAN UNION

Chapter 1: Composition of the European Union

Section 1: Structure of the European Union

Section 2: Membership of the European Union

Chapter 2: Political system of the European Union

Section 1: Decision-making body: the European Council

Section 2: the traditional three parts of the European Union: Commission, Parliament, Council

Section 3: consultative political bodies: CES; Committee of the Regions

Section 4: Role of Member State Parliaments

Chapter 3: Control system

Section 1: Judicial control system: CJEU

Section 2: Financial control system: Court of Auditors

Chapter 4: Administrative and financial system

Licence in Law, year two: European Law

Introduction

CHAPTER 1: Structure of European Union law

Section 1: Foundations of European Union law.

Sub-section 1: Foundations of the legal system of the European Union

Paragraph 1: Founding principles of the European Union

Paragraph 2: Basic foundations of European integration

Sub-section 2: Bases of legal acts of the European Union

Paragraph 1: General issues and challenges

Paragraph 2: Challenges to the legal basis

Section 2: Sources of European Union law

Sub-section 1: European Union acts of law

Paragraph 1: Primary sources Paragraph 2: Secondary sources Paragraph 3: External sources

Paragraph 4: Additional sources

Sub-section 2: General principles of European Union law

Paragraph 1: Origin of the general principles

Paragraph 2: Recognition of the general principles

Paragraph 3: Scope of the general principles

Paragraph 4: General principles and fundamental rights

Chapter 2: Status of European Union law

Section 1: Scope of European Union law

Section 1: Scope of European Union law with respect to the legal system of Member States

Paragraph 1: Autonomy of European Union law

Paragraph 2: Immediate incorporation of European Union law

Paragraph 3: Primacy of European Union law

Sub-section 2: Scope of European Union law with respect to individuals

Paragraph 1: Direct reach: enforceability of implementation

Paragraph 2: Enforceability of consideration

Section 2: Respect for European Union law

Sub-section 1: Respect for European Union law by the European institutions

Paragraph 1: Challenges to legality

Paragraph 2: Challenges to compensation

Sub-section 2: Respect for European Union law by Member States

Paragraph 1: Concept of non-compliance Paragraph 2: Finding of non-compliance Paragraph 3: Penalties for non-compliance

Sub-section 3: Respect for the uniformity of European Union law

Paragraph 1: Purpose of the preliminary reference procedure Paragraph 2: conditions of the preliminary reference procedure

Paragraph 3: Scope of preliminary rulings

- European Institutions: first year law ▶
- EU internal policies: <u>Diplôme d'études sur l'Union européenne</u>

General information

Recruitment level

Baccalauréat [French school-leaving examination] + two years of tertiary education

Length of the course

1 year: 100 hrs of evening classes

Place of study

Toulouse (UT1 campus)

Internships

No

Accessible in

Initial education

Language of instruction

French

What can it lead to?

Employment opportunities Sectors

- Introduction
- Admission

This course is open to:

- students of the university who have completed the first year of a licence in law or economic and social administration, are graduates of the Institut d'Etudes Politiques or are enrolled in fourth year
- **students admitted following a written application** after approval from the Accreditation of Prior Learning Committee, who wish to complete the studies they started elsewhere **at postgraduate level.**
- **the general public outside** of Toulouse 1 Capitole University, particularly as part of a European student exchange programme (Erasmus) or continuing education.
- <u>Programme</u>

The course takes place over 10 months and requires a total time commitment of 100 hours.

In order to facilitate access to the course, classes take place from 5pm to 7pm or 8pm every Monday, Wednesday and Friday. The Diplôme d'Etudes de l'Union Européenne consists of **three modules**, all compulsory.

• EU1: INSTITUTIONAL FRAMEWORK (20 hours - 6 ECTS)

Historical framework of European integration:

- History
- Major steps of integration: from the European Communities to the European Union.

Institutional structure:

- Political system: Council of the European Union, European Council, European Parliament, European Commission, etc.

- Judicial system: courts of the European Union (Court of Justice of the European Union, General Court of the European Union, Civil Service Tribunal)

Legal system:

- Sources
- Scope: relations between European Union law and national law; primacy; direct effect, etc.

Court system: annulment litigation, litigation for declaration, full remedy actions, preliminary cooperation, infringement proceedings, interpretation of preliminary referrals, etc.

• EU2: SUBSTANTIVE EUROPEAN LAW (48 hours - 15 ECTS)

Free competition:

- Agreements, abuse of a dominant position, mergers and state aid (10 hrs)

Europe of individuals and citizens (18 hrs):

- European Union citizenship
- Area of freedom, security and justice (AFSJ) (travel, residence, asylum, immigration)
- Digital law (creation of a digital single market and technologies in the AFSJ (laws on personal data, e-commerce and cyber security)

Free movement of workers (12 hrs):

- Freedom of access to and pursuit of employment
- Living and working conditions and social protection of employees
- Freedom of establishment and freedom to provide services

Free movement of goods (8 hrs)

• EU 3: COMMON POLICIES (32 hours - 11 ECTS)

Economic and monetary union (4 hrs)

Regional policy (4 hrs)

- Economic and social cohesion policy, structural funds

Internal policies of the European Union (18 hrs)

- Common Agricultural Policy (CAP) (10 hrs)
- Health policy (4 hrs)
- Consumer protection policy (4 hrs)

External policies of the European Union (6 hrs)

- Customs and trade policy
- Development aid policy
- Common foreign and security policy
- European Neighbourhood Policy

Teaching methods:

For classroom sessions, beyond the traditional approach of lectures and tutorials, students may be given learning opportunities in the form of role plays and case studies. Teaching will take place in dedicated and fully equipped lecture theatres and language laboratories. Students also have free access to various university resources, such as computer rooms and shared library facilities.

Teaching team:

• University professors: Marc Blanquet; Céline Castets-Renard

<u>Lecturers</u>: Nathalie De Grove-Valdeyron; Catherine Grynfogel; Oana Andreea Macovei; Felix-Valère N'Dior; Anne-Marie Oliva;

Temporary teaching assistant: Julie Teyssedre;

• Representative from the world of work: Millet, Francois-Xavier.

Assessment methods

Assessment is by examination, in accordance with the regulations in force.

Three written examinations (one per unit) are sat at the end of the academic year. The qualification is awarded to students who have taken and achieved a pass mark in all three examinations. Successful completion of a unit leads to the awarding of the corresponding European credits. The credits for the unit are awarded even in case of a compensated pass.

There are two examination sessions per year, scheduled so as not to overlap with the Licence and Master 1 examination periods. Students who pass their examinations in the first session may not sit them again in the second session; however, those who did not achieve the pass mark or were absent in one or more examinations in the first session may sit these examinations in the second session. Marks below the pass mark achieved in the first session are not carried forward to the second session.

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- Guidance
- Contacts

Objectives

This course is offered as part of the Action Jean Monnet programme, launched in 1990 by the Commission of the European Communities in order to develop teaching on European integration in university courses.

It is one of the courses offered by the European School of Law (ESL), part of the Jean Monnet centre of excellence.

Specific features

This course does not confer student status, but it does allow learners to obtain European credits.

- Institutional framework <u>Diplôme d'études sur l'Union européenne</u>
- Master 1 in International and European law: European Union Litigation

M1 in European Law

European Union litigation

Foreword

Introduction: Identification and structure of European Union litigation

- §1): Organic connection: existence of a European Union jurisdiction
- A) Excess of international justice
- B) An unprecedented combination of judicial roles
- 1. Role of administrative justice
- 2. Role of constitutional justice
- 3. Role of international justice
- 4. Role of regulatory justice
- 5. Role of 'high justice'
- C) Real 'jurisdictional authority'
- §2) Substantive connection: enforceability of European Union law: a new approach
- A) Direct effect and immediacy
- B) Direct effect and enforceability
- §3) Assessment: structure of European Union litigation

Part One: The national judge: an ordinary judge of European Union litigation

CHAPTER 1: COOPERATION OF MEMBER STATE JUDGES WITH RESPECT TO EUROPEAN UNION LAW

Section 1: Foundation of the office of Member State judges

Section 2: Legal system of cooperation of Member State judges

Sub-section 1: Principle of institutional and procedural autonomy:

- §1: Rationale of the principle
- §2: Content of the principle
- §3: Subsidiary nature of the principle

Sub-section 2: Case law framework of institutional and procedural autonomy

- §1: Principle of equivalence: minimum guarantee
- §2 Principle of effectiveness: real guarantee

CHAPTER 2: COOPERATION BETWEEN MEMBER STATE JUDGES AND THE EUROPEAN UNION INSTITUTIONS

Section 1: Cooperation between actors in the European Union system

Section 2: Cooperation between judges: preliminary reference procedure

Sub-section 1: Purpose of the preliminary reference procedure

- §1) Objectives of the procedure
- §2) Actions eligible for referral

Sub-section 2: conditions of the preliminary reference procedure

§1: Conditions relating to the questioner

- A) Possibility of referral: limits on the courts
- B) Obligation of referral: distinguishing between jurisdictions
- §2: Conditions relating to the context of the question
- A) Existence of a dispute
- B) Relevance of the question
- C) Timing

Sub-section 3: Addressing preliminary reference procedures

- §1) Receipt of questions
- A) Assessment of the admissibility of questions
- B) Consideration of the wording of the question
- §2) Responding to questions: applicable procedure
- A) Details of the procedure.
- B) Organisation of the procedure

Sub-section 4: Scope of preliminary rulings

Part Two: The European judge: a judge specialising in European Union litigation

CHAPTER 1: THE COURTS OF THE EUROPEAN UNION

Chapter 1: Structure of the court system

Sub-section 1: Development

Sub-section 2: Composition of the court system

- §1) Court of Justice
- §2) General Court
- §3) Former Civil Service Tribunal

Sub-section 3: Coherence of the court system

- §1: Distribution of competences
- §2: Errors or conflicts of competence
- §3: Remedies

Section 2: Proceedings before the European Union judge

Sub-section 1: General aspects of the proceedings

- §1) General features
- §2) General course of the proceedings

Sub-section 2: Special proceedings

- §1: Summary proceedings
- §2: Intervention
- §3: Amicable settlement
- §4: Withdrawal

CHAPTER 2: ACCESS TO THE EUROPEAN UNION JUDGE

Section 1: Objective litigation

Sub-section 1: Annulment appeal

- §1) Conditions for admissibility
- §2) Grounds for judicial review
- §3) Monitoring and judgment

Sub-section 2: Objective litigation for declaration

- §1: Illegality exception (Art. 277 TFEU)
- §2: Proceedings for failure to act (Article 265 TFEU)
- §3: Infringement proceedings

Section 2: Subjective litigation

Sub-section 1: Action for extra-contractual liability

- §1) Admissibility conditions for action for liability
- §2) Difficulties in proving liability for damages
- §3) Conditions governing liability

Sub-section 2: Civil service litigation

Sub-section 3: Other full jurisdiction proceedings

- § 1: Action for contractual liability
- § 2: Law enforcement litigation
- §3: Intellectual property rights litigation
 - <u>Constitutional Law of the European Union: Master 2 in European Law</u> → and Master 2 in Fundamental Public Law

Lectures and seminars: M2 in European Law

European constitutional law seminar: Constitutional identity of European Union Member States

Lectures and seminars taught by M. Blanquet: Master 2 in European Law: European constitutional law seminar: Constitutional identity of European Union Member States

Seminar: Constitutional identity of European Union Member States

Introduction: relevance of the issue

Part one: constitutional identity from the point of view of Member States

- I Constitutional identity of states as a 'countercheck'
- A) Reactions to the rejection by states of constitutional singularity
- a) Position of the Court of Justice
- b) Constitutional case law of dualist States
- B) Reactions to the challenge to the constitutional monopoly of states
- C) Topicality of counterchecks
- a) Spain: the uneasiness of the Melloni case
- b) Czech Republic: the Slovak pensions case
- c) Germany: Oxymorons...
- amicable threat: the Lisbon and Honeywell cases

- threatening dialogue: the Gauweiler case
- rejection of productive dialogue: the European Arrest Warrant case (ruling of 15 December 2015)
- d) Denmark: Ajos case
- e) Italy: Taricco and MAS case
- II. Constitutionality review of secondary legislation in France

Introduction: Identification of the central issue

- 1: Preventive review of secondary legislative proposals
- 2: Direct a priori review
- 3: Direct a posteriori review:
- 4: Key review: indirect a posteriori review
- A) Situation prior to 2004
- B) Clarification of 2004
- 1) Review of the law without involving the directive itself:
- 2) Review of the law on the grounds of the content of the directive:
- 4 problems
- C) Systematisation of 2006

Link to previous criteria

Crucial and distinctive

Consent of the principal

Claimed link to the treaty (Art. 4§2 EU)

Legal tightrope

Substantive proposals

Extension of 31 July 2017

- D) Detailed explanation by the Council of State in 2007
- III) Overall assessment

Part two: from the constitutional identity of Member States to the constitutional identity of the European Union

- 1) Institutional and procedural autonomy and duty of loyal cooperation:
- 2) Respect for the national identity of Member States
- 3) From the national identity to the constitutional identity of Member States
- A) Changes to the treaty framework
- B) Changes to the European judicial approach
- C) Consideration of national constitutional identity
- a) Structural balance
- b) Double substantive level
- 1) Case for shared values
- 2) Invocation of specific constitutional values
 - <u>EU Health Law: Master 2 in Health Law (until 2011)</u>
 - Common Agricultural Policy Law: Master 2 in Agricultural and Agrifood Businesses ▶

Lectures and seminars: M2 in Agricultural and Agrifood Businesses

Common Agricultural Policy Law

Lectures and seminars taught by M. Blanquet: Master 2 in Agricultural and Agrifood Businesses: Common Agricultural Policy Law

Introduction

Chapter I. Design and development of the CAP

Section 1 Choice of the CAP

- A) aspects of the debate
- a) Why have a specific agricultural policy?
- b) Why have a common policy?
- B) Incorporation in the treaty

Section 2 Structure of the CAP 1960-1970

- A) Pricing system
- principle
- different types of prices
- B) Contingency plan
- 3 categories
- C) External trade regime
- a) Import regime
- b) Export regime

Section 3 Developments in the CAP: 1970-1980

- A) The need for a structural aspect
- B) Socio-structural components
- C) Complementary areas
- Disadvantaged regions
- Processing and marketing sectors

Section 4 30 years of reforms to the CAP

- A) 1985: assessment
- a) positive results
- b) Unresolved issues
- B) the correction of 1988
- a) restrictive pricing policy
- b) Extension of stabilisers
- c) Strengthening of quality criteria
- d) Emergence of structural support measures
- C) the reform of 1992
- a) Main mechanism
- Reduction in prices
- Compensatory payments
- Set-aside
- b) Support measures
- D) Regularisation of 1996
- a) Context of the negotiations
- b) The final act
- c) Adjustment of the CAP
- E) the interim reform of 1999
- a) Reform of support (3 important concepts)
- b) Creation of the rural development policy (general introduction)
- F) The reform of 2003/2004 (the main aspects).
- G) Health assessment
- H) The CAP for 2020

Chapter II: Organisation of the CAP

Section 1 Legal framework

- A) Field
- B) Objectives
- C) Principles
- a) Fundamental principles
- b) General principles
- D) Acts

Section 2 Institutional framework

- A) Specific bodies
- B) Procedures
- a) Review
- b) Legislation
- c) Regulation

Section 3 Financial framework

Chapter III: Content of the CAP

Section 1 Management of agricultural markets

Section 2 Development of agricultural structures

Section 3 Regulation of agricultural trade

- A) Guarantee of internal trade
- B) External trade regime

Section 4 Marketing of agricultural products

Find out more about the lectures and seminars

Lectures and seminars

Licence in Law, year one: European Institutions

Title 1: EVOLUTION OF EUROPEAN INTEGRATION

Chapter 1: implementation of the system

Section 1: Choice of model

Section 2: Statement of rationale

Chapter 2: Advances in the process

Section 1: Enlargements

Section 2: Acceleration: completion of the single market

Section 3: Restructuring: the creation of the European Union

Section 4: reorganisation attempts: the Treaties of Amsterdam and Nice

Section 5: Rebuilding of the European Union: the end of the European Community

Title 2: ORGANISATION OF THE EUROPEAN UNION

Chapter 1: The composition of the European Union

Section 1: Structure of the European Union

Section 2: Membership of the European Union

Chapter 2: Political system of the European Union

Section 1 Decision-making body: the European Council

Section 2 The traditional 3 parts of the EU: Commission, Parliament, Council

Section 3: consultative political bodies: CES; Committee of the Regions

Section 4: Role of Member State Parliaments

Chapter 3: Control system

Section 1: Judicial control system: CJEU

Section 2: Financial control system: Court of Auditors

Chapter 4: Administrative and financial system

Licence in Law, year two: European Law

Introduction

CHAPTER 1: Structure of European Union law

Section 1: Foundations of European Union law.

Sub-section 1: Foundations of the legal system of the European Union

Paragraph 1: Founding principles of the European Union

Paragraph 2: Basic foundations of European integration

Sub-section 2: Bases of legal acts of the European Union

Paragraph 1: General issues and challenges

Paragraph 2: Challenges to the legal basis

Section 2: Sources of European Union law

Sub-section 1: European Union acts of law

Paragraph 1: Primary sources

Paragraph 2: Secondary sources

Paragraph 3: External sources

Paragraph 4: Additional sources

Sub-section 2: General principles of European Union law

Paragraph 1: Origin of the general principles

Paragraph 2: Recognition of the general principles

Paragraph 3: Scope of the general principles

Paragraph 4: General principles and fundamental rights

Chapter 2: Status of European Union law

Section 1: Scope of European Union law

Sub-section 1: Scope of European Union law with respect to the legal system of Member States

Paragraph 1: Autonomy of European Union law

Paragraph 2: Immediate incorporation of European Union law

Paragraph 3: Primacy of European Union law

Sub-section 2: Scope of European Union law with respect to individuals

Paragraph 1: Direct reach: enforceability of implementation

Paragraph 2: Enforceability of consideration

Section 2: Respect for European Union law

Sub-section 1: Respect for European Union law by the European institutions

Paragraph 1: Challenges to legality

Paragraph 2: Challenges to compensation

Sub-section 2: Respect for European Union law by Member States

Paragraph 1: Concept of non-compliance

Paragraph 2: Finding of non-compliance

Paragraph 3: Penalties for non-compliance

Sub-section 3: Respect for the uniformity of European Union law

Paragraph 1: Purpose of the preliminary reference procedure

Paragraph 2: conditions of the preliminary reference procedure

Paragraph 3: Scope of preliminary rulings

Master 1 in International and European Law: European Union Litigation ▶
Foreword
Introduction: Identification and structure of European Union litigation
§1) Organic connection: existence of a European Union jurisdiction
A) Excess of international justice
B) Unprecedented combination of judicial roles
1. Role of administrative justice
2. Role of constitutional justice
3. Role of international justice
4. Role of regulatory justice
5. Role of 'high justice'
C) Real 'jurisdictional authority'
§2) Substantive connection: enforceability of European Union law: a new approach
A) Direct effect and immediacy
B) Direct effect and enforceability
§3) Assessment: structure of European Union litigation
Part One: The national judge and ordinary judge of European Union litigation
CHAPTER 1: COOPERATION OF MEMBER STATE JUDGES WITH RESPECT TO EUROPEAN UNION LAW

Section 1: Foundation of the office of Member State judges

Section 2: Legal system of cooperation of Member State judges

§1: Rationale of the principle
§2: Content of the principle
§3: Subsidiary nature of the principle
Sub-section 2: Case law framework of institutional and procedural autonomy
§1: Principle of equivalence: minimum guarantee
§2 Principle of effectiveness: real guarantee
<u>CHAPTER 2: COOPERATION BETWEEN MEMBER STATE JUDGES AND THE EUROPEAN UNION INSTITUTIONS</u>
Section 1: Cooperation between actors in the European Union system
Section 2: Cooperation between judges: preliminary reference procedure
Sub-section 1: Purpose of the preliminary reference procedure
§1) Objectives of the procedure
§2) Actions eligible for the reference procedure
Sub-section 2: conditions of the preliminary reference procedure
Sub-section 2. conditions of the premimary reference procedure
§1: Conditions relating to the questioner
A) Possibility of referral: limits on the courts
B) Obligation of referral: distinguishing between jurisdictions

Sub-section 1: Principle of institutional and procedural autonomy

§2: Conditions relating to the context of the question
A) Existence of a dispute
B) Relevance of the question
C) Timing
Sub-section 3: Addressing preliminary reference procedures
§1) Receipt of questions
A) Assessment of the admissibility of questions
B) Consideration of the wording of the question
§2) Responding to questions: applicable procedure
A) Details of the procedure.
B) Organisation of the procedure
Sub-section 4: Scope of preliminary rulings
Part Two: The European judge: a judge specialising in European Union litigation
CHAPTER 1: THE COURTS OF THE EUROPEAN UNION
Section 1: Structure of the court system
Sub-section 1: Development
Sub-section 2: Composition of the court system
§1) Court of Justice
§2) General Court
§3) Former Civil Service Tribunal

Sub-section 3: Coherence of the court system

- §1: Distribution of competences
- **§2:** Errors or conflicts of competence
- §3: Remedies

Section 2: Proceedings before the European Union judge

Sub-section 1: General aspects of the procedure

- §1) General features
- §2) General course of the proceedings

Sub-section 2: Special proceedings

- §1: Summary proceedings
- §2: Intervention
- §3: Amicable settlement
- §4: Withdrawal

CHAPTER 2: ACCESS TO THE EUROPEAN UNION JUDGE

Section 1: Objective litigation

Sub-section 1: Annulment appeal

- §1) Conditions for admissibility
- §2) Grounds for judicial review
- §3) Monitoring and judgment

Sub-section 2: Objective litigation for declaration

- **§1: Illegality exception (Art. 277 TFEU)**
- §2: Proceedings for failure to act (Article 265 TFEU)

§3: Infringement proceedings

Section 2: Subjective litigation

Sub-section 1: Action for extra-contractual liability

- §1) Admissibility conditions for action for liability
- §2) Difficulties in proving liability for damages
- §3) Conditions governing liability

Sub-section 2: Civil service litigation

Sub-section 3: Other full jurisdiction proceedings

- §1: Action for contractual liability
- §2: +Law enforcement litigation
- $\S 3$: Intellectual property rights litigation

Master 2 in Agricultural and Agrifood Businesses: Common Agricultural Policy Law

Introduction

Chapter 1. Design and development of the CAP

Section 1: choice of the CAP

- A) aspects of the debate
 - a) Why have a specific agricultural policy?
 - b) Why have a common policy?
- B) Incorporation in the treaty

Section 2: Structure of the CAP 1960-1970

- A) Pricing system
- principle
- different types of prices
 - B) Contingency plan
 - 3 categories
 - C) External trade regime
 - a) Import regime
 - b) Export regime

Section 3: developments in the CAP: 1970-1980

- A) The need for a structural aspect
- B) Socio-structural directives
- C) Complementary areas
 - Disadvantaged regions
 - +Processing and marketing sectors

Section 4: 30 years of reforms to the CAP

A) 1985: assessment

- a) positive results
- b) Unresolved issues

B) the correction of 1988

- a) restrictive pricing policy
- b) Extension of stabilisers
- c) Strengthening of quality criteria
- d) Emergence of structural support measures

C) the reform of 1992

- a) Main mechanism
- Reduction in prices
- Compensatory payments
- Set-aside
- b) Support measures

D) regularisation of 1996

- a) Context of the negotiations
- b) The final act
- c) Adjustment of the CAP

E) the interim reform of 1999

- a) Reform of support (3 important concepts)
- b) Creation of the rural development policy (general introduction)
 - F) The reform of 2003/2004 (main aspects).
 - G) Health assessment
 - H) The CAP for 2020

Chapter II: Organisation of the CAP

Section 1: legal framework

- A) Field
- B) Objectives
- C) Principles

D) Acts Section 2: institutional framework A) Specific bodies B) Procedures a) Review b) Legislation c) Regulation Section 3: financial framework **Chapter III: Content of the CAP** Section 1: Management of agricultural markets Section 2: Development of agricultural structures Section 3: Regulation of agricultural trade A) Guarantee of internal trade B) External trade regime

Section 4: Marketing of agricultural products

a) Fundamental principles

b) General principles

Master 2 in European Law: European Constitutional Law

Seminar: Constitutional identity of European Union Member States

Introduction: relevance of the issue

Part One: constitutional identity from the point of view of Member States

Constitutional identity of states as a 'countercheck'

- A) Reactions to the rejection by states of constitutional singularity
- a) Position of the Court of Justice
- b) Constitutional case law of dualist states
- B) Reactions to the challenge to the constitutional monopoly of states
- C) Topicality of counterchecks
- a) Spain: the uneasiness of the Melloni case
- b) Czech Republic: the Slovak pensions case
- c) Germany: Oxymorons:
- amicable threat: the Lisbon and Honeywell cases
- threatening dialogue: the Gauweiler case
- rejection of productive dialogue: the European Arrest Warrant case (ruling of 15 December 2015)
- d) Denmark: the Ajos case
- e) Italy: the Taricco and MAS case

II. Constitutionality review of secondary legislation in France

Introduction: Identification of the central issue

- 1: Preventive control of secondary legislative proposals
- 2: Direct *a priori* review
- 3: Direct a posteriori review
- 4: Key review: indirect a posteriori review
- A) Situation prior to 2004
- B) Clarification of 2004
- 1) Review of the law without involving the directive itself:

2) Review of the law on the grounds of the content of the directive:
4 problems
C) systematisation of 2006
Link to previous criteria
Crucial and distinctive
Consent of the principal
Claimed link to the treaty (Art. 4§2 EU)
Legal tightrope
Substantive proposals
Extension of 31 July 2017
D) Detailed explanation by the Council of State in 2007
III) Overall assessment
Part Two: from the constitutional identity of Member States to the constitutional identity of the European Union
1) Institutional and procedural autonomy and duty of loyal cooperation:
1) <u>Institutional and procedural autonomy and duty of loyal cooperation:</u>2) <u>Respect for the national identity of Member States</u>
2) Respect for the national identity of Member States
2) Respect for the national identity of Member States 3) From the national identity to the constitutional identity of Member States
2) Respect for the national identity of Member States 3) From the national identity to the constitutional identity of Member States A) Changes to the treaty framework
 2) Respect for the national identity of Member States 3) From the national identity to the constitutional identity of Member States A) Changes to the treaty framework B) Changes to the European judicial approach
2) Respect for the national identity of Member States 3) From the national identity to the constitutional identity of Member States A) Changes to the treaty framework B) Changes to the European judicial approach C) Consideration of national constitutional identity
2) Respect for the national identity of Member States 3) From the national identity to the constitutional identity of Member States A) Changes to the treaty framework B) Changes to the European judicial approach C) Consideration of national constitutional identity a) Structural balance
2) Respect for the national identity of Member States 3) From the national identity to the constitutional identity of Member States A) Changes to the treaty framework B) Changes to the European judicial approach C) Consideration of national constitutional identity a) Structural balance
2) Respect for the national identity of Member States 3) From the national identity to the constitutional identity of Member States A) Changes to the treaty framework B) Changes to the European judicial approach C) Consideration of national constitutional identity a) Structural balance b) Double substantive level
2) Respect for the national identity of Member States 3) From the national identity to the constitutional identity of Member States A) Changes to the treaty framework B) Changes to the European judicial approach C) Consideration of national constitutional identity a) Structural balance b) Double substantive level 1) Case of shared values

Master 2 in Public Law and Master 2 in European Law: European Administrative Law
How should European administrative law be defined and understood?
Design
Definition
Distribution
Programme
Positioning
Identification
Organic criteria
Functional criteria?
Formal or procedural criteria?
Can we define an administrative law common to Member States and to the European Union? Are there any examples?
Can a European administrative area be described?
General relational principle between administrations
System of a network of administrators
Adoption of the acquis communautaire
Mechanism of general principles of European Union law
Is there a link between the emergence of European Union administrative law and the emergence of European Union constitutional law?
Common thread
Difference
Alternative views?
What are the goals of European administrative law?

Fight against maladministration

Definition of standards of good administration

Establishment of a general principle of good administration

Recognition of the right to good administration

What are the principles of European Union administrative law?

ECJ 12 July 1957, Algera, cases 7/56 and 3/57 to 7/57

National inspirations

Main principles

Explanations and clarifications of the principles

'Pan-European' principles of administrative law

What is the role of the Court of Justice with respect to European administrative law?

Reality of the role of administrative judge

Criteria for the role of administrative judge

Could, or should, codification of the European Union's non-contentious administrative procedure be considered?

Legal basis

Necessary?

European PANC

Institutional initiatives

Doctrinal initiative: ReNEUAL

New European Union and European administrative law governance

Agencification of the European Union

Introduction to the phenomenon

Analysis of the phenomenon: links with the new European governance

Qualitative aspect: agencies as a response to the politicisation of the Commission

Quantitative aspect: Agencies as a tool for controlled externalisation

Regulation and new governance

Coordination, OMC
Regulation, co-regulation, self-regulation

Digital courses

- General law of the European Union European institutions (Université numérique juridique francophone)
- $\bullet \quad \textit{General law of the European Union-Legal system (Universit\'e num\'erique juridique francophone)}$