



COURSE UNIT DESCRIPTION

Course unit title	Code
JUDICIAL PROTECTION IN THE EUROPEAN UNION	

Lecturer(s)	Department(s)
Coordinator: prof. dr. Gracienne Lauwers Other(s): lect. Deividas Kriauciūnas	Public Law Department, Faculty of Law, Vilnius University Saulėtekio av. 9, Building 1, LT-10222, Vilnius, Room 411, tel. (85)2366175; e-mail: vtkatedra@tf.vu.lt

Study cycle	Type of the course unit
Second	Compulsory

Mode of delivery	Course unit delivery period	Language (s) of instruction
Face-to-face	2 nd semester (spring)	English / Russian

Requirements for students	
Pre-requisites: Knowledge of international public law and introduction to EU law	Co-requisites (where they are): -

Number of credits allocated	Total student's workload	Contact hours	Self-study hours
6	160	36	124

Purpose of the course unit: programme competences to be developed		
<p>The course unit aims to provide students with the advanced knowledge about the major instruments of judicial protection in the European Union and their impact on national legal systems; by systematic analysis of relevant EU legislation, case-law and jurisprudence the competences to explain the content and scale of EU legal remedies, to apply knowledge about rights and obligations of individuals, to critically evaluate institutions and Member States in EU judicial processes are developed as well as the ability properly to apply the EU system of legal remedies in order to defend violated rights of nationals and economic entities; to develop interpersonal and communication skills.</p>		
Learning outcomes of the course unit	Teaching and learning methods	Assessment methods
- Students will be able to describe the institutional framework and sources of judicial protection in the EU, to analyze the content of legal provisions regulating judicial protection, to argue the significance and purpose of interpreting such legal provisions, its development tendencies and the consequences to social, ethical and legal dimension.	Lectures, seminars, individual work	Group (individual) research work and its' presentation, examination (open questions and practical exercises)
- Students will be able to assess behaviour of individuals and activities of national and EU institutions in terms of judicial protection in the EU. - Students will be able to critically analyse and evaluate EU and national case-law in an ethical manner by identifying the interaction among EU and national law in support of legal actions.	Lectures, seminars, individual work	Group (individual) research work and its' presentation, examination (open questions and practical exercises)
- Students will be able to use knowledge in an innovative and integral manner, applying the possibilities of the EU judicial protection system. - Students will be able to identify problematic judicial protection issues, innovatively and integrally apply knowledge acquired, referring to the latest regulatory initiatives, trends of doctrine, theory, case-law and relevant interdisciplinary context.	Lectures, seminars, individual work	Group (individual) research work and its' presentation, examination (open questions and practical exercises)
- Students will be able to convey ideas and thoughts in an argumentative, critical and logical manner in both, verbal and written form, basing on their theoretical knowledge about judicial protection in the EU, as well as practical skills acquired through the case-law analysis.	Lectures, seminars, individual work	Group (individual) research work and its' presentation, participation in discussion, examination (open questions and

		practical exercises)
- Students will be able to actively participate and collaborate in team as well as to ensure group members integration by applying ethical values and moral sensibility in respect to cultural and social diversity.	Seminars, individual work	Group (individual) research work and its' presentation
- Students will be able to enhance acquired knowledge and abilities independently, <i>inter alia</i> , to use legal information data bases and other sources, to select relevant theoretical and practical material, and to substantiate their own conclusions by the achievements of jurisprudence.	Lectures, seminars, individual work	Group (individual) research work and its' presentation

Content: breakdown of the topics	Contact hours							Self-study: hours and assignments	
	Lectures	Consultations	Seminars	Practical sessions	Laboratory activities	Internship/work placement	Contact hours	Self-study hours	Assignments
1. Establishment, reform, role and working methods of the European Court of Justice, division of jurisdiction between the Court of Justice and the General Court, judicial activity and activism of the CJEU.	3						3	8	Analysis of legal acts, case-law and the academic literature. Writing and preparing of presentation of thesis by the students.
2. CJEU preliminary ruling procedure under Article 267 of the TFEU: system of cooperation between national and EU courts. Right and obligation to ask about interpretation and validity of EU legislation. Assessment and criticism of the Cilfit criteria. The possibilities of private parties in the preliminary ruling procedure. "Non-admissible" references.	3		2				5	12	Analysis of legal acts, case-law and the academic literature. Writing and preparing of presentation of thesis by the students.
3. Procedure for failure to fulfil obligations and the role of the CJEU under Articles 258–260 of the TFEU. Consequences for the Member States. Interests and engagement of private parties.	3		2				5	12	Analysis of legal acts, case-law and the academic literature. Writing and preparing of presentation of thesis by the students.
4. CJEU jurisdiction regarding actions related to the validity of legal acts of the EU institutions and bodies under Article 263 of the TFEU. Locus standi, grounds to challenge and consequences of the judgments.	3		2				5	12	Analysis of legal acts, case-law and the academic literature. Writing and preparing of presentation of thesis by the students.
5. CJEU jurisdiction and practice regarding contractual and non-contractual liability of the EU.	3		2				5	10	Analysis of legal acts, case-law and the academic literature. Writing and preparing of presentation of thesis by the students.
6. Other types of the jurisdiction of the CJEU. Application of the EU Charter of Fundamental Rights.	3						3	10	Analysis of legal acts, case-law and the academic literature. Writing and preparing of presentation of thesis by the students.
7. Judicial protection of rights conferred by the EU law in the national courts: principles of direct and indirect effect and primacy of EU law. State liability for infringement of EU law.	3		2				5	12	Analysis of legal acts, case-law and the academic literature. Writing and preparing of presentation of thesis by the students.
8. Most important and relevant procedural rules of the Court of Justice. Application of	3		2				5	10	Analysis of legal acts, case-law and the academic

interim measures.									literature. Writing and preparing of presentation of thesis by the students.
								38	Preparation for examination
Total	24		12				36	124	

Assessment strategy	Weight, percentage	Assessment period	Assessment criteria
Group (individual) research work	40	During semester	Group (individual) research work (thesis) in written, related to the analysis of the case-law and jurisprudence related to the particular aspects of the judicial protection of the EU, presentation of the results orally. Assessment consists of: - work content (short overview of the material studied and 5-10 conclusions, comprehensive problem analysis, proper source application, critical analytical thinking); - work structure and style (clear structural parts, scientific language style, exact wording, source references, proper and ethical citation use); - work presentation (concentrated work presentation, adhesive scientific language, the use of informative visual aids); - efficient and active participation in discussion (providing correct answers to questions, formulating problems and suggesting (searching for) solutions, offering thoughtful critical remarks, contributing to other participants' ideas, etc.).
Examination	60	During exam session	Completion of written tasks (5 open questions and 2 practical exercises) related to judicial protection in the EU that reflect student's profound understanding about the legal characteristics of the judicial protection system, capability to present academic discussions about problematic aspects of that system and ability to apply legal knowledge and skills in a practical situations.

Author	Year of publication	Title	Issue of periodical or volume of publication	Publishing place and house or web link
Compulsory reading				
KOEN LENAERTS,	2014	EU Procedural Law		Oxford University press, Oxford
ANTHONY ARNULL	2006	The European Union and its Court of Justice	2 nd . ed.	Oxford University Press
P. CRAIG, G. DE BURCA.	2015	EU LAW. Text, cases, and materials	6 th ed.	Oxford University press, Oxford
ALINA KACZOROWSKA	2013	European Union Law	3 rd ed.	Routledge
MORTEN. BROBERG, NIELS FENGER	2015	Preliminary References to the European Court of Justice	2 nd ed.	Oxford University Press
KAREN J. ALTER	2009	The European Court's Political Power		Oxford University Press
H.G. SCHERMERS, D. WAELBROECK	2000	Judicial Protection in the European Union		Kluwer
GERARD CONWAY	2012	The Limits of Legal Reasoning and the European Court of Justice		Cambridge: Cambridge University Press,
Recommended reading				
ZSÓFIA VARGA	2017	National remedies in the case of violation of EU law by Member State courts	CMLR 54	Kluwer Law International
ALBERTO ALEMANNO LAURENT PECH	2017	Thinking justice outside the docket: A critical assessment of the reform of the EU'S court system	CMLR 54	Kluwer Law International

ALEXANDER KORNEZ OV	2016	The new format of the acte clair doctrine and its consequences	CMLR 53	Kluwer Law International
ALEXANDER KORNEZ OV	2014	Res judicata of national judgments incompatible with EU law: Time for a major rethink?	CMLR 51	Kluwer Law International
ARMIN CUYVERS	2014	“Give me one good reason”: The unified standard of review for sanctions after Kadi II'	CMLR 51	Kluwer Law International
RENÉ BARENTS	2014	EU procedural law and effective legal protection	CMLR 51	Kluwer Law International
SONYA WALKILA	2016	Horizontal Effect of Fundamental Rights in EU Law		Groningen: Europa Law Publishing
ANNA WALLERMAN	2016	Towards an EU law doctrine on the exercise of discretion in national courts? The Member States' self-imposed limits on national procedural autonomy'	CMLR 53	Kluwer Law International
SACHA PRECHAL	2006	Member State Liability and Direct Effect: What's the Difference After All?	European Business Law Review, 3	Kluwer Law International
JAN KOMAREK	2005	Federal Elements in the Community Judicial System: Building Coherence in the Community Legal Order	CMLR, 42	Kluwer Law International
LUCA PRETE, BEN SMULDERS	2010	The Coming of Age of Infringement Proceedings	CMLR, 47	Kluwer Law International
MICHAEL DOUGAN	2015	Judicial review of Member State action under the general principles and the Charter: Defining the “scope of Union law”	CMLR, 52	Kluwer Law International
EMILY HANCOX	2013	The meaning of "implementing" EU law under Article 51(1) of the Charter: Åkerberg Fransson	CMLR, 51	Kluwer Law International
TAKISTRIDIMAS	2003	Knocking on Heaven's Door: Fragmentation, Efficiency and Defiance in the Preliminary Reference Procedure	CMLR, 40	Kluwer Law International
CHRISTOPHER VAJDA	2006	Liability for Breach of Community law: A Survey of Cases Post Factortame	European Business Law Review, 3	Kluwer Law International
FOLKERT WILMAN	2015	Private Enforcement of EU Law Before National Courts		Cheltenham: Edward Elgar Publishing
HANS-WOLFGANG MICKLITZ AND BRUNO DE WITTE	2012	The European Court of Justice and the Autonomy of the Member States		Cambridge: Intersentia