

UČNI NAČRT

UČNI NAČRT PREDMETA / COURSE SYLLABUS	
Predmet:	Evropsko pravo in politika
Course title:	Advanced Issues in European Law and Policy

Študijski program in stopnja	Študijska smer	Letnik	Semester
Study programme and level	Study field	Academic year	Semester
Prvostopenjski univerzitetni študijski program Pravo	/	2018/19	poletni
First-cycle University Study Programme in Law	/	2018/19	summer

Vrsta predmeta / Course type

Izbirni (posebni program študijskih izmenjav)

Elective (Special elective course for Erasmus students)

Univerzitetna koda predmeta / University course code:

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Predavanja	Seminar	Vaje	Klinične vaje	Druge oblike študija	Samost. delo	ECTS
Lectures	Seminar	Tutorial	work	študija	Individ. work	
40				50	90	6

Nosilec predmeta / Lecturer:

Dr. Damjan Kukovec

Jeziki /

Predavanja / Lectures:

Angleški jezik / English

Languages:

Vaje / Tutorial: /

**Pogoji za vključitev v delo oz. za
opravljanje študijskih obveznosti:**

Ni posebnih pogojev. Zaželeno je osnovno poznavanje ustroja Evropske unije.

Prerequisites:

No prerequisites. However, basic knowledge of the functioning of the European Union is recommended.

Vsebina:

Poudarek na dveh glavnih temah (okvirna zasnova):

1. Sodobni politični in pravni izzivi, s katerimi se sooča EU

- Teoretične osnove EU • Legitimnost EU in njenih demokratičnih pooblastil • Preobrazbena moč EU • Odločanje in zastopanje pred Sodiščem EU • Vloga in vpliv EU na mednarodni ravni

2. Študije primerov

- Članstvo Velike Britanije v EU • Vladavina prava v EU • Spoštovanje človekovih pravic v EU • EU in Svetovna trgovinska organizacija (WTO) – skupna trgovinska politika • EU in globalno vladanje

Content (Syllabus outline):

Delivered in two main parts (indicative content)

1. Contemporary political and legal challenges faced by the EU

- Theoretical Foundations of the EU • Legitimacy of the EU and its democratic credentials • EU's transformative power • Adjudication and pleading before the ECJ • EU's role and influence on the international plane

2. Case studies

- UK's membership of the EU • The rule of law within the EU • Respect for human rights in the EU • EU and the WTO – Common Commercial Policy • The EU and Global Governance

Temeljni literatura in viri / Readings:

C. Barnard and S. Peers, European Union Law (Oxford University Press).

Weekly readings will be provided ahead of each lecture.

Cilji in kompetence:

Objectives and competences:

Za Evropsko unijo še nikoli ni obstajalo tako kritično obdobje, kar se kaže predvsem v izzivih brexita, v nazadovanju pravne države ter v splošno razširjenemu političnemu nezadovoljstvu glede sedanjega oblikovanja in delovanja Unije. Zdi se, da se EU nenehno sooča s krizo in neenakostjo. Cilj predmeta je vključiti študente v razumevanje in kritično ocenjevanje teh vprašanj.

Fokus prvega dela bo brexit. Preučili bomo dogajanje pred referendumom in takojšnje posledice referenduma iz leta 2016, vključno s členom 50 in primerom "Miller". Kritično se bomo ukvarjali z vprašanji suverenosti, demokracije, temeljnih pravic, gospodarskega razvoja, vladavine prava in procesa brexit.

V drugem delu bomo preučevanje razširili na širša vprašanja, ki se nanašajo na prihodnost Unije, in na (ne)ukrepanje Unije za naslavljanje teh izzivov. Študenti bodo imeli priložnost pripraviti svoje seminarje o temah prava in politik Evropske Unije, ki se jim zdijo najbolj zanimive ali pomembne.

Ker ta predmet osvetljuje aktualno dogajanje v britanski, srednjeevropski in evropski sferi, se bo seznam literature in diskusije lahko prilagajal najnovejšemu dogajanju.

There has never been such a critical time for the European Union, in light of the challenges of Brexit, rule of law back-sliding, as well as widespread political dissatisfaction with the current design and functioning of the Union. The EU seems to be plagued by crises and inequality. The module aims to engage students in understanding and critically assessing these issues.

The focus of the first term will be Brexit. We will examine the lead up to, and immediate consequences of the 2016 EU Referendum, as well as the Article 50 notification and the Miller case law. We will continue to critically engage with questions of sovereignty, democracy, fundamental rights, economic development, the rule of law and the Brexit process.

In the second term, our scope will broaden to larger issues facing the future of the Union and the actions taken (or not) by the Union to address these challenges. Students will have the opportunity to lead their own seminars on topics of European Union Law and Politics which they find most engaging or relevant to course of European affairs.

As this Module reflects current events in the British, Central European and general European sphere, reading lists and discussions may change to reflect the latest developments.

Predvideni študijski rezultati:

Znanje in razumevanje:

Študent bo po uspešnem zaključku predmeta sposoben:

1. prikazati podrobno in sistematično razumevanje institucij EU in kako se oblikujejo, razvijajo in izvajajo zakonodaja in politike EU ter razumevanje različnih dejavnikov, ki vplivajo na razvoj in učinkovito implementacijo. 2. izkazati kritično znanje o temeljnih konceptih, načelih in pravilih na specializiranih področjih, ki jih ureja EU, in najpomembnejših izzivov, s katerimi se

Intended learning outcomes:

Knowledge and understanding:

On completion of this module the successful student will be able to:

1. Demonstrate detailed, systematic understanding of the EU and how EU law and policies are made, developed and implemented, and some appreciation of the different factors which shape their development and govern their effective implementation; 2. Demonstrate a critical knowledge of the fundamental concepts, principles and rules in specialised areas

EU sooča na teh področjih; 3. izkazati prefinjeno vrednotenje vzajemnega delovanja med pravom in politiko, ki zadeva EU in sposobnost kritičnega ocenjevanja trenutnega dogajanja na področjih, ki so ključnega pomena za EU.

Spretnosti:

Predmet bo študenta naučil:

4. uporabljati najsodobnejše raziskovalne metode, vključno z uporabo spletnih virov in pravnih podatkovnih baz z minimalnimi smernicami; 5. izvajati izvirne in samostojno raziskovanje ter kritično oceniti tekoče raziskave in napredne izsledke na predmetnem področju; 6. prikazati sposobnost reševanja zapletenih problemov, ki temeljijo na lastnem raziskovanju; 7. Razumeti in uporabljati kritično pravno metodologijo.

regulated by the EU and the most important challenges facing the EU in these areas; 3. Demonstrate a sophisticated appreciation of inter-play between law and politics as far as the EU is concerned and the ability to critically evaluate current developments in areas of crucial importance for the EU.

Skills

This module will call for the successful student to:

4. Apply cutting-edge research methods, including using the internet and legal databases with minimum guidance; 5. Conduct original and independent research and critically evaluate current research and advanced scholarship in the subject area; 6. Demonstrate an ability to deal with complex problems based on own research and advance new or critical commentaries on the subject. 7. Understand and apply critical legal methodology.

Metode poučevanja in učenja:

Predavanja bodo študentom omogočila interaktivno raziskovanje relevantnih dogajanj v procesu evropske integracije in študije primerov.

Pred vsakim predavanjem bodo študenti prejeli seznam literature. Med predavanji bodo študentje predstavili svoje poglede o dodeljenem branju. Poleg tega jim bodo predstavljene širše teme na predavanjih. Od študentov se pričakuje, da se bodo pripravljali na predavanja in sodelovali v razpravah. Teme, predstavljene v tedenskih predavanjih, bodo podlaga za nadaljnje raziskovanje študentov, branje in pripravo na seminarje in ocenjevanje.

Študenti bodo morali predstaviti argumente samostojno in / ali v skupinah.

Learning and teaching methods:

Lectures will provide students with an interactive exploration of the relevant tensions in European integration process and relevant cases.

Prior to each session, students will be given preliminary directed reading. During the sessions, students will present feedback on specific assigned reading and will be introduced to the broad themes of the module. Students will be expected to prepare for the lectures and participate in the discussions, where appropriate, during lectures. Themes introduced in the weekly lectures will form the basis for students to further research, read and prepare for seminars and assessment.

Students will be required to present arguments individually and/or in groups.

Načini ocenjevanja:Delež (v %) / **Assessment:**

Weight (in %)

Način (pisni izpit, ustno izpraševanje, naloge, projekt):		Type (examination, oral, coursework, project):
pisni izpit 80%, sodelovanje na predavanjih 20%		written examination 80%, participation in class 20%

Reference nosilca / Lecturer's references:

Dr. Damjan Kukovec je diplomiral na Pravni fakulteti Univerze v Ljubljani (cum laude, povprečna ocena 9,9), magistriral in doktoriral pa na Pravni fakulteti Univerze Harvard, kjer je osvojil več nagrad za akademske dosežke ter predaval. Med drugim je delal v pravnih službah Evropske komisije, Sodišča EU in Posebnega sodišča za Sierra Leone. Pred Sodiščem Evropske Unije je uspešno zagovarjal številne primere. Objavljal je dela s področja prava EU, mednarodne trgovine in globalnega vladanja, konkurenčnega prava in pravne teorije. Predaval je na Pravni fakulteti Univerze Harvard, na Pravni fakulteti FGV v Riu de Janeiru, na EUI v Firencah in na Pravni fakulteti Univerze v Kentu v Bruslju. Poleg tega je predaval na več drugih univerzah po vsem svetu. Nedavno je začel službovati kot 'Senior Lecturer' (naziv enakovreden izrednemu profesorju) na Middlesex School of Law v Londonu.

Dr. Damjan Kukovec earned his bachelor's degree at the University of Ljubljana School of Law (cum laude, average grade 9,9). Dr. Kukovec earned his master's and doctoral degrees at Harvard Law School, having won several awards for academic achievement. He practiced, among other places, at the Legal Service of the European Commission, the European Court of Justice and at the Special Court for Sierra Leone. He successfully pleaded numerous cases before the European Court of Justice. He has published in the fields of EU law, international trade and global governance, competition law and legal theory. He has taught at Harvard Law School, at FGV Law School in Rio de Janeiro, at the EUI in Florence and at Kent Law School in Brussels and has lectured at several other universities worldwide. He was recently appointed Senior Lecturer (Associate Professor equivalent) at Middlesex School of Law, London.