

# Developments in EU Law after Lisbon – Selected Decisions of the ECJ after the Lisbon Treaty

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Autumn Semester 2012/13, Tuesdays 16.30-18.00, Raiņa bulv. 19, Auditorium 6

## Course Description

The Lisbon Treaty marks a qualitative shift from a framework designed for a European Union of 15 Member States to a Union of 27 and more. This Union has to respond to a range of political, economic and also legal issues. Substituting the failed Constitution the Treaty, brought important and substantial changes. While some of them were explicitly envisaged by the Lisbon Treaty for empowering an enlarged EU to manage internal and global challenges, some problems arise due to open or imprecise formulations. Frequently, these issues only become apparent in practical cases when parties dispute about a different interpretation of legal norms. The seminar discusses cases from selected areas of EU law which are to be presented in the context of earlier decisions thus analysing and explaining the changes of law and Court practice.

As a reflex of this concept, students will revise their knowledge gained in previous courses and better understand EU law and the objectives of the Treaty reform. In addition, discussions of the cases will train students to reflect on legal problems and also to criticise the reasoning of the ECJ as well as potential effects and the consequences of decisions.

*Requirements:* The joint course of the Faculty of Law and the Riga Graduate School of Law is open for all law students (without any additional payment).

Students are required to present a case in the historic and legal context (orally and in writing); in addition there will be a final exam.

## Outline

	Topic
I.	<b>Introduction and attribution of topics</b>
II.	<b>The EU, Membership and Member States</b> – the accession of Croatia
III.	<b>Institutional Changes</b> EP as a parliament <a href="#">BVerfG</a>
IV.	<b>Member States and the EU</b> <ul style="list-style-type: none"> <li>About the possibilities “to take a court to court”, C-379/10.</li> <li>EU law and IP (Patents): <a href="#">Opinion 1/09</a></li> </ul>
V.	<b>Fundamental Rights in the European Union</b> <ul style="list-style-type: none"> <li>The Accession of the EU to the ECHR (problems &amp; implications)</li> <li>Fundamental rights of the EU, the ECHR and the relation to the UN</li> </ul>
VI.	<b>European Union Citizenship</b> <ul style="list-style-type: none"> <li>Stories of a ‘Columbian born European’ (C-34/09) and an Austrian who tried to convert to German and ends up without nationality (Rottmann, C-135/08) <sup>140</sup></li> <li>Study in Europe? (Austria, C-73/08 and Bressol C-542/09)</li> <li>EU Citizenship and the right to move, C-434/09</li> </ul>
VII.	<b>Discrimination</b> <ul style="list-style-type: none"> <li>Gender and Insurance, C-236/09</li> <li>Mangold C-144/04, Küçükedevci C-555/07 &amp; <a href="#">Honeywell</a> (BVerfG)</li> </ul>
VIII.	<b>The Fundamental Freedoms</b> Workers – Kranemann C-109/04 Establishment - National Grid Indus C-371/10 Services <ul style="list-style-type: none"> <li>Gambling (C-316/07, c-72/10, 77/10), Winner Wetten C-409/06</li> <li>Freedom vs IP? QC-Leisure &amp; Murphy, C-403/08 and C-429/08.</li> <li>EU law and state notaries Case, C-54/08</li> </ul> Free movement of capital and of payments <ul style="list-style-type: none"> <li>Golden Shares Portugal, C-543/08</li> </ul>
IX.	<b>The External Dimension of EU Law</b> <ul style="list-style-type: none"> <li>Yussuf/Kadi (C- 402/05 &amp; C-415/05) and after: 376/10 (Tay Za), C-72/11 (Afrastabi); C-539/10 P, „Sison II“ T-341/07;</li> <li>Clash of Courts and Tribunals: Mox Plant, C-459/03</li> </ul>