

JURISPRUDENCE ON EUROPEAN INTEGRATION

24/05/2010

Final examination

Question 1: The primacy of European Community/Union law over the law of the member states has been an important topic in the jurisprudence on European integration.

(2/10 points) a) Please present and discuss important decisions of the European Court of Justice on this issue.

- see the Transparency films, p. 3, and Diagram 1, p. 1 and 2

(4/10 points) b) Please present and discuss the positions of the constitutional courts of the various member states on this issue. Is there a prevailing opinion on the primacy and its limits?

- see the Transparency films, p. 14 and 15, and Diagram 2. There is a prevailing opinion that the primacy of European Union law over national law, including national constitutional law, is generally accepted but finds its limits where the *constitutional identity* (the fundamental values and ideas that represent the core of the constitutional order) is affected.

Question 2: Please present and discuss the most important decisions of the European Court of Justice concerning the basic concepts, the implementation and the enforcement of the law of the European Union.

(4/10 points)

- see the Transparency films, p. 3 - 5, Diagram 1, p. 1 - 3, and the presentations of EDOURD HAGUET, TALVI TÖNISMANN, ARNAUD BOURGEOIS, MĀRIS BUTĀNS and JAANUS PROST.

The papers will be given back on Tuesday, May 25, at 16:30, in Auditorium 42. Every participant has the option to talk individually about the good and not so good aspects of her paper!

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02/04/2009

Final examination (2009)

Question 1: Please present and discuss the most important decisions of the European Court of Justice concerning the basic concepts, the implementation and the enforcement of the law of the European Union

(5/10 points)

- see the Transparency films, p. 3 - 5, Diagram 1, p. 1 - 3 and the presentation of ANITA LANCMANE

Question 2: Please present and discuss at least one important decision of the European Court of Justice concerning the protection of fundamental rights and at least two important decisions concerning the economic fundamental freedoms

(3/10 points +
1 extrapoint)

- see the Transparency films, p. 9 - 12, Diagram 1, p. 5 - 8 and the presentation of BRETT DAHLBERG

Question 3: Please describe very important topics of the constitutional jurisprudence in the member states concerning the participation in the process of European integration (please give examples)

(2/10 Punkten +
1 extrapoint)

- see the Transparency films, p. 13 - 15 and Diagram 2. *Basic questions:* in particular the protection of fundamental rights in the Union, the limits of the primacy of Union law (in particular the protection of constitutional identity), the relationship between the ECJ and the national constitutional courts, the enforcement of the limits of the competences of the Union; *special problems:* in particular the ratification of the Reform Treaties of Maastricht, Amsterdam and Lisbon, the obligation to transpose directives and the implementation of the European arrest warrant

The papers will be given back during the consultation hour (Tuesday, 11.00 - 12.00, room 262). Every participant has the option to talk individually about the good and not so good aspects of her paper!