MA European Union Studies: Justice and Home Affairs

Semester 2, 2014-2015
Course Code: 5184KEU02
Level: 500
ECTS: 5.0
Lecturer: Dr Jan Oster
Language of instruction: English
Time and Place: Tuesday, 13:00-17:00
Blackboard: see Blackboard.
Contact information: With the lecturer, by e-mail (j.s.oster@hum.leidenuniv.nl)

I. Course Description
This course aims at analyzing EU policies and initiatives in the field of Justice and Home Affairs and at understanding the processes at the basis of their development. The course will engage participants in an in-depth study of the different aspects of the “Area of Freedom, Security, and Justice” (AFSJ): JHA policy concepts, actors involved in this field, policy-making processes, cooperation mechanisms and theoretical frameworks allowing us to understand this area. The course has been designed to provide students with the necessary tools to take informed positions in academic and policy-oriented debates about the AFSJ.

II. Course objectives
Having successfully completed the course, students will be familiar with the main legal questions that arise in the context of the AFSJ. In terms of skills, the students will be able to find sources (judgments, secondary legislation) and to identify the important elements of these sources. The Moot Court furthermore enables them to use their academic skills, by applying researched knowledge to specific cases and train their oral and organisational skills by pleading in groups.

III. Assessment method
Class participation (30%) and two essays will determine the mark (first essay 30%, second essay 40%). Maximum word count is 2,500 words for the first essay and 5,000 words for the second essay (including footnotes). Deadlines and other requirements will be announced in class.

IV. Attendance
This course is taught in 4-hour lecture sessions. Six sessions are scheduled. If you miss more than one session and/or deadlines without genuine extenuating circumstances, your work will not be marked.

V. Required reading and further sources
1. Required course textbook

You will also need your own copy of the basic EU legislation. These are to be found most conveniently either in Kenner, *European Union Legislation* (Routledge Student Statutes), or in Blackstone’s *EU Treaties and Legislation*, edited by Nigel Foster, Oxford University Press. **You are requested to bring a copy of one of these books to every class!**

For legislation not contained in these books you will be reliant on the *Official Journal of the European Communities* (OJ), the voluminous official gazette of the EU which has an “L” series (for legislation) and a “C” series (for other matters, including legislative proposals). New issues are now also published on the Internet, at [http://eur-lex.europa.eu/en/index.htm](http://eur-lex.europa.eu/en/index.htm).

2. **Suggested (but not mandatory) textbooks**

- Craig and de Búrca, *EU law: Text, cases, and materials* (Oxford University Press: Oxford, 5th edn., 2011), Chapters 11 (Human Rights), and 25 (Criminal Law)
- Kaczorowska, *European Union Law* (Routledge 3rd edn., 2013, paperback), Chapters 2 (Values and objectives of the EU including the creation of an area of Freedom, Security and Justice) and 9 (The protection of fundamental human rights in the EU)

3. **Periodicals**

The principal EU law periodicals in English are

- European Law Journal (ELJ)
- European Law Review (ELRev)
- Common Market Law Review (CMLRev)
- Yearbook of European Law (YEL)
- Maastricht Journal of European and Comparative Law
- International and Comparative Law Quarterly (ICLQ)
- Journal of Common Market Studies (JCMS)
- Journal of European Integration / Revue d’intégration européenne (JEI/RIE)

Important periodicals in French are

- Cahiers de droit européen (CDE)
- Revue du marché commun (RMC)
- Revue trimestrielle de droit européen (RTDeur)
The most important EU law journals in German are

- Europarecht (EuR)
- Europäische Zeitschrift für Wirtschaftsrecht (EuZW)
- Europäische Grundrechte-Zeitschrift (EuGRZ)

4. EU Law on the Internet

You may find the following sites particularly useful in your studies and research:

- [http://europa.eu/index_en.htm](http://europa.eu/index_en.htm) has links to the homepages of all the Union institutions. Useful links are also to be found on [http://www.law.cam.ac.uk/cels/links.htm](http://www.law.cam.ac.uk/cels/links.htm).
- The Jean Monnet website is also particularly attractive, see [http://www.jeanmonnetprogram.org](http://www.jeanmonnetprogram.org).
- Judgments of the Court of Justice of the EU are also found on the Court’s website under [http://curia.europa.eu/](http://curia.europa.eu/).
- You can also freely access the CELEX search engine, which offers several techniques to search a particular legal instrument or case ([http://eur-lex.europa.eu/RECH_celex.do](http://eur-lex.europa.eu/RECH_celex.do)).

VI. Course syllabus

<table>
<thead>
<tr>
<th>Week</th>
<th>Date</th>
<th>Seminar</th>
<th>Required reading</th>
</tr>
</thead>
</table>
| 1    | 3.2.  | **Introduction: Actors, historical development, and policy areas** | Article 3(2) TEU, Articles 67-89 TFEU  
Chalmers, Davies and Monti, *European Union Law*, Chapters 2 and 3  
| 2    | 10.2. | **Police cooperation and criminal law** | Chalmers, Davies and Monti, *European Union Law*, Chapter 14  
Recommended reading: |

- 3 -
<table>
<thead>
<tr>
<th>Page</th>
<th>Section</th>
<th>Learning Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>17.2.</td>
<td><strong>Border control, asylum, and migration policy</strong>&lt;br&gt;Required reading:</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Recommended reading:</strong></td>
</tr>
</tbody>
</table>
- Dario Melossi, *Security, social control, democracy and migration within the “Constitution” of the EU*, European Law Journal 2005, 11(1), 5-21  
- Georgia Papagianni, *Forging an external EU migration policy: from externalisation of border management to a comprehensive policy?*, European Journal of Migration and Law 2013, 15(3), 283-299  
| 4    | 24.2    | **External relations, human rights, and judicial review**<br>Required reading: |  
- CJEU, *Joined Cases C-148/13 to C-150/13, A, B and C v Staatssecretaris van Veiligheid en Justitie*  
- CJEU, *Case C-130/10, European Parliament v Council*  
- ECtHR, *Soering v United Kingdom* |
|      |         | **Recommended reading:** |  
- Sarah Wolff and Gregory Mounier *A kaleidoscopic view on the external dimension of Justice and Home Affairs*, European Foreign Affairs Review 2012, 17 Supp (Special Issue), 143-162 |

**Deadline first writing assignment, Friday, 20 February, 17:00**
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Moot Court I</td>
</tr>
<tr>
<td>6</td>
<td>Moot Court II</td>
</tr>
<tr>
<td>13.3</td>
<td>Deadline second writing assignment, Monday 6 April, 17:00</td>
</tr>
</tbody>
</table>

- Jorg Monar, The EU as an international actor in the domain of justice and home affairs, European Foreign Affairs Review 2004, 9(3), 395-415
- Florian Trauner and Helena Carrapico, The external dimension of EU Justice and Home Affairs after the Lisbon Treaty: analysing the dynamics of expansion and diversification, European Foreign Affairs Review 2012, 17 Supp (Special Issue), 1-18
- Francesca Longo, Justice and home affairs as a new dimension of the European security concept, European Foreign Affairs Review 2013, 18(1), 29-46