



FACULDADE DE DIREITO
Universidade de Lisboa

Curricular Unit Sheet

Course **MESTRADO EM DIREITO E PRÁTICA JURÍDICA**

1. Curricular Unit Name:

European Union Procedural law (Course in English)

2. Complementary Information:

Duration: Semester Annual
Work hours: 196
Credits ECTS: 7

3. Responsible Academic staff and respective workload in the curricular unit:

Ana Soares Pinto

4. Other academic staff and respective workloads in the curricular unit:

N/a

5. Learning outcomes of the curricular unit:

This course aims at offering an overview and thorough analysis of the remedies organized under European law both to ensure enforcement of EU law (in particular Fundamental Rights and Rule of Law as EU values) and to provide for protection against unlawful EU acts.

6. Syllabus:

- I. Introduction. Judicial organization: the CJEU.
- II. Role of national courts – national procedural autonomy.
- III. Preliminary rulings on interpretation and validity.
- IV. Action for infringement.
- V. Action for annulment.
- VI. Action for failure to act.
- VII. Action for damages against the EU.
- VIII. Objection of illegality.
- IX. Interim measures.
- X. Allocation of jurisdiction. Appeals.
- XI. Procedure and special forms of procedure.
- XII. The promotion of the role of Fundamental Rights and of the Rule of Law as Values of the European Union through judicial review in the EU and its relationship with national and international regional litigation.

7. Demonstration of the syllabus coherence with the curricular unit's objectives:

Syllabus grants an overview and thorough analysis of the remedies organized under European law and the relevant case law of the CJEU and its evolution.

8. Teaching methodologies (including evaluation):

Theoretical introduction to each subject through the expositive method. Discussion and analysis of previously assigned reading material (EU Treaties, texts governing procedure, caselaw, readings



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and relevant links), solving fictitious cases and drafting written pleadings and observations under European Union Procedural Law.

Evaluation: continuous assessment, including a case brief oral presentation (50%) and a written exam (50%). Erasmus/mobility students' special evaluation: an essay on topics related to the course may replace the final written exam.

9. Demonstration of the coherence between the teaching methodologies and the learning outcomes:

Classes aim to give an overview and thorough analysis of the remedies organized under European law and to become acquainted with the relevant legal sources: the EU Treaties, the texts governing the procedure, relevant Commission's documents and case law – in particular the promotion of Fundamental Rights and Rule of Law as EU values through the judicial review.

10: Evaluation:

Evaluation: continuous assessment, including a case brief oral presentation (50%) and a written exam (50%). Erasmus/mobility students' special evaluation: an essay on topics related to the course may replace the final written exam.

11: Main Bibliography:

LENAERTS, Koen / MASELIS, Ignace / GUTMAN, Kathleen – *EU procedural law*, 2nd ed., Oxford University Press, 2023.

OPTIONAL BIBLIOGRAPHY

ENGLISH:

BARENTS, René, «EU procedural law and effective legal protection» – *Common Market Law Review*, vol. 51, 5, 2014, pp. 1437-1461.

BIRKINSHAW, Patrick J. / VARNEY, Mike (ed.) – *The European Union Legal Order after Lisbon*, Kluwer Law International, 2010.

BROBERG, M. / FENGER, N. – *Preliminary References to the European Court of Justice*, 3rd ed., Oxford University Press 2021.

LENAERTS, Koen – “On Judicial Independence and the Quest for National, Supranational and Transnational Justice”, in: SELVIK G. et al. (eds) *The Art of Judicial Reasoning*. Springer, 2019, pp. 155-174.

NAÔMÉ, Caroline – *Appeals Before the Court of Justice of the European Union*, Oxford University Press, 2018.

PEERS, Steve / COSTA, M. – «Judicial review of EU acts after the Treaty of Lisbon», *European Constitutional Law Review*, vol. 8(1), 2012, pp. 82-104.

ROSAS, Alan / LEVITS, E. / BOT, Y., (ed.) – *The Court of Justice and the construction of Europe: analyses and perspectives on sixty years of case-law*, Asser Press, Springer, 2013.

TURK, Alexander H. – *Judicial review in EU Law*, Edward Elgar Publishing, 2009.

VAN ELSUWEGE, Peter / GREMMELPREZ, Femke – «Protecting the rule of law in the EU legal order: a constitutional role for the Court of Justice», *European Constitutional Law Review*, vol 16(1), 2020, pp. 8-32.

FRENCH:

CARTIER-BRESSON, Anémone / DERO-BUGNY, Delphine – *Les réformes de la Cour de justice de l'Union européenne - Bilans et perspectives*, Bruylant, 2020.

LOTARSKI, Jaroslaw – *Droit du contentieux de l'Union européenne*, 5th ed., L.G.D.J., 2014.



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PRIOLLAUD, François-Xavier / SIRITZKY, David – *Le traité de Lisbonne: Commentaire, article para article, des nouveaux traits européens (TUE et TFUE)*, La Documentation Française, Paris, 2008.
SAURON, Jean-Luc / GASSO, Anna – *Droit Procédural européen – procédures devant la Cour de Justice, le Tribunal et la Cour Européenne des Droits de l'homme*, LEGITECH, 2021.
SIMON, Denys (dir.) / MARIATTE, Flavien / RITLENG, Dominique – *Contentieux de l'Union européenne /1 – annulation, exception d'illegalité*, Lamy, 2011.
SIMON, Denys (dir.) / MARIATTE, Flavien / MUÑOZ, Rodolphe – *Contentieux de l'Union européenne /2 – carence, responsabilité*, Lamy, 2011.
SIMON, Denys (dir.) / SOULARD, Christophe / RIGAUX, Anne / MUNOZ, Rodolphe – *Contentieux de l'Union européenne /3 – renvoi préjudiciel, recours en manquement*, Lamy, 2011.
SIRINELLI, Jean / BERTRAND, Brunessen – *Droit du contentieux de l'Union européenne*, L.G.D.J., 2022.
VAN RAEPENBUSCH, Sean – *Les recours des particuliers devant le juge de l'Union européenne*, 2 ed., Bruylant, 2016.
VAN RAEPENBUSCH, Sean – *Le contrôle juridictionnel dans l'Union européenne*, 3rd ed., Bruylant, 2018.
WATHELET, Melchior – *Contentieux européen*, (2 vols.), 2 ed., Collection de la Faculté de Droit de l'Université de Liège, Larcier, 2014.

PORTUGUESE:

AAVV – *Enciclopédia da União Europeia*. Petrony. 2018.
ALVIM, Mariana de Sousa – *A tutela judicial provisória dos particulares no âmbito do Direito Comunitário*, Principia, 2008.
CAMPOS, João Mota de / PEREIRA, António Pinto / CAMPOS, J. L. Mota de – *Direito Processual da União Europeia*, 2.ª ed., Fundação Gulbenkian, 2014.
COUTINHO, Francisco Pereira – *Os tribunais nacionais na ordem jurídica da União Europeia. O caso português*, Coimbra editora, 2013.
DUARTE, Maria Luísa – *Direito do Contencioso da União Europeia*, AAFDL editora, 2017.
LOPES PORTO, Manuel / ANASTÁCIO, Gonçalo (coord.) – *Tratado de Lisboa anotado e comentado*, Almedina, 2012.
MARTINS, Ana Maria Guerra – *Manual de Direito da União Europeia*, 2.ª ed., Almedina, reimpressão 2019.
MARTINS, Patrícia Fragoso
– *Administrações Públicas Nacionais e Direito da União Europeia - Questões e Jurisprudências Essenciais*. Lisboa: Universidade Católica Editora, 2018.
– *Tribunais Nacionais e Direito da União Europeia – Questões e jurisprudência essenciais*, Universidade Católica Editora, 2020.
MESQUITA, Maria José Rangel de
– *Introdução ao Contencioso da União Europeia. Lições*, 4.ª ed., Almedina, 2022.
– «Notas breves sobre a (in)eficácia dos meios jurídicos de controlo da observância do *rule of law* enquanto valor da União Europeia», in *O mundo clássico e a universalidade dos seus valores. Homenagem a Nair Nazaré de Castro Soares*, vol. II, Coimbra, Imprensa da Universidade de Coimbra, Coimbra, 2020, pp. 465-475.
PAIS, Sofia - *Direito da União Europeia – legislação e jurisprudência fundamentais*, 3.ª edição, Quid juris, 2020.
PIÇARRA, Nuno – «Sobre a repartição da competência no Tribunal de Justiça da União Europeia», *Revista do Ministério Público*, vol. I, n.º 33, 2013, pp. 11-74.



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QUADROS, Inês – *A função subjectiva da competência prejudicial do Tribunal de Justiça das Comunidades Europeias*, Lisboa, Almedina, 2006.

12: Remarks:

The teaching activity will be part of the teaching and research activities of the Jean Monnet “Fundamental Rights and Rule of Law as European Values in a Global World after the Conference on the Future of Europe” - (2022-2025, Key Topic 1 - Fundamental Rights and Rule of Law as EU values: evolving legal and jurisprudential framework in the EU and beyond the recovery in response to the Covid-19 crisis and the Convention on the Future of Europe and Key Topic 3 – Promoting the role of Fundamental Rights and the Rule of law as EU values in national and international regional litigation).