

COURSE DESCRIPTION

***EUROPEAN AND INTERNATIONAL COOPERATION ON
JUSTICE AND HOME AFFAIRS***

SECOND YEAR (SECOND SEMESTER)

DEGREE (S): INTERNATIONAL RELATIONS AND EU

ATTENDANCE REQUIRED

ACADEMIC YEAR 2020/2021

LAW SCHOOL

1. COURSE/SUBJECT IDENTITY

1.- COURSE/SUBJECT:

Name: European and International Cooperation on Justice and Home Affairs	
Code: e206-12253	
Year (s) course is taught: Second	Semester(s) course is taught: Second
Language: English	Type: Compulsory
Degree (s) in which course is taught: Degree in International relations and EU (Grado en RRII y UE)	
School in which course is taught: Law School	

2.- ORGANIZATION OF THE COURSE:

Department: Public Law Department
Area of knowledge: International Public Law & International Relations
Head of Area: José María Beneyto

2. TEACHING STAFF OF THE COURSE

1.- IDENTITY OF TEACHING STAFF:

TEACHER	CONTACT DETAILS
Name:	Doctor Darren S Dinsmore
Phone(Ext.):	*****
E-mail:	*****@ceu.es
Office:	Instituto de Estudios Europeos
Teacher and research profile:	*****
Areas of research:	Public International Law, International Human Rights Law, Conflict and Human Rights

2.- TUTORIAL ACTIVITY:

For any queries students can contact the teacher by e-mail, phone or visiting their office during the teacher's tutorial times published on the students' gateway.

3. COURSE DESCRIPTION

This subject analyses the legal interaction and the main functioning mechanisms of the 'area of freedom, security and justice' of the EU as well as its impact on the international arena. The challenges of immigration, terrorism and security will also be addressed throughout the academic term.

4. COMPETENCES & SKILLS

4.1.- COMPETENCES

BASIC COMPETENCIES

CB1	- That the students have demonstrated they possess and understand knowledge in an area of study that starts at the base of general secondary education, and is usually found at a level that, although supported by advanced textbooks, also includes some aspects that involve knowledge from the forefront of the field of study
CB2	- That the students know how to apply the knowledge to their work or vocation in a professional way and possess the competences that are usually demonstrated through the elaboration and defense of arguments and the resolution of problems within their area of study.
CB3	- That the students have the ability to collect and interpret relevant data (usually within their

	area of study) to make judgements that include reflection on relevant social, scientific or ethical issues
CB4	- That the students can transmit information, ideas, problems and solutions to a specialized and non-specialized audience
CB5	- That the students have developed those learning skills necessary to undertake further studies with a high degree of autonomy.

SPECIFIC COMPETENCIES

Specific competences: CE 2,5,6,9,12,13, 14 & 17

CE2	Acquire specific knowledge on the procedures to be followed before the different international bodies
CE5	Learn to differentiate the distribution of powers and functions of the State, international organizations, the European Union and other social groups in the international system.
CE6	Understand the political meaning of adequate protection of the aforementioned rights in contemporary global society, and, in particular, in the process of European integration
CE9	To understand the structure and the organization of the European Union.
CE10	Know the application of the principles of public law to the international regime of human and gender rights.
CE12	Understand the characteristics of international cooperation and security relations in order to evaluate the effectiveness of development policies.
C13	To know the main actors of the different regional areas, as well as to explain its origins, evolution and consequences.
CE14	Know the principles and norms of public law, both state and international, and international procedures for the peaceful settlement of disputes
CE17	To acquire critical thinking of global problems to provide solutions to them.

4.2.- LEARNING OUTCOMES

- a) To understand the evolution of the EU legal framework on Justice and Home Affairs as well as the main principles that underlie the area of freedom, security and justice of the EU.
- b) To become acquainted with the challenges that lie ahead on immigration, terrorism and security on a global scale.
- c) To gain a deeper insight into the diverse International legal instruments applicable to Justice and Home Affairs issues.

5. TEACHING METHODOLOGY OF THE COURSE

LEARNING ACTIVITIES

1. – LECTURE (AF1):

Along the semester, lectures will systematically introduce the student to each of the blocks of the programme, offering an overview and their main aspects.

2.- SEMINAR (AF2):

Seminars require prior reading and preparation of materials by the students. Seminars are conceived as dynamic and promote active participation by the students so that doubts, debate and personal opinions contribute to mature high education and critical assessment.

Resolution of hypothetical cases will compel the students to apply the ideas and concept previously developed in lectures and other seminars.

3. - GROUP WORKSHOP (AF3):

Six workshops will take place along the semester, all of them requiring a very active role of the students. They will have to resolve cases (both individually and in teams format), preparing short written and oral pleadings.

6. ASSESSMENT OF LEARNING

1.- CLASS ATTENDANCE:

A minimum of 75% attendance of lectures and seminars is indispensable for continuous assessment
Workshops attendance and exercises are also compulsory (100% as a minimum)

2.- ASSESSMENT SYSTEMS AND CRITERIA:

PARAMETER TO ASSESS	PERCENTAGE
SE5: Attendance and continuous assessments in lectures and seminars	10
SE2: Partial exam	20
SE4: Workshops, case simulations and other presentations	10
SE2: Final exam	60
FINAL RESULTS FOR THE COURSE	100

7. COURSE PROGRAMME

1.- COURSE PROGRAMME:

LESSON I: PRELIMINARY QUESTIONS ON INTERNATIONAL AND EUROPEAN COOPERATION ON JUSTICE AND HOME AFFAIRS

1. The '*Communitarisation*' process on Justice and Home Affairs
2. Inception of Judicial Cooperation: JHA in the Maastricht Treaty
3. Changes brought about the Treaty of Amsterdam: Space of Freedom, Security and Justice
4. Integrating the *Schengen* acquis in the Treaties.
5. Space of Freedom, Security and Justice in the Lisbon Treaty: Goals, material scope and proceedings.

LESSON II: EU POLICIES ON BORDER CHECKS, ASYLUM AND MIGRATION

- 1- Control over internal borders and external border control (basic rules)
- 2- Asylum and the legal condition of a refugee
- 3- International co-operation

LESSON III: SPACE OF FREEDOM, SECURITY AND JUSTICE (I): CIVIL JUDICIAL COOPERATION

1. General legal framework
 - 1.1. Family Law issues: the negotiation of agreements between EU countries and third countries
 - 1.2.- The European Account Preservation Order (EAPO)
 - 1.3.- Judicial Cooperation and Civil Law agreements with third countries
- 2.- Applicable legislation
- 3.- Mutual recognition and enforcement of judgments
- 4.- Cooperation between EU Countries
 - 6.1.- Transmission Service between EU Member States of judicial and extrajudicial documents in civil or commercial matters
 - 6.2.- European Legislation Identifier (ELI)
 - 6.3.- The European Judicial Network in civil and commercial matters (EJN-civil)
 - 6.4.- Taking of evidence in civil and commercial matters

LESSON IV: SPACE OF FREEDOM, SECURITY AND JUSTICE (II): CRIMINAL LAW AND EUROPEAN UNION LAW

1. Influence exerted by EU Law on domestic Criminal Law
 - a. Inconsistencies found between EU Law provisions and domestic Criminal Law provisions
 - b. Integration of Criminal Law provisions by the EU Legal order
 - c. The *Corpus Iuris*
2. Fraud against the European Public Finance
3. European Union Competence on Criminal Law
 - a. Maastricht Treaty
 - b. Treaty of Lisbon
4. La difícil relación entre derecho penal nacional y derecho de la Unión Europea
5. Criminal Law, Human Rights, Constitutional Law, European Union Law.

LESSON V: POLICE AND CUSTOMS CO-OPERATION

- 1.- Police Co-operation
- 2.- Action Plans
 - 2.1.-Eurojust
3. - Asset seizure and confiscation systems
- 4.- Europol
- 5.- Maintenance of law and order and public security
- 6.- Customs Co-operation
- 7.- Agreements with third countries

8. RECOMMENDED READING

1.- BASIC READING:

*PEERS, S, *EU Justice and Home Affairs Law* (Oxford University Press 2016) ISBN-13: 9780198776840

ARCARAZO, DA and MURPHY, CC (eds), *EU Security and Justice Law after Lisbon and Stockholm* (Hart Publishing 2014)

BENEYTO, JM and others, *Unity and Flexibility in the Future of the European Union: The Challenge of Enhanced Cooperation* (CEU Ediciones 2009)

CARRERA, S and GUILD, E, 'Implementing the Lisbon Treaty: Improving the Functioning of the EU on Justice and Home Affairs' (EU Directorate General for Internal Policies 2015)

DE CAPITANI, E, 'Progress and Failure in the Area of Freedom, Security and Justice' in BIGNAMI, F (ed), *EU Law in Populist Times: Crises and Prospects* (Cambridge University Press 2019)

GILBERT, M, *European Integration: A Concise History* (Rowman & Littlefield 2011)

HOLZHACKER, RL and LUIF, P (eds), *Freedom, Security and Justice in the European Union: Internal and External Dimensions of Increased Cooperation after the Lisbon Treaty* (Springer 2014)

2. - COMPLEMENTARY READING:

ANDERSON, M and APAP, J, *Police and Justice Co-operation and the New European Borders* (Kluwer Law International 2002)

ANDERSON, M, *Frontiers: Territory and State Formation in the Modern World* (Cambridge Polity Press 2004)

ANTONIOLLI, L, BONATTI, L and RUZZA, C (eds), *Highs and Lows of European Integration: Sixty Years After the Treaty of Rome* (Springer 2019)

APAP, J (ed), *Justice and Home Affairs in the EU: Liberty and Security Issues After Enlargement* (Edward Elgar 2004)

BALZACQ, T (ed), *The External Dimension of EU Justice and Home Affairs: Governance, Neighbours, Security* (Palgrave Macmillan 2009)

COLSON, R and FIELD, S (eds), *EU Criminal Justice and the Challenges of Diversity: Legal Cultures in the Area of Freedom, Security and Justice* (Cambridge University Press 2018)

GILBERT, M, *European Integration: A Political History* (2nd edn, Rowman & Littlefield 2020)

GRILLER, S and ZILLER, J, *The Lisbon Treaty: EU Constitutionalism Without a Constitutional Treaty?* (Springer 2008)

GUILD, E, CARRERA, S and EGGENSCHWILER, A (eds), *The Area of Freedom, Security and Justice 10 Years On: Successes and Future Challenges Under the Stockholm Programme* (Centre for European Policy Studies, Brussels, 2010)

JONES, E, MENON, A and WEATHERILL, S (eds), *The Oxford Handbook of the European Union* (Oxford University Press 2012)

MARTENCZUK, B and VAN THIEL, S (eds), *Justice, Liberty, Security: New Challenges for EU External Relations* (ASP 2009)

MITSILEGAS, V, MONAR, J and REES, W, *The European Union and Internal Security: Guardian of*

the People? (Palgrave Macmillan 2003)

MITSOLEGAS, V, *EU Criminal Law* (Hart Publishing 2009)

MONAR, J (2012) 'Justice and Home Affairs: The Treaty of Maastricht as a Decisive Intergovernmental Gate Opener' (2012) 34:7 *Journal of European Integration* 717, DOI: 10.1080/07036337.2012.726011

PEERS, S, *EU Justice and Home Affairs Law*. (2nd edn, Oxford University Press, 2006)

SERVENT, AR and TRAUNER, F (eds), *The Routledge Handbook of Justice and Home Affairs Research* (Routledge 2017)

SCHÜTZE, R, *European Union Law* (2nd edn, Oxford University Press, 2018)

TORPEY, J, *The Invention of the Passport: Surveillance, Citizenship and the State* (Cambridge University Press 2000)

3.- WEB SOURCES:

Civil justice: http://ec.europa.eu/civiljustice/index_en.htm

COM DG: http://ec.europa.eu/justice/mission/index_en.htm

Council of Europe: <http://www.coe.int>

Criminal justice: http://ec.europa.eu/justice/criminal/index_en.htm

E-justice: <https://e-justice.europa.eu/home.do>

EP – LIBE: <http://www.europarl.europa.eu/committees/en/libe/home>

EU Council: <https://www.consilium.europa.eu/en/council-eu/>

Eur-Lex: <http://eur-lex.europa.eu/homepage.html>

European Union portal: <http://europa.eu/>

JHA: http://europa.eu/pol/justice/index_en.htm

Página web de la Unión Europea: www.Europa.eu.int

Página Web del Consejo Europeo. Consejo de la Unión Europea:

<https://www.consilium.europa.eu/es/council-eu/>

Página web del Ministerio de Justicia (Área Internacional):

<https://www.mjusticia.gob.es/cs/Satellite/Portal/es/area-internacional>

EUR-Lex: [https://eur-](https://eur-lex.europa.eu/summary/chapter/justice_freedom_security.html?root_default=SUM_1_CODED%3D23&locale=es)

[lex.europa.eu/summary/chapter/justice_freedom_security.html?root_default=SUM_1_CODED%3D23&locale=es](https://eur-lex.europa.eu/summary/chapter/justice_freedom_security.html?root_default=SUM_1_CODED%3D23&locale=es)

Police: <https://www.europol.europa.eu/> <https://www.cepol.europa.eu>
<http://frontex.europa.eu/> <http://www.eulisa.europa.eu>

Real Instituto Elcano: www.realinstitutoelcano.org

InfoCuria, Case law: <http://curia.europa.eu/juris/recherche.jsf?language=en>

UN: <http://www.un.org/en/>

Web oficial de la Unión Europea: https://europa.eu/european-union/index_es

9. ATTITUDE IN THE CLASSROOM

1.- REGULATIONS:

Any irregular act of academic integrity (no reference to cited sources, plagiarism of work or inappropriate use of prohibited information during examinations) or signing the attendance sheet for fellow students not present in class will result in the student not being eligible for continuous assessment and possibly being penalized according to the University regulations.

10. EXCEPTIONAL MEASURES

Should an exceptional situation occur which prevents continuing with face-to-face teaching under the conditions previously established to this end, the University will take appropriate decisions and adopt the necessary measures to guarantee the acquisition of skills and attainment of learning outcomes as established in this Course Unit Guide. This will be done in accordance with the teaching coordination mechanisms included in the Internal Quality Assurance System of each degree.