

*Issues to be covered*

- The Court of Justice of the European Union and its structure
- The role of national courts in the judicial system of the European Union
- An individual as an addressee of rights and obligations under EU law
- Direct effect of EU law
  - Validity, direct applicability and direct effect
  - Vertical direct effect
  - Horizontal direct effect
  - The so-called ‘triangular situations’
- Primacy of EU law
  - The legal basis of primacy
  - Effects of primacy on national law
  - Restrictions of primacy
- The duty of harmonious interpretation (“indirect effect”)
  - Effects of harmonious interpretation
  - Limits of harmonious interpretation
- The principles of equivalence and effectiveness (the ‘Rewe/Comet’ test)
  - The issue of equivalence and ‘similar claims under national law’
  - Effectiveness, its legal basis and requirements thereof
  - What happens where the test is not met
- The liability of a Member State for breaches of EU law
  - Legal basis
  - Liability criteria: sufficiently serious breach of an EU norm meant to protect individuals for which there is a causal link with the harm suffered
  - The special case of courts that rule at the last instance
- The principle that a Member State should repay taxes levied in breach of EU law
- The possibility for a national court to order interim measures based on EU law
  - As against an act of national law
  - As against an act of EU law (*Zuckerfabrik/Atlanta*)

*Required minimum of case-law (www.eur-lex.europa.eu)*

- Van Gend en Loos, Costa/ENEL, Internationale Handelsgesellschaft
- Simmenthal II, Erich Ciola, IN.CO.GE’90, Winner Wetten, Sayn-Wittgenstein, Melki and Abdeli, C-379/15 AFNE/Premier Ministre
- Foster/British Gas, Von Colson and Kamann, Ratti, Marshall II, Italmoda
- Reyners, Fratelli Variola, Carp snc, Arcor, Viamex Agrar
- Pfeiffer/DRK, Adeneler, Lucchini, Maribel Dominguez, Kolpinghuis Nijmegen, Kraaijeveld

- Rewe Zentralfinanz, Comet BV, San Giorgio, Bruno Barra, Impact, Unibet, Kanatami I
- Francovich and Bonifaci, Brasserie/Factortame III, Kobler
- C-397/98 and C-410/98 Metallgesellschaft and Hoechst
- Factortame I, Zuckerfabrik Suderdithmarschen, Atlanta Fruchthandelgesellschaft

Final assignment: a 30-question test, 4 answers, only one correct, during final class; second term during office hours

- 60% of answers correctly answered required to pass
- 1 correct answer = 1 point
- 17 pts or less = fail
- 18-20 pts : pass (3.0)
- 21-23 pts : pass+ (3.5)
- 24-26 pts : good (4.0)
- 27-28 pts : good+ (4.5)
- 29-30 pts : very good (5.0)