

DISCIPLINE DESCRIPTION
Fundamental Rights and EU Constitutional Law

1. Information on the study programme

1.1 Institution of higher education	West University of Timișoara
1.2 Faculty	Faculty of Law
1.3 Department	Department of Public Law
1.4 Field of Study	Law
1.5 Cycle of study	Master's Studies
1.6 Programme of study / Qualification	European Union Law

2. Information on the discipline

2.1 Discipline denomination	Fundamental Rights and EU Constitutional Law - D2UE1208						
2.2 Responsible for class activities	Professor Raluca Bercea, PhD						
2.3 Responsible for seminar activities	Professor Raluca Bercea, PhD						
2.4 Year of study	I	2.5 Semester	2	2.6 Type of evaluation	Ex	2.7 Discipline regime	CS

3. Total estimated time (number of hours of teaching activities per semester)

3.1 Number of hours per week	3	out of which:	2	3.3 seminar/laboratory	1
		3.2 class			
3.4 Total number of hours included in the curriculum	42	out of which:	28	3.6 seminar/laboratory	14
		3.5 class			
Distribution of time:					Hours
Study using textbooks, support materials, bibliography and notes					30
Additional research in the library, using specialized electronic platforms / field research					25
Preparation for seminars / laboratories, homework, projects, essays					24
Tutoring					2
Examination					2
Other activities					-
3.7 Total number of hours of individual study	83				

3.8 Total number of hours per semester	125
3.9 Number of credits	5

4. Preconditions (if any)

4.1 curriculum-related	--
4.2 competence-related	Knowledge of English (compatible with the master programme admission requirements)

5. Conditions (if any)

5.1 regarding classes	Availability of videoconference-compatible electronic devices
5.2 regarding seminars/ laboratories	Availability of videoconference-compatible electronic devices

6. Discipline objectives (expected results of the learning process to which the discipline contributes)

6.1 Knowledge	<ul style="list-style-type: none"> • Understanding the distinction between negative and positive rights / obligations and acquiring the capacity to operate with discipline-specific terminology and legal concepts. • Understanding the conditions for justiciability of certain individual rights. • Understanding the distinction between derogable and non-derogable individual rights and acquiring the ability to operate with legal standards and concepts such as margin of appreciation, weighing of competing legitimate interests, proportionality, subsidiarity. • Identifying the content of the applicable protection standards in different factual situations, based on case-law patterns of the European Court of Human Rights, as well as of the European Court of Justice.
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6.2 Abilities	<ul style="list-style-type: none"> • Acquiring the capacity to conduct critical analyses of case-law of the relevant international courts • Identifying the premises supporting an evolving interpretation of the fundamental rights and the extension of horizontal protection
6.3 Responsibility and autonomy	<ul style="list-style-type: none"> • Developing the students' values and understanding of the place and role of fundamental rights in a democratic society • Developing the capacity to conduct, individually and autonomously, analyses of given factual situations and to operate with the relevant concepts for fundamental rights protection at a level similar to that required in a legal professional environment

7. Contents

7.1 Courses	Teaching methods	Observations
<ul style="list-style-type: none"> • Essential concepts in international human rights protection. The two main human rights protection instruments in Europe and critical discussions on the interaction between systems. 	Exposition, heuristic conversation and case-law analysis	2 hours
<ul style="list-style-type: none"> • The Charter of Fundamental Rights of the European Union - CFREU. Discussing the Charter's position within the universal systems of protection of human rights 	Exposition, heuristic conversation and case-law analysis	2 hours
<ul style="list-style-type: none"> • The relationship between the Charter of Fundamental Rights in the European Union and the European Convention on Human Rights – commonalities and differences. Procedural requirements. 	Exposition, heuristic conversation and case-law analysis	4 hours
<ul style="list-style-type: none"> • The issue of the EU's accession to the ECHR. Advisory opinions of the European Court of Justice concerning accession and state of negotiations. 	Exposition, heuristic conversation and case-law analysis	2 hours

<ul style="list-style-type: none"> • Application of the EU Charter and the case-law <i>acquis</i> of the ECHR. Applicable standards of protection: <ul style="list-style-type: none"> - Right to life - Right to a fair trial - Right to private life - Protection of personal data, new technologies - Freedom of thought, conscience and religion - Freedom of expression and information - Right to private property - Equality and Non-discrimination - Asylum and Migration - Victims' Rights and Judicial Cooperation 	Exposition, heuristic conversation and case-law analysis	16 hours
<ul style="list-style-type: none"> • Incursions of the EU Tribunal and the CJEU in the field of human rights 	Exposition, heuristic conversation and case-law analysis	2 hours
7.2. Seminar/Laboratory	Teaching methods	Observations
<ul style="list-style-type: none"> • Application of international human rights law to EU procedural law 	Exercise, case-study, group activity, independent activity	2 hours
2 Right to life - case-studies and critical analysis of standards of protection	Exercise, case-study, group activity, independent activity	1 hour
3 Right to a fair trial - case-studies and critical analysis of standards of protection (civil limb)	Exercise, case-study, group activity, independent activity	1 hour
4 Right to a fair trial - case-studies and critical analysis of standards of protection (criminal limb)	Exercise, case-study, group activity, independent activity	1 hour

5	Right to private life - case-studies and critical analysis of standards of protection	Exercise, case-study, group activity, independent activity	1 hour
6	Protection of personal data - case-studies and critical analysis of standards of protection	Exercise, case-study, group activity, independent activity	2 hours
7	Freedom of thought, conscience and religion - case-studies and critical analysis of standards of protection	Exercise, case-study, group activity, independent activity	2 hours
8	Freedom of expression and information - case-studies and critical analysis of standards of protection	Exercise, case-study, group activity, independent activity	1 hour
9	Right to private property - case-studies and critical analysis of standards of protection	Exercise, case-study, group activity, independent activity	1 hour
10	Non-discrimination - case-studies and critical analysis of standards of protection	Exercise, case-study, group activity, independent activity	2 hours
<p>Bibliography (course and seminar):</p> <ol style="list-style-type: none"> 1. Robert Schutze, <i>European Constitutional Law</i>, Cambridge University Press 2012 2. Alina Kaczorowska - <i>European Union Law</i>, Routledge 2013 3. Electronic resources on https://fra.europa.eu/en and https://www.echr.coe.int/ 			

8. Corroborating discipline contents with the expectations of the representatives of the epistemic community, professional associations and representative employers in the relevant programme field

At the end of this course, students are expected to have developed the capacity to conduct, individually and autonomously, analyses of given factual situations and to operate with the relevant concepts for fundamental rights protection at complexity levels similar to those specific to the legal professional environment. Students are expected to have acquired the necessary skills to conduct critical analyses of the case-law of the European Court of Justice and of the European Court of Human Rights.

Students should be able to distinguish between the competences of the relevant European jurisdictions and should understand which instruments may be invoked before each of such jurisdictions.

9. Evaluation

Type of activity	9.1 Evaluation criteria	9.2 Method of evaluation	9.3 Weight percentage in the final grade
9.4 Course	Evaluation of each student, by reference to minimal performance standards	Grade evaluation, by oral examination of individual knowledge related to the relevant legal concepts and standards taught over the course of the semester	50%
9.5 Seminar / laboratory	Evaluation of each student, by reference to minimal performance standards	Grade evaluation by oral examination of the relevant case-studies prepared by students during seminars.	50%
9.6 Minimum performance standard			
<ul style="list-style-type: none"> • Adequate use of the notions pertaining to European human rights law • Adequate knowledge of the substantial contents of human rights in the case law of the CJEU/ ECHR • The ability to draft simple claims before the relevant human rights jurisdictions – knowledge of the essential components and conditions of admissibility of claims 			

Date
15.09.2023

Discipline holder
Professor Raluca Bercea, PhD

Date of approval by the faculty department
20.09.2023

Department director
Conf. dr. Cristian Clipa