

**INTEREULAWEAST**

European and International Law Master Programme Development in Eastern Europe



Tempus



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FACULTY OF LAW

# Teaching of EU law – approaches and experiences



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# Main emphasis

- How to teach EU law?
- EU law is impossible to know by heart
- Substance *v.* where to find
- Substance *v.* how to apply
- Substance *v.* case law
- Substance *v.* comparative aspects
- Methods of teaching
- Good practices

# Corpus of the EU law

- Is a huge one (legislative jungle)
- OJ (series L, C, S) are issued basically every day
- It is only about 8% of directives, but still a lot of rules that need to be transposed
- In the past few years the legislative burden decreased up to 40%, however, it is still burdensome
- Devils are in the details
- EU rules are not user-friendly (despite preambles)
- There is also a huge corpus of case law
- It is not only about the substance... it's also, how to apply EU law
- Is there a solution...?

...

- Learn how **to find** EU law... eur-lex is a proper tool
- Learn how **to apply** EU law (relations to **national** and **international law**)...les judges...
- Learn **where** the solution could be... and than **find** a solution
- Learn the **principles** of the EU, international and national legal system... this is the **framework (not a political slogan)**
- Learn **how to find case law**... and how to read case law.
- **Learn how to make a first step and to find out whether the EU law is at all applicable**
  - It is different in case of TFEU, TEU, CFR on the one hand and regulations/directives on the other

# Methods of teaching

- There are several methods of teaching
  - ex cathedra,
  - case study methods (there is a lot of Q&A sources),
  - workshop method,
  - exchange session method,
  - „*throw them in the ocean*“
  - mix of them...
  - ...
  - Student`s Competitions

*Teaching shall be problem based, applying also approach "learning by doing" and to combine all previous mentioned methods.*

# An example of a good practice – rewarded by the EU Commission

## □ Amicus Curiae

- Triangle: courts (and/or administrative authorities), students, professors (mentors)
- Students go to the court to get the case
- They study the case, define *res facti* in details
- ... then they study the case on the faculty... prepare opinion on the case issues (EU law) in results
- This opinion is sent to mentors to review it... usually several times (meetings with students are also common)
- Once the opinion is good enough... it can be printed out and taken to the court (it forms part of the courts file and can be accessed by parties also)

## □ Benefits:

- Win-win situation for all involved
- Students get part of the adjudicating process
- They got acquaintance with the file structure
- They have to do the qualification (nb! *Res facti* is not prepared for them like at faculties)
- They have to think on a „first step“... look outside the national borders of law
- They have to search for the EU law in the jungle
- They have to apply the law to actual case – and explain it
- They practice legal writing skills (they are limited in the length of the opinion to 4 pages)
- They are deeply involved in personal communication with a mentor (chances for mentor to teach student also other things, like rules of communication - oral and in writing, behavior, discipline, commitments etc)

# Conclusions

- Young people (lawyers) need:
  - teaching of values (also EU values)
  - teaching of principles and general issues (framework)
  - broadening the horizon
  - opening to the global
  - skills on how to apply the law
  - skills on IT, digitalization of law
  - skills on social approaches and personal social networking (this is more than FB, Twitter etc)
  - to develop emotional intelligence
  - knowledge of languages



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It is still given a huge importance to “**les juges internes**”, who are also simultaneously “**les juges communautaires**” in “**les juges conventionnelles**”;