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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