



FACULDADE DE DIREITO  
Universidade de Lisboa

## Curricular unit sheet

Licenciatura Course 2018/2019

Curricular unit

**European Union Procedural Law** (1<sup>st</sup> Semester)

Responsible Academic staff

**Prof. Maria Luísa Duarte** – 2 hours / week

Other Academic staff

Prof. Rui Lanceiro (2 classes) / Mestre Cecília A. Correia (3 classes)

Learning outcomes of the curricular unit

To study the EU Court of Justice's functioning, its procedure and its jurisdiction, specially the various categories of proceedings available before the Court (for instance, references for preliminary rulings, actions for annulment, actions for failure to act, and infringement proceedings), and also its relationship with the national courts of the Member States.

Syllabus

1. Introduction: EU Justice and rule of law
2. The judicial structure of the EU: the EU Courts
3. Procedural Law – sources and general principles
4. The preliminary ruling procedure
5. Special focus: the dialogue between the CJEU and the national courts
6. Control of EU legality: Direct actions before the CJEU (actions for annulment of EU acts and actions for failure to act)
7. Infringement proceedings against the Member States
8. Actions for damages
9. Interim measures and injunctions

Demonstration of the syllabus coherence with the curricular unit's objectives

The subjects included in the syllabus will allow the student to have a deep understanding of the functioning of the EU judicial system.

Teaching methodologies (including evaluation)

The teaching methodology includes theoretical classes, where the subjects will be presented and analyzed, namely through references to relevant case-law, and practical classes, where those subjects will be studied in a practical and critical way, through discussion and the presentation of cases.

Demonstration of the coherence between the teaching methodologies and the learning outcomes

The teaching methodology, based on theoretical and practical classes, is envisaged to allow the students to acquire and consolidate expertise on judicial guarantees in the EU.

Bibliography

Main Bibliography

- Maria Luísa DUARTE – *Direito do Contencioso da União Europeia*, Lisboa, AAFDL, 2017.
- \_\_\_\_\_ *União Europeia e Direitos Fundamentais – no espaço da internormatividade*, Lisboa, AAFDL, 2013.
- Maria Luísa DUARTE / Rui T. LANCEIRO – *Tratado de Lisboa*, 4.<sup>a</sup> ed., Lisboa, AAFDL, 2017.
- LENAERTS, Koen, e outros – *EU Procedural Law*, Oxford Univ. Press, 2015.

Other Bibliography



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- Mariana de Sousa ALVIM – *A tutela judicial provisória dos particulares no âmbito do Direito Comunitário*, Principia, 2008.
- João Mota de CAMPOS / António Pinto PEREIRA / J. L. Mota de CAMPOS – *O Direito Processual da União Europeia*, 2.ª edição, FCG, 2014.
- COUTINHO, Francisco Pereira – *Os tribunais nacionais na ordem jurídica da União Europeia. O caso português*, Coimbra Editora, 2013.
- Sérgio Saraiva DIREITO – *A figura do Advogado-Geral no Contencioso Comunitário*, Coimbra Editora, 2007.
- Maria Luísa DUARTE – *Direito da União Europeia. Estática e dinâmica da ordem jurídica eurocomunitária*, Coimbra Editora, 2011.
- Ricardo Alonso GARCÍA – *Sistema jurídico de la Unión Europea*, 2.ª ed., Madrid, Thomson-Civitas, 2010.
- Francisco Paes MARQUES – *A exceção de ilegalidade no Contencioso da União Europeia*, Lisboa, AAFDL, 2008.
- M. José Rangel de MESQUITA – *Introdução ao Contencioso da União Europeia*, Coimbra, Almedina, 2013.
- Nuno PIÇARRA – *O Tribunal de Justiça das Comunidades Europeias como juiz legal e o processo do artigo 177.º do Tratado CEE*, Lisboa, AAFDL, 1991.
- Carlos Carranho PROENÇA – *Tutela jurisdicional efectiva no Direito da União Europeia*, Petrony, 2017.
- Inês QUADROS – *A função subjectiva da competência prejudicial do Tribunal de Justiça das Comunidades Europeias*, Lisboa, Almedina, 2006.
- SIMON, Denys (dir.) – *Contentieux de l'Union européenne*, Paris, Ed. Lamy, 2011 (3 vols.).
- WATHELET, Melchior – *Contentieux européen*, Bruxelles, Larcier, 2010.



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## LIST OF CASE-LAW OF THE CJEU

### 1. References for preliminary rulings

- *Gaston Schull*, Proc. C-461/03 6.12.2005 (invalidity and mandatory references; *Foto-Frost* revisited)
- *Liga de Futebol Profissional e Bwin c. SCML*, 8.09.2009, Proc. C-42/07 (games)
- *Pringle*, Proc. C-370/12, 27.11.2012 (Euro, Stability Mechanism; revision of the Treaties, Member State's competences)
- *Sindicato dos Bancários do Norte*, Proc. C.182/12, 7.03.2013 (fundamental rights and EU; pay-cuts for the public sector)
- *Gauweiler*, Proc. C-62/14, 16.06.2015 (Constitutional Courts and references for preliminary rulings)
- *Silva e Brito*, C-160/14, 9.09.2015 (mandatory references)
- *Achmea*, C-284/16 6.03.2018 (arbitration; autonomy of the EU legal order)

### 2. Actions for annulment

- *R. Portuguesa c. Commission*, Proc. C-159/96, 19.11.1998, (measures that can be annulled; effects of the decision)
- *Italy c. Commission*, Proc. C-566/10 P, 27.11.2002 (official languages)
- *Inuit*, Proc. C-583/11 P, 3.10.2003, (measures that can be annulled; changes introduced by the Lisbon Treaty, standing; distinction between regulatory and legislative acts; right of access to a court)
- *Stichting Milieu e Vereniging Milieudefensie*, Proc. C-404/12 P e C-405/12 P e C-401/12 P a C-403/12 P, 13.01.2015, (*actio popularis* in environmental matters)
- *Commission c. Council*, Proc. C-28/12, 28.04.2015 (annulment of a non-typical act; jurisdiction in international matters)
- *Polisario Front c. Council* (T-512/12) 10.12.2015, (annulment of international agreement; jurisdiction in international matters)  
(V. also C-104/16 P, de 21.12.2016)
- *Ledra Advertising c. Commission / ECB*, *Eleftheriou c. Commission / ECB* e *Theophilou c. Commission / ECB*, Proc. C-8/15 P C-9/15 P, C-10/15 P, e *Mallis e Malli c. Commission / ECB*, *Tameio Pronoias Prosopikou Trapezis Kyprou c. Commission / ECB*, *Chatzithoma c. Commission / ECB*, *Chatziioannou c. Commission /*



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*ECB e Nikolaou c. Commission / ECB*, Proc. C-105/15 P, C-106/15 P, C-107/15 P, C-108/15 P e C-109/15 P, 20.09.2016, (standing, act of the Eurogroup).

### 3. Infringement procedure

- *Commission c. France*, (“strawberries’ war”), Proc. C-95/12, 9.12.1997, (infringement because of activities of private citizens)
- *Hungary c. Slovakia*, Proc. C-364/10, 16.10.2012, (EU citizenship, Head of State)
- *Commission c. Portugal*, Proc. C-557/14, 22.06.2016, (Art 268.º, n.º 2, TFEU)

### 4. Actions for damages

- *Francovich*, Proc. C-6/90, 19.11.1991, (responsibility of Member States)
- *Dole Fresh*, Proc. T-56/00, 6.3.2003, (responsibility of the EU)
- *Traghetti*, Proc. C-173/03, 13.06.2006, (responsibility of Member States for judicial acts)
- *Silva e Brito*, C-160/14, 9.09.2015, (responsibility of Member States for judicial acts)

### 5. Interim measures and injunctions

- *Germany c. Council*, Proc. C-280/93 R, 29.06.1993
- *Atlanta*, Proc. 465/93, 09.11.1999

### 6. EU judicial system: limits to the autonomy of the EU’s legal order

- Opinion n.º 2/2013, de 18-12.2014 (EU and ECHR)
- *Kadi IV*, Procs. C-584/10 P, C-595/10 P, 18.07.2013, (annulment of acts related to the “War on Terror”)

### 7. EU citizenship and the Charter

- *M.S. e N.E.*, Proc. C-411/10 e C-493/10, 21.12.2011, (Transfer of an asylum seeker to the responsible Member State; Prohibition of inhuman or degrading treatment)
- *Abdullahi*, Proc. C-394/12, 10.12.2013, (Common European Asylum System; Determination of the Member State responsible for examining an asylum application; Monitoring compliance with the criteria of responsibility for examining the application for asylum; scope of judicial review)



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- *Åkerberg Fransson*, Proc. C-617/10, 26.02.2013, (Charter; Scope of application)
- *Zambrano*, Proc. C- 34/09, 8.03.2011, (Freedom of movement; Citizenship; residence)
- *Commission v. UK*, Proc. C-308/14, 14.06.2016, (Social assistance benefits; Free movement of persons; Citizenship of the Union; Equal treatment)
- *Alimanovic*, Proc. C-67/14, 15.09.2015, (Social assistance benefits; Free movement of persons; Citizenship of the Union; Equal treatment)
- *Schrems*, Proc. C-362/14, 06.10.2015, (Transfer of personal data to the United States; Improper level of protection)
- *Shiraz Baig Mirza*, Proc. C-695/15 PPU, 17.03.2016, (Dublin III Regulation; of an applicant for international protection for a safe third country)
- *People's Climate Case, Armando Carvalho c. Council* da UE e PE, Proc. T-330/18, (environmental EU citizenship)