

The Law of Emergency in Comparative and European Law

Professor Jacques Ziller

Formerly Université de Paris-1 Panthéon Sorbonne and Università degli Studi di Pavia (It)

CV and publications at <https://www.jacques-ziller.com/>

The course will be taught in the English language, but the professor also speaks fluently French, German, Italian, Spanish, Dutch, and he reads and understands Portuguese. If the class prefers, the course can be held in French.

The course will consist in five sessions (each of 2 hours), in which we will explore and discuss the issues indicated hereunder.

What are the characteristics of the law of emergency?

What is the kind of events that trigger emergency law?

What are the differences between the law of emergency and ordinary law?

What is the impact of emergency law on the separation of powers?

What are the limits to shifting of competences from the legislative to the executive branch?

Are there specific systems of accountability for emergency law?

What is the impact of emergency law on civil liberties and human rights?

To what extent do the facts that produce an emergency situation create collisions of rights and freedoms?

To what extent is the supranational law of human rights useful for emergency situations?

What is the impact of emergency law on judicial review of public authorities?

Are there specific procedures for emergency? How to shorten the time limits for judgement? Are such procedures impacting on the quality of judicial decision? Are there mechanisms to ensure the effective application of judgements?

What are the most prominent issues discussed in legal theory and philosophy about emergency law?

Is there a difference between emergency and exception?

In order to foster maximal interaction, there is no specific calendar of the examination and discussion of those issues. During the first class we will try and establish such a calendar. Students are invited to think about their experience of the emergency law due to the pandemic of Covid-19, to the war in Ukraine, to climate disruption etc. They will be invited to explain what kind of emergency laws have been applied in the countries they have lived. The professor will further explain the specific law of emergency in the framework of the European Convention of Human Rights and that of EU law, and give specific examples from France, Italy, Germany, the United Kingdom, and Belgium, amongst others.

The following links provide some of the most useful materials for the course in English language:

<https://www.venice.coe.int/files/EmergencyPowersObservatory//T09-E.htm>

https://www.researchgate.net/publication/30946990_The_Law_of_the_Exception_A_Typology_of_Emergency_Powers

For the students who read French see

[https://www.europarl.europa.eu/thinktank/it/document/EPRS_STU\(2021\)690624](https://www.europarl.europa.eu/thinktank/it/document/EPRS_STU(2021)690624)

[https://www.europarl.europa.eu/RegData/etudes/STUD/2022/729344/EPRS_STU\(2022\)729344_FR.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2022/729344/EPRS_STU(2022)729344_FR.pdf)

[http://www.europarl.europa.eu/RegData/etudes/IDAN/2020/651938/EPRS_IDA\(2020\)651938_FR.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2020/651938/EPRS_IDA(2020)651938_FR.pdf)

[https://www.europarl.europa.eu/RegData/etudes/STUD/2022/729419/EPRS_STU\(2022\)729419_FR.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2022/729419/EPRS_STU(2022)729419_FR.pdf)

The course will be assessed by a written exam. The exact form will be announced during the course.