

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet: MEDNARODNO PRAVO IN EU
Course title: International law and EU

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Doktorski študij, 3. stopnja	Pravo	1.	2.
Doctoral studies, 3rd level	Legal studies	1.	2.

Vrsta predmeta / Course type

obvezni predmet modula / Obligatory subject of the module

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
30		15		80	125	10

Nosilec predmeta / Lecturer:

izr. prof. dr. Vasilka Sancin

Jeziki /

Languages:

Predavanja / Lectures: slovenski/Slovenian

Vaje / Tutorial:

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:

Izpolnjevanje pogojev za vpis na doktorski študij Pravo in osnovno znanje s področja predmeta, ki ustreza znanju na tem področju, pridobljenem na ravni prve in (ali) druge stopnje študija prava.

Prerequisites:

General conditions for enrolment into the Doctoral Programme in Legal Studies with a basic knowledge of the subject at the level of first and (or) second cycle programme in Legal Studies.

Vsebina:

Predmet izhaja iz področja mednarodnega prava in prava EU.

Študijski program se prilagaja aktualnim problemom z navedenih področjih in predvsem razvoju pravnih pravil in sodne prakse. Osrednja pozornost bo namenjena obravnavi določenih vprašanj znotraj posamičnih tem, ki niso predmet poglobljene obravnave na prvi in drugi stopnji univerzitetnega študija. Temeljna poglavja znotraj katerih se bodo obravnavala posamična vprašanja so razvidna iz osnovne strukture predmeta:

1. EU: supranacionalna in medvladna pravna narava

Content (Syllabus outline):

The course derives from the discipline of international and EU law.

The study program is adjusted to address the topical problems from the discussed discipline, specifically the development of legal norms and case law. The focus of the course will be particular issues within the discussed topics that have not been discussed so far at the first and second study stage. The fundamental questions discussed will be within the scope of the following structure of the course:

1. EU: supranational and intergovernmental legal nature
2. Competence of Member States and EU

<p>2. Pristojnosti držav članic in EU</p> <p>3. Mednarodno pravo v pravnem redu EU</p> <p>3.1. Mednarodne pogodbe</p> <p>3.2. Mednarodno običajno pravo</p> <p>3.3. Pomen in učinki 103. člena Ustanovne listine OZN</p> <p>4. Pristop EU h EKČP</p> <p>5. Preplet mednarodnega in EU okoljskega prava</p> <p>Dodatne vsebine se bodo dodajale glede na dosežen pravni razvoj v času izvajanja predmeta.</p>	<p>3. International law in the legal order of the EU</p> <p>3.1. Treaties</p> <p>3.2. Customary international law</p> <p>3.3. Role and effects of Article 103. Of the UN Charter</p> <p>4. The EU accession to the ECHR</p> <p>5. Interaction of international and EU environmental law</p> <p>Additional issues will be added to the curriculum due to new legal developments in the course of the lecture period.</p>
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Temeljni literatura in viri / Readings:

CRAIG, P. P., DE BURCA, G.: EU LAW: Text, Cases, and Materials, 5th Edition, Oxford University Press, 2011.

LENAERTS, K. in VAN NUFFEL, P. (ur.: BRAY, R.): Constitutional Law of the European Union, Thomson, Sweet & Maxwell, 2010.

SANCIN, V.: Mednarodno pravo v hierarhiji pravnih virov EU in njenih članic, Uradni list Republike Slovenije, Ljubljana, 2009.

CANNIZZARO, E. (ur.): The European Union as an Actor in International Relations, Kluwer Law International, 2002.

WOUTERS, J., NOLLKAEMPER, A., DE WET, E. (ur.): The Europeanisation of International Law : The Status of International Law in the EU and Its Member States, T.M.C. Asser Press, 2008.

Van VOOREN, B., WESSEL, R. A.: EU External Relations Law : text, cases and materials, Cambridge University Press, 2014.

KOSTA, V., SKOUTARIS, N. in TZEVELEKOS, V. (ur.): The EU accession to the ECHR, Oxford, Portland, Hart, 2014.

Mnenje sodišča EU 2/13 z dne 18. decembra 2014, Pristop Evropske unije k Evropski konvenciji o varstvu človekovih pravic in temeljnih svoboščin.

Martines, F.: Direct Effect of International Agreements of the European Union, Jean Monnet Working Paper 05/14, 2014.

Nollkaemper, A.: The Duality of Direct Effect of International Law, Jean Monnet Working Paper 06/14, 2014.

Ruiz Fabri, H.: Is There a Case – Legally and Politically – For Direct Effect of WTO Obligations?, Jean Monnet Working Paper 09/14, 2014.

Koutrakos, P.: EU International Relations Law, Second Edition, Hart Publishing, 2015.

Nabor literature se vsako leto dopolni z aktualnimi deli s področja problemov, ki se obravnavajo.

Cilji in kompetence:

Cilj predmeta je poglobljen študij primerov prepletanja mednarodnega prava in prava EU, vključno s kompleksno problematiko pristojnosti držav in ES/EU ter sklepanja mednarodnih pogodb v EU. Posamezni problemi se obravnavajo multidisciplinarno.

Objectives and competences:

The objective of the course is a detailed study of examples of interconnection of international law and EU law, including the complex problematic of the competence of Member States in EU and adoption of treaties in EU. Individual issues will be discussed in a multidisciplinary manner.

Predvideni študijski rezultati:

Intended learning outcomes:

Znanje in razumevanje:
 Študent pridobi sposobnost znanstvene analize problemov, vrednotenja različnih teoretičnih stališč, uporabo primerjalno pravne metode, kritične analize sodne prakse in pisnega oblikovanja zahtevnejše argumentacije.

Knowledge and understanding:
 The student will gain skills of scientific analysis of problems, valuation of different theoretical views of international law and international relations, use of comparative legal method, critical analysis of case law and drafting of complex legal argumentation.

Metode poučevanja in učenja:

Predavanja – predavajo se izbrane teme, ki se določijo posebej glede na formalni pravni razvoj ter razvoj teorije in prakse
 Seminarske vaje – na seminarskih vajah študentje predstavijo vsebino seminarske naloge
 Drugo – izdelava seminarske naloge, ki obravnava zahtevnejši pravni problem z navedenih področij.
 Individualni študij za izpit.

Learning and teaching methods:

Lectures – specific topics, selected according to the development of the fundamental sources of international law and development of legal theory and practice will be discussed.
 Seminar - students present the topic of their seminar research paper
 Other - preparation of a seminar research paper, which addresses a more advanced legal problem within the relevant disciplines. Individual study for the exam.

Načini ocenjevanja:	Delež (v %) / Weight (in %)	Assessment:
Ustni izpit. Za pristop k izpitu se zahteva uspešno izdelana in predstavljena seminarska naloga. Predstavitev se lahko opravi na seminarskih vajah ali pred učiteljem ocenjevalcem.	100%	Oral examination. Successful preparation and presentation of the seminar research paper is the predisposition for partaking in the exam. The seminar research paper may be presented in the seminar or before a teacher examiner.

Reference nosilca / Lecturer's references:

[1.] Sancin, V.: Mednarodno pravo v hierarhiji pravnih virov EU in njenih članic, Uradni list Republike Slovenije, Ljubljana, 2009;
 [2.] Sancin V.: Evropski institucionalni nadzorni mehanizmi za varstvo manjšin, Javna uprava, Letn. 41, št. 2/3 (2005), str. 205-230;
 [3.] Sancin V. Neposredni učinek mednarodnega prava v pravu Evropske unije, Javna uprava, Letn. 40, št. 4 (2004), str. 634-651;
 [4.] Sancin, V.: Innovative arbitration agreements to resolve border disputes and the role of regional international organization: Can the example of Slovenia-Croatia arbitration agreement be followed in the Asia Pacific?, Chinese (Taiwan) yearbook of international law and affairs, Letn. 29 (2011), str. 156-168.