

ADVANCED EU LAW

2014-2015

ANNE-LISE SIBONY

Thursday: 10:30 am – 13:00 am

Room: Seminaire 10

Except on Sept. 25th: Ricardo (B31)

❖ Recommended books

- **Karen Davies, *Understanding European Union Law*, 5th ed, Routledge, 2013.** A general introduction. Excellent for revisions/learning English terminology for key aspects of EU law you have already covered in other courses.
- **Allan Rosas and Lorna Armati, *EU Constitutional Law – An Introduction*, Hart Publishing, 2nd ed, 2012.** An excellent short book. As the title indicates, it focuses on constitutional law. On the area covered, it is therefore somewhat more detailed than Karen Davies, *Understanding European Law*. Highly recommended for a very short introduction to general principles, their place in hierarchy of norms and short passages on several important principles.
- **Paul Craig and Gráinne De Búrca, *EU Law Text, cases and materials*, 5th edition, OUP, 2011.** This latest edition of a classic and excellent textbook is *highly recommended*. Several chapters of the book will be used for this course, in particular chap 7 (nature of EU law), chap 8 (remedies before national courts), chap 9 (relationship between EU law and national law), chap 11 (Human rights in the EU) and chap 15 (review of legality: grounds for review). Reading and understanding these chapters will make the whole difference between just learning in English something you already know in French (or any other language for Erasmus students) and advancing your understanding of EU law, which is one goal of this course.
- **Takis Tridimas, *The General Principles of EU Law*, 2nd edition, OUP, 2006.** The first and only textbook on general principles of EU law. Also warmly recommended. This book is structured as follows: a general introduction and ten chapters, each on one general principle (or sometimes a core legal mechanism for the enforcement of EU law, such as state liability). This book is not up-to-date on latest developments, which will be seen in the course, but provides an excellent and in-depth background on general principles of EU law.
- **Xavier Groussot, *General Principles of Community Law*, Europa Law Publishing, 2006.** This book is the published version of a PhD defended in 2005. It is therefore not up to date but is recommended on development of general principles in the EU legal order. The book is divided in three parts: I. Creation of general principles; II. Development of general principles and III. Impact of general principles.

Recommended readings

- Karen Davies, *Understanding European Union Law*, 4th ed, Routledge, 2010 (hereafter “Understanding EU Law”), chapter 4 (Sources of Union Law), the section on general principles.
- Allan Rosas and Lorna Armati, *EU Constitutional Law – An Introduction*, Hart Publishing, 2010, “Development of General Principles of EU Law”, pp. 36-39 (this section is not in the new edition).

Further reading

- Craig and De Búrca, chap. 9

Introduction

1. Aims of this course

At the end of this course, you should be capable of presenting orally a legal discussion about EU Law in English in a clear and comprehensible manner.

2. Content

In terms of legal subject matter, we will focus on general principles of EU law and fundamental rights in the EU legal order. These are of general relevance to all areas of EU Law.

3. Workload

This course is hard work. You will have to read and prepare assignments for each class.

This course is worth 5 credits. In the ECTS system, this corresponds to 125 hours of work approximately. You will spend about 30 hours in class. The rest is preparation. This means there is roughly 3 hours of preparation work for one hour in class.

4. A bit of housekeeping

- eCampus
- How to prepare for each class
 - *Reading*: Books and cases
 - *Writing*: Shared document (link on eCampus)
 - *Speaking*: Oral presentations
 - Research
 - Bring what you have to say down to 5 min. Time yourself!
 - Check correct pronunciation (easy to do online)
 - Assessment criteria
 - Feed back form (see last page of this document)
 - Class discussions
 - Groups
 - 3 groups: A, B, C

- Mix Erasmus and Liège students
- Sign up on eCampus

5. First thoughts on general principles of EU law

- What general principles of EU law do you know?
- Why are there general principles of EU law?
- Where do they come from?
- What is their legal value?
- Can you think of cases where you have come across general principles of EU Law or imagine types of cases where they could be relevant?

6. Make a list of general principles of EU law (in class)

7. How would you go about checking whether your list is complete?

Assignment – for the whole duration of the course

Create a list and write any word or phrase that is new to you and expand it as the course progresses. For each court case or other text you will read for this course, make note of important new words. Add words and phrases you learn in class. Do not limit yourself to nouns. Verbs and phrases also matter!

Tip: when reading a case or a piece of legislation, do not look up the words you do not understand in a dictionary, use the official translation. It is always available on Eur-Lex (<http://eur-lex.europa.eu/>) or on the Court's website (<http://curia.europa.eu/>).

Oral presentations

You must stick to 5 minutes. This is very short. Don't dwell on the facts at length. Don't *describe* the holdings of the Court in every detail. Use your time to *discuss* the case, that is to say something *about* the ruling rather than to state *what* the ruling says. You are expected to carry out a little research and find out what scholars wrote about your case. Start with textbooks and casebooks but also look for case notes and journal articles. It is easy to find a list of case notes on Eur-Lex as well as on the Court website. You may also want to consult various EU law blogs, especially on recent cases.

Guidance about oral presentations is available on eCampus. You will also find there a video worth watching!

Take a moment to review the evaluation form annexed to this syllabus.

OVERVIEW

Seminar 1. 18 September – General introduction to the course

Seminar 2. 25 September – Primacy

Seminar 3. 2 October – Direct Effect

Seminar 4. 9 October – Remedies before national courts: Procedural Autonomy and effectiveness principle

Seminar 5. 16 October – General Principles in the EU Legal Order

Seminar 6. 23 October – The Charter of Fundamental Rights

Seminar 7. 30 October – Protection of Fundamental Rights in the EU: The New Architecture

Seminar 8. 6 November – Non-discrimination

Seminar 9. 13 November – Privacy in the Digital Age

20 November: Court visit (Day trip to Luxembourg)

Seminar 10. 27 November – Duty to give reasons, with Margaret Gray

Seminar 11. 4 December – Transparency

Seminar 12. 18 December – Presentations, exam preparation

Seminar 2. 25 September

Primacy

Mandatory reading

- Case 6/64, *Costa v ENEL*, EU:C:1964:66, esp. pp. 593-594
- Case 32/84, *Van Gend en Loos*, EU:C:1963:1
- Case 106/77, *Simmenthal*, EU:C:1978:49, esp. para. 17-21
- Section on Primacy in any English language textbook of EU Law

One article (all articles are available on eCampus)

- Group A: J. Weiler, 'Van Gend en Loos The individual as subject and object and the dilemma of EU legitimacy', *Int J Constitutional Law* (2014), Vol. 12 No. 1, 94-103.
- Group B: M. Rasmussen, 'Revolutionizing European law: A history of the Van Gend en Loos judgment', *Int J Constitutional Law* (2014), Vol. 12 No. 1, 136-163
- Group C: D. Chalmers and L. Baroso, 'What Van Gend en Loos stands for', *Int J Constitutional Law* (2014), Vol. 12 No. 1, 105-134.

Assignment

**** You will need to hand in a hard copy of your assignment to be admitted in class ****

Answer the following questions briefly and in writing (2 pages max in total). Be prepared to discuss them in class.

1. What is the principle of primacy of EU law?
2. In your own national legal order, when was the primacy principle recognised by the Supreme court(s)?
3. What are the key points in the article you read? Make full sentences to explain them.
4. Note three difficulties you have encountered in your reading
5. Note three things you have learned in this article
6. Write at least one question and up to three questions you want to raise for discussion

Class discussion

Groups will have 15 minutes in class to select questions from their members and write them on the board before the discussion is open.

Seminar 3. 2 October

Direct Effect

This class will cover:

- Direct effect and indirect effect (presentations, discussion, lecture)
 - Vertical and horizontal direct effect
 - Direct effect of regulations and decisions
 - Direct effect of directives: vertical direct effect, absence of horizontal direct effect
 - Indirect effect (interpretative obligation)
 - Effects of interpretive obligation between private parties ('exclusionary effect')

Mandatory reading

Read the cases mentioned below (under 'Presentations') and chapter 5 of *Understanding EU Law*. For this class, you can skip section III (Developing the Effectiveness of Union Law).

Further reading

- Craig & De Búrca, chap. 7
- M. Bobek, The effects of EU law in the national legal systems in C. Barnard and S. Peers (eds), *European Union Law*, OUP, 2014

Assignment

All students: based on the readings, prepare arguments for the class discussion. Focus on defending the position assigned to your group. The readings mentioned in the 'further reading' section will help you.

Presentations

- 1 Case 26/62, Van Gend en Loos, EU:C:1963:1
- 2 Case 41/74, Van Duyn, EU:C:1974:133, esp. para. 12
- 3 Case C-91/92, Faccini Dori, EU:C:1994:29
- 4 Case C-106/89, Marleasing, EU:C:1990:395
- 5 Case C-194/94, CIA Security International, EU:C:1996:172

Class discussion

Group A: Directives should have horizontal direct effect

Group B: Directives should not have horizontal direct effect

Group C: One should draw a distinction between exclusionary effect and other types of direct effect

Seminar 4. 9 October

Remedies before national courts: procedural autonomy and the principle of effectiveness

This class cover how EU law is implemented, the role of national courts and their duties. The focus of our discussions will be the legal principles that govern the extent to which national court must set aside national rules of procedure to give full effect to EU law.

Mandatory reading:

- Craig and De Burca, chapter 8
- Cases mentioned below under ‘presentations’

Presentations

- Procedural autonomy and requirements imposed on national remedies for breach of EU law: equivalence, effectiveness and practical possibility
- 6 Case C-33/76, Rewe-Zentralfinanz, EU:C:1976:188, esp. para 5-6.
 - Effectiveness requirement: a far reaching principle
 - 7 Case C-213/89, Factortame, EU:C:1990:257, esp. para. 19-21.
 - State Liability: a remedy derived from the principle of effectiveness
 - 8 Cases C-6/90 and C-9/90, Francovich and Bonifaci, EU:C:1991:428, esp. para. 29-36.
 - 9 Case C-46/93 and C-48/93, Brasserie du Pêcheur The Queen/Secretary of State for Transport, ex parte Factortame, EU:C:1996:79, esp. para. 20-29.
 - State Liability for violation of EU law by a national court adjudicating in the last instance
 - 10 Case C-224/01, Köbler, EU:C:2003:513, esp. para. 33-36.
 - Further implication of the principle of effectiveness remedies for breach of the treaty by private parties
 - 11 Case C-453/99, Courage v Crehan, EU:C:2001:465, esp. para. 25-28.

Class discussion

Group A: Procedural autonomy is an essential principle in the EU constitutional legal order and should be preserved

Group B: Let's face it: Procedural autonomy is dead

Group C: Why procedural autonomy must be limited and what are the guiding principles

Further reading

- Leo Flynn, When national procedural autonomy meets the effectiveness of Community law, can it survive the impact?, ERA Forum (2008) 9:245–258
- **Group B** should take a look at judicial cooperation in civil and commercial matters. An overview of policy and existing instruments in this area is available on the Commission's webpage

<p style="text-align: center;">Seminar 5. 16 October General Principles in the EU Legal Order</p>

This seminar will focus on how general principles of EU law work and what sort of effects they may trigger. We will pay attention to who can rely on them and in what sort of situations. Particular attention will be given to links with direct effect and the discussion from Seminar 3.

All students from groups A and B should be prepared to engage in discussion with students from group C on the claim they will defend (see below). The best way to prepare it to keep the discussion questions in mind when you do the readings and make notes.

Mandatory reading:

- Craig & De Búrca, Chapter 11, section 3 and 4 ('The ECJ discovers general principles of EU Law' and 'The ECJ develops general principles of EU law', pp. 364-371)
- Craig & De Búrca, Chapter 7, section 6 (c) on general principles of law (pp. 211-213)
- Cases mentioned below under 'presentations' and additional documents on AMS

Presentations

Seminal ECJ case law on general principles (12 and 13) and more recent developments (14, 15 and 16)

- 12 Case 11/70, Internationale Handelsgesellschaft, EU:C:1970:114, esp. para 3-4.
- 13 Case 4/73, Nold v Commission, EU:C:1974:51, esp. para 13-14.
- 14 Case C-144/04, Mangold, EU:C:2005:709
- 15 Case C-555/07, Küçükdeveci, EU:C:2010:21

Assignment

Based on the readings, gather arguments for the class discussion. Focus on the position your group advocates.

Don't forget your vocabulary list.

Class discussion

Group A: Faccini Dori has been overruled by Mangold and Küçükdeveci

Group B: Faccini Dori is still good law

Group C: What if general principles had horizontal direct effects? (try and anticipate consequences that would follow)

Seminar 6. 23 October The Charter of Fundamental Rights
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This seminar will be concerned with the protection of fundamental rights in the EU legal system and, more specifically, the interplay between two instruments of protections, i.e. general principles of EU law and the Charter. We will add the third instrument, the European Convention of Human Rights (ECHR) to the discussion in the next seminar.

We will review recent case law on the scope of application of the Charter and on direct effect. For this second theme, you should make links with the discussion in the previous seminar on direct effect of general principles.

Mandatory reading

- The Charter of Fundamental Rights. Pay special attention to title VII (articles 51-54)
- Craig & De Búrca, chap. 11 (section 1-7)
- Case C-176/12, Association de médiation sociale (AMS)
- N. Lazzarini, Case note on AMS, *CMLRev* 2014, 907

Further reading. Reference books on the Charter (available at Graulich library)

- Steve Peers, Tamara Hervey, Jeff Kenner, Angela Ward (eds), *The EU Charter of Fundamental Rights: A Commentary*, Hart, 2014.
- Di Federice, G., *The EU Charter of Fundamental Rights: From Declaration to Binding Instrument*, Doderecht: Springer, 2011.
- Burgorgue-Larsen, L., Levade, A., Picod, F. (dir.), *Traité établissant une Constitution pour l'Europe. Partie II. La charte des droits fondamentaux de l'Union : commentaire article par article*, Tome 2, Bruxelles: Bruylant, 2005.
- Feus, K., *The EU charter of fundamental rights*, London: Kogan Page, 2001.

Assignment

Answer the following questions:

- When you read the Charter, did you discover anything you did not expect to find there?
- What are the most important facts, points of law and opinions that you have come across in the readings for this class? Name 3 in each category.

Don't forget to update your vocabulary list!

Presentations

Five cases (16-20) deal explicitly with the scope of application of the Charter. The last one (21) pertains to the scope of EU law in other contexts.

Scope of application of the Charter

- 16 Case C-617/10, Åkerberg Fransson, EU:C:2013:105
- 17 Case C-390/12, Pflieger, EU:C:2014:281
- 18 Case C-206/13, Siragusa, EU:C:2014:126
- 19 Case C-427/06, Bartsch, EU:C:2008:517 (scope of application of EU law)
- 20 Case C-628/11, Jet Management, EU:C:2014:171 (scope of application of article 18 TFEU)

Direct effect of the Charter

- 21 Case C-176/12, Association de médiation sociale (AMS), EU:C:2014:2

Two additional documents on AMS are available on eCampus: the judgment of the referring court (Cour de cassation of France) and the notes for the oral submission of the Commission at the Court hearing. Both documents are in French.

Class discussion

Be prepared to discuss the following questions in class. The discussion will not take the form of a debate among groups this time. All students must prepare all three questions.

- Why are cases like *Bartsch* or *Jet Management* relevant to the discussion on the scope of application of the Charter?
- What are the criteria used by the Court to decide whether a situation falls within the scope of EU Law? Answer this question for all 5 cases relating to scope of application and then compare your answers. Do you think the reasoning of the Court is consistent?
- Can you identify different lines of reasoning used by the Court? How many? Describe them briefly.
- Is the holding of the Court in AMS consistent with *Küçükdeveci*? Explain why.

Seminar 7. 30 October

Protection of Fundamental Rights in the EU: The New Architecture

In this seminar we will discuss issues raised by the accession of the EU to the European Convention of Human Rights. We will discuss the current state of accession negotiations and look into the points of view of various institutional actors as well as several scholars.

Mandatory reading

- Craig & De Búrca, Chapter 7, section 9 ‘The EU and the ECHR’, pp. 399-406.
- Joint communication from Presidents Costa and Skouris, 24 January 2011 http://curia.europa.eu/jcms/upload/docs/application/pdf/2011-02/cedh_cjue_english.pdf
- Draft revised agreement on the accession of the European Union to the Convention for the Protection of Human Rights and Fundamental Freedoms http://www.coe.int/t/dghl/standardsetting/hrpolicy/Accession/Meeting_reports/47_1%282013%29008rev2_en.pdf
- Johan Callewaert, “To accede or not to accede: European protection of fundamental rights at the crossroads”, *European journal of Human Rights*, 2014/4.
- Gráinne De Búrca, “After the EU Charter Of Fundamental Rights: The Court of Justice as A Human Rights Adjudicator?”, *Maastricht Journal of European and Comparative Law*, Vol. 20 (2013), pp. 168-184.

Additional reading

- Verica Trstenjak, “The growing overlap of fundamental freedoms and fundamental rights in the case-law of the CJEU”, *E.L. Rev.*, 2013, 38(3), 293-315
- Monica Claes and Šejla Imamović, “Caught in the Middle or Leading the Way? National Courts in the New European Fundamental Rights Landscape”, *European journal of Human Rights*, 2013/4, 625.
- Jean-Paul Jacqué, “The Accession of the European Union to the European Convention on Human Rights and Fundamental Freedoms”, 48 *CMLRev.* 2011, pp. 995-1023.
- J.H.H Weiler, Nicolas J.S. Lockhart, “‘Taking rights seriously’ seriously: The European Court and its fundamental rights jurisprudence – part I and II”, 32 *CMLRev.* 1995, Issue 1, pp. 51–94 and Issue 2, pp. 579–627.
- J-C. Juncker, Report to the Council of Europe, *Council of Europe - European Union: A sole ambition for the European continent*, 2006 : http://www.coe.int/t/der/docs/RapJuncker_E.pdf

Presentations

- 22 Accession: How Does it Work? (the EU legal framework)
- 23 Accession: The Draft Treaty - overview
- 24 How will the EU Judge to the European Court of Human Rights be Appointed?
- 25 Accession: What Will it Change for the Court of Justice? – De Burca
- 26 Accession: Council of Europe Point of View – Johan Callewaert

Seminar 8. 6 November

Non-discrimination

This seminar will be devoted to the general principle of non-discrimination. This principle has several dimensions: EU law prohibits, among others, discrimination on grounds of nationality, on grounds of sex, on grounds of age. We will look at various legal expressions of this principle and focus on recent case law dealing with discrimination on grounds of age, sexual orientation and race.

Mandatory reading

- Articles 8, 10, 18, 19, 153 and 157 TFEU
- Articles 20 to 26 of the Charter of fundamental rights
- Cases and documents listed below under 'Presentations'

Further reading

- Craig and De Burca, Chap. 24, p. 891 sq. and Chap 15, section 4 d), p. 538 sq.
- Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, OJ L 180, 19.7.2000, p. 22–26.

Assignments

1. Make a list of all types of discrimination that are prohibited under EU law. Does the prohibition have the same force in all cases? Explain why.
2. Imagine you work for the administrative court of Munich, which referred a question to the Court in the *Maruko* case. You receive the Court judgement and you have to prepare a draft for your court's own judgement in the case at hand. Do you think the situations are comparable? Explain why.
3. What is the Fundamental Rights agency and what does it do?

Presentations

Discriminations on grounds of sex

- 27 Early case law on equal pay: Case 149/77, *Defrenne v Sabena*, EU:C:1978:130; Case 96/80, *Jenkins*, EU:C:1981:80; and Case 262/88, *Barber*, EU:C:1990:209
- 28 Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), OJ L 204, 26.7.2006, p. 23–36: what does the directive add to the early case law?
- 29 Case C-236/09, *Test-Achats*, EU:C:2011:100

Discriminations on grounds of sexual orientation

- 30 Case C-267/06, *Maruko*, EU:C:2008:179

31 Case C-81/12, *Accept*, EU:C:2013:275

32 Report on the EU Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity by Ulrike Lunacek, MEP, Committee on Civil Liberties, Justice and Home Affairs, (2013/2183(INI))

Discriminations on grounds of race

33 Case C-54/07, *Feryn*, EU:C:2008:397

Seminar 9. 13 November Privacy in the Digital Age
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In this seminar, we will focus on two recent cases relating to the protection of online privacy: Google Spain and Digital Rights Europe. They will provide a starting point for a discussion on the broader question of whether EU Privacy law is suited to the digital age.

Mandatory reading

- The two cases mentioned below under 'Presentations'

- F. Borgesius, 'Privacy Notice for Dummies' in A. Alemanno and A.-L. Sibony, *Nudge and the Law: What Can EU Law Learn from Behavioural Sciences?*, Oxford: Hart Publishing, 2015 (forthcoming).

- F. Ferretti, 'Data protection and the legitimate interest of data controllers', *Common Market Law Review* 51: 843–868, 2014.

Additional reading

You will find interesting posts on these two cases and related issues, notably on *EU litigation* and *EU Law Analysis*:

<http://eulawanalysis.blogspot.be>

<http://eulitigationblog.com>

Presentations

34 Case C-131/12, Google Spain, EU:C:2014:317

35 Joined cases C-293/12 and C-594/12, Digital Rights Europe Ltd and others, EU:C:2014:238

Class discussion

** 20 November: Court visit (Day trip to Luxembourg) **
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Go to bed early the night before!

<p>Seminar 10. 27 November</p> <p>Duty to give reasons, with Margaret Gray</p>
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This seminar will be co-taught with Margaret Gray, barrister (London and Dublin).

Mandatory reading

- Article 296 TFEU
- Craig and de Burca, Chap 15, section 3 c), p. 522 sq.
- Catherine Donnelly, “Transparency, Reasons and the Europeanisation of Public Law”, in K. Bradley, N. Travers, A. Whelan (eds), *Liber Amicorum in Honour of Nial Fennelly*, Hart Publishing, 2014
- Cases listed below under ‘Presentations’ (facts, dispute and section on duty to give reasons)

Assignment

1. What is the rationale generally for a decision-maker being obliged to give reasons? How does it fit with other rights of the defence?
2. What provisions in the EU Treaty and EU Charter of Fundamental Rights provide a right to reasons?
3. What provisions in your national constitution or laws provide a right to reasons?
4. Are administrative decision-makers and judicial decision makers held to a different standard as regards their respective duties to give reasons, either in EU law or otherwise (consider, in particular, the judgment in C-205/11 P UEFA v Commission)? If yes, what are the reasons for this?
5. Can a lack of explicit reasoning be justified on the basis that it is implicit? If yes, what is the justification given by the ECJ and do you find it convincing?

Presentations

- 36 Case C-367/95 P, Commission v Sytraval and Brink’s France, EU:C:1998:154
- 37 Case C-521/09 P, Elf Aquitaine v Commission, EU:C:2011:620 and Case C-520/09 P, Arkema v Commission, EU:C:2011:619
- 38 Case T-256/07, PMOI I, EU:T:2008:461
- 39 Case C-205/11 P, FIFA v Commission, EU:C:2013:478
- 40 Case C-243/12 P, FLS Plast v Commission, EU:C:2014:2006

<p style="text-align: center;">Seminar 11. 4 December Transparency and Openness</p>

Mandatory reading

- Article 42 of the Charter
- Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43–48
- Decision of the European Ombudsman 297/2010(ELB)GG
- Alberto Alemanno, “Unpacking the Principle of Openness in EU Law: Transparency, Participation and Democracy”, *ELRev*, 2014/1.
- Cases under ‘Presentations’

Further reading

- K. Lenaerts, “‘In the Union We Trust’: Trust-Enhancing Principles of Community Law”, *CMLRev*, 41: 317-343(2004)

Assignments

- Read Regulation 1049/2001 on access to documents and write down your impressions. You will be able to discuss them briefly with your group at the beginning of the class. Each group will report to the class.
- If you do not know who the European Ombudsman is and what is his mandate, look it up on the Europa website. Then read the decision 297/2010(ELB)GG (on access to a Commission document).

Presentations

- 41 Decision of the European Ombudsman, 297/2010(ELB)GG
- 42 Case C-127/13 P, Strack v Commission, ECLI:EU:C:2014:2250
- 43 Case C-350/12 P, Council v Sophie in 't Veld, ECLI:EU:C:2014:2039
- 44 Case C-365/12 P, Commission v EnBW Energie Baden-Württemberg, ECLI:EU:C:2014:112
- 45 The distinction between transparency and openness (Alberto Alemanno)

Class discussion: Is transparency going too far?

Group A: there is not enough transparency (find examples)

Group B: transparency is going to far (discuss specific examples)

Group C: transparency is not the whole story, what matters is openness

Seminar 12. 18 December
Presentations, exam preparation

Presentations

- 46 Case C-288/12, Commission v Hungary, EU:C:2014:237
- 47 Case C-129/14 PPU, Spasic, EU:C:2014:586
- 48 Opinion of the AG in Case C-148/13, A., EU:C:2014:2111
- 49 Case C-363/12, Z., EU:C:2014:159
- 50 Case C-173/13, Leone, EU:C:2014:2090

Assessment Form Oral Presentations

Criteria and prompt questions	Unacceptable	Acceptable	Good	Very good	Impressive	Comments (e.g. identify particular strengths or suggestions for improvement)
Audibility Can you hear clearly throughout?						
Pace Is the pace of the speech, or flow of ideas, too fast or too slow?						
Fluency Is the speech pattern fluent, indicating familiarity with the material and rehearsal of delivery?						
Tone and Energy Is there sufficient variation in tone? Does the presenter seem enthusiastic?						
Eye Contact Is the presenter making eye contact across the audience and avoiding becoming note-bound?						
Body Language and Gesture Is the presenter's posture upright and confident? Does their movement and gesture enhance, not distract from, what they are saying?						
Appropriateness to the Audience Is the content and approach relevant, interesting and engaging?						
Structure and Cohesion Was the structure clearly outlined? Is the order logical and easy to follow? Is it signposted throughout? Is the balance of various elements effective? Is timing accurate?						
Use of Visual Aids Is there a suitable amount? Are they easy to read? Do they effectively support the oral delivery? Does the presenter use them competently?						