

Course information Transnational Course Law and Governance

[The purpose of this course information is to support students with the processing of what they have to learn.]

1. Prerequisites

At the start of this course the student should have acquired the following competences:

- an active knowledge of
 - English
- general knowledge of the use of a PC and the Internet
- specific prerequisites for this course: Bachelor in Law

2. Learning outcomes

At the end of this course the student will be able to:

- to understand the transnational aspects of the subject matters dealt with;
- to critically reflect on the spatial and temporal relativity of law in the subject matters dealt with;
- to demonstrate insight in aspects of border-crossing legal problem solving, such as identification and legal qualification of relevant facts, selection and interpretation of the applicable law and identification of interests involved;
- to demonstrate insight in the development of law across the traditional national boundaries of legal systems;
- to be able to understand societal challenges posed by contemporary transnational problems in a global world.

3. Course contents

- **International Sports, International Law and Human Rights: Between Cooperation and Conflict - Carmen Pérez González (Universidad Carlos III Madrid)**

The module will explore the relationship between international sports, international law and human rights. Although allegations about human rights abuses in connection with sports organizations' activities are not new, those abuses have been usually overshadowed. With self-regulation being a traditional claim of the sport movement, national and supranational institutions have met with serious difficulties when intervening in the sector. Sports authorities have traditionally called for independence and normative and organizational autonomy, with the settlement of sporting controversies by an international Court of Arbitration for Sport (CAS). The sport movement tends to apply its own set of rules and procedures, its own *Lex sportiva*. In this context, it seems obvious why national and international courts and human rights monitoring bodies have only intervened in a limited way in sporting disputes. The module will explore how this situation is coming to an end to give a step to a renovated relationship between sports organizations and international human rights law. It will analyse different evidence that would support this conclusion.

- **A European View on Global Constitutional Law (GCL) - Diletta Tega (University of Bologna)**

The module comprises a theoretical introduction and the discussion of some salient cases. The introduction highlights the emergence of constitutional law 'beyond the state' (global constitutional law or GCL) and discusses some scholarly attempts to theorize it and put it in relation with national constitutional law (works by authors such as Dieter Grimm, Anne Peters and Mattias Kumm). The cases (such as the Achmea decision and the Taricco saga) focus on the EU system, both in its perception of itself as a peculiar legal (constitutional order), and on some critical interactions with the national constitutional systems, with their own specific identities and features. The cases focus both on the criticalities of the relationships between national legal orders and GCL and on the role gained by judicial review in defending constitutional national identities.

- **Interpretation of the European Convention on Human Rights - Maša Marochini Zrinski (University of Rijeka)**

The European Convention on Human Rights, being a human rights treaty where numerous provisions have been drafted with a lack of precision, is subject to interpretation by the ECHR. The interpretative methods of the Court can be divided in two groups, related to the direction in which the judicial creativity led. Judicial self-restraint methods of interpretation include methods like intentionalism, textualism and the margin of appreciation. Judicial activist methods of interpretation are the living instrument doctrine or evolutive interpretation, the doctrine of effectiveness or innovative interpretation, and the doctrine of an autonomous concept. All those interpretative methods can be derived from the teleological interpretation contained in the Vienna Convention on the Law of Treaties. Case-law and recent developments in using interpretative methods by the ECtHR will be considered, together with the problematic issues arising from it.

- **EU Constitutionalism and Protection of the EU Member States' Constitutional Identity - Władysław Józwicki (Adam Mickiewicz University Poznań)**

The module deals with recent transformations of the European constitutional order when it comes to EU law and its relation towards the EU Member States' constitutional systems. It focuses on the new wave of discord between the CJEU and the Member States' (mainly) constitutional courts, which is oriented around the issue of constitutional identity of the Member States, to protection of which the EU is obliged under art. 4(2) TEU. The recent case law on the matter of both the CJEU and selected Member States' courts (Germany, Italy, Poland, Hungary, Denmark) will be covered by identifying patterns and highlighting the most important concepts behind it. The implications of this case law for the future development of the constitutional order within the EU will be critically assessed both from the perspective of EU constitutionalism and of domestic constitutions. Finally, the search for a way out of the collision course on which the CJEU and Member States' courts have found themselves will be explored.

4. International dimension

- The course has an international dimension.
 - The lecturer teaches in a language other than Dutch
 - The lecturer uses course materials in a foreign language
 - Students learn to write papers in another language
 - The lecturer invites international and/or foreign language speaking guest lecturers
 - The lecturer teaches the subject of the course mainly as an internationally oriented comparison
 - The lecturer gives information about his own cultural frame of reference in relation to other perspectives

5. Teaching method and planned learning activities

5.1. Teaching method

- **Class contact teaching**
 - **Lectures**

5.2. planned learning activities and teaching methods

[the planning presented below is indicative and aims to give the student a chronological overview of his/her lessons and/or assignments.]

| | | | |
|----------------------|---------------------------------|-----------------------------------|---------------------------------|
| Prof. Tega | Monday 8 February, 13:00-16:00 | Thursday 11 February, 13:00-15:00 | Friday 12 February, 16:00-19:00 |
| Prof. Perez Gonzalez | Monday 22 February, 13:00-16:00 | Thursday 25 February, 18:00-20:00 | Friday 26 February, 16:00-19:00 |
| Prof. Zrinski | Monday 8 March, 13:00-16:00 | Thursday 11 March, 13:00-15:00 | Friday 12 March, 16:00-19:00 |
| Prof. Jozwicki | Monday 26 April, 13:00-16:00 | Thursday 29 April, 13:00-15:00 | Friday 30 April, 16:00-19:00 |

6. Assessment method and criteria

6.1. Used assessment methods

- Examination
 - Written without oral presentation
- Written assignment
 - Without oral presentation

6.2. Assessment criteria

Assessment per module will be by a written exam (open questions and/or multiple choice) or by a written assignment on a pass/fail basis. Students must obtain a pass on the three modules to obtain a pass for the course. A resit is organised for modules where no pass has been obtained.”

7. Study material

7.1. required reading

All necessary reading material will be made available via Blackboard.

8. Contact information

All questions concerning the transnational law courses can be directed to the International Office Law
<InternationalOffice.Law@uantwerpen.be>.

10. Use of Blackboard

- Information
- Communication