Law and Legal Skills: IT for lawyers

RGPEE510BD.2015-2016

Prof. Dr. G.P. Mifsud Bonnici
G. J. Ritsema van Eck, MA
L. Houwing, LLB
Logging in

› Eduroam (wifi)
  - s123456@student.rug.nl & password

› Computers and student portal
  - s123456 & password
Week 1

› Overview of the course
› The EU
› Referencing
› European Union Legislation
  • Where to find it
  • How to cite it
Overview of the course

› Weekly sessions
› Two assignments

› Deadlines at 5.00pm (17:00) sharp
  • Assignment 1: Friday the 23\textsuperscript{th} of September
  • Assignment 2: Friday the 21\textsuperscript{th} of October
  • Resit 1: Friday the 7\textsuperscript{th} of October
  • Resit 2: Friday the 4\textsuperscript{th} of November
Teachers

- Prof. Dr. G. P. Mifsud Bonnici
- G. J. Ritsema van Eck MA
- L. Houwing LLB
- Drs. I. Benningsen
Resources

› Student portal
  ▪ Syllabus
  ▪ Worksheets
  ▪ Assignments
  ▪ Announcements

› Libguides.rug.nl/
  ▪ legalskills
  ▪ europeanlaw
  ▪ internationallaw
Part 1 – The Treaties

European Union

› Treaty on European Union (TEU)
› Treaty on the Functioning of the European Union (TFEU)
› Charter of Fundamental Rights
### The EU: A crude history

<table>
<thead>
<tr>
<th>Founding</th>
<th>Renumbering</th>
<th>EEC/EC</th>
<th>EU</th>
<th>Lisbon Charter</th>
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<td>Amsterdam</td>
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Referencing: What is it?

Weatherill refers to these judgments as "corruptions in EU internal market law -- corruptions of the Court’s otherwise rather good track record in striking a balance between market deregulation and protection of social, cultural and political values delivered by the Member States." The real complaint appears to be that the Court’s evaluation of the proportionality of the industrial action was unannounced and insensitive to the justifications advanced, and that the Court should have been more willing to grant the national regulator a margin of discretion. With great respect, it should be recalled that the Court has rightly refused to allow sectors of national law to be protected from European scrutiny on the ground that they are special or sensitive, and the Court was right not to call open season for attempts to prevent people from taking advantage of the freedoms of the internal market. It had already found that maintaining industrial peace as a means of bringing a collective labour dispute to an end and thereby preventing any adverse effects on an economic sector could not constitute a reason relating to the general interest that justifies a restriction of a fundamental freedom guaranteed by the Treaty. As well-known, economic justifications will not be accepted by the Court. While, as will be discussed below, there has been a degree of latitude in the face of peaceful, short-term protests, systematic use of industrial action to torpedo the exercise of fundamental freedoms will quickly be found to be excessive, particularly when protests are of a violent and aggressive nature.

These cases relating to labour disputes almost always involve a collective element, which is designed to have private market regulatory effects (ensuring compliance with the collective agreements). The collective element is also present in cases such as

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60. S. Weatherill, Viking and Loyalk: The EU Internal Market Perspective, in FRANS LAGE AND BEYOND, supra note 58.
61. Id. at 35-39.
Referencing: Why?

› To acknowledge sources
› To help readers
› To avoid plagiarism
  - Theft of ideas: a capital sin in academia
  - Failing courses, getting expelled
Referencing: How?

› Complete, clear, consistent citations

› Use prescribed citation styles
  • For example: Harvard, MLA, Chicago, APA, leidraad juridische auteurs

› We use the Oxford University Standard for the Citation Of Legal Authorities (OSCOLA)


EU legislation

› Legislation is
  • Binding; and
  • Made by legislators
    - Commission
    - Parliament
    - Council

› Directives
› Regulations
› Decisions
See you next week

› Finish the worksheet
› Read section 2.6.1 of OSCOLA and section on EU cases in the online OSCOLA FAQ
› Questions? Drop by during Gerard Ritsema van Eck’s office hours:
  • Mondays 10-11
  • Tuesdays 15-17
  • Wednesdays 10-12