

Law Faculty of the

Georg-August University

Special Focus Area 5: International and European Public Law

1. Subject

The special focus area "International and European Public Law" covers inter­national law, European law, international business law as a particular branch of inter­national law, and European and comparative constitutional law. The special focus area is divided into a compulsory area and an options area, in each of which two special focus ar­ea classes have to be taken. In the compulsory area, a written examination has to be taken in the area of international law/international business law, and a written examination in the area of European law. In the options area, students are able to select lectures from the individual component areas of the special focus area in line with their interests and inclinations (thus, for example, only international law or only European law or only international business law). The options area includes numerous classes offered in English. By passing an examination in English, students can simultaneously gain the foreign lan­guages certificate required under Article 4 Para. 1 No. 1 d of the NJAG (Lower Saxony Law on the Training of Lawyers). At the end of this description you will find a list of the class­es as well as a diagram that summarises the order in which they are taught.

1. Teachers

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3. Classes

a) International Law

In an era that applies the term "globalisation" to itself, international law is acquiring grow­ing significance. The German Foreign Service, international organisations, enterprises and solicitors' firms, as well as non-governmental organisations, require lawyers who have a grounding in internati­onal law. "Soft" skills are also taught, such as, for example, passive and active command of the English language and, in practical classes such as court­ role plays and the "Model United Nations", international contacts and ability to work in a team. General international law includes the legal foundations of the international and glob­al community. The particular feature of international law is that at the global level there is no guaran­teed public monopoly of power and neither is there a central legislative authority or central auth­ority for the administration of justice. Law is made by agreement between states or through state ­practice in conjunction with the corresponding belief in the right to do so. Sub-sections of international law are, for example, United Nations law, the law governing global trade, the law of diplomacy and consular law, international environmental law, international human rights law, maritime and space law, as well as international criminal jurisdiction. In Germany, the courts are obliged under Arts. 24, 25 and 59 Para. 2 of the Basic Law to apply international law. But international law also plays a role in the application of domestic or European standards.

Increasingly, there are trends towards a hierarchy being created within international law: to begin with, a comprehensive constitution, particularly in relation to world peace and international security, was attempted with the United Nations' Charter; by the beginning of the 21st century, the institutio­nalisation of other aspects had also been achieved, most significantly the World Trade Organisation (WTO) and the International Criminal Court (ICC). International business law is developing into an important specialism within international law (see c below). With the development of human ­rights, the international legal system is moving beyond the scope of regulating inter-state relations; with international organisations, global enterprises and non-governmental organisations, non-state actors are achieving growing significance. International criminal law has experienced an enormous boost through the establishment of the International Criminal Court (ICC).

The international law compulsory section of the special focus area is made up of the lecture International Law I in the winter semester and the special lecture International Law II (Public International Law II) in the summer semester.

Both are offered as two-hour lectures. The lecture International Law I largely deals wi­th the basic rules of international law, in particular the subjects of international law; the state and its borders as well as state succession; the sources of international law; the law governing internation­al treaties, as well as the basic rights and obligations of states and liability under internatio­nal law. At the centre of the Public International Law II lecture stand the United Nations and a variety of specialist areas of international law.

The international law classes in the options area are divided into special lectures, semina­rs and consolidation classes. Where there is a choice of lectures available, the lecture not chosen in the compulsory section may be taken as an option. International jurisdiction is the special focus of the consolidation lecture "Cases and Developments in Public International Law", in which classical and topical cases before international courts are discussed. In addition, there is a regular lecture on international protection of human rights ("International and Eu­ropean Protection of Human Rights"). Alongside this, classes can be taken in Internati­onal Criminal Law (International Criminal Law; European Criminal Law; Cases and Developments in International Criminal Law).

Seminars are offered in topical and fundamental subject combinations. Among the consolid­ation classes there are also practice-based classes, such as the annual international Jessup Moot Court, for which Göttingen normally puts together and looks after a team, and the Model United Nations in cooperation with the Göttingen Model United Nations Society. These class­es offer valuable practical experience and the chance to make contacts with lawyers who work internationally.

b) European Law

European law has taken on a life of its own in the time since its roots in international law, and has today become a body of law with a claim to independence. It stands between international law and state law, but continues to have significant links to both legal sys­tems. European law has, from its very beginning, been shaped by its own dynamic, described by the catchword of European integration. A large number of subject areas of natio­nal state and administrative law are "Europeanised" today, and in this way the pro­visions of European law help shape or even transform them. For this reason, European law is of crucial significance to the practice of law: every solicitor or barrister, company lawyer, judge or administrative official has to observe overriding and directly applicable European law. With the entry into force of the Lisbon Treaty the process of European integration has entered a new phase. The centre of attention is the European Union (EU), which via the European protection of basic rights extends into the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and oth­er adjacent supra-national legal systems.

The compulsory European Law section of the special focus area is made up of the lecture Eu­ropean Law I (Institutional Law) or European Administrative Law in the winter semester and the lecture European Law II (Law of the European Internal Market) in the summer semester.

The lectures are in each case designed to last two hours. They build on the lecture Bases of European Law, which as the European-law addition to the lecture Constitutional Law III is already a component part of the compulsory course. In the special focus area, students are assumed to be familiar with the material from the lecture.

The lecture European Law I focuses on a more in-depth examination of institution­al law (EU, idea of European integration, structural principles, bodies and responsibilities, authority, law-making, implementation, protection of rights, EU citizenship, and basic rights).

The lecture European Administrative Law focuses on the implementation of Union­ law both within the context of the self-government of the European Union and its subdivision and in the administrative grouping with the member states. Lecture subjects are, among other things, the role of the agencies, the "comitology", the repeal of administrative acts in the context of union law, state liability, procedural rights, as well as the relationship between citizen and the power of the Union.

The lecture European Law II focuses on EU business law, i.e. on the law of the inter­nal market (basic freedoms, the bases of law governing competition and state aid, public compa­nies and public services). Furthermore, also covered are the economic and monetary union (Art. 127 et seq. of the Treaty on the Functioning of the European Union) as well as the EU's common trade policy (Art. 206 et seq. of the Treaty on the Functioning of the European Union). The lecture essentially provides an overview of the EU's policies.

In the European Law options area, the knowledge acquired in the compulsory area should be consolidated and extended. The two-hour lecture European and Comparative Constitutional Law, which is not offered every year, focuses on the development of a European constitutional law­. This lecture essentially covers the interweaving of national and European cons­titutional law. The lecture "Current European-law Case Law" records more recent practice, in p­articular that of the European Court of Justice as well as both institutional and substantive Europea­n law, and discusses this in the style of an oral examination. In addition, European Criminal Law and Law of Jurisdiction is offered as an options module.

Added to that there are the European-law Special Classes (e.g. examination-preparation courses, case studies, class­es by guest lecturers), which are offered each semester on different European-law subjects (e.g. European and national environmental law, fundamental and civil rights in Europe, European procedur­al law; security and defence policy in Europe, etc.). Within the special focus area, European-law seminars are regularly offered. One special feature is the classes offered by the Institute for Agricultural Law within Special Focus Area 5, which thema­tically belong to the area of the special European administrative law.

c) International Business Law

Cross-border business activity is the foundation of globalisation - the regulation of su­ch business activity is one of the greatest challenges for international politics. The leg­al framework for multinational companies, trade, foreign investment and international li­censing transactions is substantially marked out through the agreements between states - thus the law of the World Trade Organisation (WTO) is of material importance. This so-called international bus­iness law is extensive but not comprehensive. Even regional regulations and national laws mus­t therefore be incorporated into a single approach, just like the law created by bus­iness itself. Incidentally, a good fifty years ago this more far-reaching perspective led to the foundation of the Department of International Business Law, at what is today the Institute for International Law and Eu­ropean Law at the University of Göttingen. This foundation was ground-breaking for its time. By including the Eu­ropean Union's foreign trade law, the lecture International and European Business Law takes account of this wider perspective. This class may be chosen as a compulsory module as an alternative to the Internat­ional Law I class.

It covers:

* Basic structures and the institutional foundation of the international business law system as it has developed
* Different functions - law-making, implementation, inter-state dispute settlement, pro­tection of rights at national, European and international level
* Substantive principles - market access, non-discrimination and protection of competition
* Individual areas - trade, liberalisation of the provision of services, technical trade restrictions, protection of copyright, anti-dumping, subsidies
* Developments and prospects - the WTO as part of the international system, controversial references to human rights and social standards.

The further lecture "Cases and Developments in International Economic Law" in the options area is aimed, as an English-language immersion, at those who already have advanced know­ledge of the English language, and should serve to provide an overview of the predominantly English-language original materials in international business law. In so doing, the "leading cases" from WTO dispute settlement as well as arbitral awards by the Inter­national Centre for the Settlement of Investment Disputes, inter-state treaties and WTO and UNO documen­ts are examined.

The international business law course is aimed at those interested in international, European and business law. Here, the bases of international law, from law-mak­ing and implementation, and the relation with national law, through to the rights of the individual, are enlarged upon in an exemplary way. Among the particular challenges of today's international law system and its further development are the issues of intersection between the WTO system and other regulatory areas, protection of human rights, social standards and internationa­l environmental law. Given that developments in European law follow the standards of the WTO ever more frequently, the subject of "International Business Law", with its striking parallels and con­trasts, completes the European law course. Even an internationally-oriented training in busin­ess law barely gets around the subject.

4. Overview (see also appendix)

1. Lectures in the compulsory field of the special focus area (8 SWSs)

* International Law I (winter semester; 2 SWS; 4 ECTS; Pre-condition: Knowledge acquired from the Administrative Law III class) or International Business Law (winter semester, 2 SWS; 4 ECTS)
* Public International Law II (International Organization) (summer semester; 2 SWS; 4 ECTS; Pre-condition: Knowledge acquired from the International Law I class)
* European Law I (winter semester; 2 SWS; 4 ECTS) Pre-condition: Knowledge acquired from the Bases of European Law class or European Administrative Law (winter semester, 2 SWS; 4 ECTS)
* European Law II (summer semester; 2 SWS; 4 ECTS Pre-condition: Knowledge acquired from the European Law I class)

In case of classes offered as alternatives, the classes not chosen may be taken as options.

1. Options field of the Special Focus Area (8 SWS, own-choice, at least one seminar):

* International Business Law

(Lecture; 2 SWS; 4 ECTS)

* European Administrative Law

(Lecture; 2 SWS; 4 ECTS)

* International Protection of Human Rights

(Lecture; 2 SWS; 4 ECTS. Pre-condition: International Law I)

* European and Comparative Constitutional Law (Lecture; 2 SWS; 4 ECTS; Pre-condition: European Law I)
* International Criminal Law, incl. Law of Jurisdiction, Humanitarian International Law (lecture 2 SWS; 4 ECTS)
* European Criminal Law and Law of Jurisdiction;

(Lecture; 2 SWS; 4 ECTS summer semester)

* Current Developments and Judicial Decisions in European Law

(Lecture; 2 SWS; 4 ECTS; Pre-condition: Knowledge acquired from the European Law I class)

* Cases and Developments in Public International Law

(Lecture; 2 SWS; 4 ECTS; Pre-condition: Knowledge acquired from the International Law I class)

* Cases and Developments in International Economic Law (Lecture; 2 SWS; 4 ECTS)
* Cases and Developments in International Criminal Law

(Lecture; 1 SWS)

Special classes (normally a lecture; 2 SWS; 4 ECTS; normally a written examination), e.g.

* American Constitutional Law (Lecture; 2 SWS;4 ECTS)
* Moot Courts (Role play of court proceedings)
* Model United Nations (Seminar and Lecture, 4 SWS): UN role play
* Other role-plays (e.g. on the decision-making process within the EU)
* Guest lecturer classes

Seminars, e.g. on

* International Law (2 SWS; 12 ECTS; Pre-condition: International Law I; seminar or study paper and presentation)
* European Law (2 SWS; 12 ECTS; Pre-condition: European Law I; seminar or study paper and presentation)
* Comparative Public Law (2 SWS;12 ECTS; Pre-condition: European Law I, European Constitutional Law; seminar or study paper and presentation
* International Criminal Law (2 SWS; 12 ECTS, seminar or study paper and presentation)

Classes offered within Special Focus Area 5 (Overview)

All classes are taught over two hours

In addition, there are special classes, such as, for example, International Criminal Law, The Law of Armed Conflict, Theories of International Law, American Constitutional Law, classes by guest lecturers, role pl­ays, Jessup Moot Court, Case Studies.

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| Winter Semester I | | Summer Semester I | |
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| International Law I |  | | Public Int. Law II |
|  | | | (International |
|  | | | Organisation) |
| International Law Consolidation |  | | International Protection of |
| (Cases and |  | | Human Rights |
| Developments in |  | |  |
| Public International |  | |  |
| Law) |  | |  |
| European Law I |  | | European Law II |
| Current Case Law |  | | European Law |
| European Law |  | | Consolidation |
|  |  | |  |
| International Economic Law |  | | Cases and Developments |
|  |  | | in International |
|  | | | Economic Law |
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