



LUND
UNIVERSITY

Faculty of Law

JAEN30, EU Constitutional Law, 7.5 credits

EU Constitutional Law, 7,5 högskolepoäng

Second Cycle / Avancerad nivå

Details of approval

The syllabus is an old version, approved by Educational Committee of the Law Faculty Board on 2010-04-13 and was valid from 2010-09-01, autumn semester 2010.

General Information

The course in EU Constitutional Law is a compulsory course within the Master's Programme in European Business Law at the Faculty of Law.

The course is offered during the first term of the programme.

The course is also a compulsory course for students in the programme leading to a Swedish professional law degree with a specialisation in European Business Law.

It is open to international students participating in exchange programmes with the Faculty of Law.

Language of instruction: English

Lectures and course materials are in English.

The course is scheduled to require 10 weeks of part-time studies.

Main field of studies

European Business Law

Depth of study relative to the degree requirements

A1N, Second cycle, has only first-cycle course/s as entry requirements

Learning outcomes

The aim of the course is to enable students to critically reflect upon the basic EU law principles and legal remedies available before the European Court of Justice.

Knowledge and understanding

To pass the examination the student shall be able to show a basic understanding of the interaction between the national legal orders and the EU legal orders by looking at the sources (Primary law [Treaties] and secondary law [Regulations, Directives etc], fundamental principles and legal remedies applicable in the EU context.

Competence and skills

To pass the examination the student shall be able to assess critically and analyse the jurisprudence of the ECJ with support of problem based learning methods and to communicate conclusions to specialists and non-specialists. The skills for which students will be trained consist mainly of presenting an analysis of ECJ cases, assessed both in oral and written form. Also, the students will be asked to cope with scientific literature related to EU integration.

Judgement and approach

Students shall train inter-disciplinary working methods with colleagues from different cultural backgrounds and of the opposite gender. They shall simultaneously perform independent research and take full responsibility for the development of their own knowledge in an objective, but critical manner. Students shall also consider and be able to discuss social and ethical responsibilities within a commercial environment and make personal judgments based on these reflections. Students will learn to rely on their knowledge of Community law when analyzing and solving practical and theoretical issues through the preparation and presentation of the case-studies but also through the written examination.

Course content

The course aims at presenting the most important constitutional principles developed by the European Court of Justice through its case law. It will also give an overview of the basic legal remedies that individuals can rely against the Union institutions and the Member States measures falling within the scope of Union Law. These principles and remedies constitute the basic framework of EU law.

The course consists of two main topics: Basic Principles and Legal Remedies.

The Basic Principles part deals with:

- Direct effect
- Indirect effect
- Incidental effect
- Supremacy
- Loyalty
- General principles

The Legal Remedies part includes:

- Enforcement Actions (258-259 and 260 TFEU)
- Preliminary Rulings (Article 267 TFEU)
- Action in Annulment (263 TFEU)
- Other Types of Actions

Course design

The course is structured through a succession of lectures and seminars, where student participation is required.

Method of evaluation:

- Through oral presentation (in group) of case studies during the seminars.
- Written examination at the end of the course.

Assessment

In order to pass, students are required to meet 80% attendance on the course.

Grades

Marking scale: Fail, Pass, Pass with credit, Pass with distinction.

Entry requirements

Students recruited within the Master's Programme in European Business Law qualify automatically for this course.

Students within the programme leading to a Swedish professional degree Master of Laws within a specialization in International Human Rights Law: prerequisites are stated in the curriculum for the Master of Law Programme at the Faculty of Law.

Prerequisites for international exchange students: relevant undergraduate studies corresponding to three years at a university level including basic knowledge of public international law.

Further information

The University views plagiarism as a very serious academic offence, and will take disciplinary action against students for any kind of attempted malpractice in connection with examinations and assessments. The penalty that may be imposed for this, and other unfair practices in examinations or assessments, includes suspension from the University.

Literature

Craig, Paul and de Búrca, Grainne EU Law, Text Cases and Materials, Oxford University Press, latest edition