



**LUND**  
UNIVERSITY

Faculty of Law

## **JAEN42, Environmental Law, Markets and Trade, 15 credits**

*Miljörätt, marknader och handel, 15 högskolepoäng*

Second Cycle / Avancerad nivå

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### **Details of approval**

The syllabus is an old version, approved by Educational Committee of the Law Faculty Board on 2013-10-09 and was last revised on 2013-10-09. The revised syllabus applied from 2013-10-09, autumn semester 2013.

### **General Information**

The course Environmental Law, Markets and Trade is an elective course in the Master's Programme in European Business Law at the Faculty of Law. The course is also open to students in the programme leading to a Swedish Professional Law degree with a specialisation in European Business Law. The course is scheduled to require 10 weeks of full-time studies.

*Language of instruction:* English

Lectures and course materials are in English.

*Main field of studies*

European Business Law

*Depth of study relative to the degree requirements*

A1F, Second cycle, has second-cycle course/s as entry requirements

### **Learning outcomes**

The aim of the course is to enable students to critically reflect upon EU Environmental law and the legal and regulatory complexity of this regime.

### **Knowledge and understanding**

To pass examination the student must show a basic understanding of EU environmental law and legal complexities relating in particular to the regulation of air pollution, chemicals, fisheries, GMOs and trade.

### **Competence and skills**

To pass examination the student must assess critically and analyse the relevant legislation, case law and commentaries noted for each seminar and to communicate conclusions during seminars and in writing for the final writing assignment. The skills for which the student will be trained consist of presenting analyses of the set material and engaging in a discourse on the complexities of EU environmental law as a legal discipline.

### **Judgement and approach**

To pass examination the student shall undertake independent work and take full responsibility for the development of their knowledge in EU environmental law in a critical manner. The student shall be able to discuss the various techniques available for regulating the environment, their preferences and advantages and the 'framing' of these conclusions, as well as the challenges that these debates pose to environmental law scholars and lawyers.

### **Course content**

EU Environment Law forms an important part of a bigger EU law jigsaw and is mapped on an EU-specific administrative framework. This course is a study of this regime in relation to a range of environmental problems, examining not only how the EU responds to environmental challenges but also how these are understood in the EU legal context and what type of intellectual challenges they create for environmental law scholars and lawyers.

This course aims to examine a broad range of topics that fall under the umbrella of EU Environmental law. These include analysing 1) definitions, functions, principles and objectives of EU Environmental Law 2) the development of the competences in this area of law and environmental-decision making at EU level 3) the crucial role of the EU Courts in safeguarding environmental protection 4) regulatory strategy in dealing with environmental problems and issues concerning trade 5) legal responses to a wide range of environmental problems, such as air pollution, fisheries stock protection, GMOs, and chemicals regulations, and 6) the important interrelationship between trade, the internal market and environmental protection.

### **Course design**

The course is structured through a series of seminars, where student participation is required.

### **Assessment**

Method of evaluation:

Through two oral presentations (in group) of environmental law problem questions.

Written paper submitted at the end of the course.

In assessing the final grades weight will be placed on the active participation and oral presentations during the seminars (50%) and the written paper

(50%).

## Grades

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

All grading criteria rest on the baseline set up for the grade B. Criteria for the grade BA are additional to those for the grade B. Criteria for the grade AB are additional to those for the grade BA. Each grade criterion consists of a qualitative and a quantitative dimension. To be awarded a specific grade, the grade criterion must be satisfied in its qualitative as well as its quantitative dimension.

Grading criteria are applied to all dimensions listed as "Learning outcomes" in this syllabus. By way of example, an AB would presuppose that the student's examination reflect her or his mastery with regard to knowledge and understanding, skills and abilities and values and attitudes as laid down in the syllabus as "learning outcomes". Grading is done primarily using Qualitative and Quantitative criteria. The Quantitative criterion reflects how well read the student is whereas the Qualitative criterion reflects how well the student can use his/her knowledge to make a well structured critical and analytical argument and put it in a proper context.

### B – Basic command

- In order to pass the student must show sound knowledge about the procedures at the Court of Justice of the European Union (CJEU), about how EU Environmental Law is created and applied and about its legal development in the EU legal context.
- The student must be able to demonstrate basic knowledge about current EU Environmental Law research and methodology and be able to highlight legal complexities in regulating environment in the light of internal market and international trade provisions.
- The student has to show ability to put EU Environmental Law in its proper legal framework, regionally as well as internationally, show an ability to identify legal problems independently, critically, creatively and be able to systematize arguments, as well as analyze, compare and assess theoretical and practical problems within the context of EU Environmental Law.
- The student must show a fair ability to analyze case law concerning EU Environmental Law, both in an oral and a written form and an ability to work both individually and in groups.

### BA – Advanced command

- In order to achieve this grade the student must show an in-depth knowledge about the procedures at the CJEU, about how EU Environmental Law is created and applied and about its legal development in the EU legal context
- The student must be able to demonstrate good knowledge about current EU environmental law research and methodology, and be able to highlight legal complexities in regulating environment in the light of internal market and international trade provisions.
- The student has to show good ability to put EU Environmental law in its proper legal framework, regionally as well as internationally, show an ability to identify legal problems independently, critically, creatively and be able to systematize arguments, as well as analyze, compare and assess theoretical and practical problems within the context of European environmental law.

- The student must show a good ability to analyze case law concerning European environmental law, both in an oral and a written form and an ability to work both individually and in groups.

#### AB – Mastery

- In order to achieve this grade the student must show outstanding in-depth knowledge about the procedures at the CJEU, about how EU Environmental Law is created and applied and about its legal development in the EU legal context
- The student must be able to demonstrate an excellent knowledge about current EU Environmental law research and methodology, and be able to highlight legal complexities in regulating environment in the light of internal market and international trade provisions.
- The student has to show excellent command of ability to put EU environmental law in its proper legal framework, regionally as well as internationally, show an ability to identify legal problems independently, critically, creatively and be able to systematize arguments, as well as analyze, compare and assess theoretical and practical problems within the context of EU environmental law.
- The student must show a very good ability to analyze case law concerning European environmental law, both in an oral and a written form and an ability to work both individually and in groups.

#### Entry requirements

Passed examination in courses corresponding to the first year of the Master's programme in European Business Law equivalent to 60 credits.

#### Further information

The University views plagiarism as a very serious academic offence, and will take disciplinary actions 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 practice in examinations or assessments, includes suspension from the University.

#### Literature

See website for the course.