



LUND
UNIVERSITY

Faculty of Law

JUEN14, EU Criminal Law, 15 credits

EU-straffrätt, 15 högskolepoäng

Second Cycle / Avancerad nivå

Details of approval

The syllabus was approved by Faculty of Law Board of education at undergraduate and postgraduate levels on 2016-12-06 to be valid from 2017-01-16, spring semester 2017.

General Information

This course is open to second cycle students on the programme leading to a Swedish professional law degree and to students participating in an international exchange programme at the Faculty of Law.

Language of instruction: English

Main field of studies

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Depth of study relative to the degree requirements

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

Learning outcomes

Knowledge and understanding

To pass the examination the student shall be able to demonstrate

- an advanced knowledge of the Treaty framework and constitutional issues with respect to EU criminal law
- an in-depth knowledge of the provisions in the Treaty on the Functioning of the European Union concerning criminal law and cooperation in criminal matters
- a good awareness of the secondary legislation in the area of EU criminal law and cooperation in criminal matters
- an in-depth knowledge of some selected areas regulated through secondary legislation
- a good ability to integrate considerations of human rights and fundamental freedoms into the application and analysis of EU criminal law

- an advanced understanding of the development of EU criminal law and the mechanism of European integration in this area
- an advanced understanding of the conflicts of interests underlying the formation, application and interpretation of EU criminal law.

Competence and skills

To pass the examination the student shall be able to demonstrate

- the ability to proficiently search for all relevant sources of law and scientific work in the field of EU criminal law
- a high degree of competence in the analysis and critique of the case law of the Court of Justice of the European Union and the European Court of Human Rights, setting these judicial decisions against different contexts and perspectives
- a good ability to evaluate the status of legal sources and other materials
- the ability to independently, critically and creatively identify legal problems and their solutions, to systematize arguments, and to analyze, compare and assess theoretical and practical problems in the field of EU criminal law
- good oral presentation and argumentation skills, including not only the ability to put forward one's own arguments, but also the ability to appreciate other's points of view and to provide constructive criticism
- the ability to compose written texts at a high professional level including attention to relevant referencing conventions and the use of an appropriate language
- the ability to work both individually and in groups, and to deliver work product in a timely manner.

Judgement and approach

To pass the examination the student shall be able to demonstrate

- the ability to approach issues of EU criminal law in different perspectives, e.g. the perspectives of European integration, national sovereignty, individual rights, security and freedom, justice v. efficiency, European citizenship, legal certainty etc. including interdisciplinary perspectives where appropriate
- the ability to identify different values underlying decisions made in the field of EU criminal law and the balancing of interests involved in such decisions
- the ability to choose between the essential and peripheral details when approaching a subject and to identify the central questions within a complex of issues and the ability to justify such choices
- the ability to appreciate the impact of EU criminal law on individuals, in particular persons belonging to marginalized groups and the impact on children whose parents are involved in criminal proceedings
- the ability to articulate the differences and similarities between EU and national criminal law
- the ability to contribute to debates on the future development of EU criminal law.

Course content

Since its creation through the Maastricht Treaty, the European Union has possessed some formal competence in the field of criminal law and cooperation in criminal matters. This competence has been extended through the Amsterdam Treaty and after the entry-into-force of the Lisbon Treaty is fully integrated into the functioning of the European Union. EU criminal law comprises substantive criminal law and cooperation in criminal matters and is an integral part of EU law regulated under Title V of the Treaty in the Functioning of the European Union on an area of freedom,

security and justice. Provisions in this Title empowers the institutions of the EU to enact secondary legislation in this area. These EU sources of law, interpreted through the case law of the Court of Justice, form the primary subject of study in this course. The EU Charter of Fundamental Rights and the European Convention on the Protection of Human Rights and Fundamental Freedoms are particularly important instruments for the application of EU criminal law; this course will take full account of the relevant provisions in the Charter and the Convention.

To structure the study of EU criminal law, this course adopts the theme of European integration as an overall perspective. Integration theories have originally been developed within the field of political science but they may be used as a framework for the analysis of EU criminal law, which reveals inherent conflicts that are typical in different areas of law, such as 'supranationalism v. national sovereignty', 'efficiency in law enforcement v. human rights concerns' and 'security v. freedom and justice'.

Given a good knowledge in the substances of EU criminal law and an appreciation of the different perspectives on EU criminal law's objectives, functions and limitations, the students will be able to solve contemporary legal problems and critically assess the current state of the law. The students will also be able to reflect on the development of EU criminal law and contribute to the debate on legislative proposals in this area.

Course design

Teaching is provided through the medium of lectures, seminars, tutorials and group presentations. The students' active participation in class is required and constitute an important element in the acquisition of knowledge and the training in analytical skills and critical approaches to law. Feedback forms an important part of this course – detailed comments will be provided to both written and oral assignments. Students are expected to be able independently to search for EU material and academic literature in the field but guidance in this respect will also be provided at lectures and tutorials.

Assessment

Students are required to attend and actively participate in at least 75% of the compulsory seminars, tutorials and group presentations.

Students will acquire knowledge and skills and competence described above through individual studies of course material, search of legal databases and active participation in lectures, seminars, tutorials and group presentations.

The grade of the course is based on the performance of the student in the following course units:

- Individual presentation of an assigned topic at a seminar (20%)
- An individual written assignment (20%)
- Group presentation of an assigned topic (25%)
- An invigilated examination paper (10%)
- A 'take-home paper' (25%)

Active class participation will be taken into consideration when assessing the final grade for the course.

Subcourses that are part of this course can be found in an appendix at the end of this document.

Grades

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

All grading criteria rest on the baseline set up for grade B. Criteria for grade Ba are additional to those for grade B. Criteria for grade AB are additional to those for grade Ba. Each grade criterion comprises a qualitative and a quantitative dimension. To be awarded a specific grade, the grade criterion must be fulfilled in both its qualitative and quantitative dimensions.

Grading criteria are applied to all dimension listed as 'Learning outcomes' in this syllabus. By way of example, an AB would presuppose that the student's examination reflect his or her mastery with regard to knowledge and understanding, skills and competences and values and approaches 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 is able to use his or her knowledge to make a well-structured critical and analytical argument and put in in a proper context.

B – Basic command

For grade B, the students must demonstrate in-depth knowledge in the most central parts of the legal sources in the field of EU criminal law, namely relevant provisions in the Treaty on the Functioning of the European Union. This must be supplemented by an advanced knowledge of the general treaty framework and constitutional issues in this area. The students must demonstrate a general awareness of the secondary legislation as well as an in-depth knowledge of some selected areas. The latter knowledge will be acquired through the individual seminar and written assignment as well as through the group presentation. It is a requirement that relevant issues of human rights be addressed. The student's understanding of the development of and integration mechanism for EU criminal law, and the underlying interests of this area of law will be shown mainly through the written assignment and the take-home paper.

The relevant standards described under 'competence and skills' above will be reflected in all assignments of the course. Presentation and argumentation skills are demonstrated through the seminar assignment and the group presentation while the ability to compose written text at a high professional level will be shown mainly through the written paper assignment. Factors such as the ability to provide constructive criticism and the ability to work in groups will be reflected in class participation in general throughout the course.

The student must show the ability to approach issues of EU criminal in at least some perspective other than a basic textual interpretation of the law, identify at least the value judgments articulated during the legislative process and the impact of EU criminal law on the most-affected groups. The factors under 'judgment and approach' are reflected in all of the course's assignments but in particular through the group presentation and take-home paper.

BA – Advanced command

In order to obtain grade Ba, the 'knowledge and understanding' aspects must extend to cover not only the core area of European criminal law as defined in the provisions in the Treaty on the Functioning of the European Union but a wider knowledge of the entire area. In addition a good understanding is required of the interplay between the EU criminal law and the treaty framework, the human rights conventions and national

law. With respect to the factors under 'competence and skills', the ability shown must reach the level of 'above average' in most of the course units. With respect to 'judgment and approach', it is required for grade Ba that, in addition to identifying different perspectives or values, the students have integrated these perspectives/values into the assignment in a relevant and productive manner.

AB – Mastery

In order to obtain grade AB, the performance in most of the course units must reach the level of 'outstanding', as opposed to 'above average' required for grade Ba. The student must show an in-depth knowledge both in the general issues involved in EU criminal law and more than one selected area of specialization. When assessing whether the work is outstanding, special attention will be paid to good judgment made in identifying key issues and a sense of proportionality, the thoroughness of the research and cogency of the argument, good language and referencing technique in the written assignment, contribution to the current debate, ability to communicate with the audience at an oral presentation etc.

Entry requirements

For students enrolled in the program leading to Swedish professional Master of Laws degree: prerequisites as stated in the Curriculum for the law study program and pass in the course LAGE02 Criminal Law and Criminal Procedure.

For international students: a minimum of passes in 1st or 2nd cycle law courses equivalent to 150 credits, of which at least 15 credits must relate to criminal law and/or criminal procedure.

A high level of proficiency in English is a prerequisite for this course.

Further information

The course is scheduled to require 10 weeks of full-time studies. Attendance at seminars and tutorials is compulsory.

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.

Subcourses in JUEN14, EU Criminal Law

Applies from V17

1601 EU Criminal Law, 15,0 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction