

JAEN42, Environmental Law, Markets and Trade, 15 credits

Miljörätt, marknader och handel, 15 högskolepoäng

Second Cycle / Avancerad nivå

Details of approval

The syllabus was approved by Educational Committee of the Law Faculty Board on 2013-10-09 and was last revised on 2014-09-03. The revised syllabus applies from 2014-09-03, autumn semester 2014.

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 environmental law in a market context, the regulatory complexities of such regimes with a particular focus on EU environmental law.

Knowledge and understanding

To pass examination the student must show a basic understanding of EU environmental law and legal complexities relating to the regulation of the internal market in this regard, the creation and management of carbon and fisheries markets,

as well as the external environmental relations of the EU, and the regulation of GMOs in light of WTO law.

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 in the written exam. The skills for which the student will be trained consist of analysing the set material and engaging on the complexities of environmental regulation in a market context.

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.

Course content

Environmental law is not a straightforward subject to either study or practice. There is much to think about in relation to how environmental problems are understood, what is understood as the relevant legal framework, and how such frameworks apply to a particular environmental problem. This course aims to unpack these inquiries in relation to EU environmental law, and more precisely, the way in which the environment is regulated in a market-based or, trade-liberated legal order, such as the EU. In doing so, it examines a broad range of topics, including the overlaps between the internal market rules (covering free movement of goods, competition law, state aid and procurement law) and environmental protection, 'green' business regulation, external relations of the EU and environmental protection, EU environment protection and WTO law, and the creation and management of carbon and fisheries markets in the EU. The aim of this course is to reflect on EU environmental law as a subject, and explore the possibilities, as well as challenges in protecting the environment in a broad market context.

In 2012 the European Commission acknowledged the efforts of the teaching team of 'Environmental Law, Trade and Markets' in specialising and educating new developments of EU law and thereby named this course a 'Jean Monnet Module'.

Course design

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

Assessment

Method of evaluation

The assessment of this course consists of two components:

1. *Participation and attendance* (20%)
2. *In-class exam* (80%)

Participation and attendance: Regular attendance at classes is expected; in particular as this course is built on the idea that participation in the classes is crucial for learning the law. Both during lectures and seminars, the students have numerous opportunities to participate in class discussions. Each student is **required to prepare for each lecture and seminar by reading the materials** listed on the reading list. There is also a requirement that students attend a minimum of 80% of classes. Students who fail to meet this requirement without appropriate documentary evidence of incapacity or misadventure will receive zero for their class participation grade.

In-class exam: Each student will have to pass a 3-hour exam to pass this 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 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 of different ways in which environmental law intersects with internal market law and trade, using the EU legal order as a backdrop for this analysis.

The student must be able to demonstrate basic knowledge about current environmental law research and methodology and be able to highlight legal complexities in regulating the environment in light of provisions concerning the free

movement of goods, competition law, state aid, procurement law and international trade. Also, the students must demonstrate sound knowledge of the creation and application of market-mechanisms to regulate limited resources.

The student has to show ability to put 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 in written form.

BA – Advanced command

In order to pass the student must show good knowledge of different ways in which environmental law intersects with internal market law and trade, using the EU legal order as a backdrop for this analysis.

The student must be able to demonstrate good knowledge about current environmental law research and methodology and be able to highlight legal complexities in regulating the environment in light of provisions concerning the free movement of goods, competition law, state aid, procurement law and international trade. Also, the students must demonstrate good knowledge of the creation and application of market-mechanisms to regulate limited resources.

The student has to show good ability to put environmental law in its proper legal framework, regionally as well as internationally, show good 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 good ability to analyze case law concerning EU environmental law, both in an oral and in written form.

AB – Mastery

In order to pass the student must show in-depth knowledge of different ways in which environmental law intersects with internal market law and trade, using the EU legal order as a backdrop for this analysis.

The student must be able to demonstrate excellent knowledge about current environmental law research and methodology and be able to highlight legal complexities in regulating the environment in light of provisions concerning the free movement of goods, competition law, state aid, procurement law and international trade. Also, the students must demonstrate excellent knowledge of the creation and application of market-mechanisms to regulate limited resources.

The student has to show excellent command in putting 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 EU environmental law, both in an oral and in written form.

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.

Subcourses in JAEN42, Environmental Law, Markets and Trade

Applies from H13

1301 Environmental Law, Markets and Trade, 15,0 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction