



LUND
UNIVERSITY

Faculty of Law

JAEN52, EU Constitutional Law, 12 credits *Konstitutionell rätt i EU, 12 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 2015-09-02 and was last revised on 2022-09-07. The revised syllabus applies from 2022-09-07, autumn semester 2022.

General Information

The course EU Constitutional Law is a compulsory course within the Master's Programme in European Business Law at the Faculty of Law. The course is open to students in the programme leading to a Swedish Professional Law degree as well as students participating in exchange programmes with the Faculty of Law, and who follow the courses on the Master's Programme in European Business Law in their studies at an advanced level.

The course is scheduled to require 10 weeks of part-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

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 students must 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 students must 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.

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

Assessment

Method of evaluation:

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

The examiner, in consultation with Disability Support Services, may deviate from the regular form of examination in order to provide a permanently disabled student with a form of examination equivalent to that of a student without a disability.

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 grading criterion consists of a qualitative and a quantitative dimension. To be awarded a specific grade, the grading criterion must be satisfied in its qualitative as well as its quantitative dimension.

Grading criteria are applied to the 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 achieve this grade the student must show good knowledge about the jurisprudential and doctrinal frameworks where EU constitutional law norms develop and demonstrate sound ability to critically evaluate the circumstances, workings and output of this jurisprudential and doctrinal framework. This includes sound knowledge of the interaction between EU law and national law.

The student must demonstrate good knowledge of these EU constitutional norms and of the evolving jurisprudence in relation to these.

The student must demonstrate sound knowledge of the rules of interpretation of EU constitutional law and sound ability to apply these rules in an evaluation of the named jurisprudence.

The students must demonstrate good legal argumentation skills in oral and written form as well as good ability to conduct and differentiate between a legal and a non-legal analysis.

The student must demonstrate sound ability to situate his or her arguments or positions within relevant fields of research.

BA – Advanced command

In order to achieve this grade the student must show very good knowledge about the jurisprudential and doctrinal frameworks where EU constitutional law norms develop and demonstrate good ability to critically evaluate the circumstances, workings and output of this jurisprudential and doctrinal framework. This includes good knowledge of the interaction between EU law and national law.

The student must demonstrate very good knowledge of these EU constitutional norms and of the evolving jurisprudence in relation to these.

The student must demonstrate good knowledge of the rules of interpretation of EU

constitutional law and good ability to apply these rules in an evaluation of the named jurisprudence.

The students must demonstrate very good legal argumentation skills in oral and written form as well as very good ability to conduct and differentiate between a legal and a non-legal analysis.

The student must demonstrate good ability to situate his or her arguments or positions within relevant fields of research.

AB – Mastery

In order to achieve this grade the student must show excellent knowledge about the jurisprudential and doctrinal frameworks where EU constitutional norms develop and demonstrate very good ability to critically evaluate the circumstances and workings and output of this institutional framework. This includes very good knowledge of the interaction between EU law and national law..

The student must demonstrate excellent knowledge of these EU constitutional norms and of the evolving jurisprudence in relation to these.

The student must demonstrate very good knowledge of the rules of interpretation of EU constitutional law and very good ability to apply these rules in an evaluation of the named jurisprudence.

The students must demonstrate excellent legal argumentation skills in oral and written form as well as excellent ability to conduct and differentiate between a legal and a non-legal analysis.

The student must demonstrate very good ability to situate his or her arguments or positions within relevant fields of research.

Entry requirements

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

Students on the programme leading to a Swedish Professional Law degree and who follow the Master's Programme in European Business Law in their studies at advanced level: prerequisites are stated in the curriculum for the Master of Law Programme at the Faculty of Law.

Exchange students must have passed at least two and a half years of law studies at university level.

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.

Subcourses in JAEN52, EU Constitutional Law

Applies from H15

1501 EU Constitutional Law, 12,0 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction