



LUND
UNIVERSITY

Faculty of Law

**JAEN56, State Aid and Other State Measures Distorting
Competition, 15 credits**
*Statligt stöd och andra statliga konkurrensbegränsningar, 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 2017-05-16 and was last revised on 2022-09-07. The revised syllabus applies from 2022-09-07, autumn semester 2022.

General Information

The course is an elective course within the Master's Programme in European Business Law at the Faculty of Law. The course is open to students on the programme leading to a Swedish Professional Law degree and to international students participating in exchange programmes with the Faculty of Law.

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

Language of instruction: 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 reflect critically upon the EU law on State Aids and public procurement, including the relevant procedures and the legal remedies available before the EU and national courts.

Knowledge and understanding

To pass the examination the student must be able to show knowledge and comprehension of the topics related to EU State aid law (Articles 107-109 TFEU) and the related jurisprudence as well as EU public procurement rules. In particular, the student should demonstrate a solid understanding of both substantive and procedural

law in the context of EU state aid control, and public procurement, including an understanding of the applicable enforcement regime and the remedies available before the General Court, the Court of Justice and the national courts.

Competence and skills

The students must be able to demonstrate oral and written competence to assess and critically analyze the relevant EU legislation and case law, and to present the results orally during the seminars and in writing for the final written assignment.

Judgement and approach

Students shall be able to show comprehension of both the development and the impact of legal and policy discussions related to EU State aid and public procurement law. Students are also expected to show a level of proficiency, both orally and in writing, in restating, explaining and discussing the acquired information from different perspectives.

Course content

The course provides an overview of the substantive and procedural legal framework of Articles 107 to 109 TFEU pertaining to EU State aid control as well as important cases decided by the European Court of Justice in this area. The course also covers EU public procurement rules and procedures.

The course consists of the following topics:

- General framework of Article 107
- Administrative procedure
- Recovery of unlawful aid
- Judicial protection
- The role of the national courts
- The meaning of services of general economic interest
- General framework of EU public procurement

Course design

Course delivery is provided in the form of both lectures and seminars. Knowledge, comprehension and competences are attained by attendance of lectures, participation in seminars and individual study of prescribed course literature.

Assessment

Assessment and grading for student engagement with this course are based on:

- oral participation in class during lectures and seminars (10% of the total grade);
- group presentations during the practice seminar (10% of the total grade);
- a written final examination (80% of the total grade).

A student must pass each component separately to obtain a pass grade for the course.

In order to pass, students are required to have at least 80% attendance on seminars and lectures.

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.

In order to pass (B) the student must show an ability to reflect on the theoretical and practical applications of legal issues relating to EU State aid and public procurement. In order to pass with credit (BA) the student must show a high degree of competence in addressing theoretical and practical applications of legal issues relating to EU State aid and public procurement. 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 (B) the student must show an ability to reflect on the theoretical and practical applications of legal issues relating to EU State aid and public procurement.

BA - Advanced command

In order to pass with credit (BA) the student must show a high degree of competence in addressing theoretical and practical applications of legal issues relating to EU State aid and public procurement.

AB - Mastery

In order to pass with distinction (AB) the student must show a very high degree of competence in addressing theoretical and practical applications of legal issues relating to EU State aid and public procurement.

Entry requirements

Passed examination in courses corresponding to the first year of the Master's programme in European Business Law, amounting to at least 45 credits.

For students on the Professional Law Degree Programme the entry requirements for semesters 7 and 8 are outlined in the Programme syllabus (utbildningsplanen).

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

Subcourses in JAEN56, State Aid and Other State Measures Distorting Competition

Applies from H17

1701 State Aid and Other State Measures Distorting Competition, 15,0 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction