

JUFN03, Enforcement of EU Law, 15 credits

Enforcement of EU Law, 15 högskolepoäng

Second Cycle / Avancerad nivå

Details of approval

The syllabus is an old version, approved by Educational Committee of the Law Faculty Board on 2007-05-22 and was last revised on 2007-05-22. . The revised syllabus applied from 2007-07-01. , autumn semester 2007.

General Information

This is an optional course within the programme leading to a Swedish Law degree. It is open for students at the 7th or 8th semester of the programme, and to students participating in international exchange programmes with the Faculty of Law. The course is scheduled to require 10 weeks of full time studies.

Language of instruction: English

Lectures and course material are in 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

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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 student shall be able to show a comprehension of the premises that constitutes the Enforcement of EU law. The student shall also 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. Further, the student shall be able to show a basic comprehension of legal solutions to problems that occur when EU law is to be applied within the national legal orders.

Competence and skills

To pass the examination the students shall be able to show:

- ability to assess critically and analyse the jurisprudence of the ECJ
- capability to master a wide range of diverse sources of EU law in an Enforcement of EU law context
- ability to label and explain the legal remedies available before the European Court of Justice
- ability to cope with scientific literature related to EU integration

Judgement and approach

During the course, the students train inter-disciplinary working methods with colleagues from different cultural backgrounds. They simultaneously perform independent research and shall take full responsibility for the development of their own knowledge in an objective, but critical manner. To pass the examination the students shall show ability to consider and discuss social and ethical responsibilities within a commercial environment and to 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 Community institutions and the Member States measures falling within the scope of Community 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 /Fundamental Rights
- State Liability

- Effectiveness

The Legal Remedies part includes:

- Enforcement Actions (226/227/228 EC)
- Preliminary Rulings (Article 234 EC)
- Action in Annulment (230 EC)
- Other Types of Actions (232, 241, 288 and MS Liability)

Course design

Teaching is structured in lectures and seminars.

Assessment

Examination is in the form of the writing and oral presentation (in group) of a paper on EU enforcement law during the seminars, and a written examination at the end of 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.

Entry requirements

For students studying for the professional Degree Master of Laws: prerequisites stated in the Curriculum for the Law Study programme.

Prerequisites for international exchange students: relevant undergraduate studies corresponding to three years at a university level including basic knowledge of jurisprudence.

Further information

Note

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 JUFN03, Enforcement of EU Law

Applies from H07

0701 Enforcement of EU Law, 15,0 hp

Grading scale: Fail, Pass, Pass with credit, Pass with distinction