

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 2016-05-11 by Faculty of Law Board of education at undergraduate and postgraduate levels. The revised syllabus applied from 2016-08-29, autumn semester 2016.

General Information

The course is an optional component of the Master of Laws programme. It is included in semester 7 and 8 of the programme and among the courses available to international exchange students. The course comprises 10 weeks of full-time studies.

Language of instruction: English

Main field of studies

-

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

During the course, the students are to acquire specialised knowledge of the application of EU law. An introductory component will enable the students to develop their understanding of the competence, structure and role of the Court of Justice in the application of EU law and of its interaction with national courts in this context. A subsequent component will enable the students to examine in depth the impact of EU law in the member states by detailed study of procedures such as preliminary ruling, action for failure to fulfil an obligation and action for annulment, and of basic principles of justice and human rights.

Competence and skills

To pass the examination, the student must be able to demonstrate specialised knowledge of the application of EU law. The student must be able to demonstrate specialised understanding of the interaction between the national legal systems and the EU legal systems by considering primary and secondary legislation, basic principles of justice and human rights. Furthermore, the student must be able to demonstrate specialised understanding of legal solutions to problems that arise when EU legislation is to be applied in national legal systems, including the ability to break an EU law problem down into its smallest components, and be able to present a specialised analysis of the problem and solution in speech and writing.

Judgement and approach

To pass the examination, the student must be able to demonstrate

- the ability to critically judge and analyse case law of the Court of Justice
- the ability to master a broad spectrum of different EU law sources and understand their application
- the ability to identify and explain the remedies available at the Court of Justice and national courts
- examples of the ability to approach critically and with an open mind statements in legislative history, doctrines and public debate about the application of EU law

Course content

The aim of the course is to present the most important constitutional principles developed by the Court of Justice and to provide an overview of the basic remedies available to individuals against the EU institutions and the member states within the scope of EU law.

The course consists of two main subjects: basic principles of justice and remedies.

The part about basic principles of justice includes:

- Direct/indirect effect
- Primacy
- General principles of justice
- The Charter of Fundamental Rights/European Convention on Human Rights
- Citizenship
- Action for damages (against the EU and member states)
- The national procedural autonomy of the member states

The part of remedies includes:

- Action for failure to fulfil an obligation (articles 258-260 of the TFEU)
- Request for preliminary ruling (article 267 of the TFEU)
- Action for annulment (article 263 of the TFEU)

Course design

Students obtain the knowledge, skills and abilities listed above through individual study of the required reading and other course material, and through active participation in the teaching. The teaching exclusively consists of lectures and seminars.

Assessment

The assessment is based on a written and oral presentation (in groups) and a written exam. All the credits obtained for these activities are included in the assessment.

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.

The following criteria apply to the assessment of the oral presentations, written papers and written exam of the course.

The final grade is set for a completed course.

B- Pass

For a grade of Pass, the student must demonstrate elementary knowledge of the principles and rules of EU law with a focus on their application. The student must show an elementary ability to use the principles and rules to identify and solve key problems that can arise when EU law is not or incorrectly applied, and an elementary ability to describe and critically review the principles and the rules with regard to their implications, scope and justification.

BA- Pass with Credit

For a grade of Pass with Credit, the student must demonstrate good knowledge of the principles and rules of EU law with a focus on their application. The student must show a good ability to use the principles and rules to identify and solve key problems that can arise when EU law is not or incorrectly applied, and a good ability to describe and critically review the principles and the rules with regard to their implications, scope and justification.

AB- Pass with Distinction

For a grade of Pass with Distinction, the student must demonstrate very good knowledge of the principles and rules of EU law with a focus on their application. The student must show a very good ability to use the principles and rules to identify and solve key problems that can arise when EU law is not or incorrectly applied, and a very good ability to describe and critically review the principles and the rules with regard to

their implications, scope and justification.

Entry requirements

In order to apply for specialisation courses in semester 7, students must have attended and completed the compulsory components of previous courses and passed 150 credits in previous semesters. In order to apply for specialisation courses in semester 8, students must have passed first cycle courses amounting to 165 credits.

Requirements for international exchange students: undergraduate higher education studies amounting to three years, including basic knowledge in jurisprudence.

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