

Liverpool John Moores University

Title: The Law of The European Union
Status: Definitive
Code: **5002LAWEU** (116122)
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Owning School/Faculty: Law
Teaching School/Faculty: Law

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Academic Level: FHEQ5 **Credit Value:** 24 **Total Delivered Hours:** 54
Total Learning Hours: 240 **Private Study:** 186

Delivery Options

Course typically offered: Standard Year Long

Component	Contact Hours
Lecture	22
Seminar	10
Tutorial	20

Grading Basis: 40 %

Assessment Details

Category	Short Description	Description	Weighting (%)	Exam Duration
Essay	ASS1	Essay and problem questions	50	
Exam	ASS2	Exam	50	2

Aims

The Law of European Union (EU Law) is an essential component of a qualifying law degree because, to paraphrase the Law Society, EU law is an integral part of UK

law. In other words, EU law is UK law. The main function of this module is to present students with the constitutional, institutional, substantive and procedural foundations of the EU legal order. Therefore, its mains are four-fold:

- To introduce students to the constitutional and institutional foundations of the EU legal order (EU Treaties; EU institutions; sources of EU law)*
- To develop students' awareness of the legal issues arising from the Member States/EU relationship, especially UK/EU (fundamental principles)*
- To help students acquire a basic knowledge and understanding of the substantive and procedural law of the EU (internal market; four freedoms; application, interpretation, judicial control, and enforcement actions of EU law; remedies)*
- To encourage critical thinking and discussion about the unique organisation that is the EU, and the structure and significance of its legal order.*

Learning Outcomes

After completing the module the student should be able to:

- 1 A firm grounding and knowledge of the constitutional underpinnings of the European Union; including the aims of the EU, its Founding Treaties, sources of EU law, and the doctrine of EU law primacy over domestic law. As well as, an ability to identify the key institutions of the Union (political, legislative, executive, judicial) and appreciate their respective roles, relationships to each other, and their decision and law-making competences within the Union
- 2 A capacity to examine the emergence of a distinct EU conception of citizenship and fundamental rights protection, having regard to their significance in the evolution of a more political and democratic European polity; coupled with an awareness and understanding of the major legal concepts, values, principles and rules which inform and constitute much of the framework for the completion of the Common Market and its continuation; especially through the abolition of barriers to the free movement of goods, persons, services & establishment, and capital across the Union.
- 3 An aptitude to consider the EU Court of Justice (ECJ) jurisprudence and various policy and doctrinal issues which have informed the evolution and interpretation of EU law, in particular with regards to the preliminary ruling procedure; doctrines of direct/indirect effect and state liability; as well as the means by which the ECJ exercises some degree of control over the Member States (MS) and Union institutions, and ensures the effective operation and enforcement of EU law through actions against MS for breach of EU law; actions for judicial review, failure to act and plea of illegality; and actions for damages.
- 4 An ability to accurately ascertain pertinent research issues, identify and retrieve up-to-date information (including both primary and secondary sources), using a wide variety of sources (paper, electronic), to produce a synthesis of relevant EU law doctrinal and policy issues, and make a critical judgement on the merits of a particular argument in the preparation and writing of a word-processed assessment.
- 5 An aptitude to competently apply gained legal knowledge to problems of limited complexity, to reflect upon and evaluate this application, and to draw logical reasoned conclusions that are supported by arguments and legal authority
- 6 A capacity to use appropriate legal terminology and language in written format; to discuss legal and other relevant materials; and to present knowledge or an argument in a way that is convincing, substantiated, and comprehensible to others

- 7 An aptitude to understand and effectively interpret task instructions of limited complexity under a constrained time-limit, and to accurately recall, use and apply relevant information acquired from a variety of sources (incl. case law and academic commentaries) to the given task title (e.g. essay, problem question)

Learning Outcomes of Assessments

The assessment item list is assessed via the learning outcomes listed:

Essay and problem questions	1	2	4	5
EXAM	3	6	7	

Outline Syllabus

Constitutional and Institutional Foundations of the EU

- *Creation of the EU and the Founding Treaties*
- *Institutions of the EU*
- *Sources of EU law*
- *Primacy of EU law*

Substantive Law of the EU

- *EU citizenship and Fundamental Rights protection*
- *Internal market*
- *Four freedoms (goods, persons, services and establishment, capital)*

Procedural Law of the EU

- *Doctrine of Direct/Indirect Effect, State Liability*
- *Preliminary Ruling Procedure (art.267 TFEU)*
- *Enforcement action of EU law*
- *Direct actions before the EUCJ*

Learning Activities

The module is delivered through a series of both large and small group sessions (i.e. lectures and tutorials). Additional seminars are also held as required (e.g. coursework discussion seminar, exam preparation workshops). Sessions presented by guest lecturers which provide a more practical perspective on selected EU law topics are also part of the module's resources. Finally, the use of electronic resources (e.g. Blackboard, textbook online resources, EU law websites) are available as required and appropriate to support student learning.

Notes

The European Union is a unique polity, the like of which has never been seen before or since its creation. Through the transfer of powers from the national governments of Member States to the institutions of the Union, a 'new legal order' was created which established the principle of EU law primacy over national legislation in areas of EU competence (e.g. agriculture and fisheries, internal market, customs union,

environment, transport, competition rules, etc.). In other words, Member States have accepted to come under the legal jurisdiction of the EU, its institutions and legislation in areas of transferred competence. With the UK being a Member State of the Union since 1973, the evolution of the EU legal order is highly relevant and pertinent to our understanding of UK/EU relation and its consequences on the British legal system.

"European [Union] law is an integral part of the law of England and Wales. It can be relied on by, and enforced against, private individuals, small and large businesses, and governments and other public bodies. European law goes hand in hand with English and Welsh law in many different situations, such as employment rules, commercial activity, consumer rights, and protection of the environment. It has influenced the way in which law has developed and been applied within the United Kingdom, and has the ability to override aspects of national law." The Law Society

As it emerges that close to 10% of British legislation comes from Brussels and that the number of EU-inspired domestic laws is ever growing, UK solicitors and barristers increasingly find themselves having to advise their clients on EU law-related matters. It is therefore important for students who wish to qualify and later practice to become better acquainted with the significance and application of EU law, and its influence and impact vis-à-vis domestic legislation. Finally, this module is also an opportunity for students to widen their awareness of European affairs, and further develop their initial perception of governance, democratic and citizenship issues at both domestic and European levels.