

GDL 006 EUROPEAN LAW

Module Number: GDL 006

Module Title: European Union Law

Number of Aston Credits: 20

Total Number of ECTS Credits: 10

(European Credit Transfer)

Staff Member Responsible for the Module:

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system)

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3185

Other Staff Contributing to the Module: TBC

Pre-Requisite(s) for the Module: None

Module Learning Outcomes:

- (a) Know and understand the concepts and principles associated with the constitutional and administrative law of the EU
- (b) Locate those constitutional principles within the social, economic and political contexts in which they operate



- (c) Critically asses the efficiency and effectiveness of EU constitutional law, with particular regard to the impact legal rules have on individuals and businesses operating within the internal market
- (d) Discuss critically the prospect of individuals challenging the validity of EU law before the European Court of Justice
- (e) Explain and account for the difference between enforcement mechanisms in the European Union
- (f) Be critically aware of the relationship between the European Court of Justice and the domestic courts in the operation of the EU legal order
- (g) Be able to describe the main features of the internal market of the EU
- (h) Be able to discuss and critique recent developments in the internal market generally and particularly in relation to the free movement of goods
- (i) To demonstrate self-direction and time-management in researching primary and secondary sources of EU law
- (j) The ability to use a variety of research tools with a particular emphasis on the use of ICT for legal research
- (k) The ability to synthesise large amounts of disparate material into a coherent written or oral argument
- (I) Develop an awareness of how self-assessment can be used to enhance learning
- (m)Develop understanding of how to identify relevant legal tests in case studies and apply those tests to novel legal situations









Module content:

The organisation, content and teaching methods for this GDL module reflect QAA Benchmark standards for Law and are designed to meet the learning outcomes specified above. The module is designed to ensure that outcomes meet the professional standards (Joint Announcement) required for this foundation subject at the academic stage.

- (a) The historical development of the EU from EU Coal and Steel Community to constitutional legal order. What are the aims of European integration? What is the future of the European Union?
- (b) The institutional structure of the EU and the law-making process
- (c) The main constitutional principles of EU law, to include: conferral, subsidiarity, general principles of law and fundamental rights
- (d) Enforcing EU law in the national courts: supremacy, direct effect, national remedial autonomy and state liability
- (e) Enforcing EU law in the Court of Justice of the European Union: Articles 258-260 TFEU (enforcement proceedings), Article 263 TFEU (action for annulment), Article 340 TFEU (non-contractual liability of the Union) and Article 267 TFEU (preliminary references)
- (f) Introduction to the internal market of the European Union
- (g) The fundamental freedoms (goods, workers, services and capital) and horizontal issues in their application (scope, restriction, exceptions, proportionality)
- (h) Case study: free movement of goods

International dimensions:

By its very nature, any study of the European Union involves a discussion of international law and how it affects the UK legal order. To









this end, a significant issue explored in the unit is the relationship between the UK and EU legal orders. In addition, specific sections of the course explicitly consider the relationship between the EU and "third countries" (countries who are not members of the Union). This is most noticeable in the discussion of the internal market.

Corporate connections:

Around one third of the course is dedicated to an examination of the internal market and its impact on businesses wishing to trade in the European Union. In addition, the constitutional and administrative part of the unit will be delivered in a way that draws upon real life examples and case studies.

Links to Research:

Ryan Murphy has research interests in the constitutional and internal market law of the EU. More particularly, Ryan has explored, at doctoral level, the principles underpinning the free movement of capital in the Union. Examples of this research will be used to inform the teaching employed.

Ryan has published on the relationship between the European institutions in the completion of the internal market.

Method of Learning and Teaching:

Method of teaching – Lectures, workshops and seminars, practical research exercises and independent study.

Lectures are used to introduce the legal principles, primary and secondary sources of relevant law, and to explain their practical operation whilst highlighting areas of difficulty and reform. Their aim is to provide a framework for students' independent study and research.

Workshops have two aims: (i) To direct students to their own identification of the applicable legal principles through analysis of primary source materials and (ii) To develop understanding of the application and operation of legal principles in particular contexts. Workshops can take a variety of forms with a range of both individual and group tasks being undertaken.

Seminars are designed to focus on application and analysis of specific legal principles already identified in lectures and workshops. The focus









is on student contributions and on detailed, tight, analysis and discussion in order to prepare students for the examination assessment and the development of skills required for workshop assessments. Students will be required to apply their knowledge to practical case studies, identify relevant issues, sources and legal principles and present the results of their research and study either independently or in groups. In addition, seminars will assist students to develop skills of critical evaluation of a selection of secondary sources of EU law and to consider comparative solutions to particular legal problems.

Self-test questions and **multiple choice questions** for each topic are made available on the VLE, together with guidance on answering problem questions in EU law and some worked answers (with reasoning processes).

Online/Class Discussion Activities At various points in the course, students will be introduced to areas where further reading and independent research will be necessary. The VLE will provide students with the opportunity to raise questions, discuss subject areas and approaches to set questions. This area of study is challenging, dynamic and diverse, and students will be encouraged and supported to take responsibility for their own learning experience.

Contact and Directed Learning

Lectures 32 hours Seminars 12 hours

Private study

(incl. seminar preparation

and revision) 129 hours Coursework preparation 24 hours

Examination 3 hours

Total 200 hours









Programme Outcomes:

The table below shows how this module contributes towards the achievement of the overall programme outcomes

Module Code	Module Name	A1	A 2	А3	Α4	В1	B2	В3	C1	C2	C3	D1	D2	D3	D4	D5	D6
GDL006	Law of the European Uinion [foundation]	V		√	√	√	√	V	√	V	√	√	√	V	√		

Ethical Approval:

This module does not require any primary research and no ethical approval will be necessary.

Method of Assessment:

The module is assessed by means of an examination (70%) and a summative coursework exercise (30%).

The examination is closed book (except for the ability of students to use their own copy of an **unannotated** approved statute book). The examination is of three hours' duration and will comprise a selection of hypothetical problems and essay questions. Students are required to answer at least one problem question but may choose to answer up to three from the available selection.

The summative coursework exercise (30%) involves a case study and application tasks which will require evidence of fact analysis, identification of legal principle, research and analysis of legal principle, and application of accurate principles to factual scenarios. It will also evaluate the correct use of citation and legal writing style.









Feedback will be provided orally in workshops and seminars as responses to student answers to tasks set for these classes and any questions raised. Individual, detailed, written feedback for summative assessment is provided with follow-up online or face-to-face appointments to discuss progression and performance. Common errors identified in generic feedback on each exercise are posted on the VLE.

Generic examination feedback is posted on the VLE.

Indicative Bibliography:

- Craig, P. and De Burca, G. EU Law: Text, Cases and Materials (5th edn. OUP 2011)
- Chalmers, D. et al EU Law: Text and Materials (2nd edn, CUP 2010
- Foster, N. *Blackstone's EU Treaties and Legislation 2012-2013* (23rd edn, OUP 2012)

Background Reading

- Hartley, T. *The Foundations of EU Law* (7th edn, OUP 2010)
- Barnard, C. *The Substantive Law of the EU* (4th edn, OUP 2010)
- Davies, K. Understanding EU Law (4th edn, Routledge 2010)
- Foster, N. EU Law Directions (3rd edn, OUP 2011)

Journals

EU law is discussed in European Law Review, European Law Journal, Common Market Law Review and also the International Comparative Law Quarterly. The generalist law and commercial journals often contain articles concerned with European law. See, e.g., The Modern Law Review, The Cambridge Law Journal, The Oxford Journal of Legal Studies, The Law Quarterly Review and The Journal of Business Law. Aspects of EU law relating to the common market (e.g., freedom of establishment) are also discussed in the more specialised journals, including The British Tax Review and Company Lawyer.









Useful Online Sources

EUROPA -The Official Website of the European Union http://europa.eu/

- Westlaw UK
 Lexis-Nexis Professional
 Lawtel
 Username and password required.
 See the LIS database pages for further information
- The British and Irish Legal Information Institute: http://www.bailii.org/
- Cardiff Index of Legal Abbreviations: http://www.legalabbrevs.cardiff.ac.uk
- · Statute Law Database: http://www.statutelaw.gov.uk
- Office of Public Sector Information: http://www.opsi.gov.uk
- The European Union: http://europa.eu/
- The EU, Treaties: http://europa.eu/abc/treaties/index_en.htm
- The European Court of Justice: http://curia.europa.eu/





