

## Module 20: Law of the European Union

<b>Stage</b>		3					
<b>Semester</b>		1 and 2					
<b>Module Title</b>		LLBH-EU					
<b>Module Number</b>		20					
<b>Module Status</b>		Mandatory					
<b>Module ECTS Credits</b>		15					
<b>Module NFQ level</b>		8					
<b>Pre-Requisite Module Titles</b>		None					
<b>Co-Requisite Module Titles</b>		None					
<b>Capstone Module?</b>		No					
<b>List of Module Teaching Personnel</b>		Siobhan Leonard					
<b>Contact Hours</b>				<b>Non-contact Hours</b>			<b>Total Effort (hours)</b>
96 (72) <sup>10</sup>				204 (228)			300
<b>Lecture</b>	<b>Practical</b>	<b>Tutorial</b>	<b>Seminar</b>	<b>Assignment</b>	<b>Placement</b>	<b>Independent Work</b>	
72 (48)		24		30		174 (198)	300
<b>Allocation of Marks (Within the Module)</b>							
	<b>Continuous Assessment</b>	<b>Project</b>	<b>Practical</b>	<b>Final Examination</b>	<b>Total</b>		
<b>Percentage Contribution</b>	30			70	100		

### Intended Module Learning Outcomes

On successful completion of this module, learners will be able to:

1. Assess the historical and political development of the European Union, with particular emphasis on recent expansion;
2. Analyse the sources of European Union law and their relationship to national law;
3. Identify and critically discuss the role and functions of the political and judicial institutions of the European Union and identify and appraise judicial remedies in EU law
4. Describe the law making process and demonstrate understanding as to how European Union legislation impacts on social, political and economic issues within the Member States

<sup>10</sup> Part time hours shown in brackets where different from full time hours

5. Engage in detailed research on distinct issues in European Union law and present analysis of this research in a clear manner;
6. Critically evaluate the applicability of general principles of European Union law across a range of different legal areas
7. Critically analyse and discuss European Union legislation and case law on the free movement of workers, capital, services and goods and in the area of competition law;
8. Critically analyse factual scenarios and apply their understanding of European Union law to them

### **Module Objectives**

1. To imbue the learner with a historical and political perspective on the development of the European Union
2. To develop within the learner an understanding of the law making process, sources of European Union law, the operation of the EU institutions and the impact of EU law within the domestic legal system.
3. To familiarise the learner with the EU legal system and the operation of the Court of Justice of the European Union, as well as language and concepts peculiar to it.
4. To enable learners to develop a facility with both the judicial process and remedies
5. To develop an understanding as to how the four freedoms operate substantively within this sphere.

### **Module Curriculum**

#### **Historical, Political and Economic Background to European Integration**

- Institutions: Legal Base, Powers Structure and Function
  - The Commission
  - The Council and the European Council
  - The European Parliament
  - The Court of Justice of the European Union and the General Court
  - Other institutions
  - Legislative Process
- Sources of EU Law
  - Primary Sources
  - Secondary legislation
  - General principles of Community law
  - Jurisprudence of the Court of Justice
  - Public International Law
- Relationship between European Union and domestic law
  - Development of European Union law as an autonomous legal system
  - The effect of the European Union law in the Domestic legal framework
  - Conflict and Supremacy
  - Direct Applicability and Direct Effect
  - Implementation and effect of European Union law in Ireland

- Judicial Processes & Remedies
  - Commission Enforcement Actions against Member States
  - Actions against EU Institutions
  - Preliminary Reference Procedure
  - Remedies for breach in National Courts
  - Contractual and Non Contractual Liability of the Union

### **Introduction to European Economic Integration and the Single Market.**

- Free Movement of Goods
  - Articles 28 – 30 TFEU: Duties, Charges and CEE's
  - Articles 110 - 113 TFEU: Discriminatory Internal Taxation
  - Articles 34 - 36 TFEU: Quantitative Restrictions and MEQR's
  
- Free Movement of Persons
  - Definition of a worker
  - Position of part-time workers
  - Workers families
  -
- Union Citizenship
  - Citizenship as a fundamental status
  - Benefits accruing from Union citizenship
  - Citizenship Directive 2004/38
  
- Freedom of Establishment and to Provide Services
  - Non-discriminatory restrictions on establishment
  - Establishment of companies
  - Article 56 TFEU and Member State social services
  - Position of illegal activities
  - Non-discriminatory restrictions on establishment
  
- Free Movement of Capital
  - Free movement of capital
  - EMU and the common European currency
  
- Equal Treatment of Men and Women
  - Principles of equal pay and equal treatment
  - Protection for maternity
  - Positive discrimination
  - Social security
- Competition Law
  - Article 101 TFEU
  - Article 102 TFEU Enforcement procedures
  - Article 107 TFEU
  - Interface between European Union and domestic competition law

## Reading lists and other learning materials

### Primary Reading:

Barnard, C. (2013) *The Substantive Law of the EU: the Four Freedoms*. Oxford: OUP  
Chalmers, D. Davies, G. & Monti, G. (2010) *European Union Law*. Cambridge: CUP  
Craig, P. & De Búrca, G. (2011) *European Union law: Text, Cases and Materials*. Oxford: OUP  
Foster, N. (2013) *Blackstone's EU Treaties and Legislation*. Oxford: OUP  
Hartley, T. (2014) *The Foundations of European Union Law*. Oxford: OUP

### Secondary Reading:

Alter, K.J. (2003) *Establishing the Supremacy of European Law: The Making of an International Rule of Law in Europe*. Oxford: OUP  
Arnall, A. & Wincott, D. (2005) *Accountability and Legitimacy in the European Union*. Oxford: OUP  
Horspool, M. & Humphreys, M. (2012) *European Union Law*. Oxford: OUP  
Kapteyn, P.J.G. (2008) *The Law of the European Union and the European Communities*. London: Kluwer  
McNab, A. (2013) *Bellamy and Child: Materials on European Union Law of Competition*.  
Weatherhill, S. (2012) *Cases and Materials on EU Law*. Oxford: OUP  
Whish, R. (2012) *Competition Law*. Oxford: OUP  
White, R.C.A. (2004) *Workers, Establishment and Services in the European Union*. Oxford: OUP  
Von Bogdandy, A. & Bast, J. (2011) *Principles of European Constitutional Law*. Oxford: Hart  
Weatherhill, S. (2012) *Cases and Materials on European Union Law*. Oxford: OUP  
Williams (2004) *EU Human Rights Policies: A Study in Irony*. Oxford: OUP

## Module Learning Environment

### Accommodation

Lectures and workshops take place in a classroom setting. Participants also have access to online teaching resources and Moodle

### Library

All learners have access to an extensive range of “physical” and “remote access” library resources. The library monitors and updates its resources on an on-going basis, in line with the College’s Library Acquisition Policy. Lecturers collaborate with the library in updating reading lists for this course on an annual basis as is the norm with all programmes run by Griffith College.

## Module Teaching and Learning Strategy

This module is delivered through a series of lectures which consist of tutorial-style discussions, group work sessions and exercises. The lectures are supplemented by structured on-line resources and reading.

## Module Assessment Strategy

Theoretical knowledge is assessed through submission of a written assignment worth 40% and by an end of module examination worth 60% of the total marks in this subject.

Element No.	Weighting	Type	Description	Module Learning outcomes
1	30%	Assignment	The assignment requires research and structured argument relating to some practical aspect of the Law of The European Union	5
2	70%	Exam	The examination consists of a choice of both essay and problem style questions. Essay style questions place emphasis on the learners' demonstrating their understanding of the fundamental principles of EU law, thereby assessing learning outcomes 1-5 and 7-9. Problem style questions enable learners to apply principles of EU law to a factual scenario, thereby assessing learning outcome 10. Formative assessment is provided in the form of interactive exercises such as directed class discussion topics and reference current affairs pertaining to EU law at the time of instruction.	1-4, 6-8

Sample Assessment with Rubrics - see Annex 2