

## MODULE DESCRIPTOR

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| <b>MODULE TITLE</b> | <b>EU Single Market Law</b> |                     |                                |
| <b>MODULE CODE</b>  | LW3025 (L6)                 | <b>CREDIT VALUE</b> | 20 UK CREDITS / <u>10 ECTS</u> |
| <b>SCHOOL</b>       | SCHOOL OF LAW               |                     |                                |
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### MODULE AIMS

- Examine the conditions for doing business within the European Union
- Analyse the main areas of EU substantive law as it affects businesses.
- Critically evaluate the purpose, process and principles of the substantive law of the EU as it affects business within the EU.
- Develop and apply skills of interpretation, evaluation and application of case law, legislation and academic commentary in this area and to communicate their understanding and analyses both orally and in writing.
- Promote the use of electronic resources in the research and presentation of workshop activities and coursework questions.

### MODULE CONTENT

1. Introduction to the EU Single Market: Critical overview of the key purpose, processes and principles of law of the internal market. Treaty rules and measures adopted by the institutions, the role of the Court of Justice of the EU, harmonisation, mutual recognition, exchange of information, application and enforcement of EU substantive law.
2. Economic and Monetary Union: Critical assessment of its successes and failures and its impact on businesses globally, regionally and locally.
3. Trade in Goods:
  - Fiscal barriers to trade in goods:
    - Article 30 TFEU: the workings of the external and internal dimension of the customs union. The common customs tariff (CCT) imposed on the import of goods *into* the EU and rules governing duties (and *charges having equivalent effect* to customs duties) imposed on the movement of goods *between* the Member States.
    - Articles 110-113 TFEU: critical overview of taxation and the EU Single Market, the implications of EU law for taxation imposed on goods by Member States and full analysis of the non-discrimination principle.
  - Non-fiscal barriers to trade in goods:
    - Articles 34-36 TFEU: critical overview of EU rules prohibiting quantitative restrictions and all measures having equivalent effect on imports and exports between the Member States. Particular emphasis is placed on the contribution of the Court of Justice of the European Union in this area.
4. Movement of Persons: Critical evaluation of the rules governing which persons can benefit from the EU rules on freedom of movement and what rights are conferred on those who are covered by these rules. The focus will be on the rights of migrant workers, job-seekers, the self-employed, family members and third-country nationals. The impact of EU Court decisions on the free movement rights conferred by virtue of EU citizenship status will be given particular emphasis. Consideration is also given to the status and rights of the economically inactive (students, retired people and people of independent means).

Solving EU Single Market Disputes: Critical examination of the rules governing the solving of disputes between businesses and EU institutions with particular emphasis on direct legal challenges (via judicial review actions) under Articles 263 & 265 TFEU and indirect challenges under Article 267 TFEU. The focus will be on the Treaty of Lisbon reforms. Overview of the rules governing the solving of disputes between businesses and EU Member States: alternative dispute resolution (e.g. SOLVIT) and litigation before national courts (direct effect, indirect effect, Francovich compensation claims)

## INTENDED LEARNING OUTCOMES

On successful completion of this module a student will be able to:

1. Critically review, evaluate, and form a critical judgement on, the areas of EU substantive law covered
2. Explain the importance and application of case law at the Court of Justice of the European Union in the areas covered.
3. Critically evaluate the legal provisions covered and the policy considerations underlying them.
4. Interpret relevant legal source materials and apply the legal principles to factual situations
5. Present reasoned and well-structured arguments both in workshops, through participation and effective contribution and in written work
6. Evaluate the development of EU business law and propose legal reforms for addressing weaknesses and gaps in regulation

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7. Communicate understanding and analysis both orally and in writing
  8. Research, analyse and apply legal materials to relevant factual situations
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## **TEACHING METHODS**

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The module will utilise a variety of learning strategies designed to place the student at the centre of the learning process. Student learning will be encouraged by participation and independent research as well as by enhancing problem solving and analytical skills.

Lectures highlight the key issues to be covered in the workshops. The primary object of lectures is to impart the information and elicit the understanding, which students can use as a base for their independent study directed to the requirements of the workshops.

Workshops are interactive sessions for groups of around 20 students, which take place fortnightly. The students build upon their understanding, gained from the lectures, by reading specified cases, Treaty provisions, journal articles, and textbooks. The aims and learning outcomes of each individual workshop set out clearly for students the workshop tasks and activities.

Workshops will take the form of a tutor led Q & A Session followed by group activities in the form of comprehension exercises, moots and mini-presentations. Use of case studies and discussion points, further enhances the student's ability to solve problems, investigate, and communicate solutions, arguments, and ideas clearly and analytically. The workshop activities will develop presentational reasoning, criticising and persuading skills. They will also encourage students to make reasoned judgement based on an informed understanding.

Blackboard (the eLearn facility) is utilized to full effect to make available: e-lectures & workbook; further reading materials; quizzes; the Discussion Board and Adobe Connect Online Sessions (used for Q&A sessions by module tutors).

Unassessed, formative, online quizzes will assist the student's ability to accurately state the relevant legal principles, their ability to apply these principles to the question under review and their ability to extract information from advanced materials.

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## **ASSESSMENT METHODS**

This module is assessed through a Coursework: Mini-assignment (essay plan for main assignment) and a Coursework: Main Assignment.

## **LANGUAGE OF INSTRUCTION**

English