

# EUROPEAN UNION LAW

**Course code: LEG 236**

## CONTENT

The main topics are:

- 1) Freedom of Circulation of Persons, rights of citizens of EU and of their families, rights of workers and of their families, rights of their countries' citizens. Evolution of the concept of „worker“ and of the rights correlated to this status
- 2) Freedom of Circulation of Services, definition of the concept of „service“ and analysis of its meaning. Case-law and statutory law
- 3) Freedom of circulation of Capital, freedom of investment, transfer of capital, analysis of tax implications and of related discriminations
- 4) Competition Law- analysis of the rules about Agreements (Cartels), Abuse of Dominant Position, Concentrations and State Aids
- 5) Anti-discrimination Law. Equal opportunities, laws against discrimination related to gender, sexual orientation.

## TEACHING METHOD

The module is the second part of the annual course EU Law and runs for 14 classes, three hours per week. In full the course will have 32 sessions over 28 weeks of instruction.

The course will encompass lectures, solutions of cases by students and discussions. The course will cover both the legal framework of the EU as well as the case-law of the European Court of Justice. Students are asked to refer to VLE on a constant basis for updates and complementary readings.

## AIMS

This course aims to:

- 1) Familiarise student with the rights of workers and of citizens in terms of circulation within EU
- 2) Discuss and highlight the implications of the freedom of circulation of services
- 3) Highlight the implications of the freedom of circulation of Capital
- 4) Provide an outline of Competition Law
- 5) Analyse anti-discrimination Law

## **LEARNING OUTCOMES**

Upon successful completion of the module, students will be able to:

- 1) apply the case-law of the ECJ
- 2) apply EU Law on practical cases
- 3) identify the major problems with the implementation of EU Law
- 4) evidence a critical awareness of the complexities of the free circulation of persons, capital, service
- 5) understand pro-competition law
- 6) appreciate anti-discrimination law

Students will be asked to submit at least 2 in-class written papers and various homework assignments; their work will be reviewed in class. The lecturer will assess the progress of students from their written work and, to a certain extent, from class discussions. Nonetheless, the exam being exclusively written, the main source of assessment will be the written work.

## **READING**

### **Essential reading**

Horspool, M. and M. Humphreys European Union law. (Oxford: Oxford University Press, 2016) ninth edition [ISBN 9780198758525].

### **Further reading**

Arnall, A. The European Union and its Court of Justice. (Oxford: Oxford University Press, 2006) second edition [ISBN 9780199258857].

Barnard, C. The substantive law of the EU: the four freedoms. (Oxford: Oxford University Press, 2016) fifth edition [ISBN 9780198749950].

Dashwood, A., M.G. Ross, M. Dougan, M. Ross, E. Spaventa and D. Wyatt Wyatt and Dashwood's European Union law. (Oxford: Hart Publishing, 2011) sixth edition [ISBN 9781849461269].

Craig, P. and G. de Búrca EU law text, cases and materials. (Oxford: Oxford University Press, 2015) sixth edition [ISBN 9780198714927].

Hartley, T.C. The foundations of European Union law. (Oxford: Oxford University Press, 2014) eighth edition [ISBN 9780199681457].

Whish, R. and D. Bailey Competition law. (Oxford: Oxford University Press, 2015) eighth edition [ISBN 9780199660377].

### **Statute book**

Foster, N. EU Treaties and Legislation 2016-2017 (Blackstone's Statutes) (Oxford: Oxford University Press).

## **GENERAL REQUIREMENTS AND SCHOOL POLICIES**

### **General requirements**

All coursework is governed by AAU's academic rules. Students are expected to be familiar with the academic rules available in the Codex and Student Handbook and to maintain the highest standards of honesty and academic integrity in their work.

### **Electronic communication and submission**

The university and instructors shall only use students' university email address for communication. It is strongly recommended that any email communication between students and instructors take place in NEO LMS.

Each e-mail sent to an instructor that is about a new topic (meaning not a reply to an original email) shall have a new and clearly stated subject and shall have the course code in the subject.

All electronic submissions are carried out through NEO LMS. No substantial pieces of writing (especially take home exams and essays) can be submitted outside of NEO LMS.

### **Attendance**

Students are expected to attend each session. Students who fall below 75% attendance may face repercussions as elaborated in the School of Law handbook.

### **Electronic devices**

Any electronic devices (phones, tablets, laptops...) may be used only for class-related activities (taking notes, looking up related information...). Any other use will result in being marked absent and/or being expelled from the class. No electronic devices may be used during the tests.

### **Cheating and disruptive behavior**

If a student engages in disruptive or other conduct unsuitable for a classroom environment of an institution of learning, the instructor may require the student to withdraw from the room for the duration of the activity or for the day and shall report the behaviour to the Dean.

### **Plagiarism and Academic Tutoring Center**

Plagiarism is "the unauthorized use or close imitation of the language and thoughts of another author and the representation of them as one's own original work." (Random House Unabridged Dictionary, 2nd Edition, Random House, New York, 1993)

Turnitin's White Paper 'The Plagiarism Spectrum' (available at <http://go.turnitin.com/paper/plagiarism-spectrum>) identifies 10 types of plagiarism ordered from most to least severe:

1. CLONE: An act of submitting another's work, word-for-word, as one's own.
2. CTRL-C: A written piece that contains significant portions of text from a single source without alterations.
3. FIND-REPLACE: The act of changing key words and phrases but retaining the essential content of the source in a paper.
4. REMIX: An act of paraphrasing from other sources and making the content fit together seamlessly.
5. RECYCLE: The act of borrowing generously from one's own previous work without citation; To self plagiarize.
6. HYBRID: The act of combining perfectly cited sources with copied passages—without citation—in one paper.
7. MASHUP: A paper that represents a mix of copied material from several different sources without proper citation.
8. 404 ERROR: A written piece that includes citations to non-existent or inaccurate information about sources
9. AGGREGATOR: The "Aggregator" includes proper citation, but the paper contains almost no original work.
10. RE-TWEET: This paper includes proper citation, but relies too closely on the text's original wording and/or structure.

All allegations of plagiarism will be handled in accordance with AAU policies.

### **Students with disabilities**

Students with disabilities are asked to contact their instructor as soon as possible to discuss reasonable accommodation.