



DEPARTMENT OF LAW

HRS085 EU Law and Procedure, 15 credits

EU-processrätt, 15 högskolepoäng

Second Cycle

Confirmation

This course syllabus was confirmed by Department of Law on 2021-04-12 and was last revised on 2024-03-05 to be valid from 2024-09-02, autumn semester of 2024.

Field of education: Law 100%

Department: Department of Law

Position in the educational system

Main field of studies

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Specialization

A1N, Second cycle, has only first-cycle course/s as entry requirements

Entry requirements

The student shall have completed 150 hec from semesters 1-6 of the law program, of which 120 hec shall be from semesters 1-4. The student shall also have completed the course International law (HRO600). Visiting foreign students, and students enrolled in law programs leading to a law degree (Juristexamen) elsewhere, may be admitted to the course following approval of the department.

Learning outcomes

On successful completion of the course the student will be able to:

Knowledge and understanding

- demonstrate advanced knowledge about the procedures before the Court of Justice of the EU
- demonstrate advanced knowledge about the topics of EU law taught during the course

- demonstrate understanding for the relation between judicial procedures at EU and Member State Level

Competence and skills

- apply interpretation methods recognised in EU law on specific legal problems
- demonstrate understanding of and ability to perform in the role as legal counsel especially in the preliminary reference procedure
- demonstrate EU legal reasoning and argumentation skills orally and in writing

Judgement and approach

- assess the strength of EU legal arguments and their probable effect before the Court of Justice of the EU
- critically reflect upon their own performance

Course content

The course aims to promote learning about the procedures available before the Court of Justice of the EU and their functions in securing the rule of law within the EU and the uniform application and enforcement of EU law, both theoretically and in practice.

During the course the students will familiarise themselves with the different procedures provided for by the EU Treaties, in particular the infringement procedure, the legality review procedure, and the preliminary reference procedure. Furthermore, the course will address the function of the Court of Justice and its relation to other institutions and actors, in particular the Member State national courts. Topics of substantive EU law will be discussed in parallel as a necessary precondition for the understanding and practice of EU procedural law.

The course starts with a theoretical block, which forms the basis for and gradually gives way for a practically oriented part where the students analyse and plead as counsel for one of the parties in a fictitious preliminary reference case before the Court of Justice. The precise content of the teaching activities in the latter parts of the course will be decided with reference to the theme of the case. The case will initially be analysed in seminars where all students participate and discuss the legal problems together, following which students will be assigned a role as counsel for one of the parties. As legal counsel, each student will argue their client's case first in a written pleading and subsequently in an oral hearing at a fictitious Court of Justice. For the written pleading, students can choose to work either individually or in teams of two. The oral pleadings will be performed individually.

The course runs parallel to the European Law Moot Court Competition (ELMC), and the case used during the course will be the ELMC competition case. At the end of the course, students will be offered the opportunity to develop their written pleadings for participation in the ELMC, and will if they opt to do so be provided with coaching by

the Law Department. Participation in the ELMC is however not a course requirement.

Form of teaching

Teaching activities will mainly be lectures and seminars, both of which can be theoretically or practically oriented. Theoretical oriented lectures aim to assist the students' learning about the procedures before the Court of Justice and function as a complement to the course literature. Additionally, the course comprises a smaller number of practically oriented lectures designed to promote the students' understanding for the demands placed upon a legal counsel in the EU judicial procedure and to assist them in identifying and acquiring the skills needed in that role.

Seminars provide students with opportunities to critically engage with the EU judicial system and to reflect upon how EU procedural law affects the work and strategy of the legal counsel. Some seminars will be devoted entirely to analysis of the fictitious case, offering the students advice in their work with preparing pleadings and opportunity to reflect upon their work in group discussions. Students are expected to take active part in the seminars.

Language of instruction: English

Assessment

Grades are based on two compulsory assignments, of which the first is given more weight:

1. A written pleading on behalf of one of the parties in a fictitious preliminary reference case.
2. An oral pleading on behalf of one of the parties at a hearing in a fictitious preliminary reference case.

(Module 0010 Written and oral pleadings, 15 ECTS)

Active participation in a minimum of 80 per cent of the course seminars is required to pass the course. Such active participation may contribute to a higher final grade.

Other than the compulsory assignments and active participation in the seminars, there is also a possibility to submit a written reflection, in which the student describes and evaluates the legal and strategic choices made in their written pleading. The optional written reflection assignment may contribute to a higher final grade.

The final grade of the course is set based on a total appraisal of the above-mentioned achievements.

A student who has taken two exams in a course or part of a course without obtaining a B is entitled to the nomination of another examiner. The student needs to contact the department for a new examiner, preferably in writing, and this should be approved by

the department unless there are special reasons to the contrary (Chapter 6 Section 22 of the Higher Education Ordinance).

If a student has received a recommendation from the University of Gothenburg for special educational support, where it is compatible with the learning outcomes of the course and provided that no unreasonable resources are required, the examiner may decide to allow the student to sit an adjusted exam or alternative form of assessment.

In the event that a course has ceased or undergone major changes, students are to be guaranteed at least three examination sessions (including the ordinary examination session) over a period of at least one year, but no more than two years, after the course has ceased/been changed. The same applies to placements and professional placements (VFU), although this is restricted to just one additional examination session.

Grades

The grading scale comprises: Passed with Distinction (AB), Passed with Credit (BA), Pass (B) and Fail (U).

Course evaluation

The Department of Law is under obligation to evaluate all of its courses. Course evaluation will be conducted and compiled in accordance with the current procedures at the Department of Law. All course evaluations are scrutinised by the Board of Education of the Department of Law. A student who assists with the compilation of the course evaluations is entitled to a certain remuneration and a certificate to this point.

The results of and possible changes to the course will be shared with students who participated in the evaluation and students who are starting the course.