



# LAWS5016

## European Law

Session 2, Special circumstance 2020

*Macquarie Law School*

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#### Disclaimer

Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

#### Notice

As part of [Phase 3 of our return to campus plan](#), most units will now run tutorials, seminars and other small group learning activities on campus for the second half-year, while keeping an online version available for those students unable to return or those who choose to continue their studies online.

To check the availability of face-to-face and online activities for your unit, please go to [timetable viewer](#). To check detailed information on unit assessments visit your unit's iLearn space or consult your unit convenor.

## General Information

Unit convenor and teaching staff

Convenor

Prof Gabriel Moens

[gabriel.moens@mq.edu.au](mailto:gabriel.moens@mq.edu.au)

Contact via [gabriel.moens@mq.edu.au](mailto:gabriel.moens@mq.edu.au)

Co-Convenor

Dr Uche Ngwaba

[uche.ngwaba@mq.edu.au](mailto:uche.ngwaba@mq.edu.au)

Wednesday (12pm to 1pm); other times by appointment

Credit points

10

Prerequisites

120cp in LAWS units

Corequisites

Co-badged status

Unit description

The course provides students with an introduction to the legal system of the European Union (EU). Emphasis will be placed on the constitutional, administrative and commercial law of the European Union. The topics which will be discussed in this course include the political and economic origins of the EU, its institutional structures (with emphasis on the Court of Justice of the European Union), the interrelationship between Union Law and the laws of the twenty-eight member States (or twenty-seven by the time the course is offered), the free movement of goods, workers, capital and services, and Brexit. The course will focus on the trans-national protection of economic and social rights and the protection of human rights by the Court of Justice.

## Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

## Learning Outcomes

On successful completion of this unit, you will be able to:

**ULO1:** Explain and analyse the constitutional, administrative and commercial law of the

European Union.

**ULO2:** Critically examine European law in its historical and political context

**ULO3:** provide legal commentary on the institutional structures of the European Union and the interrelationship between Union Law and the laws of the European Union member States

**ULO4:** critically report on the trans-national protection of economic and social rights and the protection of human rights by the Court of Justice

## General Assessment Information

Applications for Special Consideration are made electronically via [ask.mq.edu.au](http://ask.mq.edu.au) and should be accompanied by supporting documentation. Students should refer to the Special Consideration policy for complete details of the policy and a description of the supporting documentation required.

Word limits will be strictly applied and work above the word limit will not be marked.

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.

Detailed marking rubrics will be made available on iLearn, assessments are moderated by the convenor for consistency and all fail papers are double marked.

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply - two (2) marks out of 100 will be deducted per day for assignments submitted after the due date and (b) no assignment will be accepted more than seven (7) days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments.

## Assessment Tasks

Name	Weighting	Hurdle	Due
<u><a href="#">Court of Justice case note</a></u>	40%	No	22/09/2020 (6pm)
<u><a href="#">A time-limited test</a></u>	60%	No	13/11/2020 (12-4pm)

### Court of Justice case note

Assessment Type <sup>1</sup>: Case study/analysis

Indicative Time on Task <sup>2</sup>: 40 hours

Due: **22/09/2020 (6pm)**

Weighting: **40%**

Students are required to analyse a judgment of the Court of Justice of the European Union. The case note should deal with the facts, legal issues, decision and reasoning of the Court AND must contain a critical analysis of the importance (or lack of it) of the judgment. Cases will be allocated

at the beginning of the semester.

On successful completion you will be able to:

- Explain and analyse the constitutional, administrative and commercial law of the European Union.
- Critically examine European law in its historical and political context
- provide legal commentary on the institutional structures of the European Union and the interrelationship between Union Law and the laws of the European Union member States
- critically report on the trans-national protection of economic and social rights and the protection of human rights by the Court of Justice

## A time-limited test

Assessment Type <sup>1</sup>: Quiz/Test

Indicative Time on Task <sup>2</sup>: 4 hours

Due: **13/11/2020 (12-4pm)**

Weighting: **60%**

This is a time-limited written assessment that will take place during the examination period. Students will be set a series of problem-based questions that traverse the whole of the unit materials

On successful completion you will be able to:

- Explain and analyse the constitutional, administrative and commercial law of the European Union.
- Critically examine European law in its historical and political context
- provide legal commentary on the institutional structures of the European Union and the interrelationship between Union Law and the laws of the European Union member States
- critically report on the trans-national protection of economic and social rights and the protection of human rights by the Court of Justice

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<sup>1</sup> If you need help with your assignment, please contact:

- the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
- the [Writing Centre](#) for academic skills support.

<sup>2</sup> Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

# Delivery and Resources

## 1. Delivery

### Course Overview

The course provides students with an introduction to the legal system of the European Union (EU). Emphasis will be placed on the constitutional, administrative, and commercial law of the European Union. The topics which will be discussed in this course include the political and economic origins of the EU, its institutional structures (with emphasis on the Court of Justice of the European Union), the interrelationship between Union Law and the laws of the twenty-seven member States, the free movement of goods, workers, capital and services. The course will focus on the trans-national protection of economic and social rights and the protection of human rights by the Court of Justice.

### Lecture Schedule

**Monday, 14 September 2020**, 10am-1pm and 2pm-5pm

**Tuesday, 15 September 2020**, 10am-1pm and 2pm-5pm

**Wednesday, 16 September 2020**, 10am-1pm and 2pm-5pm

## 2. Resources

### Prescribed Text

Gabriël Moens and John Trone, *Commercial Law of the European Union*, Springer, 2010

### Recommended Texts

Weatherill, S., *Cases and Materials on EU Law* (10<sup>th</sup> ed.), Oxford University Press, 2012.

Hartley, T.C., *The Foundations of European Community Law* (7th ed.), Oxford University Press, 2010.

### Other References

- Barnard, C., *The Substantive Law of the EU – The Four Freedoms*, Oxford University Press, 2007.
- Bishop, B., *European Union Law for International Business*, Cambridge University Press, 2009
- Bronitt, S., Burns, F.R. and Kinley, D., *Principles of European Community Law: Commentary and Materials*, Sydney, The Law Book Company Limited, 1995.
- Chalmers, D., Hadjiemmanuil, C., Monti, G. & Tomkins, A., *European Union Law: Text and Materials*, Cambridge University Press, 2006
- Craig, P. & De Burca, G., *EU Law: Text, Cases, and Materials* (4<sup>th</sup> ed), Oxford University Press, 2007.
- Ehlers D. (ed.), *European Fundamental Rights and Freedoms*, Berlin, De Gruyter Recht, 2007.
- Harvey, M. and Longo, M., *European Union Law: An Australian View*, LexisNexis Butterworths, 2008.
- Foster, N. G., *Foster on EU Law*, Oxford University Press, 2006.
- Horspool, M. and Humphreys, M., *European Union Law* (7<sup>th</sup> ed), Oxford University Press, 2012.
- Hugg, P.R., *A Guide to European Union Commercial Practice*, Dobbs Ferry, New York, Oceana Publications, Inc., 2003.
- Lambach, P. and Schieble, C., *EU Competition – Guideline to the European Union*, München, Verlag C. H. Beck, 2008
- Rasmussen H., *The European Community Constitution: Summaries of Leading EC Court Cases*, Copenhagen, Nyt Nordisk Forlag Arnold Busck, 1989.
- Steiner, J., Woods, L. and Twigg-Flesner, C., *EU Law* (9th ed.), Oxford University Press, 2006.
- Tillotson, J., *European Community Law: Text, Cases & Materials*, London, Cavendish Publishing Limited, 1993.

## Unit Schedule

S/ N	TOPIC
1.	The political and economic origins of the EU.
2.	The political and judicial institutions of the EU, including a detailed study of the functions and activities of:  The European Commission and its Secretariat-General;  The Council;  The European Parliament; and  The Court of Justice of the European Union.
3.	The principles of 'direct effect' and 'direct applicability' in EU law.
4.	The interrelationship between EU law and the law of the twenty-seven member States of the EU. This topic also involves an examination of the principle of the 'supremacy' of EU law.
5.	Sources of EU law, including a study of the Union's legislation and its general principles of law.
6.	Judicial review in the EU with special emphasis on the causes of actions and grounds of review. This topic deals with the question whether and, if so, to what extent the European Court of Justice may pass judgment on the actions of Community authorities.
7.	The four fundamental freedoms of the EU, namely the free movement of goods, workers, services, and capital.

8.	The trans-national protection of social and economic rights, including an examination of the EU's anti-discrimination legislation and case law.
9.	The policies of the EU with special emphasis on the Common Agricultural Policy and the EU's social policies.

## Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>).

## Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: <https://students.mq.edu.au/study/getting-started/student-conduct>

## Results

Results published on platform other than [eStudent](#), (eg. iLearn, Coursera etc.) or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit [ask.mq.edu.au](https://ask.mq.edu.au) or if you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

## Learning Skills

Learning Skills ([mq.edu.au/learningskills](http://mq.edu.au/learningskills)) provides academic writing resources and study strategies to help you improve your marks and take control of your study.

- [Getting help with your assignment](#)
- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module](#)

The Library provides online and face to face support to help you find and use relevant information resources.

- [Subject and Research Guides](#)
- [Ask a Librarian](#)

## Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

## Student Enquiries

For all student enquiries, visit Student Connect at [ask.mq.edu.au](http://ask.mq.edu.au)

If you are a Global MBA student contact [globalmba.support@mq.edu.au](mailto:globalmba.support@mq.edu.au)

## IT Help

For help with University computer systems and technology, visit [http://www.mq.edu.au/about\\_us/offices\\_and\\_units/information\\_technology/help/](http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/).

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.