

EUROPEAN BUSINESS LAW MASTERS

I

THE FACULTY OF LAW

Lund University was founded in 1666 and is ranked as one of the world's top 100 higher education institutions. The University has 41 000 students and 7 500 staff based in Lund, Helsingborg, and Malmö. We are united in our efforts to understand, explain and improve our world and the human condition.

The Faculty of Law is one of Lund University's four founding faculties. The Faculty has approximately 2 000 students enrolled in first and second-cycle courses and programmes, around 160 staff members including 40 doctoral students. The Faculty of Law is a modern faculty with a clear international profile. We offer an environment which is suitable and welcoming for Swedish and international students, lecturers, and researchers alike. Education, research, and interaction with the surrounding community are the three mainstays of our work. The connection between these three mainstays is particularly apparent in the programmes and courses on offer, where students meet both researchers and professionally active lawyers with qualifications and experience from various areas of law.

The faculty's geographical location, in the heart of the Öresund region, brings unique opportunities for boundary-crossing cooperation in the surrounding area; at the same time, we also have well developed contacts with different universities throughout the world.

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THE PROGRAMME

The programme provides an in-depth investigation of both the practical and the theoretical aspects of business law within the European Union and of how the Internal Market operates in a global context. EU law is addressed from the founding principles that form the basis for the in-depth discussions of business law within the European context.

The programme ranges from an exploration of the European Union's constitutional foundations to extensive study of topics central to the business environment or to economic analysis. The Master in European Business Law provides training in technically specialized areas within European law, such as free movement law, competition law, contract law, tax law, and state aids law.

To provide a truly European flavour to the programme and to ensure a good balance between academic study and practice the programme uses a blended teaching approach. This approach builds on foundational knowledge by showing the practical application of the law in an everyday commercial context. To support this approach, we have strong external partners from private practice, commercial corporations, institutions of the European Union, governmental institutions, and the judiciary at both a Swedish and a European level.

Using our blended learning system, we ensure that the programme provides an in-depth understanding of both the practical and the theoretical aspects of business law in the European Union and of how the internal market operates in a global context. With an increase in legislation, influence, and commercial policy at the European level there is a growing importance for the commercial lawyer to have awareness of the European legal framework. Given this growing importance and the ever-expanding commercial activity across borders the European Union is a natural platform for students dedicated to cross-border and global business issues.

The programme structure allows students to specialize in fields of their interest which enables them to create a unique competitive edge for any future position or assignment on the labour market.

The teaching staff is experienced within the academic field as well as the private sector which contributes to the diversity of the programme.

Programme Duration

The Master (Two Years) of Laws in European Business Law is an academic programme at the second level, offered in English and open to Swedish and foreign students with at least a three-year degree in Law (Bachelor, LL.B, or equivalent). Students have the possibility to conclude the studies after one year and obtain a degree of Master (One Year) of Laws in European Business Law – Magisterexamen i europeisk handelsrätt.

Programme Structure

The two-year programme is broken down into four terms. Each term is broken down into two periods and is comprised of a mixture of compulsory and elective courses. Each period is comprised of 15 credits and each term is made up of 30 credits.

The one-year programme is broken down into two terms. Each term is broken down into two periods. Each period is comprised of 15 credits and each term is made up of 30 credits.

TERM 1		TERM 2		TERM 3		TERM 4
Period 1	Period 2	Period 1	Period 2	Period 1	Period 2	Period 1-2
Induction week	Internal Market Law, 12 cr.	EU Competition Law, 15 cr.	Elective courses, 15 cr. *	Elective courses, 15 cr.	Elective courses, 15 cr.	Master thesis, 30 cr.
EU Constitutional Law, 12 cr.			Master Thesis, 15 cr. (1 year master)			
Business Negotiations, 3 cr.			Argumentation & Methodology, 3 cr.			

** Electives are only available to those students who are taking the two-year programme. Students taking the one-year programme are required to undertake the master thesis.*

Elective Courses

Elective courses vary from year to year and offer in depth, up to date and specialist areas that students can choose to specialize in. Courses are generally 15 credits although there may be some courses only have 7.5 credits, and students will be required to study at least two such courses in any given period to complete the necessary 15 credit requirement per period.

Practicalities of the Programme

Course syllabuses, literature lists and schedules for each individual course on the programme can be accessed without logging in to any system through the programme web site at <http://www.law.lu.se/meb> (see under European Business Law courses).

Blackboard

The Faculty employs the e-learning platform *Blackboard* for teaching and learning. All courses have a dedicated course section on this platform where you will find the course material etc.

It will be available once you are registered.

Your courses can be found here:

<https://www.juridicum.blackboard.com>

Classes

Teaching across the programme uses a variety of methods. These are predominantly lectures, seminars, self-study groups and student presentations. Classes tend to run for between 2 to 3 hours depending on the course. At Juridicum we operate on the "academic quarter" rule, this means that classes start 15 minutes after the scheduled time.

COVID 19 and the programme

Normal in person teaching has now resumed.

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THE TEAM

The teaching team and the EU Group at Juridicum is a strong and diverse academic team that have a wealth of expert teaching and professional legal experience. Our student-focused approach and genuine passion for the law of the European Union gives students one-to-one access to some of the most active academic EU research groups around. We pride ourselves on being insightful and our research covers cutting edge issues confronting the EU. Our EU Group is led by Professor Xavier Groussot, professor in EU law.

The Programme Directors and Administration

The immediate responsibility for the Master's in European Business Law is shared between Xavier Groussot, Julian Nowag, and Marja-Liisa Öberg who are focused on providing excellence in teaching delivering a well-structured cutting edge and focused programme. The programme is administered and supported by a strong team from the administrative department at Juridicum. Together this is the management team responsible for ensuring that the programme runs smoothly and that students get everything they need.

The Teaching Team

The teaching team is made up of leading figures from across Juridicum and our external partners and friends who contribute to the teaching on the programme. In order to ensure consistency across the programme, we have a dedicated and core teaching team on the programme who are all happy to discuss EU law issues.

Professor Xavier Groussot	(xavier.groussot@jur.lu.se)
Assoc Prof Julian Nowag	(julian.nowag@jur.lu.se)
Assoc Prof Marja-Liisa Öberg	(marja-liisa.oberg@jur.lu.se)
Assoc Prof Eduardo Gill-Pedro	(eduardo.gill-pedro@jur.lu.se)
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Alezini Loxa	(Alezi.Loxa@jur.lu.se)
Max Hjærtström	(max.hjartstrom@jur.lu.se)

The Administration

The administrative team are responsible for the formalities, planning and running of the programme. The team will ensure the smooth handling of the programme and the individual courses and programme related questions.

Anders Tröjer, Programme co-ordinator (anders.trojer@jur.lu.se)
Roma Knutsson, Programme administrator (roma.knutsson@jur.lu.se)

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INDUCTION WEEK

The first week of the programme is Induction Week. For the 2023 academic year, induction week will take place from the 28th of August to the 1st of September. The purpose of Induction Week is to provide students with a refresher on the basic aspects of the EU, its history, its institutions, and its law, and to provide necessary information about the rules and expectations at Juridicum.

The Induction Week

During Induction Week a series of classes are arranged designed to help you settle in and get to know your way around campus as well as providing you with key course induction sessions. Induction Week also gives all new students a full introduction to life at Juridicum. During the induction sessions we aim at covering the framework of the European Union and refreshing the main cornerstones of the Union law that influence the programme. During the week students are given the opportunity to meet the teaching team and other new students on their course and take part in induction activities to prepare them for the start of their course, whilst the course directors and administration will be available to answer any questions you may have.

The induction sessions offer a broad range of courses on different areas of European law, such as competition law, European law making, internal market law and commercial aspects of contract and sales law in the EU. You will also be familiarized with the methods and content of legal argumentation. The induction sessions provide the basis for your future in-depth exploration of EU law. Within the induction sessions you will also be introduced to the formal requirements of Juridicum, exam techniques and thesis writing. We have also included a library induction session to get you started and familiar with the library system and access to the electronic resources available to you.

The Format of Induction Week

Induction Week typically runs from Monday to Friday. Each session is typically designed to run for 2 hours and will cover a specific topic on the Induction Week objectives.

Preparation

The induction sessions are structured as interactive lectures, requiring that you contribute and participate with commentary, opinion, and questions. The schedule is set out below.

If you are unfamiliar with any of the substantive EU sessions it is recommended that you undertake self-study to bring your knowledge to a standard that you are comfortable in order to effectively participate in the class discussion.

In particular, you should watch the relevant videos on the BLACKBOARD platform or read the relevant reading material as provided the next section RECOMMENDED MATERIALS.

The BLACKBOARD platform will be available to you once you are registered.

Should you wish to engage with the material before you could do so via the Coursera platform where the majority of the videos which are provided on BLACKBOARD are also available.

<https://www.coursera.org/learn/european-law-fundamentals>

<https://www.coursera.org/learn/eu-competition-law>

<https://www.coursera.org/learn/eu-law-doing-business>

Attendance

While Induction Week is not compulsory it is expected that students registered on the programme will attend the classes.

If you are unable to attend for any reason, as a result of a travel delay for example, we expect you to inform us of this. Induction Week, not only, provides an EU refresher and necessary information about the rules and expectations at Juridicum, but it also introduces and delivers the core knowledge that the early courses build on.

Mandatory Participation

The participation in the class on plagiarism by Anna Wiberg is mandatory. The date, time for that class will be announced.

Formative Assessment

The expectation on how to write a good essay might be different at Juridicum from what you are used to back home. We therefore cover this area as part of the induction week. To ensure proper preparation for the programme you should write a 500-2000 words formative assignment which will be peer-assessed and discussed on the last day of the induction week.

We have therefore set essay questions for every topic covered during the week. There is also a writing day planned for the week so that you have enough time to write the piece.

Please pick one topic and write a 500-2000 words essay. On the first day you will be allocated a peer to review your paper who will then be asked to send the paper with her/his comments to Julian.Nowag@jur.lu.se who will discuss the papers with you on the last day of the induction week.

All papers must arrive to Julian with their comments by Thursday 12.00 noon.

The questions are the following:

- The current crisis in the EU with Brexit and the refugee crisis shows that EU has failed and that it is obsolete today. Discuss
- The EU institutions show that the EU is State-like and not an international organisation. Discuss
- The law of the European Union can be characterised as something between national and international law. Discuss
- The internal market is an unnecessary element of the EU that does only create problems. Discuss
- Competition law is an essential element of any modern legal system covering business relationships. Discuss
- There is a body of law that can legitimately be called European Contract Law. Discuss

Provisional Schedule

Note: check for changes and updates here:
<http://www.law.lu.se/#!inductionweek>

Date	Session	Session	Session
Mon 28 August	09:00-11:00 Introduction to the Master Programme (Xavier Groussot, Julian Nowag and Marja-Liisa Öberg)	12:00-14.00 Introduction to the European Union (Julian Nowag)	16:00-18:00 Examination Techniques and Skills – Academic Standards How to Succeed at the Masters? (Julian Nowag and Marja-Liisa Öberg)
Tue 29 August	9:00-11:00 Institutions of the EU (Marja-Liisa Öberg)	12:00-14:00 The Internal Market Project (Eduardo Gill-Pedro)	16:00-18:00 The Law of the Union and the European Courts (Alezi Loxa)
Wed 30 August	Writing day (formative assessment)		
Thu 31 August	<i>Start of the Business Negotiations Course</i>		
Fri 1 Sept	9:00-11:00 Competition Rules and Commercial Agreements (Julian Nowag)	12:00-14:00 Contract Law in the European Union (Julian Nowag)	16:00-18:00 Feedback session for the formative assessment (Julian Nowag)

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RECOMMENDED MATERIALS

We recommend that students be familiar with the basics of EU law. Below is a list of recommended materials that students may wish to browse or study in more depth. This is not a compulsory list or exercise. It is as a self-study recommendation for those wishing to increase their knowledge or to brush up on their pre-existing knowledge:

Books

Craig P. and de Búrca G., EU law text, cases and materials (Oxford: Oxford University Press, 2020) 7th edition.

n.b. you will also work with this book in EU constitutional law, so you may consider whether it is worth buying it, although there are also copies in the library. There are now two version of the book an EU version and a UK version with more on Brexit and its implication. Both can be used.

Barnard C., The substantive law of the EU: the four freedoms. (Oxford: Oxford University Press, 2019) 6th edition.

n.b. you will also work with this book in EU internal market law

Barnard C. (Editor) and Peers S. (Editor), *European Union Law* (Oxford: Oxford University Press, 20 Aug. 2020)

Chalmers D. (Author), Davies G., and Giorgio Monti G., *European Union Law: Text and Materials Paperback* (Cambridge: Cambridge University Press 2019)

Schütze R., *European Union Law* (Cambridge: Cambridge University Press 2021) second edition.

Treaties

Treaty on the European Union

Treaty on the Functioning of the European Union

Charter of Fundamental Rights of the European Union

n.b. you can obtain (for €19.78) a paper copy of the Consolidated Version of the Treaties and the Charter (2016) by visiting the Europa Bookshop (the EU's own online bookshop), at <https://publications.europa.eu/en/web/general-publications/eu-treaties> you can also obtain Nigel Foster's, 'Blackstone's EU Treaties & Legislation 2021-2022 (OUP 2021) which contains further material.

Some of the Key Case Law

Case 26/62 *Van Gend en Loos v Nederlandse Administratie der Belastingen* 1963

Case 6/64 *Costa v ENEL*

Case C-213/89 *R. v Secretary of State for Transport Ex p. Factortame*

Case 148/78 *Pubblico Ministero v Ratti*

Case 43/75 *Defrenne v Sabena*

Case 14/83 *Von Colson and Kamann v Land Nordrhein-Westfalen*

Cases C-6 & 9/90 *Francovich, Bonifaci and others v Italy*

Case C-46/93 *Brasserie du Pêcheur SA v Germany*

Joined Cases C-46/93 and C-48/93 *R. v Secretary of State for Transport Ex p. Factortame Ltd (No.3)*

Case C-5/94 *R. v Minister of Agriculture, Fisheries and Food Ex p. Hedley Lomas (Ireland) Ltd* 6

Case C-300/89 *Commission v Council*

Case 29/69 *Stauder v City of Ulm*

Case C-84/94 *UK v Council (The Working Time Directive)*

Case 272/86 *Commission v Greece*

Case 31/69 *Commission v Italy*

Case 25/62 *Plaumann & Co v Commission*

VI

BUSINESS NEGOTIATIONS

This course combines the study of commercial negotiation and contract drafting from a theoretical and practical perspective. The theoretical part is based on studying certain aspects of negotiation and drafting practices. At an academic level, the focus lies on studying the main principles underpinning the role of lawyers as negotiators and drafters. Students will engage and develop an understanding of common values underlying contract law, understanding these values can help a practitioner appreciate the goals and assumptions underlying the legal rules involved in drafting contracts.

The practical element focuses on negotiation in a transactional setting, allowing students to develop negotiation skills and understand the dynamics of negotiation and how this interlinks with the conclusion of a balanced contract, and the effect this has for founding an enduring business relation. In parallel, students will be required to draft an agreement which results from a negotiated deal. This focuses on the skill and ability to effectively reduce the terms of a negotiation into a clear, functional, and enforceable legal instrument. Accordingly, this course will offer an integrated consideration of these two core skills, exploring them in tandem and aiming to develop an appreciation for their practical and conceptual relation.

Structure of the Course

The course is delivered through a combination of lectures, seminars and group work. Students will be required to negotiate out a scenario and deliver a fully drafted and completed agreement.

Basic Background Reading

The foundational reading for the course is: Fisher R, Ury W, Patton B. *Getting To Yes: Negotiating Agreement Without Giving In*. New York: Penguin, 2011. Additional materials for each class and seminar will be provided on the course website.

Contact point

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Course Director

Dr. Jaakko Salminen

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VII

EU CONSTITUTIONAL LAW

EU Constitutional Law commences following the end of Induction Week. The purpose of the course is to provide in-depth knowledge of the constitutional aspects of the European Union which forms the foundation of all further understanding and discussion of commercial aspects of EU law. The course focuses on and explains the balance of power between the Union and member states; constitutional principles such as the principle of subsidiarity; comitology; implementation of Community law in the member states; fundamental rights which have growing significance in commercial litigations and company defences and finally the enforcement and the role of the courts of the European Union.

Structure of the Course

The course is delivered through a combination of lectures and seminars. Given the fluidity and dynamism of constitutional law in the Union the seminars are designed to be discursive, requiring that students be prepared and opinioned to be able to jointly explore the challenging area of European constitutional law. The course requires substantive amounts of reading and engagement of the highest degree and will cover important topics such as supremacy, competence, pre-emption, direct, indirect, and other types of "effects", fundamental rights, and the role of the European courts and the relationship to national courts and member states constitutional orders.

Basic Background Reading

The foundational reading for the course is *Craig, P. and G. de Búrca EU law text, cases and materials. (Oxford: Oxford University Press, 2020) 7th edition*. Additional materials for each class and seminar will be provided on the course website.

Course Director

Professor Xavier Groussot (xavier.groussot@jur.lu.se)