

MACQUARIE  
UNIVERSITY



FACULTY OF  
BUSINESS AND ECONOMICS

Unit code: BUSL379  
Unit Name: European Trade Law

Semester 1  
Year 2011

*Department Accounting and Corporate  
Governance*

**MACQUARIE UNIVERSITY  
FACULTY OF BUSINESS AND ECONOMICS  
UNIT OUTLINE**

**Year and Semester: 2011 Semester 1**

**Unit convenor: Patricia Blazey**

**[Prerequisites / Corequisites:] BUSL250**

**Credit points: 3**

Students in this unit should read this unit outline carefully at the start of semester. It contains important information about the unit. If anything in it is unclear, please consult one of the teaching staff in the unit.

**ABOUT THIS UNIT**

Students will gain an in depth understating of the laws relevant to trade within the European Union (EU) as well as the global impact of the Union itself on world trade.

This unit introduces students to the structure and laws of the EU and has the following principal aims:

- 1) to enable students to understand the particular trading aspect of each member state and what they saw as the benefits to be gained by joining the EU.
2. to introduce students to the major treaties that have bought about the European Union and their effect on member states and gain an understanding of the role of the main institutions responsible for running the EU and for drafting the laws.
3. to enable students to understand the dynamics of internal and external trade law in the Union.
- 4.Non economic laws in place to protect the environment and ensure the sustainability of resources are debated.
- 5.The current crisis with the Euro zone will form a prominent part of this unit.

**TEACHING STAFF**

**Convener and lecturer**

Patricia Blazey – W3A - Room 426  
email: Trish.blazey@mq.edu.au

**Administrative Staff**

Alma Urbiztondo - W3A Room 438  
Phone – 9850 8452  
Email: alma.urbiztondo@mq.edu.au

**CONSULTATION TIMES**

Consultation hours Wednesday 1-3 pm

You are encouraged to seek help at a time that is convenient to you from a staff member teaching on this unit during their regular consultation hours. In special circumstances, an appointment may be made outside regular consultation hours. Staff will not conduct any consultations by email. You may, however, phone staff during their consultation hours.

Students experiencing significant difficulties with any topic in the unit must seek assistance immediately.

## **CLASSES**

- 3 hours face-to-face teaching per week in seminar format not a lecture and tutorial. You are required to attend the seminars. The timetable for classes can be found on the University web site at: <http://www.timetables.mq.edu.au/>

## **PRIZES**

- Prizes for this unit – please see [http://www.businessandconomics.mq.edu.au/undergraduate\\_degrees/prizes\\_scholarships](http://www.businessandconomics.mq.edu.au/undergraduate_degrees/prizes_scholarships)

## **REQUIRED AND RECOMMENDED TEXTS AND/OR MATERIALS**

### **REQUIRED BOTH TEXTS:**

J. Steiner L. Woods C. Twigg-Flesner 'European Union Law' 10<sup>th</sup> Edition Oxford University Press 2009

and

L. Davies 'Understanding European Law' 4th Edition Routledge-Cavendish 2011

NOTE: The Treaty of Lisbon changed the structure of the EU in many important ways and Davies covers these changes in the 2011 edition. Davies does not cover the case law in this unit, that is covered in Steiner and Woods

## **TECHNOLOGY USED AND REQUIRED**

- [www.jeanmonnetprogram.ord.eu](http://www.jeanmonnetprogram.ord.eu)
- [www2.spfo.unibo.it/spolfo/EULAW.htm](http://www2.spfo.unibo.it/spolfo/EULAW.htm)

**Institutional Websites (European University - <http://www.eui.eu/Research/Library/ResearchGuides/EuropeanInformation/EDCDatabases.aspx>)**

- [Europa](http://europa.eu.int), the interinstitutional server of the EU, the main source for EU documents, publications, policies etc. <http://europa.eu.int>

[European Parliament](#), the official multilingual site of the EP

[European Commission](#), the official multilingual site of the EC

[European Court of Justice](#), the official multilingual site of the ECJ

[Council of the EU](#), the official multilingual site of the Council of the EU

[ScadPlus](#) is just one of the useful summaries of EU policies and activities to be found on the Europa and European Parliament websites

See also [European Parliament Factsheets](#)

## EU Official Resources

[EUR-Lex](#) is the portal which provides direct free access to European Union law. The system allows users to consult the Official Journal of the European Union and it includes the treaties, legislation, case-law and legislative proposals. It offers extensive search options.

[RAPID](#) is a database of the press releases of the European Union institutions with a variety of search options.

[ECLAS](#) (European Commission Library Catalogue) contains the bibliographical records for EU and other International Organisation publications, commercially produced books and periodical articles on European affairs.

[The Legislative Observatory](#) is a tool for following the Community decision-making process with links to the documents (administered by the European Parliament).

[PreLex](#) is a database on inter-institutional procedures follows the major stages of the decision-making process between the Commission and the other institutions and has links to the documents.

[Legal bibliography of European integration](#) is an annual bibliography on the legal issues of European integration compiled by the library of the Court of Justice containing reference to books and periodical articles. A [bimonthly update](#) is available on the Court's website.

[IATE](#) is a multilingual dictionary, database produced by the translation service of the Commission.

[EUROSTAT](#) is the Statistical Office of the European Communities.

[EU Bookshop](#) This EU Publications Office digital library contains both historic and recent official publications. Pdf publications are free of charge and there is the possibility to order printed copies.

[EU Whoiswho, the official directory of the European Union \(electronic version\)](#), Previous years available on paper; [1975-1993](#) ; [1994-1996](#); [1997-](#)

## Other EU Resources

[European Sources Online](#) provides information about the institutions, structures, countries, regions, peoples, policies and processes of the European Union and the wider Europe.

[European Integration History Index](#) provides internet resources on the History of Europe after WWII in all languages.

[Archive of European Integration](#) is an electronic repository and archive for research materials on the topic of European integration and unification.

[European Navigator](#) is the Internet knowledge base whose educational approach provides students, teachers, researchers and anyone else interested in European issues with information on the history of European integration - multimedia and multilingual.

[Europeana.eu](#) is a digital library containing 4 million items, including images, texts, audio and video, from European museums, galleries, libraries, archives and audio-visual collections

[Agence Europe](#) is a daily bulletin (English version) on CDROM which contains news and information in full text on European economic and political integration from Europe daily bulletins and various supplements 1995 onwards. [Prior to 1995](#) available in other formats along with similar publications.

[European Integration Current Contents](#) publishes the tables of contents for 108 journals, in nine languages, relevant in European integration.

[Eur-Activ](#) is a free portal giving EU news, policy positions and "EU actors".

[Virtual full-text library of European documents \(EDC Mannheim\)](#) is a free interface to the CELEX database and other EU databases, which is very user-friendly although less sophisticated search options. Very useful for getting documents.

[EuroInternet](#), Vienna

### **Council of Europe and WEU**

[Council of Europe home page](#)

[European Court of Human Rights](#)

[Western European Union Server](#)

- The Macquarie University library's Information and Technology Training Unit (ITTU) provides a range of computing and library research skills. ITTU web page: <http://www.lib.edu.au/services/> or phone 9850-7399.

## **UNIT WEB PAGE**

Material for this unit is available on the learning management system (Blackboard)

[http://www.buslaw.mq.edu.au/undergraduate\\_programs/units/BUSL379](http://www.buslaw.mq.edu.au/undergraduate_programs/units/BUSL379)

Power point slides for each lecture will be available on Blackboard.

## **LEARNING OUTCOMES**

### **Learning Objectives**

The learning objective of this unit is to introduce students to the implications of joining the EU and to critically evaluate the benefits of such membership. Students will study in detail the various institutions that run the EU and the many laws and regulations that are responsible for the operation of EU trade.

**The learning outcomes of this unit are that you will be able:-**

1. Understand the legal construction of the EU
2. Explain the basic characteristics of the law making bodies of the EU
3. Understand and evaluate the characteristics of the legal rules of the internal market
4. Assess the effectiveness of the EU as a trading community
5. Evaluate the importance of the relationship between economic and non economic interests
6. Discuss the future role of the EU in light of the Eurozone crisis
7. Undertake excellent research

## **GRADUATE CAPABILITIES**

This unit contributes to this by developing the following graduate capabilities:

1. Discipline Specific Knowledge and Skills
2. Critical, Analytical and Integrative Thinking
3. Problem Solving and Research Capability
4. Creative and Innovative
5. Effective Communication
6. Engaged and Ethical Local and Global citizens
7. Socially and Environmentally Active and Responsible
8. Capable of Professional and Personal Judgement and Initiative
9. Commitment to Continuous Learning

<b>MODULE 1</b>	<b>STRUCTURE OF THE EU</b>
Seminar 1	Origins of the European Community – from EEC to EU The Single European Act Treaty of European Union Treaty of Amsterdam Treaty of Nice Treaty of Lisbon Treaty establishing a Constitution for Europe
Seminar 2	Institutions of the Community Parliament Council Commission Economic and social Committee Committee of the Regions Court of Auditors Court of Justice
Seminar 3	Scope of the EC Treaty laws and law making Principle of Supremacy of EC Law
Seminar 4	Principle of Direct applicability and direct effects General principles of law
<b>MODULE 2</b>	<b>EU LAW</b>
Seminar 5 and 6	Framework for enforcement Remedies in National Courts State Liability The preliminary rulings procedure Enforcement actions Direct actions for annulment Action for failure to act
<b>MODULE 3</b>	<b>THE INTERNAL MARKET</b>
Seminar 7	The common market Harmonization
Seminar 8	Free Movement of Capital and Payments Customs Union
Seminar 9	Free movement of goods Derogation from free movement of goods
Seminar 10 and 11	Rights of free movement and residence Economic rights workers establishment and services Free movement of social rights Right to receive services

	Free movement of people and limitations
<b>MODULE 4</b>	<b>COMPETITION</b>
Seminar 12	Competition policy Competition law in the internal market
<b>MODULE 5</b>	<b>THE ENVIRONMENT – EMISSIONS TRADING</b>
Seminar 13	Environmental Law and Sustainable Development

Students will be assigned individual tasks and be required to present on pre assigned topics in seminars.

#### RESEARCH AND PRACTICE

This unit uses research by Macquarie University researchers

P Blazey R Wetton *The Greek Affair: A Cause or a Symptom of the European Union Instability?* Macquarie Journal of Business Law Vol 7 2010

P Blazey J Zenos *'The European Union's Response to the Global Financial Crisis – can it avoid a move to protectionism?'* Business Law Journal June 2009

#### **Linkage Infrastructure, Equipment and Facilities Primary for 1801 Law**

**LE110100154** granted December 2010 ARC Funding: \$200,000

Investigators: Prof. Graham Greenleaf, Prof. Andrew Mowbray, A/Prof Martin Vranken , Prof. Ross Grantham, **Ms Patricia Blazey**, Ms Anne McNaughton, Mr Matthew Zagor, A/Prof Dan J Svantesson, Professor Freeland, Professor Wojciech Sadurski, Professor Peter Gillies *The World Legal Information Institute European Law collection: effective access to European Legal Information in English for Australian Researchers*

**This unit gives you opportunities to conduct your own research**

#### ACADEMIC HONESTY

The nature of scholarly endeavour, dependent as it is on the work of others, binds all members of the University community to abide by the principles of academic honesty. Its fundamental principle is that all staff and students act with integrity in the creation, development, application and use of ideas and information. This means that:

- all academic work claimed as original is the work of the author making the claim
- all academic collaborations are acknowledged

- academic work is not falsified in any way
- when the ideas of others are used, these ideas are acknowledged appropriately.

Further information on the academic honesty can be found in the Macquarie University Academic Honesty Policy at

[http://www.mq.edu.au/policy/docs/academic\\_honesty/policy.html](http://www.mq.edu.au/policy/docs/academic_honesty/policy.html)

## **GRADES**

Macquarie University uses the following grades in coursework units of study:

HD - High Distinction

D - Distinction

CR - Credit

P - Pass

F - Fail

Grade descriptors and other information concerning grading are contained in the Macquarie University Grading Policy which is available at:

<http://www.mq.edu.au/policy/docs/grading/policy.html>

## **GRADING APPEALS AND FINAL EXAMINATION SCRIPT VIEWING**

If, at the conclusion of the unit, you have performed below expectations, and are considering lodging an appeal of grade and/or viewing your final exam script please refer to the following website which provides information about these processes and the cut off dates in the first instance. Please read the instructions provided concerning what constitutes a valid grounds for appeal before appealing your grade.

[http://www.businessandconomics.mq.edu.au/for/new\\_and\\_current\\_students/undergraduate/admin\\_central/grade\\_appeals](http://www.businessandconomics.mq.edu.au/for/new_and_current_students/undergraduate/admin_central/grade_appeals).

## **SPECIAL CONSIDERATION**

The University is committed to equity and fairness in all aspects of its learning and teaching. In stating this commitment, the University recognises that there may be circumstances where a student is prevented by unavoidable disruption from performing in accordance with their ability. A special consideration policy exists to support students who experience serious and unavoidable disruption such that they do not reach their usual demonstrated performance level. The policy is available at:

[http://www.mq.edu.au/policy/docs/special\\_consideration/procedure.html](http://www.mq.edu.au/policy/docs/special_consideration/procedure.html)

## **STUDENT SUPPORT SERVICES**

Macquarie University provides a range of Academic Student Support Services. Details of these services can be accessed at <http://www.student.mq.edu.au>.

## **IT CONDITIONS OF USE**

Access to all student computing facilities within the Faculty of Business and Economics is restricted to authorised unit work for approved units. Student ID cards must be displayed in the locations provided at all times.

Students are expected to act responsibly when utilising University IT facilities. The following regulations apply to the use of computing facilities and online services:

- Accessing inappropriate web sites or downloading inappropriate material is not permitted. Material that is not related to unitwork for approved unit is deemed inappropriate.
- Downloading copyright material without permission from the copyright owner is illegal, and strictly prohibited. Students detected undertaking such activities will face disciplinary action, which may result in criminal proceedings.

Non-compliance with these conditions may result in disciplinary action without further notice.

Students must use their Macquarie University email addresses to communicate with staff as it is University policy that the University issued email account is used for official University communication.