Sak 49/14

Studieutvalget
Det juridiske fakultet
Universitetet i Bergen

Bergen, 06.06.14

Søknad om endring (presisering) av pensum samt endring av emnebeskrivelse (obligatoriske forkunnskaper) – JUS287-2-A EU & EEA Commercial Law

Det søkes herved om en endring/presisering av pensum samt endring av emnebeskrivelsen på valgemnet EU & EEA Commercial Law hva gjelder nødvendige forkunnskaper for studenter som ønsker å ta kurset.

Dagens emnebeskrivelse inneholder ikke en pensumliste. I søknaden om opprettelse av kurset (se vedlegg), står imidlertid følgende oppgitt under punktet «Literature»:

> *Required reading materials:*
> *Selected chapters in C. Barnard, «The Substantive Law of the EU», 4th ed. 2013*
> *Selected articles on internal market issues*

Etter nærmere gjennomgang mener vi som kursansvarlige at pensum kan og bør presiseres ytterligere. Etableringsretten, fri flyt av kapital og monetær union vil ikke dekkes på årets kurs. Kapitlene i Barnard som omhandler disse – kap. 10 (61 s.) og kap. 15 (46 s.) – kan følgelig tas ut av pensumlisten.

Det finnes relativt lite engelskspråklig litteratur som behandler EØS-dimensjonen ved de fire friheter m.m. Flere større verk er imidlertid under arbeid og ventes ferdigstilt i løpet av 2014. Deler av disse vil mest sannsynlig kunne brukes på kurset i fremtiden.

Imellomtiden mener vi at tre kapitler i boken S. Norberg (red.) «EEA Law – A Commentary on the EEA Agreement» (1994) kan tjene som EØS-pensum på årets kurs. Boken er noe utdatert, men anses dekkende for de grunnleggende EØS-rettslige aspektene ved de tre fundamentale frihetene (varer, tjenester og arbeidskraft) som undervisningen vil fokusere på. Rettsutviklingen på EØS-siden har heller ikke vært like dynamisk som på EU-rettssiden på disse områdene, slik at nødvendig oppdatering også kan gis gjennom forelesningene.

Boken er ute av trykk, men kan bestilles på nett. Den finnes også på biblioteket (2 eks.), og kursansvarlige har 2 eksemplarer som studentene eventuelt kan låne. Avhengig av hvor mange som deltar på kurset vil det også vurderes å lage kopier av de mest relevante sidene til studentene.

Vi tillater oss derfor å foreslå følgende pensumliste:

> *C. Barnard, The Substantive Law of the EU, 4th ed. 2013, chpt. 1-9, 11-14, and 16.*
> *S. Norberg (ed.), EEA Law – A Commentary on the EEA Agreement, chpt. 14-16.*

All students should purchase a copy of Barnard's book for use on the course. A limited number of copies of Norberg will be available to loan from the library and from the course supervisors.

Videre stilles visse krav til forkunnskaper i emnebeskrivelsen. Disse er som følger:

Krav til forkunnskapar

Good level of English language.
Three years of university studies.

I søknaden om opprettelse av kurset, under punktet "Basic admission requirements", står følgende:

*- compulsory**	*14*	*Three years of university studies*
*- recommended**	*15*	*Three years of university law studies*

Et obligatorisk krav til tre års universitetsstudier kan ha en ekskluderende effekt på enkelte søkere fra utenlandske universiteter som vi samarbeider med, og som ønsker å ta kurset. Ved universiteter i Storbritannia er det for eksempel vanlig å dra på utveksling i løpet av 2. studieår. Slike søkere bør ikke automatisk utelukkes fra å ta kurset. Opptak bør heller vurderes konkret ift den enkelte søker.

Vi tillater oss derfor å forslå følgende endringer til emnebeskrivelsen:

Anbefalte forkunnskaper

Good level of English language.
Three years of university studies.

Med vennlig hilsen,

Christian Franklin Halvard Fredriksen Ronny Gjendemsjø

Kursansvarlige
JUS287-2-A EU & EEA Commercial Law

Subject	
Course title	EU and EEA Commercial Law
Code	
Course title – bokmål*	EU and EEA Commercial Law
Course title – nynorsk*	EU and EEA Commercial Law
Course title – english*	EU and EEA Commercial Law
Number of credits*	10
Level (BA or MA)	MA
Course leader*	Associate Professor Christian Franklin Associate Professor Halvard Fredriksen Associate Professor Ronny Gjendemsjø
Subject lecturer(s)*	Associate Professor Christian Franklin Associate Professor Halvard Fredriksen Postdoctoral Research Fellow Ronny Gjendemsjø Research Fellow Malgorzata Cyndecka Research Fellow Ingrid Margrethe Halvorsen Research Fellow Håvard Ormberg
Contact with the Administration (can be changed by the Admin. without a new decision)	elective-courses@jurfa.uib.no
Combines successfully with	JUS258-2-A EU and EEA Public Procurement Law JUS258-2-B Competition Law
For courses in the law programme:	
- Course content**	The course aims to provide students with an overview of EU/EEA commercial law, focussing particularly on the regulation of the internal market and certain ancillary policies inherently connected thereto. The topics covered by the course constitute the very core of EU/EEA cooperation, and will include (but not be limited to) both theoretical and practical aspects of the rules governing the EU Customs Union, the Four Freedoms (i.e. free movement of goods, services, workers and capital) and restrictions, derogations and justifications thereto, and the EU Common Commercial Policy (CCP). Certain cross-policy aspects, particularly concerning the relationship between the Four Freedoms, state aid and competition rules, will also be touched upon during the course.
- Learning outcome**	By the end of the course, students will be expected to be able to demonstrate: 1. Thorough knowledge and understanding of the core EU Treaty and EEA-Agreement rules and principles with regard to the internal market and certain ancillary policies thereto, including (but not limited to): - The four freedoms (free movement of goods, services, workers and capital), including restrictions, derogations and justifications thereto - EU Common Commercial Policy - Certain cross-policy issues (particularly the relationship between the Four Freedoms, state aid and competition regulatory regimes) 2. General awareness of the most recent developments in the case-law of the EU and EFTA Courts in the policy fields in question. 3. General knowledge and understanding of the relationship between the EU and EEA regulatory regimes, and their relationship to the national legal systems of the EU and EFTA Member States.

	By the end of the course, students should have developed the following skills: - Reading and critical analysis enabling them to evaluate academic works in the field - Written and oral skills, including the clear and succinct expression of ideas through presentations and case-studies - A basic grounding in research skills and techniques particular to EU and EEA commercial law
- Literature**	Required reading materials: Selected chapters in C. Barnard, "The Substantive Law of the EU", 4th ed. 2013 Selected articles on internal market issues
Teaching:	
- teaching semester (autumn/spring)*	Autumn
- teaching methods*	Lectures and seminars
- teaching language*	English
- compulsory elements*	Students will be required to submit a paper during the course (approximately 2500 words), constituting 50% of their final grade in the subject. Students may be asked to prepare case-studies and/or short presentations for certain lectures/seminars.
Admission/admittance regulation:	
- general admittance requirements*	MAJUR, JUSVALG, INTL-JUS
- course admission*	
- capacity of course participant	No restrictions
- private candidate admittance*	
Exam:	
- examination semester (Autumn/Spring)*	Autumn. Students that fail the paper will have a second chance to resubmit their paper before the final exam.
- type of examination * o semester with teaching o semester without teaching	Paper (50%) and 30 minute oral examination (50%). Resit examination: A four hour written school exam will be offered to students who have passed their paper.
- duration of exam*	30 minute oral examination
- examination language* - the exam question - the answer	 English English
- grade system*	Graded scale with 5 levels from A to E for passes and F for fail, see Section 3-1 no. 2, first sentence of *Studieplanen for masterstudiet I rettsvitenskap ved UiB.*
Remedies permitted in addition to § 3-6	
Basic admission requirements (including language requirements):	Good level of English language
- compulsory*	Three years of university studies
- recommended*	Three years of university law studies
Academic overlap with other courses*	No overlapping with other courses
Evaluation*	The course will be subject to an annual evaluation by the Course Leaders, particularly taking into account answers to a feedback form to be distributed to all students attending the course.
Contact information* - Department/Institute/ Faculty	Contact person in the Administration: **elective-courses@jurfa.uib.no** Department: **The Faculty of Law** Visiting address: Magnus Lagabøtes plass 1 Office hours: 09.00 – 14.00.

	Postal address: Postboks 7806 Post number and city: 5020 BERGEN Phone: + 47 55 58 95 00 Fax: + 47 55 58 95 10 E-mail: http://www.uib.no/en/jur Web: http://www.jur.uib.no/
Target group(s)	The course aims to attract both exchange students as well as students on the Master's programme in law at the University of Bergen's Faculty of law, with an interest in EU/EEA law.
The need for adjustment with regard to the target groups	None
Financing of the course	In addition to the ordinary internal financial framework for elective subjects, provision should be made to allow for 4 hours of lectures to provide students with a basic introduction to EU and EEA law. This would be essential for all exchange students taking part on the course, who will presumably have limited knowledge of the EEA legal system, and to which most of the academic literature is written in Norwegian, Icelandic or German.
Resources	
- course leader	Internal
- teaching resources	Internal (24 hours of lectures/seminars).
- administrative resources	Internal
Relevance of the course	