

Unit 28: European Law

Unit code: K/601/1118

QCF level: 5

Credit value: 15 credits

- Aim

The aim of this unit is to provide learners with knowledge and understanding of European law as it relates to the United Kingdom, business and individuals.

- Unit abstract

Learners will recognise that European law has a significant impact on English law and issues of sovereignty. The institutions that create European law are explored so that the source and rationale behind it can be understood.

The effect of European law is then considered in the context of the free movement of goods, services and workers. This requires an examination of the EU legal rules which impact on persons seeking work in other member states and how business organisations are able to promote and set up branches of their business in other member states.

The unit will also allow learners to identify anti-competitive practices and how these can impact on business organisations and the individual.

- Learning outcomes

On successful completion of this unit a learner will:

- 1 Understand the EU institutions
- 2 Understand the sources of EU law and issues of sovereignty
- 3 Understand the European legal principles concerned with the free movement of workers
- 4 Understand the European provisions relating to the free movement of goods, services and establishment of businesses.

Unit content

1 Understand the EU institutions

Community institutions: Council, Commission, Parliament, European Court of Justice

Constitutional principles: European citizenship, federalism and subsidiarity

2 Understand the sources of EU law and issues of sovereignty

Sources of European law: treaty provisions, regulations, directives, decisions

General principles of European law: direct and indirect effect of EU legal rules

Sovereignty issues: supremacy of EU law over domestic legislation

3 Understand the European legal principles concerned with the free movement of workers

Sources: relevant treaty articles, regulations and directives

Community citizenship: political and social rights

Defining workers: treaty articles, regulations and directives

Equal treatment of European nationals: right of entry, right of residence, and right to remain

Derogations from free movement of workers: the grounds of public policy, public security, public health

4 Understand the European provisions relating to the free movement of goods, services and establishment of businesses

Free movement of goods: cases, treaty articles, regulations and directives, discriminatory taxation and quantitative restrictions

Free movement of services: cases, treaty articles, regulations and directives

Free movement of establishment: recognition of qualifications, right to establish and residence rights of non-workers

Learning outcomes and assessment criteria

Learning outcomes On successful completion of this unit a learner will:	Assessment criteria for pass The learner can:
LO1 Understand the EU institutions	1.1 describe the function and operation of the European Union institutions 1.2 explain the constitutional principles underlying the European Union
LO2 Understand the sources of EU law and issues of sovereignty	2.1 explain the sources of European law 2.2 illustrate the general principles of European law 2.3 evaluate the sovereignty issues arising from supremacy of European law over domestic legislation
LO3 Understand the European legal principles concerned with the free movement of workers	3.1 explain the concept of the 'worker' 3.2 analyse provisions relating to equal treatment for European nationals 3.3 evaluate the application of worker rights and derogations to those rights
LO4 Understand the European provisions relating to the free movement of goods, services and establishment of businesses	4.1 explain discriminatory practices which member states may use to curtail free movement of goods and the provision of services 4.2 analyse the freedom to receive goods and services 4.3 evaluate the application of residence rights of workers and non-workers.

Guidance

Links

This unit links with other law units within the specification.

Essential requirements

A resource bank including a range of EU legal material is needed.

Employer engagement and vocational contexts

Centres that have links with businesses who operate in Europe may be able to work together to analyse the problems that have arisen and the solutions used. Centres with European partner institutions may find it useful to develop links to assist delivery, or deliver the unit on an exchange basis.

