



With the support of the
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**Institute of International Relations
Taras Shevchenko National University of Kyiv
Jean Monnet Centre of Excellence**

**COLLECTION OF SYLLABI
FOR MASTER PROGRAM (LLM)
“EUROPEAN BUSINESS LAW”**

Master Programm «European Business Law»
(language of education – English)
in specialty 293 «International Law»,

Scientific supervising: Prof. K.Smyrnova

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Introduction (general information about Program)

Main aim of the program is training of highly qualified specialists in European law who have basic knowledge and practical skills in European and international law and who are able to apply the acquired knowledge in their professional activity.

The duration of Program is 1,5 year, 90 credits ECTS.

The language of education is English with Legal writing & legal English.

The overall style of study is student-oriented. Lectures, seminars, independent work, practical classes, consultations with teaching staff. During the last year of study, half of the time is spent writing the master thesis, which is presented and discussed with the participation of the lecturers and professors.

The educational process is provided by lecturers and professors, mainly, of the Chair of Comparative and European law, as well as other departments of the Institute of International Relations: Chair of International Private Law, Chair of Foreign Languages.

It is envisaged to involve employees from the appropriate ministries and departments of Ukraine, employees of international organizations, Ukrainian and foreign business structures for lecturing and conducting workshops.

Main professional skills obtained within the Program:

- Ability to use specialized knowledge of specific areas of European law regulation;
- Ability to represent the interests of both individuals and the state in international relations at high professional level as an international lawyer and EU law specialist;
- Ability to analyze the stages of development of the European Union, international intergovernmental organizations and integration associations;
- Ability to determine the content, purpose and legal nature of EU law acts, national regulations, international treaties and other international instruments;
- Ability to predict trends in EU and national law;
- Ability to evaluate the mechanisms and consequences of the implementation of EU and international law into the national legal system;
- The ability to formulate proposals for improving the national law-making mechanism, taking into account the achievements of EU law.

Main results of the education:

- Demonstrate knowledge and skills regarding ways and methods of solving specific legal and economic issues, both internationally, in particular at European and national levels; a thorough analysis of legal concepts and business schemes, the production of new ideas and approaches to solve practical problems in the field of professional activity;
- Understand the international legal situation, in particular at EU level, use different sources of information, including foreign ones, in particular using the latest information and communication technologies, to find out the facts and arguments, to provide international legal assessment of international relations events;
- Demonstrate communication skills with representatives of other professions and other fields of knowledge and types of economic and legal activity at national and international levels, as well as the ability to work with EU professionals;
- To apply the acquired knowledge and skills in international, in particular European law and in international relations, to solve practical problems;
- To provide professional representation of individuals and legal entities and state bodies in foreign countries, in EU institutions and bodies, bilateral bodies of international organizations, at international conferences; to analyze political, economic and other risks related to international legal events; to analyze information on the state of international relations, foreign policy of

Ukraine and to prepare analytical reports and reports with reference to the rules of international and national law;

- To analyze and put into practice the mechanism of implementation of European Union law acts, international intergovernmental organizations and integration associations into the national legal system;

- Determine the content and legal nature of national regulations, international treaties and agreements, identify conflicts between international treaties, EU law and national legislation, and propose specific solutions;

- To be aware of the mechanism and consequences of the implementation of international treaties, in particular between Ukraine and the EU, acts of international intergovernmental organizations, decisions of international courts in national law;

- Prepare drafts of international treaties and acts of national legislation, demonstrate the ability to eliminate contradictions between different regulatory documents, fill in the gaps in the mechanism of international legal regulation, submit proposals to bring the norms of national legislation in line with the rules of European law.

Evaluation procedures:

The current assessment is based on variety of prescribed forms, such as written and oral exams, credits, differentiated credit, module control work, comprehensive qualification exam in European business law, public defense of master theses.

Certification of graduates of the European Business Law degree program in specialty 293 "International law" is conducted in the form of a comprehensive qualification examination in European business law, public defense of the qualification master theses and ends with the issuance of the document of the established sample. Upon completion of the master's degree program, foreign students will be professionally qualified as a lawyer-international, and Ukrainian students - professionally qualified as a lawyer-international and translator in English.

The Comprehensive European Business Law Qualification Exam is conducted in written form by answering the questions posed and solving practical problems (cases) in European Business Law.

Execution and public defense of the qualification master theses. Writing a master thesis should be based on the use of materials provided by government bodies or a law firm where a student is employed or has undergone research and production practice. The thesis should present practical solution to the issue of international legal regulation of a certain sphere of international relations. The work should contain information about the validation or practical application of the results of the master's study.

Structure of the Master Program (LLM) “European Business Law”

Components of Master Program (disciplines, works, practice)	ECTS Credits	Final control forms
<i>Mandatory Part of the Program</i>		
EU Economic Law	6,0	exam
Settlement of International Disputes	4,0	exam
Comparative and International Tax Law	3,0	exam
Cases studies of current issues of EU Law	3,0	exam
Financial instruments and banking regulation in the EU	3,0	exam
EU Competition Law	4,0	exam
Methodology of scientific researches within European Law	3,0	credit
Legal regulation of public procurement and state aid in the EU	3,0	credit
EU Labor and Social Law	4,0	credit
Scientific-practical skills	9,0	credit
Master thesis	12,0	Public defense
Practice of professional translation (English)	14,0	exam
<i>Variative Part of the Program</i>		
Business Transactions and International Trade of Goods	3,0	credit
International Corporate and Investment Law	4,0	credit
European Company Law	4,0	exam
Advocacy and Legal Practice / Legal writing & practice on European Databases	4,0	credit
Legal Regulation of Intellectual Property & innovations in business / International Entrepreneurship	4,0	credit
EU Common Commercial Policy / Economic Analysis of the Law of Ukraine and the EU	3,0	credit

Syllabuses of the main courses of the Master Program “European Business Law”

EU Economic Law

The course “EU Economic Law” seeks to explore the key elements of the EU Internal Market Law. It examines the legal aspects by studying in detail the law governing the free movement of goods, persons, services and capital within the EU, as well as covering competition law and consumer law. A general perspective will be complemented by an analysis of the most important cases of the European Court of Justice.

The main task of the course “EU Economic Law” is to provide students with appreciation of the substantive law of the EU, focusing on the law of the European internal market. The learning process will include solving specific cases. In addition to providing a thorough examination of the four freedoms the course aims at encouraging reflection on the influence of the ECJ on these areas of the EU law and other issues of European economic governance. Another task is to explore economic law issues systematically and creatively, reaching reasonable conclusions; critically evaluate current legal issues and explore them in depth in selected fields. Still other task is to nurture an ability of making use of the gained knowledge when studying for other legal specialized courses in the future; to analyse the sources of economic law of the EU and the implementation of the law at the level of member-states; to carry out an analysis of the works of lawyers and scientists in the field of EU law, as well as to master a legal language at the level sufficient to use it freely in practical work.

CURRICULA

90 h. = 16 h. - lectures, 14 h. - seminars, 60 h. – independent work of students = Semester 1

90 h. = 18 h. - lectures, 12 h. - seminars, 60 h. – independent work of students = Semester 2

Number of credits: 6 ECTS credits (180 h.)

No	Topics	Lectures	Seminars	Independent work of students
1	The European integration process, distribution of power among EU institutions	2	2	10
2	Custom duties and CEE, Discriminatory taxation	2	2	10
3	Competing product, Cases of the ECJ	2	2	10
4	Prohibiting of quantitative restrictions and measures having equivalent effect	4	2	10
5	“Rule of reason” and “Mandatory requirements”	2	2	10
6	The free movement of persons / workers in the EU	4	3	10
7	Freedom of establishment and mutual recognition	6	4	15
8	Free Movement of Services in the EU	4	4	15
9	Free Movement of Capital in the EU	4	2	15
10	Prevention of money laundering and terrorist financing and deposit-guarantee schemes	4	1	15

SYLLABUS

SEMESTER 1

Topic 1. The European integration process and distribution of power among EU institutions

1. The European integration process (stages of integration)
2. The main EU Treaties
3. The distribution of power among EU Institutions: the European Parliament, the European Council, the Council, the European Commission, the Court of Justice of the EU, the European Central Bank, the Court of Auditors
4. The legal nature of the EU and the main points from 2 Cases of the ECJ: 26/62 Van Gend en Loos [1963] and 6/64 Costa v Enel [1964]
5. Supremacy of the EU law

Topic 2. Custom duties and CEE, Discriminatory taxation

1. Custom duties and CEE, the Different Types of Barriers to Trade Art.28-36 TFEU
2. The Prohibition of Discriminatory Internal Taxation Art.110-113 TFEU
3. Direct applicability and direct effect of the EU law
4. Regulations and Directives
5. Custom duties and CEE, Art.28-36 TFEU
6. Discriminatory taxation Art.110-113 TFEU
7. Cases of the ECJ:
 - 26/62 Van Gend en Loos [1963]
 - 6/64 Costa v Enel [1964]
 - 41/74 van Duyn [1974]
 - 106/77 Simmental [1978]
 - 24/68 Commission v. Italy [1969]
 - 2 & 3/69 Sociaal Fonds [1969]
 - 46/76 Bauhuis [1977]
 - 77/76 Fratelli Cucchi [1977]
 - 57/65 Lutticke [1966]
 - 243/84 John Walker [1986]
 - 193/85 Co-Frutta [1987]
 - Case 7/68 Commission v Italy (Italian Art Treasures Case) [1968]
 - Case 63/74 Cadsky v ICE [1975]
 - Case 127/75 Bobie Getrankevertrieb v Hauptzollamt Aachen-Nord [1976]

Topic 3. Competing product, Cases of the ECJ

1. Direct and indirect discrimination
2. Competing product
3. Cases of the ECJ:
 - 2 /73 Geddo [1973]
 - 127/75 Bobie [1976]

- 8/74 Dassonville [1974]
- 170/78 Commission v. UK [1980]
- 34/79 Henn and Darby [1979]
- 249/81 Buy Irish [1982] , 113/80 Irish Souvenirs [1981]
- 72/83 Campus Oil [1984]
- 112/84 Humblot [1985]
- C-290/05 [2006], C-333/05 [2006]
- C-313/05 [2007], C-426/07 [2008]

Topic 4. Prohibiting of quantitative restrictions and measures having equivalent effect

1. Cassis de Dijon Case. Principles of mutual recognition and equivalence.
2. Prohibiting of quantitative restrictions and measures having equivalent effect, Art.34-35 TFEU
3. Grounds of derogation under Art.36 TFEU

Topic 5. Rule of reason and Mandatory requirements

1. “Rule of reason” and “Mandatory requirements”
2. Working conditions, protection of the environment, protection of fundamental rights, maintenance of social security system, selling arrangements, indistinctly applicable rules.
3. Relevant jurisprudence of the ECJ:
 - 120/78 Rewe-Zentral (Cassis de Dijon) [1979]
 - 178/84 German Beer Purity [1987]
 - 155/80 Oebel [1981]
 - 261/81 Rau [1982]
 - C-389/96 Aher Waggon [1998]
 - C-120/95 Decker [1998]
 - C-112/00 Schmitberger [2003]
 - C-184/96 Foie gras [1998]
 - C-267-8/91 Keck and Mithouard [1993]
 - C-332/01 DE Apothekerverband [2003]
 - C-254/98 Heimdienst [2000]
 - C-321-4/94 Pistre [1997]
 - 53/76 Bouhelier [1977]
 - 15/79 Groenveld [1979]

Topic 6. The free movement of persons / workers in the EU

Part 1:

- Freedom of movement for workers, the definition of a worker, a part-time worker, a work-seeker
- The definition of the worker’s family and dependents
- Right to reside for the abovementioned
- Retention of the right of residence, the loss of worker status

Part 2:

- Equal access to employment
- Access to social advantages for work seekers, education and vocational training

Part 3:

- Limitations on the free movement of persons
- The public service exception and limitations concerning the individual

- Public policy and public security, the effect of criminal convictions

Part 4:

Procedural protections - Directive 2004/38.

Part 5: Cases of the ECJ

- Case 66/85, Lawrie-Blum, [1986]
- Case 53/81, Levin, [1982]
- Case 139/85, Kempf, [1986]
- Case 196/87, Steymann, [1988]
- Case C-357/89, Raulin, [1992]
- Case C-138/02, Collins, [2003]
- Case C-415/93, Bosman, [1995]
- Case 41/74, Van Duyn, [1974]
- Case 2/74, Reyners, [1974]
- Case C-19/92, Kraus, [1993]
- Case 107/83, Klopp, [1984]
- Case C-55/94, Gebhard, [1995]
- Case 340/89, Vlassopoulou, [1991]

SEMESTER 2

Topic 7. Freedom of establishment and mutual recognition

Part 1:

- The right to establishment
- Obstacles to establishment
- Rights of entry and residence

Part 2:

- Mutual Recognition of Diplomas (old Directives)
- Establishment of Lawyers and Recognition of other Professional Activities
- The new Directive 2005/36 in the field of mutual recognition of professional qualifications

Part 3:

- The User Guide of application of the Directive 2005/36 in practice
- The Regulated Profession Database:
http://ec.europa.eu/internal_market/qualifications/regprof/index.cfm
- The process of recognition of the EU certificates within the EU (i.e.: the conditions to be fulfilled to get a permission to practice the chosen profession).

Topic 8. Free Movement of Services

1. Free Movement of Services and free movement of Capital
2. Relevant provisions of Primary EU Law (TFEU) regarding these 2 freedoms
3. Services as an ancillary (a subordinate) category of freedom of the Internal Market
 - Definition of services
 - The constituent elements of this freedom. Personal, material and temporal scope of this freedom
 - Restrictions on the movement of services
 - the Services Directive 2006/123
4. Relevant jurisprudence:
 - C-55/94, Gebhard [1995]

- Case 2/74, Reyners [1974]
- Case 39/75, Coenen [1975]
- Case 76/90, Säger [1991]
- Case 305/87, Commission v Greece [1989]
- C-490/04, Commission v. Germany [2007]
- C-388/01, Commission v. Italy [2003]
- C-465/05, Commission v. Italy [2007]
- Case 33/74, van Binsbergen [1974]

Topic 9. Free Movement of Capital

1. The development of free movement of capital
2. The definition of capital
3. Provisions of the Treaty on the Functioning of the European Union (TFEU)
4. The direct effect of Articles of the TFEU
5. General principle of the free movement of capital
6. Exceptions to the free movement of capital: Exceptions stipulated in the Treaty and Exceptions established by the case law of the EU Court of Justice
7. “Golden Shares” cases of the ECJ
8. Restrictions on property ownership: Privatization and Expropriation
9. Relevant jurisprudence:
 - C-384/93, Alpine Investments [1995]
 - Cases 286/82 and 26/83, Luisi and Carbone [1984]
 - C-186/87, Cowan v le Trésor Public [1989]
 - C-17/00, De Coster [2001]
 - C-169/08, Consiglio de Ministri v Regione Sardegna [2009]
 - Case C-424/97, Haim [2000]

Topic 10. Prevention of money laundering and terrorist financing and deposit-guarantee schemes

1. The development of legal prevention of money laundering and terrorist financing and deposit-guarantee schemes.
2. The Directive 2015/849 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing
3. Directive 2014/49 on deposit-guarantee schemes

List of Examination Questions:

1. The European integration process (stages of integration)
2. The main EU Treaties
3. The Institutions of the EU
4. The tasks of the EU
5. The notion of the EU internal market and its fundamental freedoms
6. The distribution of power among EU institutions
7. The legal nature of the EU
8. The categories of competence of the EU
9. Supremacy of the EU law, monism and dualism
10. The distribution of power among EU institutions:
the European Parliament,
the European Council,
the Council,
the European Commission,
the Court of Justice of the European Union,
the European Central Bank,
the Court of Auditors
11. The powers of advisory bodies:
European Economic and Social Committee,
Committee of the Regions,
the European Investment Bank
12. Direct applicability and direct effect of the EU law
13. Regulations and Directives (definitions and examples)
14. Custom duties and CEE, Art.28-36 TFEU
15. Discriminatory taxation Art.110-113 TFEU
16. Direct and indirect discrimination
17. Competing product
18. Prohibiting of quantitative restrictions and measures having equivalent effect, Art.34-35 TFEU
19. Grounds of derogation under Art.36 TFEU
20. Cassis de Dijon Case. Principles of mutual recognition and equivalence.
21. “Rule of reason” and “Mandatory requirements”
22. The free movement of persons / workers in the EU
23. Freedom of movement for workers, the definition of a worker, a part-time worker, a work-seeker
24. The definition of the worker’s family and dependents
25. Right to reside for the worker’s family
26. Retention of the right of residence, the loss of worker status
27. Equal access to employment
28. Access to social advantages for work seekers, education and vocational training
29. Limitations on the free movement of persons
30. The public service exception and limitations concerning the individual
31. Public policy and public security, the effect of criminal convictions
32. Directive 2004/38
33. Freedom of establishment and mutual recognition of qualifications.
34. The right to establishment
35. Obstacles to establishment
36. Rights of entry and residence
37. Mutual Recognition of Diplomas
38. Establishment of Lawyers and Recognition of other Professional Activities

39. The new Directive 2005/36 in the field of mutual recognition of professional qualifications
40. The User Guide of application of the Directive 2005/36 in practice
41. The Regulated Profession Database:
42. The process of recognition of the EU certificates within the EU
43. Services as an ancillary (a subordinate) category of freedom of the Int. Market
44. Free Movement of Services
45. Definition of services, and its constituent elements.
46. Personal, material and temporal scope of the free movement of services
47. Restrictions on the movement of services
48. The Services Directive 2006/123
49. The development of free movement of capital
50. The definition of capital
51. The direct effect of Articles of the TFEU
52. General principle of the free movement of capital
53. Exceptions to the free movement of capital:
54. “Golden Shares” cases of the ECJ
55. Restrictions on property ownership: Privatization and Expropriation
56. The aims of competition policy
57. Overview of the TFEU Articles 101-102
58. Application and enforcement of the EU competition law
59. Directive on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing
60. Directive on deposit-guarantee schemes

Relevant jurisprudence of the ECJ

1. 26/62 Van Gend en Loos [1963]
2. 6/64 Costa v Enel [1964]
3. 26/62 Van Gend en Loos [1963]
4. 6/64 Costa v Enel [1964]
5. 41/74 van Duyn [1974]
6. 106/77 Simmental [1978]
7. 24/68 Commission v. Italy [1969]
8. 2 & 3/69 Sociaal Fonds [1969]
9. 46/76 Bauhuis [1977]
10. 77/76 Fratelli Cucchini [1977]
11. 57/65 Lutticke [1966]
12. 243/84 John Walker [1986]
13. 193/85 Co-Frutta [1987]
14. 2 /73 Geddo [1973]
15. 127/75 Bobie [1976]
16. 8/74 Dassonville [1974]
17. 170/78 Commission v. UK [1980]
18. 34/79 Henn and Darby [1979]
19. 249/81 Buy Irish [1982] , 113/80 Irish Souvenirs [1981]
20. 72/83 Campus Oil [1984]
21. 112/84 Humblot [1985]
22. C-290/05 [2006], C-333/05 [2006]
23. C-313/05 [2007], C-426/07 [2008]
24. 120/78 Rewe-Zentral (Cassis de Dijon) [1979]
25. 178/84 German Beer Purity [1987]
26. 155/80 Oebel [1981]
27. 261/81 Rau [1982]

28. C-389/96 Aher Waggon [1998]
29. C-120/95 Decker [1998]
30. C-112/00 Schmitberger [2003]
31. C-184/96 Foie gras [1998]
32. C-267-8/91 Keck and Mithouard [1993]
33. C-332/01 DE Apothekerverband [2003]
34. C-254/98 Heimdienst [2000]
35. C-321-4/94 Pistre [1997]
36. 53/76 Bouhelier [1977]
37. 15/79 Groenveld [1979]
38. Case 66/85, Lawrie-Blum, [1986]
39. Case 53/81, Levin, [1982]
40. Case 139/85, Kempf, [1986]
41. Case 196/87, Steymann, [1988]
42. Case C-357/89, Raulin, [1992]
43. Case C-138/02, Collins, [2003]
44. Case C-415/93, Bosman, [1995]
45. Case 41/74, Van Duyn, [1974]
46. Case 2/74, Reyners, [1974]
47. Case C-19/92, Kraus, [1993]
48. Case 107/83, Klopp, [1984]
49. Case C-55/94, Gebhard, [1995]
50. Case 340/89, Vlassopoulou, [1991]
51. C-55/94, Gebhard [1995]
52. Case 2/74, Reyners [1974]
53. Case 39/75, Coenen [1975]
54. Case 76/90, Säger [1991]
55. Case 305/87, Commission v Greece [1989]
56. C-490/04, Commission v. Germany [2007]
57. C-388/01, Commission v. Italy [2003]
58. C-465/05, Commission v. Italy [2007]
59. Case 33/74, van Binsbergen [1974]
60. C-384/93, Alpine Investments [1995]
61. Cases 286/82 and 26/83, Luisi and Carbone [1984]
62. C-186/87, Cowan v le Trésor Public [1989]
63. C-17/00, De Coster [2001]
64. C-169/08, Consiglio de Ministri v Regione Sardegna [2009]
65. Case C-424/97, Haim [2000]

Compulsory Reading

Please note that this is the minimum reading list, which contains core texts that must be read

- EU Law Concentrate. Fourth Edition, Matthew J. Homewood. Oxford University Press, 2014
- The European Union explained: Europe in 12 lessons, by Pascal Fontaine. EU Commission, DG for Communication. Brussels 2014
- Introduction to European Union internal market law, edited by Edizioni Universitarie di Roma Tre for the Roma TrE-Press project. Roma, 2017
- The Substantive Law of the EU (the four freedoms) 4th Edition, Catherine Barnard, Oxford University Press, Oxford 2013

- European Union Law 7th Edition, Margot Horspool & Matthew Humphreys, Oxford University Press, Oxford 2012
- EU Law, Text, Cases and Materials 5th Edition, Paul Craig/Grainne de Búrca, Oxford University Press, Oxford 2011
- European Union Law (Cases and Materials) 2nd Edition, Damian Chalmers, Gareth Davies & Giorgio Monti, Cambridge University Press, Cambridge 2011
- The ABC of European Union law, prof. Klaus-Dieter Borchardt, Luxembourg: Publications Office of the European Union, 2010

Settlement of International Disputes

The aim of this course is to examine the legal rules of International Dispute Settlement taking into account the practice of existing international judicial and alternative means of dispute settlement. Upon completion of the course students will have sufficient understanding of the subject to practice and research in the field. The course concentrates on the foundations for the UNO dispute settlement system, the jurisdiction of International Court of Justice, the dispute settlement system of the Law of the Sea Convention, Dispute Settlement in EU Law, and Settlement of the International Trade Disputes in the framework of the WTO. The course offers an overview on these legal rules concerning dispute settlement. It also offers a comparative perspective, frequently referring to the way of different international dispute settlement systems deal with similar problems.

CURRICULA

26 h. - lectures, 14 h. - seminars, 80 h. – independent work of students

Number of credits: 4 ECTS credits (120 h.)

No	Topics	Lectures	Seminars	Independent work
Module 1. An Introduction to the International Dispute Settlement				
1.	The Notion of International Dispute. Mechanisms of Peaceful Dispute Settlement.	1	1	2
2.	History of International Dispute Settlement.	1	1	2
Module 2. Universal Dispute Settlement Mechanisms				
3.	The Machinery of the UN.	2	2	5
4.	Settling Disputes within International Court of Justice	2	2	5
5.	The Law of the Sea Convention and its System	-	-	15
Module 3. Dispute Settlement in EU Law				
6.	The European Court of Justice: Composition, Jurisdiction, Procedure	2	1	5
7.	The General Court of the EU: Composition, Jurisdiction, Procedure, Reform	2	1	4
8.	Preliminary Ruling Procedure	2	1	5
9.	Enforcement actions against Member States	2	1	5
10.	Judicial Review of Acts & Omissions of the EU's Institutions	2	1	10
11.	EU Liability in Damages	2	1	
12.	Dispute Settlement Mechanism under the EU – Ukraine Association Agreement	2	-	12
Module 4. International Trade Disputes in the framework of the WTO				

13.	The Evolution of the WTO Dispute Settlement	2	-	5
14.	The WTO Dispute Settlement System	4	1	5

SYLLABUS

Module 1. An Introduction to the International Dispute Settlement

Topic 1. The Notion of International Dispute. Mechanisms of Peaceful Dispute Settlement.

1. The Definition of the international dispute. The Role of Mavromattis Case.
2. The Obligation of the State to settle international disputes: is it provided for?
3. Classification of international disputes.
4. Principles of international disputes.
5. Existing means and mechanisms of peaceful settlement.

Topic 2. History of International Dispute Settlement.

1. The origins of the modern system of dispute settlement.
2. The Hague Peace Conferences and the establishment of the Permanent Court of Arbitration (PCA)
3. The Case-Law of the Permanent Court of International Justice (PCIJ).
4. The establishment of the UNO and transformation of the PCIJ into International Court of Justice.

Module 2. Universal Dispute Settlement Mechanisms

Topic 3. The Machinery of the UN.

1. The Security Council and the General Assembly.
2. The role of the Secretary-General.
3. The political organs and their cooperation with the International Court of Justice.

Topic 4. Settling Disputes within the International Court of Justice (ICJ).

1. Membership of the ICJ.
2. Chambers.
3. Contentious jurisdiction.
4. Advisory jurisdiction.
5. The ICJ's decision and the effects of the judgements.
6. The significance of the ICJ.

Module 3. Dispute Settlement in EU Law

Topic 5. The European Court of Justice (ECJ): Composition, Jurisdiction, Procedure.

1. Composition of the ECJ.
2. Types of proceedings of the ECJ.
3. Procedure in the ECJ. Special forms of procedure.
4. The ECJ in the life of European Union citizens.

Topic 6. The General Court of the EU: Composition, Jurisdiction, Procedure, Reform.

1. Composition of the General Court.
2. Types of proceedings of the General Court.
3. Procedure in the General Court.
4. Case-law of the General Court.

Topic 7. Preliminary Ruling Procedure.

1. Legal background of the preliminary rulings.
2. Difference between preliminary rulings procedure and appeals procedure.
3. Purposes of Preliminary Rulings.
4. The ECJ's limitations to give preliminary rulings.
5. Legal grounds for the ECJ to refuse to give preliminary rulings.
6. Discretionary Jurisdiction of National Courts to apply for preliminary rulings and types of legal authorities entitled to apply.
7. Acte Clair and the 'Obligation' to Make a Reference.

Topic 8. Enforcement actions against Member States.

1. The function and operation of the infringement procedure.
2. Stages of enforcement proceedings.
3. Duties imposed on Member States and Enforcement actions initiated by the Commission.
4. Enforcement actions by a Member State.
5. State defenses in enforcement proceedings.
6. Consequences of the enforcement proceedings.

Topic 9. Judicial Review of Acts & Omissions of the EU's Institutions.

1. Types of action may be taken against Union institutions.
2. An action for annulment:
 - grounds for review;
 - privileged and semi-privileged applicants;
3. An action for failure to act.
4. The plea of illegality.

Topic 10. EU Liability in Damages.

1. Legal background of action for damages for non-contractual liability under Article 340(2) TFEU.
2. Elements of non-contractual liability.
3. The Schoeppenstedt formula.
4. The Bergaderm modification.

Topic 11. Dispute Settlement Mechanism under the EU – Ukraine Association Agreement (AA).

1. Provisions of the AA regarding dispute settlement.
2. The general dispute settlement mechanism.
3. The DCFTA dispute settlement mechanism:
 - arbitration;
 - mediation.
4. Current status of settlement of disputes under AA.

Module 4. International Trade Disputes in the framework of the WTO**Topic 12. The Evolution of the WTO Dispute Settlement.**

1. The system under GATT 1947 and its evolution over the years.
2. Major changes in the Uruguay Round.
3. Importance of the WTO dispute settlement system.

Topics 13 - 14. The WTO dispute settlement system.

1. The Dispute Settlement Understanding.

2. Functions, objectives and key features of the dispute settlement system.
3. Participants in the dispute settlement system.
4. Substantive scope of the dispute settlement system.
5. The Dispute Settlement Body (DSB), its functions, composition and decision-making.
6. The functions of Panels.
7. Tasks of the Appellate Body.
8. The role of Arbitrators and experts.

List of Examination Questions:

1. The Notion of International Dispute. History of International Dispute Settlement.
2. The Principals of International Dispute Settlement.
3. Types of the Disputes. Mechanisms of Peaceful Dispute Settlement.
4. The Legal Framework of UN Dispute Settlement Mechanism.
5. The International Court of Justice: Composition, Function, Procedures
6. The Functions of the UN Security Council in Disputes Settlement.
7. The Role of UN General Assembly in Disputes Settlement.
8. The UN Secretary General's Powers in Disputes Settlement.
9. The UN Peace-Keeping Operations.
10. Dispute Settlement System of the Law of the Sea Convention.
11. The International Tribunal for the Law of the Sea: composition, functions, jurisdiction.
12. The Seabed Disputes Chamber and Ad Hoc Chambers of the Seabed Disputes Chamber.
13. The Structure, Jurisdiction and Procedure of the Court of Justice.
14. The Structure, Jurisdiction and Procedure of the General Court.
15. The Role and Functions of the Advocate General in the European Court of Justice.
16. Legal Basis of the Preliminary References Procedure.
17. Questions that can be referred to the European Court of Justice according to the Preliminary References Procedure. Courts or Tribunals which can or must refer Cases to the Court of Justice.
18. The Role of Advocate General in the Preliminary Rulings Procedure.
19. The Legal Reasons for the Court to refuse to deliver Preliminary Ruling.
20. Legal Consequences of the Preliminary Ruling Procedure. Acte Clair Doctrine.
21. Legal Background for Enforcement Actions against Member States. Types of Actions.
22. Enforcement via the Power of the Commission (stages, letter of formal notice, legal force of reasoned opinion, reasons for not proceeding with enforcement action).
23. Enforcement Actions by a Member State.
24. Judicial Stage of the Enforcement Actions against EU Member States.
25. Legal Framework of the Action for Annulment: Applicants Grounds of Annulment, Legal Consequences of the Action for Annulment.
26. Plea of Illegality.
27. Action concerning Failure to Act.
28. Action for Damages for non-contractual liability.
29. Dispute Settlement in the EU-Ukraine Association Agreement.
30. The Evolution of the WTO Dispute Settlement System.
31. Functions, objectives and key features of the WTO Dispute Settlement System.
32. Participants in the WTO Dispute Settlement System.
33. Good offices, conciliation and mediation in the WTO Dispute Settlement System.
34. Substantive Scope of the WTO Dispute Settlement System.
35. The WTO Dispute Settlement Body: Composition, Functions, Decision-Making.
36. The WTO Panels and Appellate Body: Composition, Functions, Decision-Making.

37. The WTO Arbitrators and Experts.
38. Importance of the WTO dispute settlement system and Ukrainian case law in WTO dispute settlement system.

Compulsory Reading

Please note that this is the minimum reading list, which contains core texts that must be read

1. Merrills J.G. *International Dispute Settlement*. – Cambridge: Cambridge University Press, 2011. - 387 p. (eng).
2. Craig Paul. *EU Law: Text, Cases, and Materials*. / Craig Paul, Búrca Gráinne de . - Oxford: OUP; 5 edition (18 Aug. 2011). - 1320 p.
3. *A Handbook on the WTO Dispute Settlement System* / Legal Affairs Division and the Rules Division of the WTO Secretariat, and the Appellate Body Secretariat. – Cambridge: Cambridge University Press, 2017. – 416 p.

Students obtain an electronic collection of articles, samples, commentaries on the course

- *Journal of International Dispute Settlement*: <http://jids.oxfordjournals.org/>
- International Court of Justice: <http://www.icj-cij.org/>.
- European Court of Justice: http://curia.europa.eu/jcms/jcms/j_6/en/.
- WTO Dispute Settlement Mechanisms:
https://www.wto.org/english/tratop_e/dispu_e/disp_settlement_cbt_e/signin_e.htm.

Comparative and International Tax Law

The course examines Taxation Law from an international and comparative perspectives. This course outlines the broad features of the VAT and excise duties and will compare their implementation on the EU member states level. This subject will also introduce students to the EU-UA Association Agreement provisions, in the part of VAT and Excise duties, providing brief comparative analysis of Ukrainian and EU tax regulations and practices.

Moreover, the study of the effects of the primary law of the European Union on indirect taxation as well as the secondary law, that has been agreed upon by the member states (i.e., the respective directives), will be conducted too. In addition, special attention will be devoted to analysis of several important tax related cases of the ECJ as well as brief overview of some double taxation avoidance agreements.

Certain aspects of some countries' tax regimes will also be briefly considered. The compatibility of international tax systems in dealing with international transactions will be examined too. Overall, the course will equip students with necessary knowledge base in the core aspects of the main areas of international taxation by providing a detailed comparative analysis of the principal topics in international taxation.

CURRICULA

16 h. - lectures, 12 h. - seminars, 60 h. – independent work of students

Number of credits: 3 ECTS credits (90 h.)

No	Topics	Lectures	Seminars	Individual work
1	The Tax Jurisdictions in Comparative Tax Law Research	2	-	6
2	Main issues in international Tax Law and its legal sources	2	-	6
3	Model conventions and problems of double taxation	2	2	8
4	Taxation of businesses - an international comparison of different Jurisdictions	2	2	6
5	Taxation of individuals – an international comparison of different Jurisdictions	2	2	8
6	Value added tax in the EU and in Ukraine	2	2	8
7	Excise duties in the EU and in Ukraine	2	2	6
8	Tax avoidance and anti-avoidance measures, tax havens	2	1	6
9	The International Tax Competitiveness Index	2	-	6

SYLLABUS

Topic 1. The Categorisation of Tax Jurisdictions in Comparative Tax Law Research

1. Comparative Law and Comparative Tax Law.
2. Methodology in Comparative Tax Law.
3. Different Kinds of Comparative Tax Law.
4. Challenges in Comparative Tax Research on Cross-Border Taxation.
5. Categorisation of Jurisdictions.

Topic 2. The main issues in international taxation and its legal sources

1. The emerging international taxation problems.
2. Main problems of comparative taxation and tax avoidance.
3. Sources of tax legislation: bilateral tax treaties; European Union Law; soft law; ECJ decisions; and domestic (national) legislation.
4. Taxation of Businesses and Individuals – an international comparison of different Jurisdictions.
5. Direct and indirect taxation.

Topic 3. Model conventions and problems of double taxation

1. Evolution of the Model Conventions.
2. Legal nature and structure of the United Nations and OECD Model Conventions.
3. Concept and causes of double taxation.
4. Double tax conventions and effects on national law.
5. Methods for the elimination of double taxation, collision resolution.
6. Bilateral and multilateral measures for the elimination of double taxation.
7. Double Tax Treaties.

Topic 4. Taxation of Businesses – an international comparison of different Jurisdictions

1. Corporate Taxes.
2. Examples of worldwide comparison - Taxation of Income and Consumption.
3. Corporate Income Tax.
4. Taxation of Cross-Border Investments.
5. Taxation of Companies on Capital Gains on Shares.
6. Tax burden at the corporate and shareholder levels.
7. Examples of different countries worldwide - Taxation of Business Profits.
8. Several countries worldwide comparison - Non-Income Taxes.

Topic 5. Taxation of Individuals – an international comparison of different Jurisdictions

1. Taxation of non-residents and residents.
2. Taxation of Individuals (Personal Income Tax) - worldwide comparison.
3. Inheritance Tax - some examples of different countries.
4. Other taxes, including property taxes, vehicles and local taxes.

Topic 6. Value added tax in the EU and in Ukraine

1. VAT rates and removal of fiscal frontiers in the EU. Comparison with Ukraine VAT norms.
2. VAT rates applied in the Member States of the EU in 2019.
3. The main piece of legislation - the VAT Directive 2006/112/EC.
4. Standard and Reduced rates of VAT, “special rates” of VAT. Ukrainian VAT rates according to the Association Agreement provisions.
5. Guide to VAT refund for visitors to the EU.
6. VAT when buying and selling cars.
7. Cross-border VAT issues.
8. VAT fraud in the EU and Ukraine.

Topic 7. Excise duties in the EU and in Ukraine

1. Excise duties in the EU.
2. The relevant legislation and rates applied.
3. Alcohol and Alcoholic drinks in EU MS. Comparison with Ukrainian duties.
4. Excise duties on energy products and electricity in EU MS and Ukraine.
5. Excise duties on tobacco products. EU and UA norms within the Association Agreement.
6. EU Tax Policy Report.

Topic 8. Tax avoidance and anti-avoidance measures.

1. The tax gap, tax planning, tax avoidance and particular anti-avoidance measures.
2. Tax Evasion and Tax havens
3. Base erosion and Profit Shifting (BEPS) issues: transfer pricing, capitalization, treaty shopping.
4. Tax havens and the OECD standards on transparency and exchange of information on tax matters
5. The ATAD issues: EU Anti-Tax Avoidance Directive

Topic 9. The International Tax Competitiveness Index

1. The International Tax Competitiveness Index Rankings.
2. Corporate Income Tax.
3. Individual Taxes.
4. Consumption Taxes.
5. Property Taxes.
6. International Tax System Table, Rules and Territoriality.

List of Examination Questions:

1. Define Comparative Tax Law and Methodology in Comparative Tax Law
2. List main sources of International tax legislation
3. Describe main problems of international taxation
4. Provide some examples of direct and indirect taxation
5. Explain legal structure of any of UN or OECD Model Conventions
6. Discuss main concepts and causes of the existence of double taxation system
7. Describe legal structure of any of double tax Conventions
8. Give reasons for the elimination of double taxation

9. Describe legal structure of any of double tax Treaties
10. Define the main terms (concepts) in taxation of businesses and provide respective examples
11. Describe Corporate Taxes structure within any Jurisdiction (country) by your choice
12. Briefly describe Taxation of Income and Consumption
13. Describe Corporate Income Tax norms in any jurisdiction worldwide (country) by your choice
14. Provide examples of Taxation of Cross-Border Investments
15. Give examples of Taxation of Companies on Capital Gains on Shares
16. Provide Tax burden examples at the corporate and shareholder levels
17. Explain Taxation of Business Profits using any country worldwide by your choice as an example
18. Provide examples of existing Non-Income Taxes within 2 jurisdictions worldwide (countries) by your choice
19. Compare and contrast Taxation of Individuals utilizing 2 different Jurisdictions by your choice
20. Name key differences of norms of taxation of non-residents and residents
21. Compare and contrast Personal Income Tax rules utilizing any 2 countries worldwide by your choice as an example
22. Compare and contrast Inheritance Tax rules using any 2 jurisdictions worldwide (countries) by your choice as an example
23. Provide examples of rates of property taxes, vehicles taxes and local taxes in any country worldwide by your choice.
24. Explain the effects of the law of the European Union on direct taxation (as well as the secondary law) that has been agreed upon by the EU Member States.
25. The EU Tax law on indirect taxation and its effect on domestic tax law of EU MS.
26. Give reasons for VAT imposition in the EU. Discuss the main differences and similarities in VAT administration in Ukraine and EU
27. List and describe several VAT rates applied in the Member States of the EU
28. Explain the main provisions of VAT Directive 2006/112/EC
29. Describe standard, reduced and special rates of VAT in several EU countries by your choice. Compare with Ukrainian VAT provisions.
30. Explain VAT refund rules for tourists in the EU, adducing examples
31. Describe VAT rules on vehicles trade (when buying and selling cars) between EU and Ukraine.
32. Provide some examples of VAT frauds in the EU and Ukrainian recent history
33. Describe relevant legislation and rates applied to Excise duties in the EU
34. Analyse transpositions of Directives on Alcohol and Alcoholic drinks in several EU countries by your choice. Compare with Ukrainian excise duties.
35. Explain transpositions of Directives on Excise duties on energy products and electricity in several EU countries by your choice. Compare and contrast with Ukrainian norms.
36. Describe transpositions of Directives on Excise duties on tobacco products in several EU countries by your choice. List correlation with Ukraine provisions.
37. Give examples of Corporate Income Taxes based on International Tax Competitiveness Rankings
38. Provide examples of Individual Taxes based on International Tax Competitiveness Rankings
39. Make examples of Consumption Taxes based on International Tax Competitiveness Rankings
40. Provide examples of Property Taxes based on International Tax Competitiveness Rankings
41. The examples of Corporate Income Tax based on International Tax Competitiveness Index Rankings
42. Explain main BEPS issues (Base erosion and Profit Shifting)
43. Explain main ATAD issues (EU Anti-Tax Avoidance Directive)

Compulsory Reading

Please note that this is the minimum reading list, which contains core texts that must be read

- International tax competitiveness Index. Daniel Bunn and Elke Asen. Tax Foundation - 2019.
- Estimating International Tax Evasion by Individuals. European Commission's DG for Taxation and Customs Union. Final Report - September 2019
- EU Tax Policy Report. CFE Tax Advisers Europe. - July 2019
- Principles of International Tax. ADIT - 2019
- Excise Duty Tables. Alcoholic beverages. European Commission, DG TAXUD - 2019
- Excise Duty Tables. Energy products and Electricity. European Commission, DG TAXUD - 2019
- Excise Duty Tables. Manufactured Tobacco. European Commission, DG TAXUD - 2019
- VAT rates applied in the Member States of the EU. European Commission, DG TAXUD - 2019
- The Emerging International Taxation Problems. Yang James. Metallo Victor. International Journal of Financial Studies - 2018.
- The International Tax Handbook. 6th Edition. Bloomsbury Professional Ltd. Nexia International Limited - 2017.
- The Categorisation of Tax Jurisdictions in Comparative Tax Law Research. Renate Buijze. ELR December No. 4 - 2016.
- Comparative Tax Law, Second Edition. Victor Thuronyi, Kim Brooks, Borbala Kolozs. Kluwer Law International - 2016.
- EU Income Tax Law: Issues for the Years Ahead. Dennis Weber, Guglielmo Maisto. IBFD - 2013.
- International Company Taxation and Tax Planning. By Dieter Endres, Christoph Spengel. Kluwer Law International - 2015.
- United Nations Handbook on Selected Issues in Administration of Double Tax Treaties for Developing Countries. Edited by Alexander Trepelkov, Harry Tonino and Dominika Halka. UN New York - 2013.
- International Taxation Handbook. Policy, Practice, Standards, and Regulation. Edited by Colin Read and Greg N. Gregoriou. CIMA Publishing - 2007.

Case Studies of Current Issues of EU Law

The purpose of the course is to familiarize students with the theoretical and, in particular, practical aspects of the legal regulation of integration within the EU, their contemporary challenges and Ukraine's cooperation with the European integration association. Particular attention in the discipline is given to contemporary cases and decisions of the EU Court of Justice.

The course is based on improving the study of the elements of the contractual and institutional mechanisms of the European Union's functioning; modern integration processes within the European Union's internal market, the legal foundations of the European Union's external relations, and legal mechanisms for regulating Ukraine's relations with the European Union. The discipline is based on the study of current theories of direct action in EU law and modern judgments of the EU Court of Justice, as well as of modern disintegration processes related to Britain's exit from the EU (Brexit).

CURRICULA

16 h. - lectures, 12 h. - seminars, 60 h. – independent work of students

Number of credits: 3 ECTS credits (90 h.)

No	Topics	Lectures	Seminars	Individual work
1	European Union law and international law: basic concepts of correlation. The relation of international and national law in the law and order of Ukraine: monism\neomonism cases	2	2	
2	The Evolution of the Doctrine of Direct Effect in the European Union Law: ECJ cases	4	2	
3	Evolution of ECJ practice: cases on EU internal market	2	2	
4	Legal challenges of Brexit	2	2	
5	EU-Ukraine Association Agreement: A New Legal Basis for Ukraine-EU Relations, entry into Force, General Provisions, Institutional Mechanism, Dispute Settlement Mechanisms EU-Ukraine Free Trade Area	6	4	

SYLLABUS

Topic 1. European Union law and international law: basic concepts of correlation. The relation of international and national law in the law and order of Ukraine: monism\neomonism cases

1. Theories of the relation between international and national law: monism and dualism
2. The place of EU law in the law and order of the Member States
3. The concept of neo-monism in EU law
4. Legal prerequisites for the application of EU law provisions in the legal order of Ukraine.
5. International legal mechanisms of influence of European Union law on the rule of law of Ukraine.
6. Organizational principles of the EU law provisions in the law and order of Ukraine.

Topic 2. The Evolution of the Doctrine of Direct Effect in the European Union Law: ECJ cases

1. Recognition of direct effect under a specific rule of EU law
2. The "double test" in the case law of the European Court of Justice
3. Practice of the Court of Justice on the direct effect of international agreements concluded by the EU with other countries or international organizations.
4. Analyze the possibility of applying the case law of the European Union in the national legal order of Ukraine.
5. Features of applying the lex posterior rule in Ukraine.

Topic 3. Evolution of ECJ practice: cases on EU internal market

1. Judgment of the EU Court of Justice: from Van Gend & Loos to Simutenkov
2. Extension of the EU Court's "double test"
3. EU sanction law

Cases for analysis:

1. Case C-128/92 *H. J. Banks & Co. Ltd.* [1994] ECR I-01209
2. Case 21-24/72 *International Fruit Company* [1972] ECR 1219
3. Case C-188/91, *Deutsche Shell v Hauptzollamt Hamburg* [1993] ECR I-363 p. 14.
4. Case 104/81, *Kupferberg* [1982] ECR 3641
5. Joint Cases 267 — 269/81, *SPI and SAMI* [1983] ECR 801.
6. Case 104/81 *Kupferberg* [1982] ECR 03641
7. Case C-192/89 *Sevince* [1990] ECR I-03461
8. Case 181/73 *Haegeman v. Belgium* [1973] ECR 449.
9. Case 104/81 *Hauptzollamt Mainz v. C.A. Kupferberg & Cie KG a.A.* [1982] ECR 3641.
10. Case 17/81 *Pabst & Richarz v Hauptzollamt Oldenburg* [1982] ECR 1331
11. Case 12/86 *Demirel v. Stadt Schwdbisch Gmnd* [1987] ECR 3719, para. 14.
12. Case 438/00 *Deutscher Handballbund eV v Maros Kolpak* [2003] ECR I-4135.

13. Case C-265/03 Igor Simutenkov v. Ministerio de Educacion y Cultura and Others [2005] I-02579.
14. Case T-174/00 Biret International SA v. [2002] ECR II-00017; Case T-210/00 Etablissements Biret et Cie SA v. Council [2002] ECR II-47; Case C-93/02 P Biret International SA v. Council [2003] ECR I-10497; Case C-94/02 P Etablissements Biret et Cie SA v. Council [2003] ECR I-10565.
15. Joined cases 21 to 24/72 International Fruit Company NV v. Produktschap voor Groenten en Fruit [1972] ECR 1219.
16. Case C-149/96 Portugal v. Council of the EU [1999] ECR I-8395.
17. Case C-377/02 NV Firma Leon Van Parys v. Belgisch Interventie- en Restitutiebureau [2005] ECR I-1465
18. Case C-308/06 The Queen, on the application of International Association of Independent Tanker Owners (Intertanko) and Others v. Secretary of State for Transport [2008] ECR I-4057.

<https://eulawanalysis.blogspot.com/2019/05/judicial-independence-and-maltese.html?m=1&fbclid=IwAR3Dr9kkWYtUQiuo8L6SLfXx1MJZemK5g4intpwvSfOuDXxwDQwhScdJZOA>

Topic 4. Legal challenges of Brexit

1. Starting the process of leaving the UK from the European Union: from the referendum to the Supreme Court decision
2. Application of Article 50 of the Treaty on European Union
3. Draft Treaty on the Exit of Great Britain from the EU
4. The impact of the British referendum (Brexit) on relations between Ukraine and the EU.
5. Provide an analysis of ways to ensure Ukraine's compliance with international legal obligations.
6. Investigate the possibilities of legal mechanism of protection of interests of individuals and legal entities in accordance with the AA.

Topic 5. EU-Ukraine Association Agreement: A New Legal Basis for Ukraine-EU Relations, entry into Force, General Provisions, Institutional Mechanism, Dispute Settlement Mechanisms EU-Ukraine Free Trade Area

1. Negotiations between Ukraine and the EU on the conclusion of a new agreement (initiation, rounds of negotiations, internal legal acts of Ukraine - initiating decrees, delegation, etc.)
2. Initializing of the EU-Ukraine Association Agreement.
3. Signing of the Association Agreement between Ukraine and the EU: Authorized persons, Powers of the parties (see EU Council Decision)
4. Legal basis of the EU-Ukraine Association Agreement - Art. TFEU and TEU (see in line with EU Council decisions)
5. Reservations made to the EU-Ukraine Association Agreement (see Council Decision)
6. Entry into force and provisional application of the EU-Ukraine Association Agreement (legal bases, sections and regulations)
7. Impact of the Dutch referendum 2016 on the legal regulation of Ukraine-EU relations
8. The concept of FTA (comparative aspect): FTA in WTO law, regional FTA.
9. The concept of "deep & comprehensive free trade area".
10. The concept of institutional mechanism of cooperation of Ukraine with the European Union. EU-Ukraine Association Council. Association Committee and Subcommittees. Parliamentary Committee.
11. Dispute settlement mechanisms.
12. Reflection on the dynamism of the development of EU law in the relevant Annexes to the AA.

13. What is the difference between the terms "approximation", "harmonization", "approximation", "adaptation", "approximation" and "establishment of equivalent norms"?
14. Influence of the decisions of the institutional mechanism of the association on the transition to new stages of European integration of Ukraine.

Additional documents:

Council Decision no. 2014/295/EU of 17 March 2014. Official Journal of the European Union, 29.05.2014, L 161/1.

Council Decision no.2014/669/EU of 23 June 2014. Official Journal of the European Union, 20.09.2014, L 278/6.

Council Decision 2014/668/EU of 23 June 2014 on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part,

Council Decision 2014/492/EU of 16 June 2014 on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part (*OJ*, 2014 L 260/1);

Council Decision 2014/494/EU of 16 June 2014 on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part (*OJ*, 2014 L 261/1).

Compulsory Reading

Please note that this is the minimum reading list, which contains core texts that must be read

- Andre Nollkaemper, The Duality of Direct Effect of International Law (2014) Vol. 25 no. 1 The European Journal of International Law, 105.
- Sophie Robin-Olivier, The evolution of direct effect in the EU: Stocktaking, problems, projections (2014) Vol 12(1) International Journal of Constitutional Law, 165–188
- Jan Klabbers, ‘International Law in Community Law: The Law and Policy of Direct Effect’ (2002) Yearbook of European Law, 263;
- Andre Nollkaemper, ‘The Direct Effect of Public International Law’ (2002) in J.M. Prinsse and A. Schrauwen (Eds.), Direct Effect. Rethinking a Classic of EC Legal Doctrine (Europa Law Publishing, 2002) 180;
- Enzo Cannizzaro, The neo-monism of the European legal order (Editors: Enzo Cannizzaro, Paolo Palchetti and Ramses A. Wessel, International Law as Law of the European Union, Brill, Nijhoff 2011) 46
- Allan Rosas, The European Court of Justice and the Public International Law (Eds. J.Wouters A., Nollkaemper E. The Europeanization of International Law – The Status of International Law in the EU and its Member states, T.M.C.Asser Press 2008) 71-87
- Thomas Cottier, ‘A Theory of Direct Effect in Global Law’, in A. von Bogdandy, P. Mavroidis and Y. Мїny (Eds.), European Integration and International Co-ordination: Studies in Transnational Economic Law in Honour of Claus Dieter Ehlermann, (Kluwer Law International 2002) 99;
- Piet Eeckhout, ‘Judicial Enforcement of WTO Law in the European Union – Some Further Reflections’ (2002) 5(1) Journal of International Economic Law, 91.
- Yaroslav Kostyuchenko ‘Conundrum of migration issues in the EU-Ukraine association agreement’ (2017) Vol.4 (1) Evropský politický a právní diskurz. 31-36
- Petrov R., Van der Loo G., Van Elsuwege P.; The EU-Ukraine Association Agreement: A New Legal Instrument of Integration Without Membership?, Kyiv Mohyla Law & Politics Journal. – 2015. -№ 1, pp.1-19.

Financial Instruments and Banking Regulation in the EU

The traditional financial market sectors of insurance, commercial banking, derivatives, capital markets and asset management are converging in practice, but their academic analysis is still largely sector-based. This course offers a cross-sectoral, functional analysis, permitting students to grasp the big picture. It highlights certain anomalies in differing legal treatment of the respective sectors, and considers key trends.

The course provides an overview of the substantive law aspects (UK, EU and international) of international financial and business transactions. The focus is mainly on broad principles and policy issues rather than a detailed examination of statute, case law and drafting. However, where appropriate, legal concepts and market practice will be explained by reference to case law and other legal sources. The course will be underpinned by discussion of the legal principles involved in international finance, but the case studies referenced will be topical. In this sense, the content of the course will be adapted to the fast moving developments affecting international markets in capital and in risk.

This course also focuses on the micro- and macro-prudential regulation of financial institutions and the financial system. It examines the prudential regulation of banks, bank resolution schemes, the regulation of shadow banking and other regulatory attempts to ensure financial stability. The focus will be on the regulation of national and international aspects of financial institutions and the financial system, rather than on private law and transactional aspects.

CURRICULA

16 h. - lectures, 12 h. - seminars, 60 h. – independent work of students

Number of credits: 3 ECTS credits (90 h.)

No	Topics	Lectures	Seminars	Independent work
1.	Introduction to finance and financial markets	2	2	6
2.	Corporate finance and regulation	4	2	18
3.	Equity Financing	2	2	6
4.	Debt Financing	2	2	8
5.	Derivatives	2	2	6
6.	Other types of financial activity	2	2	8
7.	Banking law and regulation	2	2	8

SYLLABUS

Topic 1. Introduction into Finance and Financial Markets

1. The notion of globalized economy (facts, figures & trends)
2. The notion of finance (economic & legal).
3. History of financial instruments development.
4. The concept of Risk
5. The need for regulation

Topic 2. Corporate finance and its regulation

1. Company Balance Sheet and working capital
2. Time Value of Money: NPV, IRR and Payback Period

3. Debt vs. Equity and hybrid instruments
4. Modigliani and Miller Theory
5. Types of Financial Positions
6. Principal based vs rules based regulation

Topic 3. Equity Finance

1. Shares: types and underlying writes
2. IPO
3. Prospectus regulations
4. Markets for shares
5. Alternative mechanisms
6. Market abuse and manipulation
7. Difference between regulated and non-regulated markets
8. Insider Dealing: does it really hurt anyone?
9. Listing of Ukrainian company.

Topic 4. Debt Financing

1. Types of debt Financing
2. Loan – simple and syndicated
3. LMA Master agreement
4. Syndication and Secondary loan market
5. Bonds

Topic 5. Derivatives

1. Types of derivatives:
 - Option
 - Forward and Future
 - Swap
2. In Dharmala the high court left a client with \$65 million losses under interest rates swaps after a misleading presentation by the counterparty. In Edward Owen, the Court of Appeal left a UK exporter, who had apparently been swindled by a Libyan State entity, with no recourse except to sue in Libya. Explain these decisions. Would they have differed if the claimants had been consumers?
3. What is recharacterisation and how do the English courts approach it?
4. Explain the relationships between (i) s. 18 of the Gaming Act 1845; (ii) *Carlill v The Carbolic Smoke Ball Company* (1892); (iii) s. 412 of the Financial Services and Markets Act 2000; (iv) *Morgan Grenfell v Welwyn Hatfield District Council* (1995) and (v) the Gambling Act 2005.
5. In 1997 Robin Potts QC advised that credit derivatives in standard form are not contracts of insurance. Is that the end of the matter?
6. What is to stop the derivatives markets taking over the business of commercial insurance?
7. Describe in legal terms what a derivative is and how it may be traded.
8. What is a credit derivative and why might a party enter into one?
9. With reference to the relevant provisions, describe the protection that is built into the ISDA Master Agreement in respect of a) a counterparty's insolvency and b) a counterparty's other default.
10. What is the role of a clearing house in the derivatives market? Should the use of clearing houses be extended in the derivatives market?

Topic 6. Other types of financing activity

1. Prime brokerage

2. Investment Funds
3. Hedge Funds
4. Venture Funds

Topic 7. Banking Law and Regulation

1. Nature of banks; The essence of banking supervision
1. Basel Regulation (Tier 1 and Tier 2 Capital).
2. National bank, commercial banks and Investment banks
3. Credit Crisis
4. Credit crises 2008-2009 and bank exposure.

Materials & Sources

1. -S. Valdez, *An Introduction to Global Financial Markets*, Palgrave, 5th Ed., 2007 (HG173 V14)
2. -A. McKnight, *The Law of International Finance*, Oxford University Press, 2008 (K4430 M15)
3. -R. Cranston, *Principles of Banking Law*, Oxford University Press, 2nd ed., 2002 (KD1715 C89)
4. -J. Benjamin, *Financial Law*, Oxford University Press, 2007 (K1066 B46)
5. -R M Goode, *Commercial Law*, Penguin, 3rd ed., 2004, (KD1629.A7 G64)
6. -P. Wood, *The Law and Practice of International Finance*, London, Sweet & Maxwell, 2008 (Institute of Advanced Legal Studies Library)
7. -P. Wood, *International Loans, Bonds, Guarantees, Legal Opinions*, Sweet & Maxwell, 2007 (Institute of Advanced Legal Studies Library, SB40 WOO)
8. -R. Tennekoon, *The Law and Regulation of International Finance*, Butterworths, 2nd ed., 2000, KT1005.4 T29)

EU Competition Law

The aim of this course is to examine the legal rules of EU Competition Law taking into account the underlying economic principles and wider policy issues. Students will upon completion of the course have sufficient understanding of the subject to practice and research in the field. The course concentrates on the foundations for the system of rules, consisting of Articles 101 and 102 of the EU Treaty and the Merger Regulation, which together are enforced in order to ensure that ‘effective competition’ prevails in EU markets. These legal sources regulate much business activity using a complex balancing test to determine whether such activity is lawful competition or unlawful anti-competitive conduct. The course offers an economic perspective on these legal rules. It also offers a comparative perspective, frequently referring to the way antitrust law in the USA deals with similar problems. It looks at the application of the competition rules in certain contexts and sectors: “public undertakings”, state aids, information technology. It places a particular emphasis on the relationship between EU competition law and intellectual property rights.

CURRICULA

26 h. - lectures, 14 h. - seminars, 80 h. – independent work of students

Number of credits: 4 ECTS credits (120h.)

No	Topics	Lectures	Seminars	Independent work
Module 1. An Introduction to the Competition Law				
1.	Unfair competition as a core element of globalized economy & trade	2		2
2.	Main pillars of the EU Competition Law (principles, legal basis & procedures)	2		4
3.	Main doctrines of the EU Competition Law	2	2	6
Module 2. Substantial Norms of EU Competition Law				
4.	Procedures of Competition Law Enforcement	4	2	6
5.	Rules on competition applying to undertakings	2	2	6
6.	Anticompetitive practice: regimes & exemptions	2		8
7.	Cartel practice	2	2	10
8.	Abuse of Dominant Position: practices & cases	2	2	8
9.	Mergers & Acquisitions	2	2	8
10.	State aid as an instrument of prevention, restriction or distorting of competition	2	2	4
11.	Legal regulation of competition & new innovative markets	2		10
12.	Comparative analysis of national competition law (EU & Ukraine)	2		8

SYLLABUS

Module 1. An Introduction to the Competition Law

Topic 1. Unfair competition as a core element of globalized economy & trade

6. The notion of globalized economy (facts, figures & trends)
7. The notion of competition (economic & legal). Different aim of competition law in national legislations (social welfare in Europe & state security in the USA)
8. The necessity of international legal regulation of competition: pro & contra
9. International organizations: UNCTAD, WTO, OECD, UNCITRAL, CIS,
10. Soft law as way of solving International Competition Law. The Australia New Zealand Closer Economic Relations Trade Agreement (ANZCERTA) is an example of regional *soft* harmonization.
11. Obligatory to enact a competition law: South African Development Community (SADC), West African Economic and Monetary Union (UEMOA), North American Free Trade Agreement (NAFTA), Free Trade Agreement between the Governments of Central America and the Government of Chile and Free Trade Agreement between the Governments of Central America and the Government of the Dominican Republic, Various agreements concluded by the European Union (or its legal predecessors) with associated countries, Balkan countries and Mediterranean countries
12. The platforms of international cooperation in the sphere of competition: the International Competition Network (ICN), European Competition Network (ECN), Intergovernmental Group of Experts (IGE) on Competition Law and Policy (UNCTAD)

Topic 2. Main pillars of the EU Competition Law (principles, legal basis & procedures)

1. Main principles of EU Competition Law:
 - Prohibition of anti-competitive behavior by both private and public enterprises
 - Prohibition of abuse of a dominant position within the internal market
 - Control of the aid provided by Member States or through State resources
 - Preventive control of mergers
 - The principle of extraterritorial application of EU competition rules
2. Legal basis of EU Competition Law
 - Articles of TFEU (101-109)
 - Regulations
 - Soft law instruments (guidelines, communications)
 - Procedures (Regulation 1/2003)
3. Three pillars of EU Competition Law:
 - antitrust practice & abuse of dominant position,
 - merger control,
 - state aid regulation.

Topic 3. Main doctrines of the EU Competition Law

1. The concept of "effect on trade"
2. The doctrine of "Undertaking" (case studies)
3. The 'single economic entity' doctrine (the theory of 'single economic unit')
4. Agreements, decisions, concerted practice
5. Anticompetitive effects of the agreement
6. The doctrine of relevant market

7. De minimis doctrine

Module 2. Substantial Norms of EU Competition Law

Topic 4. Procedures of Competition Law Enforcement

1. Supranational Institutions (European Commission & Advisory Committee for Restrictive Practices and Dominant Positions).
2. Procedures of the Commission under the Reg 1/2003.
3. Cooperation between national authorities & national courts. Enforced coordination mechanism under the Directive 2019/1.
4. Unification of court application of EU Competition Law (practice)
5. European Competition Network (ECN).
6. International Cooperation
7. (http://ec.europa.eu/competition/speeches/index_theme_22.html)
8. Bilateral relations of the EU on competition issues (<http://ec.europa.eu/competition/international/bilateral/index.html>) Penalties
9. Leniency Policy

Topic 5. Rules on competition applying to undertakings

1. Collusive conduct - Agreements between undertakings (vertical, horizontal, mixed)
2. De minimis doctrine enforcement
3. Prohibitions under art. 101 (1) TFEU
4. Directly applicable exception system

Topic 6. Anticompetitive practice: regimes & exemptions

1. Exemptions from the prohibitions (art. 101 (3) TFEU)
2. Two positive and two negative requirements of exemptions of prohibitions
3. Individual & block exemptions
4. Block exemptions for vertical agreements (Regulation 330/2010)

Topic 7. Cartel practice

1. The notion cartel (practices)
2. Classifications of horizontal agreements (Hard-core cartels, Agreements on cooperation)
3. Analysis of hard-core cartels (Quinine, Polypropylene, PVC and Wood pulp (II), Soda Ash - Solvay)
4. Horizontal co-operation agreements (Guidelines 2001)
5. R&D agreements (exemptions under Regulation (EU) No 1217/2010)
6. Specialization agreement (exemptions under Regulation (EU) No 1218/2010)
7. Joint ventures for cooperation

Topic 8. Abuse of Dominant Position: practices & cases

1. The concept of "dominant" and its characteristics (art. 102 TFEU, United Brands / Commission (case 27/76), Microsoft case)

2. The concept of relevant market for dominance testing (Hoffmann-La Roche, AKZO, Michelin)
3. Forms of abuse
 - Exclusive agreements
 - Tying
 - Refusal to supply
 - Exploitative pricing practice
 - Predatory pricing
4. The relationship between Article 102 & Article 101
Cases for discussion: Microsoft case, Google case, AKZO case, Hoffmann-La Roche case, Hilti case, Michelin case, United Brands case etc.

Topic 9. Mergers & Acquisitions

1. The concept of merger
2. Merger activity
3. Ex post & ex ante control
4. EU Merger Regulation (139/2004) and the Implementing Regulation (802/2004).
5. The procedure for obtaining permission for merger of companies under the Regulation 139/2004
6. New 'merger simplification package' (procedures & criteria of simplified procedure).

Topic 10. State aid as an instrument of prevention, restriction or distorting of competition

1. The notion of State aid & its types & examples
2. Investigative and decision-making powers of the Commission
3. Ex ante & ex post competence
4. Main principles of state aid regulation in the EU
5. Exemptions from the incompatibility of state aid (p.2,3 art. 107 TFEU)

Topic 11. Legal regulation of competition & new innovative markets

1. The role of competition in new innovative markets.
2. Active & passive selling in innovative markets: possible abuses.
3. New forms of abusive behaviour in the internal market (Amazon case, Booking.com)
4. The relationship between intellectual property rights & competition law

Topic 12. Comparative analysis of national competition law (EU & Ukraine)

1. Competition provisions in EU-Ukraine Association Agreement
2. National regulation of competition in Ukraine: the level of harmonization.
3. Main gaps in Ukrainian legislations: how to fill them in:
 - i. Procedural aspects (the principles of transparency, official publication of AMCU decisions, calculation of fines)
 - ii. Substantial aspects (financial criteria of M&A, exemptions for vertical agreements, transfer technology agreements, state aid).

List of Examination Questions:

1. According to economic theory (and according to the European Commission), horizontal mergers are more likely to negatively affect competition than vertical mergers. Explain why this is so.
2. An impact of competition clauses in FTA agreements for the “Europeanization” of competition law
3. An impact of EU Competition law on domestic regulation of competition in third countries: experience of Ukraine
4. Competition clause in free trade area agreements (experience of EU, EFTA, CIS).
5. De minimis doctrine: enforcement in the sphere of anticompetitive agreements & state aid
6. The role that market definition & the analysis of entry barriers play in the application of Art. 102 TFEU & The EU Merger Regulation.
7. The decentralization of enforcement achieved by Regulation 1/2003 will result in less effective enforcement of EU Competition law & less legal certainty for undertakings.
8. Ordoliberalism is & should be the best theoretical position to guide the development of EU Competition Law. Explain.
9. How do you understand the notion “International Competition Law”. Is it possible to research competition law within international law?
10. Indicate types of exemptions from Art. 101 (1) TFEU.
11. Is a vertical agreement which contains an obligation causing the members of a selective distribution system not to sell the brands of particular competing suppliers prohibited by EU competition law? Explain.
12. Model law on competition of UNCTAD
13. Specify common features in the context of competences of National Competition Authorities.
14. Specify the categories of abuse of dominant position (under the court & Commission practice)
15. Specify the notion of concerted practice: court practice, burden of proving & the way of proving.
16. The ‘single economic entity’ doctrine (the theory of ‘single economic unit’)
17. The Articles 101 and 102 TFEU contain various elements. The notion of ‘effect on trade’ can be found in both provisions. Explain the purpose of the ‘effect on trade’ element.
18. The concept of "effect on trade": the enforcement of effect doctrine in Competition law (European & American experience)
19. The concept of merger (the notion of concentration in the Reg139/2004)
20. The concept of relevant market for dominance testing (Hoffmann-La Roche, AKZO, Michelin)
21. The history of the development of supranational regulation of competition (the EU Competition Law).
22. The legal criteria on authorization system in M&A (comparative analysis & EU regulation).
23. The relationship between Article 102 & Article 101 TFEU.
24. The theory of extraterritoriality (effects doctrine, residence (nationality) doctrine)
25. The way to new directly applicable exception system in the EU (analyze Reg.1/2003 in comparison with former Reg17)
26. What are the grounds of international cooperation in the matter of Competition Law. Specify the international organizations deal with this matter.
27. What are the main differences between American & European model of Competition Law (in its goals, legal instruments & mechanisms of enforcement)
28. What are the penalties for the anticompetitive behavior? (Under the EU Law & Ukrainian Law)

29. What is it “hard-core cartel” (Examine them – cases Quinine, Polypropylene, PVC and Wood pulp (II), Soda Ash – Solvay)
30. Extraterritorial competence of EU merger regulation
31. Categories of abuse of dominant position
32. EU Merger Regulation: one stop shop principle, SIEC test, procedures, concentrations with “EU dimension”, Holland & German clauses
33. Explain the purpose of the ‘effect of trade’ element.
34. Main differences between prohibition of anticompetitive behavior & incompatibility of state aid with the internal market of the EU.
35. Leniency Policy: main principles & consequences.
36. Main differences between WTO subsidies regulation & EU state aid regulation.
37. De minimis doctrine in the EU Competition Law
38. Explain the concepts of "agreement", "decision" and "concerted practice" in Article 101 TFEU
39. Discuss whether the joint venture should be considered a concentration according to the EUMR.
40. Non-compete obligation: legal regime, prohibition & exemptions
41. What is extraterritorial application of competition law mean – specify examples
42. Exemptions for vertical agreements (EU practice)
43. Exemptions for horizontal agreements (EU practice)
44. New 'merger simplification package' (procedures & criteria of simplified procedure).
45. An impact of EU Competition law on domestic regulation of competition in third countries: experience of Ukraine

Compulsory Reading

Please note that this is the minimum reading list, which contains core texts that must be read

9. Geradin D., Layne-Farrar A., Petit N. EU Competition Law and Economics - Oxford University Press, 2012 – 600 p.
10. Korah, V., An Introductory Guide to EC Competition Law and Practice, (Hart,N.Y 2007)
11. Martynova M., Renneboog L. Mergers and Acquisitions in Europe / M.Martynova, L. Renneboog // ECGI - Finance Working Paper. – 2006. No. 114/2006; Available at SSRN: <http://ssrn.com/abstract=880379> or <http://dx.doi.org/10.2139/ssrn.880379>
12. Monti G. EC competition law / G.Monti. – Cambridge : Cambridge Press, 2007
13. Motta M. Competition policy: Theory and Practice / M. Motta – Cambridge: Cambridge University Press 2004. - P. 138
14. Smyrnova K. EU Competition Law : textbook with schemes & case studies / K.V. Smyrnova. – Odesa : Feniks, 2013. – 144 p.
15. Smyrnova K. Rethinking of the EU Soft law: new dimension in the competition law / K.Smyrnova // Law of Ukraine. – 2013. – No3. – P. 125-132.
16. Soames, T. Changes in EU merger control: Part 1/ T. Soames, S. Maudhuit// European Competition Law Review. – 2005. -№ 26(1). – P. 57-64.
17. Veljanovski C. Cartel Fines in Europe - Law, Practice and Deterrence / C.Veljanovski // World Competition. – 2007.- Vol. 29. Available at SSRN: <http://ssrn.com/abstract=920786>
18. Whish R. Competition Law \ R.Wish. – L. : Oxford University Press, 2009. – 1006 p.
19. EU Directorate on Competition: http://ec.europa.eu/competition/index_en.html
20. Competition & Consumer Protection Authorities Worldwide <http://www.ftc.gov/policy/international/competition-consumer-protection-authorities-worldwide>

21. International Competition <http://www.ftc.gov/policy/international/international-competition>
22. ANTITRUST ENFORCEMENT GUIDELINES FOR INTERNATIONAL OPERATIONS <http://www.justice.gov/atr/public/guidelines/internat.htm>
23. International Competition and Consumer Protection Cooperation Agreements <http://www.ftc.gov/policy/international/international-cooperation-agreements>
24. Competition in EFTA <http://www.eftasurv.int/#tab4>
25. Interaction between Trade and Competition Policy http://www.wto.org/english/tratop_e/comp_e/comp_e.htm

Methodology of Scientific Researches within European Law

This course aims to provide with an up to date understanding of Legal Research Methods in a Modern World, an overview of division of “sources-of-law” in different areas and a comparison between Common Law and Civil Law thinking.

The course will look not only into historical developments of the Legal Doctrine as a Hermeneutic and an Empirical Discipline, but also as a Logical and a Normative Discipline.

The students will explore the usage of Empirical Data in Legal Doctrine, Wording and Checking Research Hypotheses and Theory Building in Legal Doctrine.

The learning process will include major purposes of Comparative legal studies and a basic working-plan for a Comparative law method and a Civil law method.

CURRICULA

16 h. - lectures, 14 h. – seminars, 60 h. independent work of students

Number of credits: 3 ECTS credits (90 h.)

No	Topics	Lectures	Seminars	Independent work
1	Legal research methods in a modern world	2	2	8
2	Legal doctrine and methods	2	2	8
3	Methodology for legal research	2	2	8
4	Legal families	2	2	9
5	Comparative law methods	2	2	9
6	Civil law method	2	2	9
7	European union law resources. Signs of convergence of civil law and common law	4	1	9

SYLLABUS

Topic 1. Legal Research Methods in a Modern World - Introduction

1. Overview of division of “sources-of-law” in different areas
2. Chart on Law-Sources in
 - Public International Law
 - Civil Law
 - European Union
3. Comparison between Common Law and Civil Law thinking
4. Interpretation in
 - Civil Law
 - International Law
 - European Union

Topic 2. Legal Doctrine: Which Methods for What Kind of Discipline?

1. Historical developments
2. What kind of discipline is legal doctrine?
 - A Hermeneutic Discipline
 - An Argumentative Discipline
 - An Empirical Discipline
 - METHODS used in this context
 - An Explanatory Discipline
 - An Axiomatic Discipline
 - A Logical Discipline
 - A Normative Discipline

Topic 3. Which Methodology for Legal Research?

- Empirical Data Used in Legal Doctrine
- Wording and Checking Research Hypotheses
- Theory Building in Legal Doctrine

Topic 4. Legal Families

- The Romanistic Legal Family
- The Germanic Legal Family
- The Anglo-American Legal Family
- The Nordic Legal Family
- The Law in the Far East
- Religious Legal Systems

Topic 5. Comparative Law Methods

1. Legislative comparative law, Scientific or theoretical comparative law, a common law of mankind
2. About the comparative method
3. Comparative legal studies - 3 major purposes
4. A basic working-plan for a comparative law method

Topic 6. Civil Law Method

1. Methods in Europe - a Civil Law Method
2. About the method and legal studies
3. Working-plan

Topic 7. European Union resources, signs of convergence of civil law and common law

- Civil Law and Common Law - signs of convergence
- National Parliaments and Principles of Conferral, Subsidiarity and Proportionality
- The E.U. legislative procedures
- Charter of Fundamental Rights
- Withdraw or Opt-out = The Treaty of Lisbon introduces an exit clause for members
- The E.U. Courts
- 24 official languages
- Where to find E.U. materials – on EUR-Lex

List of Examination Questions

1. Overview of division of "sources-of-law" in different areas
2. Chart on Law-Sources in Public International Law, Civil Law and European Union Law
3. Comparison between Common Law and Civil Law thinking
4. Interpretation in Civil Law, International Law, European Union
5. Legal Doctrine:
 - A Hermeneutic Discipline
 - An Argumentative Discipline
 - An Empirical Discipline
 - An Explanatory Discipline
 - An Axiomatic Discipline
 - A Logical Discipline
 - A Normative Discipline
6. Empirical Data Used in Legal Doctrine
7. Wording and Checking Research Hypotheses
8. Theory Building in Legal Doctrine
9. The Romanistic Legal Family
10. The Germanic Legal Family
11. The Anglo-American Legal Family
12. The Nordic Legal Family
13. The Law in the Far East
14. Religious Legal Systems
15. Legislative comparative law, Scientific or theoretical comparative law
16. Comparative method
17. Comparative legal studies - 3 major purposes
18. A basic working-plan for a comparative law method
19. Methods in Europe - a Civil Law Method
20. About the method and legal studies
21. Civil Law and Common Law, signs of convergence
22. The E.U. legislative procedures

23. Charter of Fundamental Rights
24. Withdraw or Opt-out - an exit clause for EU members
25. The E.U. Courts
26. Official languages
27. EU Law materials on EUR-Lex

Compulsory Reading

Please note that this is the minimum reading list, which contains core texts that must be read

- Methodologies of legal research: which kind of method for what kind of discipline?
edited by Mark van Hoecke. Oxford: Hart, 2011. 294 p.
- Legal Research Methods in a Modern World: A Coursebook. January 2011 DJOF
Publishing, Copenhagen, 3rd. edition 2011 - 486 pp
- Research Methods for Law Edition: 1 Edited by: Mike McConville and Wing Hong
(Eric) Chui Publication Date: Jul 2007 Extent: 256 pages
- EUR-Lex - access to European Union law
<https://eur-lex.europa.eu/homepage.html>
<https://eur-lex.europa.eu/e-learning/index.html>
https://eur-lex.europa.eu/content/e-learning/document_view.html
- The EU Open Data - access to European Union open data Portal
<https://data.europa.eu/euodp/en/data>

Legal Regulation of Public Procurement and State Aid in the EU

This course aims to provide students with an up to date understanding of the EU procurement regime in the public sector and in the various other special procurement regimes under EU law. The course looks deep into the effects of these regimes and their underlying policies within EU and in the wider global context. Thus, students will be able not only to work with confidence in EU procurement law, but also understand how their knowledge can be applied to different regimes elsewhere in the world.

This course has been specifically designed for students wishing to expand their knowledge and understanding of EU procurement law and state aid regulation, while also placing that system within its wider international context. Therefore, it is particularly suitable not only for students wishing to work in private practice or in the public sector, but also for in house legal advisers and officials dealing with practice or policy in the procurement field, as well as specialists who wish to add further legal expertise to their practical experience.

CURRICULA

16 h. – lectures, 14 h. – seminars, 60 h. independent work of students

Number of credits: 3 ECTS credits (90 h.)

No	Topics	Lectures	Seminars	Independent work
1	The aim of public procurement rules, State aid	2	2	6
2	The principles of public procurement regulation, Harmonized EU public procurement rules	2	2	6
3	The Scope of application of Procurement Law	2	2	8
4	Tenderer Selection and Exclusion	2	2	8
5	E-procurement	2	2	8
6	The use of State aid as a mechanism to shape or support markets	2	2	8
7	General Block Exemption Regulation	2	1	8
8	Preliminary investigation, simplified procedure, Formal investigation procedure	2	-	8

SYLLABUS

Topic 1. The aim of public procurement rules. The aim of State aid

1. Public Procurement and State aid are constituent instruments of economic policies of the MS of the EU.
2. The aim of public procurement rules
3. The aim of State aid rules
4. EU competition and purpose of SA and PP regulation
5. The role of national and supranational law
6. The policy background for procurement law: why is it necessary and what policies are being pursued

Topic 2. The principles of public procurement regulation, harmonized EU public procurement rules

1. The principles of public procurement regulation
2. Harmonized EU public procurement rules
3. Public procurement strategy
4. Legal rules and implementation:
 - Directive 2014/24/EU on public procurement
 - Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors
 - Directive 2014/23/EU on the award of concession contracts
 - The CPV, adopted by Regulation (EC) No. 213/2008
 - Commission Implementing Regulation (EU) No 2015/1986 of Standard forms

Topic 3. The Scope of application of Procurement Law

1. The Scope of Application of Procurement Law
 - The purchasers covered
 - The types of contracts covered
 - Mixed contracts
 - In-house contracts; contracts for land and other special contracts
 - Further exclusions
2. Tender Evaluation
 - The role of the evaluation panel (including conflicts of interest)
 - Compliance with formalities and specifications
 - Award criteria (definition and requirements under EU law)
 - Scoring approaches
 - Cost assessment (including life-cycle costing)
 - Abnormally low tenders
 - Clarification of bids
 - Informing bidders of evaluation results

Topic 4. Tenderer Selection and Exclusion

1. Tenderer Selection and Exclusion

- The exclusion grounds according to the EU directives
- EU rules limiting exclusion
- The concept of self- cleaning
- Compensation
- Clarification of the facts
- Technical, organisational, personnel measures
- 2. Debarment from an EU law perspective
- 3. Central Purchasing Bodies and Other Purchasing Systems,

Topic 5. E-procurement

1. E-procurement
2. Different Models of Framework Agreements and Issues with Electronic Procurement
 - Organisational models for joint procurement in EU
 - Different models of Framework Agreements
 - Techniques and instruments for electronic procurement
 - Cross border procurement issues
3. Public Procurement and the Wider Policy Agenda
 - Environmental
 - Social
 - Public health agendas

Topic 6. The use of State aid as a mechanism to shape or support markets

1. What is State aid, how is State aid verified?
2. The intersections between State aid and competition law and public procurement law
3. The use of State aid as a mechanism to shape markets or support particular types of undertakings
4. The role and limitations of public procurement law compliance as a defence to State aid concerns
5. The prohibition of State aid unless it is justified by reasons of general economic development
6. The pro-and anti-competitive effects of State aid regulation and compliance

Topic 7. General block exemption Regulation

1. A list of features which a measure must have to be a State aid.
2. General block exemption Regulation (GBER) Commission Regulation (EU) N°651/2014 of 17 June 2014
3. The particular intersection between State aid and PP law in the context of public passenger transport
4. Enabling Regulation. Council Regulation (EC) No 1588/2015 of 13 July 2015 on the application of Articles 107 and 108 of the TFEU to certain categories of horizontal State aid

Topic 8. Preliminary investigation, simplified procedure. Formal investigation procedure

1. Notified aid
2. Preliminary investigation

3. Simplified procedure
4. Formal investigation procedure
5. Misuse of aid
6. Existing aid
7. Unlawful aid
8. Recovery of aid
9. Judicial review of State aid
10. Decisions and procedural conduct of the Commission
11. Relevant jurisprudence of the ECJ

List of Examination Questions:

1. Public Procurement and State Aid: constituent instruments of economic policies of the MS of the EU.
2. The aim of public procurement rules
3. The aim of State aid rules
4. EU competition and purpose of SA and PP regulation
5. The role of national and supranational law
6. The policy background for procurement law: why is it necessary and what policies are being pursued
7. The principles of public procurement regulation
8. Harmonized EU public procurement rules
9. Public procurement strategy
10. Legal rules on PP or SA and their implementation
11. Directive 2014/24/EU on public procurement
12. Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors
13. Directive 2014/23/EU on the award of concession contracts
14. The CPV, adopted by Regulation (EC) No. 213/2008
15. Commission Implementing Regulation (EU) No 2015/1986 of Standard forms
16. The Scope of Application of Procurement Law
17. The purchasers covered
18. The types of contracts covered
19. Mixed contracts
20. In-house contracts; contracts for land and other special contracts
21. Tender Evaluation
22. The role of the evaluation panel (including conflicts of interest)
23. Compliance with formalities and specifications
24. Award criteria (definition and requirements under EU law)
25. Scoring approaches
26. Cost assessment (including life-cycle costing)
27. Abnormally low tenders
28. Clarification of bids
29. Informing bidders of evaluation results
30. Tenderer Selection and Exclusion
31. The exclusion grounds according to the EU directives
32. The concept of self- cleaning (Compensation, Clarification of the facts, Technical, organisational, personnel measures)
33. Central Purchasing Bodies and Other Purchasing Systems,
34. E-procurement

35. Organisational models for joint procurement in EU
36. Different models of Framework Agreements
37. Techniques and instruments for electronic procurement
38. Cross border procurement issues
39. Public Procurement and the Wider Policy Agenda
40. Environmental, Social, Public health agendas
41. The intersections between State aid and competition law and public procurement law
42. The use of State aid as a mechanism to shape markets or support particular types of undertakings
43. The role and limitations of public procurement law compliance as a defence to State aid concerns
44. The prohibition of State aid unless it is justified by reasons of general economic development
45. The pro-and anti-competitive effects of State aid regulation and compliance
46. A list of features which a measure must have to be a State Aid.
47. General block exemption Regulation (GBER) Commission Regulation (EU) N°651/2014 of 17 June 2014
48. The particular intersection between State aid and PP law in the context of public passenger transport
49. Enabling Regulation. Council Regulation (EC) No 1588/2015 of 13 July 2015 on the application of Articles 107 and 108 of the TFEU to certain categories of horizontal State aid
50. Notified aid
51. Preliminary investigation
52. Simplified procedure
53. Formal investigation procedure
54. Misuse of aid
55. Existing aid
56. Unlawful aid
57. Recovery of aid
58. Judicial review of SA.
59. Decisions and procedural conduct of the Commission

Compulsory Reading

Please note that this is the minimum reading list, which contains core texts that must be read

- The Continuing Relevance of the General Principles of EU Public Procurement Law After the Adoption of the 2014 Concessions Directive. European Procurement & Public Private Partnership Law Review N 3, 2015
- Research Handbook on EU Public Procurement Law. Edited by Christopher Bovis. Published 29 Jul 2016. Pages: 672
- Legislative Comment - New standard forms for public procurement notices. Rhodri Williams QC. Public Procurement Law Review, 2016.
- Legislative Comment -Implementation of the EU Public Procurement Directives in the UK: the Public Contracts Regulations 2015. Paul Henty. Public Procurement Law Review, 2015
- Values of thresholds under the Directives on public procurement applicable from 1 January 2016. Rhodri Williams QC. Public Procurement Law Review, 2016

- Eu Public Procurement Law: An Introduction. Editor Professor Sue Arrowsmith, University of Nottingham. The EU Asia Inter University Network for Teaching and Research in Public Procurement, 2010
- Selected Judgements of the Court of Justice of the European Union on Public Procurement (2006-2014). Authorised for publication by Karen Hill, Head of the SIGMA Programme
- Overview and Principles of Public Procurement. State Aid and Public Procurement for European Territorial Cooperation program. Katrin Stockhammer, INTERACT Point Vienna 13 November 2008, Brussels.
- EU Public Procurement Law. Professor Christopher H. Bovis JD, MPhil, LL.M, FRSA H.K. Bevan Chair in Law, Law School, University of Hull Christopher H. Bovis, 2007.
- A Brief Guide to the 2014 EU Public Procurement Directives. Crown Commercial Service, Customer Service Desk, 2016

EU legal acts

1. Commission Decision 87/305/EEC of 26 May 1987 setting up an Advisory Committee on the opening-up of public procurement. Council Decision 71/306/EEC of 26 July 1971 setting up an Advisory Committee for Public Works Contracts.
2. Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts.
3. Council Directive 92/13/EEC of 25 Feb. 1992 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors.
4. Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts.
5. Council Directive 93/36/EEC of 14 June 1993 coordinating procedures for the award of public supply contracts.
6. Council Directive 93/37/EEC of 14 June 1993 concerning the coordination of procedures for the award of public works contracts.
7. Council Directive 93/38/EEC of 14 June 1993 coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors.
8. Directive 2004/17/EC of the European Parliament and of the Council of 31.03.2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors.
9. Directive 2004/18/EC of the European Parliament and of the Council of 31.03.2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts.
10. Directive 2007/66/EC of the European Parliament and of the Council of 11.12.2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts.
11. Regulation (EC) No 2195/2002 of the European Parliament and of the Council of 5 November 2002 on the Common Procurement Vocabulary (CPV).
12. Directive 2009/81/EC of the European Parliament and of the Council.

13. Directive 2014/23/EC of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts
14. Directive 2014/24/EC of the European Parliament and of the Council of 26 February 2014 on public procurement repealing Directive 2004/18/EC
15. Directive 2014/25/EC of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC

Relevant jurisprudence of the ECJ

1. Case 76/81, Transporoute SA et Travaux v. Minister of Public Works.
2. Case 31/87, Gebroeders Beentjes BV v State of the Netherlands.
3. Case C–21/88, Du Pont de Nemours Italiana SpA v Unità sanitaria locale N2 di Carrara.
4. Case C–351/88, Laboratori Bruneau Srl v Unità sanitaria locale RM/24 di Monterotondo.
5. Case C–113/89, Rush Portuguesa Lda v Office national d'immigration.
6. Case C–46/93 ra C–48/93, Brasserie du Pêcheur SA v Bundesrepublik Deutschland and The Queen v Secretary of State for Transport, ex parte: Factortame Ltd.
7. Case C–323/96, Commission of the European Communities v Kingdom of Belgium.
8. Case C–360/96, Gemeente Arnhem and Gemeente Rheden v BFI Holding BV.
9. Case C–225/98, Commission of the European Communities v French Republic.
10. Case C–324/98, Telaustria Verlags GmbH and Telefonadress GmbH v Telekom Austria AG, joined party: Herold Business Data AG
11. Case C–380/98, The Queen v H.M. Treasury, ex parte The University of Cambridge.
12. Case C–470/99, Universale–Bau AG, Bietergemeinschaft.
13. Case C–513/99, Concordia Bus Finland Oy Ab v Helsingin Kaupunki and HKL–Bussiliikenne.
14. Case C–50/00 P, Unión de Pequeños Agricultores v Council of the European Union.
15. Case C–327/00, Santex SpA v Unità Socio Sanitaria Locale n. 42 di Pavia, and Sca Mölnlycke SpA, Artsana SpA and Fater SpA.
16. Case C–448/01, EVN and Wienstrom GmbH v Republik Österreich.
17. Case C–231/03, Consorzio Aziende Metano (Coname) v Comune di Cingia de' Botti.
18. Case C–525/03, Commission of the European Communities v Italian.

EU Labor and Social Law

The aim of this course is to examine the EU legal regulation of labour and social sphere. Students will upon completion of the course have sufficient understanding of the subject to practice and research in the field. Theoretical and practical knowledge of social policy and employment of the European Union would be deepened (advanced). The special attention is paid to the review and analysis of the basic documents in labour and social EU law spheres and the practice of the Court of Justice of the EU. The purpose of the discipline – mastering the provisions of the sources, basic labor and social institutions of the EU, that would allow to students to carry out analytical, organizational and other researches in the field of European law and activities on the harmonization of national legislation with EU social and labour standards at high professional level. Educational objectives of the discipline are to mastering of knowledge about the origin and evolution of European social and labour law, the creation of the concept of social policy, basic principles, standards and sources of European social and labour law, rights of workers, legal regulation of the principle of free movement of people within the EU in employment and social issues, the appropriate case-law of the Court of Justice of the EU in social and labour law spheres.

CURRICULA

26h.-lectures, 14h.-seminars,80h.–independent work of students

Number of credits: 4 ECTS credits (120 h.)

No	Topics	Lectures	Seminars	Independent work
Part 1.An Introduction to the Labour and Social EU Law				
1.	The concept of social policy and employment of the European Union and the basic stages of development of EU labour and social law	2	2	5
2.	Free movement of workers as one of the fundamental freedom of EU law	4	2	10
3.	EU main legislation on prohibition of discrimination in labour and employment spheres	4		15
Part 2.Substantial Norms of EU Labour Law				
4	Basic individual labor rights of workers and the regulation of atypical labour relations in the EU	2		7
5	The guarantees of labor rights and the regulation of working hours and rest periods in EU law	2		
6	Concept and guarantees of wages in EU law	2		
7	The rights of EU workers in case of dismissal	2	2	8
8	Occupational Safety and Health at work in the EU	4	2	10
9	EU collective labour law	2		10
Part 3. Substantial Norms of EU Social Law				
10	The main European standards of social security	2	1	10
11.	The main EU principles of social security	2		

SYLLABUS

Part I. An Introduction to the Labour and Social EU Law

Topic 1. The concept of social policy and employment policy of the European Union and the basic stages of development of EU Labour and Social Law

1. EU social policy. The main concept. European labour law and the social dimension of the European Union.
2. EU Social model. Main pillars of the ESM: increased rights at work and improved working conditions; universal and sustainable social protection system; inclusive labour markets; strong and well-functioning social dialogue; public services and services of general interest; social inclusion and social cohesion; etc. ESM in times of crises.
3. EU employment policy. TEU and TFEU as modern legal basis for the EU social and employment policy.
4. The social dimension of the EU institutions and the system. The activities and power of EU institutions in the field of social policy and employment.
5. Supporting structure of EU social policy. European social fund. European structural funds. European agencies in the field of social policy and employment. The main European international instruments in the field of labor and social rights.
6. Protection of labor and social rights within the Council of Europe.
7. The history and strategies of EU labour and social law. The main stages of the development of EU social and employment law.
8. The EU employment strategy and open method of coordination. The Strategy of fundamental rights and Charter of fundamental rights of the EU. Europe 2020 strategy. European Pillar of Social Rights.

Topic 2. Free movement of workers as one of the fundamental freedom of EU law

1. The key meaning of the principle of free movement of individuals within the EU and legal support for its implementation.
2. The EU concept of "worker" and the practice of the European Court of Justice. Main criteria and indicators. Atypical labour contracts and the concept of "worker",
3. The overview of Article 45 TFEU and the prohibition of discrimination on grounds of nationality.
4. The overview of the Directive №2004/38 «on the right of EU citizens and their family members to move and reside freely in the territory of the Member States" of 29 April 2004
5. The overview of Regulation 492/2011 on freedom of movement for workers within the Union on April 5, 2011 for the development of EU labour law. Directive 2014/54 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers.
6. The main exceptions of the freedom of movement of workers.
7. Free movement of workers –citizens of third countries. Overview of Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents of 25 November 2003. Legal regulations for rights of workers –citizens of third countries.

Topic 3. EU main legislation on prohibition of discrimination in labour and employment spheres

1. Equality law: development and principals. The development of EU law and policy on equality. The general prohibition of discrimination in EU law.
2. Non-discrimination on prohibited grounds. Formal and substantive equality.

3. The legal basis for the regulation of prohibition of discrimination in the employment and social spheres. TEU, TFEU. General characteristics of Directive 2000/43/EC and of Directive 2000/78/EC. The principle of victimization. Directive 2006/54. Case-law of CJEU.
4. Direct and indirect discrimination. Equal treatment. The prohibited grounds of discrimination. The personal scope and the material scope. Positive action. Positive duty to promote equality.
5. Equal pay. Treaty of Rome and first equality directives. Article 157 TFEU. The meaning of Pay and the scope of the comparison.
6. The prohibition of discrimination on the grounds of sex. Directive 2006/54/EC.
7. Enforcement of the equality rights.
8. Directive 2010/41 on equality treatment of the self-employed.
9. Family friendly policies. Pregnancy, maternity and paternity. Division of responsibility in the family: the balance between work and caring. Childcare.
10. Equal treatment in respect of social security and pensions.

Part 2. Substantial Norms of EU Labour Law

Topic 4. Basic individual labor rights of workers and the regulation of atypical labour relations in the EU

1. The powers of the EU in labor rights and standards.
2. 2. General description of the duties of the employer to inform employees of the conditions stipulated by labor agreement.
3. EU workers and flexicurity
4. Posted workers in EU.
5. Fixed-time, part-time workers, temporary workers, seasonal workers, home- and distance workers.

Topic 5. The guarantees of labor rights and the regulation of working hours and rest periods in EU law

1. The basic principles of the EU and Article 31 of the Charter of Fundamental Rights of the EU regulations on working time.
2. Directive 2003/88/EC concerning certain aspects of the organization of working time. The main provisions and principles.
3. Minimum requirements for duration of work. There requirements of International Labour Organization Convention 47 and European Social Charter revised 1996 on working time.
4. Opt-out concept. Case-law of CJEU
5. Stand-by time and on-call.
6. The concept of night work in EU legislation. Basic rights of night workers on EU legislation and CJEU practice .
7. Basic guarantees regarding there gelation of rest time in EU legislation. The provisions of the European Social Charter.

Topic 6. Concept and guarantees of wages in EU law

1. Regulation of remuneration for workers in EU law. The understanding the definition of wage and salary.
2. The EU concept of wages and its main structural elements.
3. The principle of equal pay in EU law. The practice of the CJEU.
4. Minimum wages in EU countries.

5. Guarantees payment of wages by EU legislation and case-law of CJEU.
6. European and universal standards for remuneration .ESC1996
7. The rights of workers in cases of delay or non-payment of salaries and responsibility of employers.

Topic 7. The rights of EU workers in case of dismissal

1. Ways of termination of employment relations. Grounds for dismissal.
2. Articles 153 TFEU and Article 30 of the EU Charter of Fundamental Rights.
3. Protection of employees in case of insolvency in the EU legislation. Directive 2008/94/EC on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer.
4. Protection of the rights of workers in the situation of changing of ownership. Directive 2001/23/EC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses.
5. Protection of workers' rights in the event of collective redundancies. Directive 98/59/EC on the approximation of the laws of the Member States relating abbreviation of the state. The concept of reducing the staff and collective redundancies in EU law.

Topic 8. Occupational Safety and Health at work in the EU

1. The main aim of EU policy on occupational health and safety at work. Basic principles of safety. Aims and objectives of EU policy in the field of labor health and safe conditions.
2. Framework Directive 89/391 on the implementation of measures to improve the safety and health of workers at work and general characteristics of instruments adopted to implement its provisions.
3. Protection of individual groups of workers in the workplace.
4. Protection of pregnant women and women with children. The practice of the CJEU.
5. The safety requirements for workplace safety and health requirements when using equipment.
6. EU funds.
7. The main challenges for future policy action. EU Strategic Framework on Health and Safety at Work 2014-2020. European autonomous framework agreement on work-related stress

Topic 9. EU collective labour law

1. The European social dialogue. The concept and definition. Social partners.
2. External and internal scrutiny of the democratic legitimacy of the European social dialogue. Tripartite Social Summit.
3. Workers involvement in decision making: information, consultation and workers participation. Working councils
4. Freedom of association, collective bargaining and collective action.
5. Collective bargaining and the effectiveness of social actions. CJEU case-law.
6. The right of workers to participate in the decision making process within the enterprises.
7. Legal consequences for employer violations of the duty of informing and consulting. The practice of CJEU.

Part 3. Substantial Norms of EU Social Law

Topic 10. The main European standards of social security

1. EU competence in the sphere of social policy. The main provisions of EU law on social security. Article 48 TFEU as a basis for the coordination of social security systems within the EU. Cooperation between EU countries.
2. Key EU documents that have been adopted in the field of social security. Regulations 883/2004 and 987/2009 on coordination of social security systems. Agreement on the proposal about revision the Regulation 883/2004. Electronic Exchange of Social Security Information.
3. European Insurance and Occupational Pensions Authority. Supplementary pensions.
4. Standards of Social Security in the Council of Europe documents. The case-law of ECHR

Topic 11. The main EU principles of social security

1. The development of 4 main principles of social security
2. The covering by legislation of one country
3. The equality treatment in social sphere, the same rights and obligations.
4. The principle of taking into account all periods of insurance, work or residence in EU countries.
5. Principle of exportability.

List of questions for the credit

1. What does the EU's "social policy" mean?
2. What social policy models have prevailed in the EU at different periods of time?
3. What are the historical stages and features of the development of labor law in the EU?
4. What are the powers of the EU institutions in the field of social and employment policy?
5. What is the role played by European structural funds and agencies in the development of EU labor law?
6. What are the main aspects of the EU employment strategy?
7. What documents have been adopted within the Council of Europe in the sphere of protection of labour and social rights?
8. What is the legal scope of the freedom of movement of persons?
9. What are the main characteristics of the EU concept of "worker" ?
10. What are the differences in status between the status of EU citizen worker and the EU citizen who is just looking for a job?
11. What is the impact of free movement of individuals within the EU on the development of labor and social rights of the EU?
12. What are the major exceptions from freedom of movement in the EU?
13. What is the nature and importance of the principle of non-discrimination in the EU?
14. What are the main EU instruments to prohibit discrimination in employment and social sphere?
15. What are the basic principles of equal treatment of women and men in the EU labour and social law?
16. What is the definition of direct and indirect discrimination?
17. What are the main EU legal acts devoted to prohibit discrimination in employment and social sphere?
18. What are the basic safeguards for workers' labor rights in the EU?
19. What documents have been adopted in the EU to regulate working time and rest time?

20. 3. What are the minimum requirements of the EU Directive 2003/88 on working time?
21. What types of rest periods are defined in EU law?
22. What are the basic standards of working and rest time set out in European Social Charter revised?
23. What is the definition of remuneration for work in EU law?
24. What are the main components of wage/salary in accordance with EU law and the case law of CJEU?
25. What is main idea of the principle of equal pay?
26. What rights do employees have in the event of delay or non-payment of wages under EU law?
27. What is the responsibility of the employer for non-payment of wages in the EU?
28. What are the basic standards for remuneration laid down in Council of Europe documents?
29. What is the importance of labor protection as one of the main strands of EU social policy?
30. What are the key documents in the field of occupational safety in the EU?
31. What are the basic principles of occupational safety and health that can be defined under Framework Directive 89/391?
32. What legal support is provided for the protection of pregnant women and women who have children in EU law?
33. What is the legal basis of regulation of atypical labour relations in the EU?
34. How the concept of flexicurity could be explained?
35. Does the EU labour law regulate the rights of posted workers?
36. What is the main idea of opt-out concept?
37. What rights do employees have in the event of dismissal in accordance with EU standards?
38. What are the main documents adopted in the EU to protect workers' rights in the event of their dismissal?
39. What rights do employees have in the event of bankruptcy of an employer under EU law?
40. How are workers' rights protected in the event of a change of transferring of undertakings under EU law?
41. What are collective exemptions in EU law?
42. What rights do employees have in the event of collective redundancies and redundancies?
43. What rights do employees have in the event of dismissal in accordance with Council of Europe standards?
44. What does social partnership under EU law mean?
45. Which EU acts regulate the issues of social dialogue?
46. What are the features of tripartite social dialogue in the EU?
47. 4. What are the mechanisms for implementing the framework agreements adopted by the European social partners?
48. 5. What is the right of employees to information and counseling?
49. 6. What are the specific rights of employees to participate in the management of a company within the EU?
50. What is the main concept of Article 48 TFEU?
51. What are the main documents adopted in the field of social security in the EU?
52. What are the main principles of social security in EU law?

53. What is the essence and value of guaranteeing certain rights regardless of place of residence?
54. What are the main standards of social security under the Council of Europe law?
55. How could the principle of exportability be explained?

Compulsory Reading

Please note that this is the minimum reading list, which contains core texts that must be read

1. Blanpain Roger European Labour Law. Wolters Kluwer Law & Business, 2014. – 1104 p.
2. Research Handbook on EU Labour Law// Ed. by Alan Bogg, Cathryn Costello, A.C.L. Davies// Edward Elgar. - 2016. - 608 pp
3. Craig P., de Burca G. European Law. Text, Cases, Materials. Oxford, 2012
4. Bercusson Brian European labour law// Cambridge University Press/ - 2012.- 754p.
5. Davies A.C.L. EU Labour Law. Elgar European Law series - 2013. - 304 pp.
6. Craig P., De Burca G. The evolution of the EU Law. Oxford University Press. – 2011.-2nded.
7. Ville de Nivelles v Rudy Matzak, Case C-518/15 Judgment of the Court (Fifth Chamber) of 21 February 2018 URL; <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62015CJ0518>
8. Pierre Joassart The Matzak ruling of the Court of Justice of The European Union: a positive development regarding the concept of working time URL: <https://www.cesi.org/the-matzak-ruling-of-the-court-of-justice-of-the-european-union-a-positive-development-regarding-the-concept-of-working-time/>
9. Silvia Rainone Labour rights in the making of the EU and in the CJEU case law: A case study on the Transfer of Undertakings Directive// European labour law journal - October 22, 2018 URL: <https://journals.sagepub.com/doi/full/10.1177/2031952518801609>
10. Lowisch Manfred Labor Law in Europe// Ritsumeikan Law Review. - No. 20, 2003 - p.101-115
11. Manuel Antonio Garcí'a-Munoz Alhambra and Christina Hiessl The Matzak judgment of the CJEU: The concept of worker and the blurring frontiers of work and rest time// European labour law journal - Volume 10 Number 4 December 2019
12. Sagan Adam The classification as 'worker' under EU law // European labour law journal - Volume 10 Number 4 December 2019
13. Fisher Clifford, Putman Cara, Hassani Alborz (Al) European Union labor law- a comparison between the labor laws of the United States and the European Union// The Business and Management Review, Volume 7 Number 5. – June 2016
14. Countouris_Nicola, Koukiadaki Aristeia The Purpose Of European Labour Law: Floor Of Rights – Or Ceiling? // 6 June 2016//Social Europe// <https://www.socialeurope.eu/purpose-european-labour-law-floor-rights-ceiling>
15. Labour Law in the courts. National Judges and the European Court of Justice, edit. by Sciarra S., Oxford, Portland, Oregon: HART publishing., 2001, p. 298
16. International Labour and Social Security Law: Codex in 2 Vol. / Ed. by R. Blanpain, J-C. Javiller, J-M. Servais. TheHague, 2002. Vol. 1.
17. International Labour and Social Security Law: Codex in 2 Vol. / Ed. by R. Blanpain, J-C. Javiller, J-M. Servais. TheHague, 2002. Vol. 2.
18. Keller B. Social Dialogue The Specific Case of the European Union // The International Journal of Comparative Labour Law and Industrial Relations. 2008. Vol. 24/2.
19. Fedorova A. The reduction of social benefits and pensions due to the financial crisis. Case-law of the European Court of Human Rights. // Collection of scientific articles based on the

- materials of the conference "European integration in the context of contemporary geopolitics". / A.P. Hetman, I.V Yakovyuk, V.I Samoshenko and others. - Kharkiv: Law. - 2016.
20. International Labour Organization // <http://www.ilo.org/global/lang--en/index.htm>
 21. NATLEX // http://www.ilo.org/dyn/natlex/natlex4.home?p_lang=en
 22. World Trade Union Organization // <http://www.wftucentral.org>
 23. International Trade Union Confederation ITUC // <https://www.ituc-csi.org/?lang=en>
 24. Business Europe - UNICE // <https://www.busesseurope.eu>
 25. Employment, Social Affairs & Inclusion/ European Commission // <http://ec.europa.eu/social/main.jsp?catId=157>
 26. European Labour Law Network // <http://www.labourlawnetwork.eu>
 27. Employment and social policy. Summaries of EU Legislation/EUR-Lex // http://eur-lex.europa.eu/summary/chapter/employment_and_social_policy.html?root_default=SUM_1_CO_DED%3D17&locale=en
 28. European Union/ International Labor & Employment Law // <http://www.proskauer.com/practices/international-labor-employment/>
 29. State Labor Service of Ukraine / List of EU Directives for implementation/ Plan/ URL:<http://dsp.gov.ua>
 30. European Trade Union Institute ETUI <http://www.etui.org>
 31. European Economic and Social Committee URL: <https://www.eesc.europa.eu/>

International Business Transactions and International Trade of Goods

The aim of this course is to examine the legal rules of International Sale of Goods taking into account the underlying economic principles and wider policy issues. International Trade Law draws on certain issues of International Economic Law and Public International Law. It builds on some of the material covered in the International Economic Law but can be taken independently of it. This course will examine a number of controversial trade issues and considers the approach of law and regulation to them. The course commences with a consideration of the issue of development and the special rules applicable to developing nations. It then moves on to look at the issues surrounding international trade and agriculture, the conflicts that can arise between international environmental law and international trade law and finally will examine issues of international trade and competition law. Students will upon completion of the course have sufficient understanding of the subject to practice and research in the field. The course concentrates on the foundations for the system of rules of *lex mercatoria*, the legal regime of CISG & its judicial practice. The course offers an economic perspective on these legal rules. It also offers a comparative perspective, frequently referring to the way of civil law & common law deals with similar problems.

CURRICULA

16 h. - lectures, 14 h. - seminars, 60 h. – independent work of students

Number of credits: 3 ECTS credits (90 h.)

No	Topics	Lectures	Seminars	Independent work
Module 1. An Introduction to the International Sale of Goods Law				
1.	Legal regulation of Integrational processes (WTO & regional integration within FTA)	2		2
2.	Lex mercatoria & types of contracts	2		4
3.	Ukraine in FTAs	2	2	6
Module 2. International Sales Law				
4.	Legal status, structure & sphere of application of CISG (UN Convention for the International Sale of Goods)	2	2	4
5.	Contract formation (an offer, acceptance, the battle of forms)	2	2	4
6.	Seller's obligations & remedies			4
7.	Buyer's performance, inspection, remedies,		2	6
8.	The Limitation Convention		2	4
9.	Commercial Terms (INCOTERMS 2010 and 2020)	2	2	4
10.	The UNIDROIT Principles and CISG	2	2	4
11.	European Contract Law	2		10
12.	Application of Law & Dispute settlement mechanisms in International Transactions			8

SYLLABUS

Module 1. An Introduction to the International Sale of Goods Law

Topic 1. Legal regulation of Integrational processes (WTO & regional integration within FTA)

1. Economic and legal integration. Harmonization. Market driven harmonization
2. Levels of on International Trade regulation (WTO system, regional economic organizations, bilateral & multilateral trade deals).
3. Free trade agreements & customs unions.
4. Preventing International Trade Barriers.
5. International electronic commerce.

Topic 2. Lex mercatoria & types of contracts

1. The notion of lex mercatoria.
2. Differentiation of lex mercatoria principles in different legal systems.
3. Types of contract in International Trade (selling goods, franchising, insurance, transportation, inspection contracts etc.).
4. Promissory estoppel (notion, examples, differences with the doctrine of estoppel).
5. Countertrade agreements.

Topic 3. Ukraine in FTAs

1. Ukraine's joining in WTO system.
2. Ukraine-EFTA trade agreement.
3. EU-Ukraine Association Agreement (Title IV Trade).
4. Bilateral trade agreements (Montenegro, Israel, Canada).
5. On-going negotiations on multilateral & bilateral agreements.

Module 2. International Sales Law

Topic 4 Legal status, structure & sphere of application of CISG (UN Convention for the International Sale of Goods)

1. General characteristic of CISG (concluding, ratifying, the way of implementation, esp in the US)
2. The scope of application of CISG
3. Interpretation of CISG (good faith & its diversification in different legal systems)
4. Main principles of CISG
5. The duty to mitigate damages
6. The principle of favor contractus
7. Declarations, State interpretations, and variations in implementations of CISG

Topic 5. Contract formation under the CISG

1. "Convention-style" interpretation.
2. Contract formation – the battle of forms.
3. The forms of the offer.
4. The forms of the acceptance.

5. Contract avoidance & fundamental breach.

Topic 6. Seller's obligations & remedies

1. General overview of the seller's performance obligations.
2. Seller's obligations – delivery.
3. Seller's obligations – quality of the goods.
4. Property issues.
5. Right to suspend performance.

Topic 7. Buyer's performance, inspection, remedies

1. Buyer's performance obligations – payment & acceptance of delivery.
2. Buyer's inspection & notice of delivery.
3. Risk of losses.
4. Buyer's remedies for breach by seller.
5. Buyer's remedies (avoidance of the contract, non-judicial reduction in price, specific performance).

Topic 8. The Limitation period in international sale of goods

1. The Convention on the Limitation Period in the International Sale of Goods.
2. The status of ratification of the Convention.
3. Parallel application of CISG & Limitation Convention.
4. Rules on limitation periods.
5. Rules on the cessation & extension of limitation period.

Topic 9. Commercial Terms (INCOTERMS 2010 and 2020)

1. The notion & the purposes of commercial terms.
2. The Incoterms rules as trade usages.
3. The categories of commercial terms.
4. The format of Incoterms.
5. Comparison incoterms 2010 & 2020.

Topic 10. The UNIDROIT Principles and CISG

1. Origin and preparation of the UNIDROIT Principles of International Commercial Contracts.
2. The interplay between UN Convention on Contracts for the International Sale of Goods & UNIDROIT Principles of International Commercial Contracts.
3. Cases in which the UNIDROIT Principles were referred to as the rules of law applicable to the substance of the dispute.
4. The UNIDROIT Principles as a means of interpreting and supplementing international uniform law instruments. Cases in which the UNIDROIT Principles were referred to interpret and supplement the U.N. Sales Convention (CISG).
5. The UNIDROIT Principles as a means of interpreting and supplementing domestic law. The “restatement function” of the UNIDROIT Principles – or the UNIDROIT Principles as background law in applying domestic laws in an international context.

Topic 11. European Contract Law

1. Ole Lando approach on codification of European contract law.
2. Main factors of unification of contract law within the European countries.
3. European legislative proposals.
4. Correlation of the legislative proposals with the domestic regulation.
5. European International Private law.

Topic 12. Application of Law & Dispute settlement mechanisms in International Transactions

1. International Business litigation.
2. Personal jurisdiction, subject matter jurisdiction.
3. Choice of law. Applicable law clauses in the contract. Autonomous nature of the clause.
4. Antisuit injunctions.
5. Proving foreign law.
6. International commercial arbitration clauses.

Individual final works:

1.

1. Conclude a sales contract with the following fabula:

Seller: Ukrainian company

Buyer: Swedish Company

Goods: 0409 (CN code) Natural honey

Terms of delivery: EXW (Lutsk)

2. Write a legal notice for this transaction (risks, legal maintenance of such type of sales)

2.

1. Conclude a sales contract with the following fabula:

Seller: American company

Buyer: France Company

Goods: 4501 10 *(CN code) Natural cork, raw or simply prepared

Terms of delivery: DDP (Chamonix)

2. Write a legal notice for this transaction (risks, legal maintenance of such type of sales)

3.

1. Conclude a sales contract with the following fabula:

Seller: Ukrainian company

Buyer: Poland Company

Goods: 0210 92 91 (CN code) Meat

Terms of delivery: CIP Kieln (Germany)

2. Write a legal notice for this transaction (risks, legal maintenance of such type of sales)

4.

1. Conclude a sales contract with the following fabula:

Seller: Ukrainian company

Buyer: Netherlands Company

Goods: 3924 10 (CN code) Tableware and kitchenware

Terms of delivery: FCA Kieln (Germany)

2. Write a legal notice for this transaction (risks, legal maintenance of such type of sales)

5.

1. Conclude a sales contract with the following fabula:

Seller: Italian Company

Buyer: Ukrainian company

Goods: Woven fabrics of cotton, containing less than 85 % by weight of cotton, mixed mainly or solely with man-made fibres, weighing not more than 200 g/m² (CN code: 5210 51 Printed)

Terms of delivery: EXW (Milan)

2. Write a legal notice for this transaction (risks, legal maintenance of such type of sales)

6.

1. Conclude a sales contract with the following fabula:

Seller: Ukrainian company

Buyer: Latvian Company

Goods: 8801 Balloons and dirigibles; gliders, hang gliders and other non-powered aircraft

Terms of delivery: CIP (Nicosia)

2. Write a legal notice for this transaction (risks, legal maintenance of such type of sales)

7.

1. Conclude a sales contract with the following fabula:

Seller: Ukrainian company

Buyer: Malta Company

Goods: 9880 Component parts of complete industrial plant in the framework of external trade (Commission Regulation EC No 113/2010 of 9.02.2010)

2. Write a legal notice for this transaction (risks, legal maintenance of such type of sales)

8.

1. Conclude a sales contract with the following fabula:

Seller: Ukrainian company

Buyer: Germany Company

Goods: 9028 30 11 Electricity meters For single-phase

Terms of delivery: EXW Kiev

2. Write a legal notice for this transaction (risks, legal maintenance of such type of sales)

9.

1. Conclude a sales contract with the following fabula:

Seller: Swiss company

Buyer: Ukraine Company

Goods: 3002.20 -Vaccines for human medicine

Terms of delivery: EXW Bonn

2. Write a legal notice for this transaction (risks, legal maintenance of such type of sales)

10.

1. Conclude a sales contract with the following fabula:

Seller: Ukraine company

Buyer: Poland Company

Goods: 4401.10 - Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms

Terms of delivery: CIP Wroclaw

2. Write a legal notice for this transaction (risks, legal maintenance of such type of sales)

11.

1. Conclude a sales contract with the following fabula:

Seller: China company

Buyer: Italy Company

Goods: **Statuettes and other ornamental ceramic articles.** 6913.10 -Of porcelain or china

Terms of delivery: CIP Milano

2. Write a legal notice for this transaction (risks, legal maintenance of such type of sales)

12.

1. Conclude a sales contract with the following fabula:

Seller: US company

Buyer: Ukraine Company

Goods: **Nuclear reactors; fuel elements (cartridges), non-irradiated, for nuclear reactors; machinery and apparatus for isotopic separation.** 8401.10 -Nuclear reactors

Terms of delivery: EXW Chicago

2. Write a legal notice for this transaction (risks, legal maintenance of such type of sales)

List of exam questions

“Business Transactions & International Sale of Goods”

1. Specify what is it lex mercatoria.
2. Specify differences between civil law & common law in trade regulation.
3. UN Convention on Contracts for the International Sale of Goods (history, ratification, scope of application, member countries, rule of interpretation)
4. Convention on the Limitation Period in the International Sale of Goods (scope of application, limitation periods)
5. The scope of application of UN Convention on Contracts for the International Sale of Goods
6. UNIDROIT Principles of International Commercial Contracts
7. The interplay between UN Convention on Contracts for the International Sale of Goods & UNIDROIT Principles of International Commercial Contracts
8. FTA as a basis of international sales of goods (examples of regional FTAs, the scope of regulation of FTA agreement)
9. FTAs concluded by Ukraine.
10. Main categories of Incoterms (rights & obligations of parties, risks transfers, modes of transportation)
11. The formation of contracts (under the CISG)
12. Breach & Remedies of the Contracts Parties under the CISG
13. Incoterms rules for sea & inland waterway transport
14. Incoterms rules for any mode or modes of transport
15. Bill of lading (functions, types, legal acts of regulation)
16. Letter of credit: the process of issue, the necessity, risks
17. The interplay between UN Convention on Contracts for the International Sale of Goods & INCOTERMS

Compulsory Reading

Please note that this is the minimum reading list, which contains core texts that must be read

Students obtain an electronic collection of articles, samples, commentaries of the course

<http://www.globalsaleslaw.org/index.cfm?pageID=644>

CISG Database - <http://www.cisg.law.pace.edu/cisg/text/cisgint.html>

Harmonization of International Trade-

<http://libraryguides.jmls.edu/c.php?g=261791&p=1750897>

<http://www.jus.uio.no/lm/treaties.and.organisations/doc.html>

International trade law: International rules on sales-

<http://libguides.bodleian.ox.ac.uk/c.php?g=423180&p=2889570>

<http://www.unidroit.org/instruments/commercial-contracts/upicc-model-clauses>

https://www.trans-lex.org/400200/_pecl/#toc_11

List of topics for Master thesis on Master Program “European Business Law”

1. International Electronic Commerce
2. Subsidies & Countervailing Duties & EU State aid: comparison analysis
3. Lex mercatoria in International Trade Law
4. Legal regulation of trade within the free trade areas
5. Regional Free Trade Areas
6. Dispute Settlement Mechanisms in International Sales Goods Contracts
7. International Organizations in the field of International Transactions Law
8. Boilerplate Clauses in International Commercial Contract: peculiarities of their application in different legal systems
9. Consequences of fundamental breach of contracts: theoretical & practical issues
10. Doctrine of good faith in International Contracts: theoretical & practical issues
11. Doctrine of Estoppel: theoretical & practical issues
12. UNCITRAL & UNIDROIT in legal regulation of International Sales Goods Contracts
13. The Applicability of the Vienne Convention of International Sale of Goods (CISG) to the Arab World (in the Anglo-Saxon legal system, Germanic legal system or other region on your choice)
14. European Private Law: foundations, evolution of development & perspectives
15. Generations of Trade Agreements: current trends
16. The system of trade facilitation bodies
17. Conflict of Law rules & International Trade
18. The UNIDROIT Principles and Transnational Law: pro & contra
19. New forms of abuse of dominance position in the EU Commission practice (Gazprom case)
20. EU Competition Law within the innovative markets (Amazon, Booking, Facebook cases)
21. The impact of EU Competition Law to the national regulation of competition: an experience for Ukraine (or other country on your choice)
22. “Europeanization” of competition law: the role of FTAs
23. Abuses of dominant position on the EU: theory & practice
24. Interactions between the EU internal market freedoms & Competition Law
25. Extraterritoriality of EU Competition Law: theory & practice
26. Merger procedures in the EU market
27. Doctrines of EU Competition Law: practical consequences
28. The collective proceedings in Ukraine and the class actions in USA .
29. The comparative analysis of legal professional status in the USA and Ukraine legal professionals.
30. The protection of fiduciary trust on global arena.
31. The legal framework for the activity of hedge funds in Ukraine
32. The legal assistance in the cross-border inheritance cases
33. Attorney clients privileged information and its protection in Ukraine
34. Judicial enterprises, law firms or law association: hard choice for the foreign client among Ukrainian legal forms of the attorney's activity
35. The competence of the attorney at the criminal and (civil) action in Ukraine
36. The role of attorney during the production of the evidences in Ukraine
37. The rights and the obligations of the attorney in Ukraine according to the local rules
38. The distribution of power among EU institutions
39. The powers of advisory EU bodies
40. The EU's modern *customs* duties and CEE
41. Indirect discrimination within internal market of the EU
42. Discriminatory taxation among EU's internal market

43. Competing product within internal market of the EU
44. The free movement of workers in the EU
45. The free movement of services in the EU
46. The free movement of capital in the EU
47. Alternative Dispute Settlement Mechanisms
48. Dispute Settlement Provisions in International Investment Agreements
49. Jurisdiction of the European Court of Justice
50. Jurisdiction of the International Court of Justice
51. The Role of Regional Organisations in Dispute Settlement
52. Disputes Settlement Mechanisms in the Association Agreement between the European Union and Ukraine.
53. Market for Corporate Control as the driver for economic development
54. Power Division among different Corporate Constituencies - fragile balance to promote growth
55. A universal Corporate Governance System- the challenge of the globalized world
56. EU Company Law – history trends and future
57. Takeover defenses – compatibility with Ukrainian law
58. Corporate transformation in Ukraine: theory and practice
59. Corporate law solutions for the family company
60. Shareholder agreements in Ukrainian law
61. Mechanisms of minority shareholder protection – comparative analysis
62. Rethinking Ukrainian company law after Association Agreement
63. Cross-border M&A in Europe
64. Critical analysis of Ukrainian corporate governance: current status and ways to develop
65. Ukrainian Company law as the reflection of European integration process
66. Securities, debt and capital markets – current shape of global financial world
67. Market manipulation - nature, effects and challenges
68. Implementing International financial regulatory reforms
69. Debt vs Equity – the legal mechanisms to raise capital
70. Credit Risk – a universal currency in the global era
71. Creditor protection under Ukrainian law
72. IPO and Ukrainian companies
73. Access to global financial markets and hurdles of Ukrainian regulation
74. Effectiveness of disclosure – theory and empirical results

List of questions for final qualification examination

1. Action concerning Failure to Act and action for Damages for non-contractual liability.
2. Alternative Dispute Resolution within the Framework of International Commercial Arbitration.
3. An impact of EU Competition law on domestic regulation of competition in third countries: experience of Ukraine.
4. Arbitration Practice in the European Union and Ukraine.
5. Compatibility of EU Member States Bilateral Investment Treaties with EU law.
6. Describe principles of mutual recognition and equivalence according to the EU Case Law.
7. Describe the freedom to provide a service and to receive services. Give examples.
8. EU State aid rules: the notion, main principles, exemptions.
9. EU Public procurement rules: the notions, procedures, exemptions, thresholds.
10. European standards of social security.
11. European Union Bilateral Investment Treaties with Third Countries.
12. Explain the freedom of establishment in the EU Law.
13. Explain the process of establishment of the common, single and internal market of the EU.
14. Functions, objectives and key features of the WTO Dispute Settlement System.
15. Give the definition and describe the main provisions concerning the EU Custom Union, custom duties and CEE.
16. Give the definition of a worker, a worker's family and dependents, a part-time worker, a work-seeker according to the EU Law.
17. Give the definition of discriminatory taxation and find its legal regulation in the TFEU.
18. Give the essential elements of the following Case and draw relevant conclusions: 120/78 Rewe-Zentral (Cassis de Dijon) [1979].
19. Give the essential elements of the following Case and draw relevant conclusions: C-267-8/91 Keck and Mithouard [1993].
20. Give the essential elements of the following Case and draw relevant conclusions: 8/74 Dassonville [1974].
21. Give the essential elements of the following Case and draw relevant conclusions: 243/84 John Walker [1986].
22. Give the essential elements of the following Case and draw relevant conclusions: Case 66/85 Lawrie-Blum, [1986].
23. Give the essential elements of the following Case and draw relevant conclusions: Case 2/74 Reyners, [1974].
24. Give the fundamental elements of the new EU Directive in the field of mutual recognition of professional qualifications.
25. Incoterms rules or International Commercial Terms within International Sale of Goods.
26. International Centre for Settlement of Investment Disputes: Principles and Purposes of its Activity.
27. International economic organizations – types and rationales.
28. International economic organizations and their functions.
29. ISDA – goals and functions.
30. Key Directions of Understanding on Rules and Procedures Governing the Settlement of Disputes within WTO.
31. Legal Background for Enforcement Actions against Member States. Types of Actions.
32. Legal Basis of the Preliminary References Procedure.
33. Legal framework on the scope and exercise of EU Competence over Foreign Direct Investment.

34. Legal Procedure Aspects of Starting a Business in EU Member States and Ukraine.
35. LMA Master Agreement.
36. Minimum requirements for working time and rest periods under EU law.
37. Party Autonomy & Choice of Law Clauses: the notion & peculiarities.
38. Prohibition of discrimination in EU labor and social law.
39. Regional economic organizations.
40. Specify the development of the EU legal regulation of the free movement of capital.
41. The concept of social policy and employment policy of the European Union.
42. The Dispute Resolution Mechanism within WTO.
43. The EU Single Market and Business Opportunities.
44. The extraterritorial Application of EU Competition Law Agreements, decision & concerted practice: prohibitions & exemptions.
45. The history of the development of supranational regulation of competition (the EU Competition Law).
46. The International Court of Justice: Composition, Function, Procedures.
47. The legal criteria on authorization system in M&A (comparative analysis & EU regulation).
48. The Legal Framework of UN Dispute Settlement Mechanism.
49. The main EU documents in the labour law sphere.
50. The main labour rights of EU workers.
51. The Role and Function of International organization.
52. The Structure, Jurisdiction and Procedure of the European Court of Justice.
53. The Common Commercial Policy of the EU, legal framework.
54. Types of the Disputes. Mechanisms of Peaceful Dispute Settlement.
55. UN Convention on Contracts for the International Sale of Goods (CISG): scope of application, exempted transactions.
56. UN Convention on the Limitation Period in the International Sale of Goods: scope of application, limitation periods.
57. UNIDROIT Principles of International Commercial Contracts.
58. What are the limitations on the free movement of persons within the EU?
59. Working conditions under EU labour law.
60. WTO structure and functional.