



King's LLM

European Law module descriptions for prospective students 2017–18

This document contains module descriptions for modules expected to be offered under the LLM programme starting in 2017-18, to be used as an indication of the programme's options and a way of informing your decision to study at The Dickson Poon School of Law. King's reserves the right to change the content of the modules, as well as whether or not a module is running in any particular year if the circumstances so dictate.

Note that individual terms and conditions for entry onto a module may apply, such as prerequisites or caps on the total number of students. These will be communicated clearly after enrolment onto the programme and before you are asked to make your module selection.

If you have any questions, please contact:

Law Department

law-department@kcl.ac.uk

+44 (0) 20 7848 5899

King's LLM

Module descriptions for prospective students 2017–18

Contents

40 CREDITS – FULL-YEAR MODULES

7FFLA011	EU STATE AID & STATE REGULATION LAW	4
7FFLA016	EUROPEAN UNION COMPETITION LAW	4
7FFLA019	EUROPEAN LABOUR LAW	4
7FFLA069	EU TAX LAW	5
7FFLA076	PRIVACY AND INFORMATION LAW	5
7FFLA077	EU FINANCIAL REGULATION	5
7FFLA559	EU ENVIRONMENTAL LAW	6

20 CREDITS – HALF-YEAR MODULES

7FFLA018	EUROPEAN INTERNAL MARKET	6
7FFLA522	EU REGULATORY GOVERNANCE	7
7FFLA537	VALUE ADDED TAX	8
7FFLA579	EU PUBLIC PROCUREMENT LAW	8
7FFLA589	ELECTRONIC COMMERCE LAW	9
7FFLA601	COMPETITION LAW IN FINANCIAL SERVICES	10
7FFLA602	TRANSNATIONAL BANK RESOLUTION	10

King's LLM: European Law modules

7FFLA011

EU STATE AID & STATE REGULATION LAW

PATHWAYS: COMPETITION LAW, EUROPEAN LAW

The EU regulation of public undertakings and EU state aid law are increasingly important parts of EU competition law. The case law at national and European levels is growing in both number and importance, particularly of late. The reasons for this increasing focus on public intervention in the economy are numerous and varied but they primarily relate to the impact of such intervention on the completion of the internal market and the current liberalization and privatisation processes. The module focuses on the relevant provisions of the Treaty, most notably Articles 86, 87 and 88; analysing them (and the resulting case law/ decisions) through various legal, political and economic prisms. For more details please see the module outline at the bottom of this page. No previous knowledge of the subject is required.

The module is taught in seminars; you are encouraged to actively engage with the issues being addressed.

7FFLA016

EUROPEAN UNION COMPETITION LAW

PATHWAYS: COMPETITION LAW, EUROPEAN LAW

The aim of the module is to teach the basic provisions of EU competition law; to study the law in its economic and market context; and to consider particular business phenomena - distribution agreements, licences of intellectual property rights, cartels, joint ventures etc. - against the backdrop of the EU Treaty generally and Articles 101 and 102 and the EU Merger Regulation in particular. No previous knowledge of the subject is required.

Throughout the academic year there will be a series of tutorials, given by David Bailey, which follow the course of seminars given by Richard Whish. The tutorials are intended to assist your understanding of the subject in general and its practical application to problem questions in particular. A separate tutorials handout will be provided.

The teachers of this module expect a high degree of participation by all students. It is not intended, in general, to provide lectures except where, for particular reasons, it may be helpful to do so. At each seminar, discussion will be encouraged and expected. You are required to have prepared answers to the questions asked at the end of each seminar handout.

7FFLA019

EUROPEAN LABOUR LAW

PATHWAYS: EUROPEAN LAW

European Labour Law is divided into six parts.

Part One examines the historical development and evolution of European Labour Law, as well as its economic and social purposes.

Part Two examines the wider international human rights context within which European Labour Law operates, including in particular the legal instruments of the International Labour Organisation (ILO) and the Council of Europe.

Part Three examines the institutional competences and framework for the making of European Labour Law, and examines the role of the Court of Justice of the European Union in the development of the discipline. Consideration is also given to different ways of developing standards at EU level, by way of regulatory legislation and collective bargaining. Thereafter, European Labour Law examines selected areas of substantive law dealing with worker protection.

In Part Four these include areas dealing with the position of so-called atypical workers (agency, fixed term and part time workers); working conditions (including working time and the protection of posted workers); and job security (including transfer of undertakings, redundancy and insolvency).

In Part Five the focus turns to collective matters and the duty of the employer to inform and consult, including European Works Councils.

Part Six deals with recent judicial decisions relating to trade union rights and considers their implications for European Labour Law as a whole.

In addition to the foregoing, time will be devoted to assessing future prospects in light of the current crisis in the Eurozone. Parts One – Three are dealt with in Semester One, while parts Four – Six are dealt with in Semester Two. Two – four classes are devoted to each part.

King's LLM: European Law modules

7FFLA069

EU TAX LAW

PATHWAYS: EUROPEAN LAW, INTERNATIONAL TAX LAW

This module examines the impact of EU law on taxation in the Member States. It examines the sources of EU law and its conceptual framework; considers harmonisation measures that have impact on taxation, including the direct tax directives designed to eliminate cross-border distortions and the application of the State Aid rules to taxation; and concludes by examining the impact of the Treaty freedoms of movement on the Member States' direct taxation rules as revealed through the Courts' case law.

7FFLA076

PRIVACY AND INFORMATION LAW

PATHWAYS: EUROPEAN LAW, INTELLECTUAL PROPERTY & INFORMATION LAW

The module concerns the impact of information technologies on the private lives of individuals. The digitisation of information has brought about a multitude of data harvesting and processing technologies that now operate on a global scale. Information processing has become essential not just to finance and commerce, but also to advances in public health, education, crime prevention and economic growth.

In this module, you will study the legal concepts and rules that are used to determine the limits of personal autonomy and consent in the new world of 'big data'. It will focus on rights to privacy and confidentiality as well as countervailing rights and interests in freedom of speech, public order and security and collective wellbeing. We will also examine laws that enable individual access to personal information, such as freedom of information law, and other means of controlling personal information. The module will focus on European legal standards, including their implementation in member states and states outside the European Union, as well as comparison with alternative legal models and concepts, such as those prevailing in the United States and China.

7FFLA077

EU FINANCIAL REGULATION

PATHWAYS: EUROPEAN LAW, INTERNATIONAL FINANCIAL LAW

This module explores the new financial regulatory architecture of the European Union and its economic governance. This is an area, in which the EU has only recently asserted more centralised control, mainly due to the financial problems of financial institutions and Member States following the recent financial crisis. The course will discuss the evolution of financial harmonisation law in the Union, the new institutional architecture of the European Supervisory Authorities, as well as the regulatory and enforcement tools at their disposal.

In addition, the module will discuss the efforts of the European Union to strengthen its economic governance, in particular within the Eurozone. It will analyse the regulatory arrangements and institutional structures within and outside EU law (Banking Union, European Financial Compact, European Stability Mechanism). Students will discuss the constitutional constraints of the system, its practical operation, and the policy choices and challenges behind the new regulatory regime.

This module is of considerable practical relevance to practising lawyers in the financial services industry, but also for those who are interested in the constitutional and administrative law problems which the new regulatory regime raises.

7FFLA559

EU ENVIRONMENTAL LAW

PATHWAYS: EUROPEAN LAW

EU environmental law explores the 'environmental acquis' of the European Union and how EU law in general deals with environmental problems. The European Union sets the policy agenda in many areas of environmental regulation, and is known internationally as a 'green giant'. EU law creates a unique governance framework for environmental problems, which are often transboundary in nature and thus particularly suited to a system of multi-state governance. Particularly through its court, the EU has been a forum for regulatory innovation, experimentation and progressive environmental law. This module covers a wide range of environmental problems, from climate change and air quality to water law and nature conservation, and considers the EU law regimes relating to these problems and how they fit into EU law more broadly. This course is taught partly at King's and partly at Francis Taylor Building, one of the leading sets of barristers practising in the field of EU environmental law.

7FFLA018

EUROPEAN INTERNAL MARKET

PATHWAYS: EUROPEAN LAW

The concept of a common market involves the elimination of all obstacles to intra-community trade in order to merge the national markets into a single market bringing about conditions as close as possible to those of a genuine internal market' (Schul, 1982). The module, by focusing on the development and application of the principle of free movement, assesses whether those objectives have been fully achieved. The structure is firmly grounded on the four fundamental freedoms: goods, persons, services and capital.

Each of the freedoms is thoroughly analysed with reference to the case law of the European Court of Justice and to relevant legislation. 'Exemplary' areas such as financial services, food law or the regulation of monopolies are also included. Particular attention is devoted to the debate on whether the same criteria and principles may be applied to the whole of the internal market and to the degree of convergence of the economic freedoms in EU law.

7FFLA522

EU REGULATORY GOVERNANCE

PATHWAYS: EUROPEAN LAW

The EU, having started as an organization of six Member States focused on economic integration, has evolved into a Union of 28 Member States affecting almost all elements of the exercise of public power in a modern society through its regulatory activities. The aim of this module is to provide students with greater insight into regulatory governance of the EU. The module will discuss the wide variety of processes by which the Union sets its regulatory objectives and implements them. It will also provide an assessment of the complex organisational structures and regulatory instruments used to achieve the Union's regulatory objectives. The interaction between the Union and national authorities, as well as the role of private parties will be of particular importance. The module also considers more unconventional organisational structures, procedures and regulatory tools as well as their legitimacy and effectiveness. It will also examine to what extent Union law can be effectively enforced.

The module will be of interest to students who want to understand the theory and practice of EU regulation in particular, but also transnational regimes more generally. The module is of direct benefit for students who want to work in Union institutions or in consultancy firms. It is also of considerable benefit for those students who want to work in private legal practice, which often presupposes a good knowledge of the regulatory framework in which Union law operates, be it competition law, financial law or corporate law.

7FFLA537

VALUE ADDED TAX

PATHWAYS: EUROPEAN LAW, INTERNATIONAL TAX LAW

Value Added Tax is an increasingly important tax in the UK and throughout the EU. Not only does it generate a large amount of revenue for governments, its character as a European tax makes for interesting case law and controversy within domestic systems.

This module considers the nature of VAT as a tax and considers the system of VAT as implemented in the UK. It considers the various elements of the tax and how the tax has developed in response to EU movement and pressure.

As well as gaining a comprehensive understanding of VAT in the UK, the aim of the module is to provide you with the tools to be able to comprehend other systems of VAT in Europe and also to understand why what seems like a simple tax has proved so complicated in the EU.

King's LLM: European Law modules

7FFLA579

EU PUBLIC PROCUREMENT LAW

PATHWAYS: COMPETITION LAW, EUROPEAN LAW

EU public procurement law has emerged as a major area of practice for EU lawyers, bolstered by the introduction of new enforcement procedures in 2009 and a growing volume of cases before the European and Member State courts. This module offers a comprehensive grounding in the EU regime. It covers:

- the policy objectives of the EU public procurement law regime and its foundations in the TFEU;
- the substantive rules relating to entities and contracts covered, award procedures, selection of bidders and contract award criteria;
- information disclosure requirements, in particular the European courts' evolving case law and the relationship with the general principle of transparency and Freedom of Information laws;
- the use of public procurement to further social, policy and environmental objectives;
- and enforcement mechanisms and practice throughout the EU, including the new Remedies Directive and Article 258 TFEU infraction proceedings.

No previous knowledge of the subject is required.

7FFLA589

ELECTRONIC COMMERCE LAW

PATHWAYS: EUROPEAN LAW

This course examines the law and policy governing the development of e-commerce by primary reference to the European example. Under what is today the flagship Digital Market Strategy, EU law in this area is widely considered to lead the world, thanks to forward-looking legislation aimed at facilitating the uptake of electronic transactions. We shall examine this legislation especially in terms of its implications for the business itself as the reference point for analysis.

Starting with the Electronic Commerce Directive, we shall outline the general framework governing the 'electronic transaction'. We shall then complement this framework by reference to key legal usages from practice such as e-procurement, adaptations to agency such as escrow, and modes of intellectual property licensing, all of which are applicable in Europe and other parts of the world.

We shall next discover instruments available for use in e-commerce that have been introduced under EU legislation like electronic money and trusted third party authentication, and we shall compare these instruments to alternatives generated by the market such as Bitcoin and PIN codes.

We shall then turn to the central instrument for e-commerce, the domain name, and associated legal issues related to the website and e-mail. This part's content will include:

- discussion of the .eu Top Level Domain (TLD) system – which aims at creating, alongside the euro, an everyday manifestation of EU identity – in comparison with legal regimes applicable to other TLDs such as .com
- an examination of domain names dispute resolution, which will include in-class debate of significant .eu and other TLD cases in which Prof. Madders was himself arbitrator
- EU online privacy, commercial communication and data protection requirements.

Risk and its mitigation form a last taught part of the course. Discussion here includes EU information security requirements – an emerging branch of law in its own right – and review of EU competition law as applied to software-based services. New EU measures on online dispute resolution for consumers and aspects affecting international trade will be introduced, as well as aspects of freedom of speech and online criminal and tortious liability that an e-business may need to consider.

From the above it will be seen that, taking EU e-commerce law as its point of departure, this course encompasses a significant part of internet law. It in turn privileges attention to the player that most shapes practical use of the internet by focusing on the business. To reinforce that focus, this course includes an assessed practical project to develop an 'e-business concept' that runs throughout the teaching semester. Through it, students taking this course will have a chance to 'learn by doing' in a way designed to develop not only legal acuity in untangling legal issues but also the student's communication skills, potential for teamwork, and business acumen – all ingredients for later life.

The practical project format has over the years been a popular feature of the course and the main reason several students have taken it. It has been refined following students' own feedback.

7FFLA601

COMPETITION LAW IN FINANCIAL SERVICES

PATHWAYS: EUROPEAN LAW, INTERNATIONAL BUSINESS LAW, INTERNATIONAL FINANCIAL LAW

The financial industry plays a crucial role in the UK economy. Financial products and services are diverse and highly regulated and present a number of features which may make financial markets working not as well as they should, in the interests of consumers.

Following the financial crisis, regulation in the sector has become stricter and so has the application of competition laws, and not only in the State aid field, where since October 2008 EU governments' support of banks in distress resulted in more than 400 decisions involving about a quarter of the EU banking system by assets. The increasingly central role of financial services in the enforcement priorities of the competition authorities at EU and UK levels is reflected in numerous cartel, abuse of dominance and merger control cases as well as a considerable number of market investigations/studies.

This module will provide students with an in-depth knowledge of the main dynamics affecting the application of competition laws in financial services assessing banking, insurance, capital markets and payment systems cases and market investigations.

7FFLA602

TRANSNATIONAL BANK RESOLUTION

PATHWAYS: EUROPEAN LAW, INTERNATIONAL FINANCIAL LAW

As of 1 January 2016, the European Single Resolution Mechanism (SRM) is fully operational. The complete range of bank resolution tools and powers, as envisaged under the Bank Recovery and Resolution Directive (BRRD), is now available to the EU Single Resolution Board (SRB) and to national resolution authorities. As the international post-Crisis regulatory reform project nears conclusion, implementation takes center stage, with a multitude of details still in the process of being fleshed out by international standard setters and regulatory authorities. This module provides a comprehensive and systematic analysis and assessment of the EU legal framework and its implementation in selected Member States. The legal regimes applicable in the United States serve as a comparative reference point throughout. Based on a solid theoretical framework, the module analyses the structure of banking sectors in Europe and the US, as well as the prevalent business models and corporate structures within the respective financial industries. These structures determine the most effective resolution strategies to be applied to cross-border banking groups. Against this background, the module covers the recovery and resolution-planning phase, early intervention, and the application of resolution tools and powers, as well as the latter's interaction with standard corporate insolvency law as applied to financial institutions. At a time when the level of debt, in particular in emerging market economies, has again reached unsustainable levels and several commentators predict the next global financial meltdown, resolution and insolvency of banks and financial institutions is likely to remain a topical issue for years to come.



Contact

The Dickson Poon School of Law
King's College London
Somerset House East Wing
London WC2R 2LS

Tel: +44 (0) 20 7848 2097

Fax: +44 (0) 20 7848 7200

Email: law-llmadmissions@kcl.ac.uk