

UKCLE Law Subject Survey – European Union Law

Final Report

Richard Ball, Christian Dadomo and Nicola Liles

Acknowledgements

Our first debt of gratitude is to all those colleagues who have given valuable time in replying to questionnaires, undertaking discussions, and participating in conferences. It goes without saying that this report would not have been possible without the active co-operation and predominantly enthusiastic response of the European Union Law teaching community across the UK. It must also be stated, if only for the avoidance of any doubt, that the conclusions drawn in this report are those of the authors.

The authors are extremely grateful to Tracey Varnava at UKCLE for her encouragement and guidance throughout the undertaking of this report. We would also like to thank Chris Maguire, Organiser of the Association of Law Teachers Conference, held at Clare College, Cambridge (29 – 31 March 2010) and Jackie Jones, Convener of the European Union Law subject section of the Socio-Legal Studies Association Conference, held at Bristol Law School, University of the West of England (30 March – 1 April 2010) for the opportunities to present our findings.

Finally we would like to thank our colleagues Caroline Maughan and Jane Kay for their contributions during the first and second phases of the project.

Contents

Acknowledgments	2	
Contents	3	
Chapter 1	Introduction	6
	EU Law and the UK	6
	Teaching EU Law and Commentary on Teaching and Learning	6
	Aims and Objectives of the EU Law Subject Survey	14
	Structure of this Report	15
Chapter 2	Methodology	17
Chapter 3	European Law Teachers	21
	Gender	21
	Number of Teachers per Institution	22
	Summary	22
Chapter 4	Contents of European Union Law Courses	24
	EU Law as a Compulsory Subject	24
	EU Law as an Optional Subject	25
	Integrating EU Law in Other Courses	27
	Conclusions	30
Chapter 5	Type of Course	32
	Main Characteristics	32
	LLB/QLD and CPE: Together or Separate?	32
	Conclusions	33

Chapter 6	Course Content	34
	General Areas Covered in Principal EU Courses	34
	EU Law Subjects Taught in Other Courses/Modules	40
	Conclusions	43
Chapter 7	Factors Affecting Course Content	44
	Influential Factors	44
	Minor Factors	44
	Conclusions	54
Chapter 8	Teaching and Learning Methods	55
	Conclusions	59
Chapter 9	Electronic Resources	60
	Results	60
	Conclusions	64
Chapter 10	Textbooks	66
	Results	66
	Specialist Textbooks	70
	Reasons for Choice of Books	71
	Conclusions	71
Chapter 11	The Challenges of Teaching EU Law	73
	Results	73
	Conclusions	81
Chapter 12	Assessment Methods	83
	Summative Assessment	83

	Formative Assessment	86
	Conclusions	87
Chapter 13	Course Evaluation	88
	Results	88
	Method of Course Evaluation	89
	Perceived Value of Course Evaluation Methods	89
	Conclusions	95
Chapter 14	Effective Practice	96
	Results	96
	LLB/QLD Providers	96
	CPE Providers	101
	Conclusions	104
Chapter 15	The Future	106
	Future Directions for Teaching EU Law	106
	Future Research Opportunities	108
	Bibliography	111
Appendix 1	EU Law Subject Survey Questionnaire – LLB/QLD	119
Appendix 2	EU Law Subject Survey Questionnaire – CPE	141

1. Introduction

EU Law and the UK

1.1 The European Economic Community (EEC) was created by the Treaty of Rome in 1957¹ with six Member States (Germany, France, Italy, the Netherlands, Belgium and Luxembourg). The United Kingdom became a Member State of the EEC on 1 January 1973 in the first round of enlargement. Since then the EEC has been transformed into the European Union (EU), initially by the Maastricht Treaty in 1993², and the EU has expanded to twenty-seven Member States in six rounds of expansion and enlargement, with the possibility of more in future years. On 1 December 2009 the Lisbon Treaty³, incorporating the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), came into force.

1.2 The European Communities Act 1972 introduced EU Law into the UK legal system. This gave the Treaty at the time, and any subsequent Treaty changes, full legal effect in the UK such that EU Law took primacy over the law of the UK, nationals could enforce their rights in domestic courts (direct effect) and domestic courts had to interpret domestic legislation in such a way that it complied with the objectives and purposes of EU Law (indirect effect).

Teaching EU Law and Commentary on Teaching and Learning

¹ Treaty Establishing the European Economic Community 25 March 1957 unpublished

² Treaty on European Union OJ 1992 C191

³ Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community OJ 2007 C306 but see now the Consolidated Version of the Treaty on the European Union and the Treaty on the Functioning of the European Union OJ 2008 C115

1.3 This fundamental change in the law of the United Kingdom was not initially reflected in the teaching of EU Law in UK universities. EU Law remained an optional subject that could be delivered as a stand-alone module, as part of another module (e.g. public law) or not taught at all.

1.4 The Lord Chancellor's Advisory Committee on Legal Education and Conduct (ACLEC) issued a consultation paper in 1994⁴. One of the five major themes of the consultation paper was "[t]he need to give full recognition to the profound influence which European law and some aspects of public international law are having on the legal system of England and Wales"⁵. The consultation paper went on to suggest that two of the aims of a qualifying law degree should be to "give an understanding of the fundamental principles and concepts of English law and the law of the EC" and to "be informed by comparisons from other legal systems, particularly civil law systems, and relevant international law"⁶⁷. Furthermore "[students should] demonstrate some understanding of differences between common law and civil law systems, including codified systems"⁸. As Hodgson⁹ noted these aims were more extensive than just the coverage of EU Law, a point expanded on in the consultation paper:

"...few law courses involve a significant element of rigorous induction in legal theory, history and process. The descriptive method could be used to correct this imbalance by encouraging such study, which could be developed throughout the degree by increasing elements of theoretical study, including formal jurisprudence and Comparative law.

⁴ ACLEC, *Review of Legal Education: The Initial Stage – Consultation Paper*, 1994, ACLEC

⁵ Op. cit. n.4 at para 1.24

⁶ Ibid. at para 4.6

⁷ R Jones, J Scully, 'Hypertext within Legal Education' [1996] 2 JILT; R Jones, J Scully, 'Effective Teaching and Learning on the Web' [1998] 2 Web JCLI

⁸ Op. cit. n.4 at para 4.8

⁹ J Hodgson, 'The Comparative Dimension (or What do They Know of England, that only England Know?)' [1995] 5 Web JCLI

EC law is an integral, increasingly influential, part of our domestic law. Study of the central concepts and methods of civil law, as a contrast to common law, is particularly important in that context.

Other important strands might need to be emphasised according to the practices and context of particular courses and institutions. First, the study of Roman law is useful in understanding all civil law based systems. Apart from the practical advantages for lawyers of some acquaintance with the legal systems of other Member States, comparative study illuminates how law can develop to meet similar problems in different situations. It uncovers the common principles of European law. The study of the new *ius commune* is both intellectually exacting and practically relevant. Understanding of the civil law is also needed to understand multilateral conventions covering areas as diverse as trade law and human rights. The origin and techniques of such conventions are, of course, very different from traditional statute law¹⁰.

These matters were discussed at the Review of Legal Education Second Consultative Conference¹¹ in July 1994.

1.5 Unexpectedly in Autumn 1995¹², in a joint announcement by the Law Society and the Council of Legal Education in January 1995, EU Law was added to the other six core subjects of the LLB¹³, a Qualifying Law Degree to enable the individual to become a solicitor or barrister (a practising advocate).

¹⁰ Op. cit. n.4 at paras 4.11-4.13

¹¹ ACLEC, *Review of Legal Education Second Consultative Conference – 18 July 1994*, 1994, ACLEC

¹² See P Birks, 'Compulsory Subjects: Will the Seven Foundations ever Crumble?' [1995] 1 Web JCLI

¹³ Ibid. at 6. The joint announcement is included in the annex of Birks' article

1.6 ACLEC's report¹⁴ was subsequently issued in 1996 and its' proposals were "aimed at preparing the system of legal education and training for a new era"¹⁵. The Committee identified a number of significant deficiencies that included:

"...the relative lack of attention to an understanding of the civil law systems. This goes beyond the need for English lawyers to have a sound grasp of the law of the European Union, which is already recognised in the professional bodies' requirements for the qualifying law degree¹⁶. Community law should lead to a wider study of civil law systems, not least as a means of gaining a greater understanding of the distinctive characteristics of our own system. Many of the ideas and assumptions behind Community law spring from legal traditions different from our own. The Codes present a model of law as a unity comprising a series of interlocking principles. This approach to law, as a comprehensive framework for society based on scientific study by legal scholars, stands in contrast to the common law tradition. Exposure not only to Community law, but also to the civilian systems, based on Roman law, is essential if English lawyers are to respond to the profound changes which EU law is making to our legal system. Legal transactions are increasingly international in character. An understanding of the different ways that civilian lawyers approach common problems can no longer be regarded as the preserve of a few specialists. Legal education in England and Wales must be both more European and more international. Although a number of universities now offer degrees in English law with a foreign legal system, including in some cases one or two years of study in another European country, only a relatively small minority of students benefit from these

¹⁴ ACLEC, *First Report on Legal Education and Training*, 1996, ACLEC

¹⁵ *Ibid.* at 3

¹⁶ *Ibid.* at 141. The Foundations of the Law of the European Union is one of the seven Foundation Subjects for a qualifying law degree with teaching to include "The political institutions and processes of the European Communities. The European Court of Justice and its jurisdiction. Sources and general principles of the Law of the European Union. The relationship between the Law of the European Union and National Law. An introduction to the main areas of the substantive law of the European Union."

courses. In our view, there needs to be much wider provision for the study of civil law systems”¹⁷.

1.7 It is not surprising that, as the European Union is made up of 27 Member States, teaching in higher education establishments is likely to be influenced by the traditions of the other Member States. Over a significant period of time there have been frequent calls for a common law (or *ius commune*) for Europe¹⁸. In May 1998 the Ministers of Education for France, Germany, Italy and the United Kingdom signed the Sorbonne Declaration¹⁹ calling for the development of a European Higher Education space²⁰. This was followed in 1999 by the Bologna Declaration²¹ of 29 European Ministers of Education with the aim of creating a European space for higher education by 2010²². This process had a set of clearly defined objectives: the adoption of a system of easily readable and comparable degrees; adoption of undergraduate and postgraduate levels of degrees in all countries with first degrees being no shorter than 3 years; establishment of a series of credits (e.g. the ECTS system) to promote student mobility; elimination of remaining obstacles to the free movement of students and teachers; promotion of European co-operation in quality assurance; and, promotion of the European dimension in higher education. Follow-

¹⁷ Ibid. at para 1.13

¹⁸ See e.g. G de Groot, ‘European Education in the 21st Century’; H Kötz, ‘A Common Private Law for Europe: Perspectives for the Reform of European Legal Education’; J Lonbay, ‘Differences in the Legal Education in the Member States of the European Community’; C Flinterman, ‘European Legal Education in the Future: Some Concluding Observations’; K Lipstein, ‘European Legal Education in the Future: Teaching the “Common Law of Europe”’, in B de Witte, C Forder, (Eds.), *The Common Law of Europe and the Future of Legal Education* (Kluwer, Deventer 1992). Also R Goode, ‘The European Law School’ (1993) 13 LS 1

¹⁹ Joint Declaration on Harmonisation of the Architecture of the European Higher Education System, 25 May 1998, accessed at http://www.bologna-berlin2003.de/pdf/Sorbonne_declaration.pdf

²⁰ See A Barblan, ‘The Sorbonne Declaration – Follow-up and Implication: A Personal View’ Conference Paper for the XII Santander Group General Assembly, 17 April 1999, accessed at <http://www.upf.edu/bolonya/obolonya/eees/document/instituc/1999/santander.rtf>

²¹ Joint Declaration of the European Ministers of Education, 19 June 1999, accessed at http://www.ond.vlaanderen.be/hogeronderwijs/bologna/documents/MDC/BOLOGNA_DECLARATION_1.pdf. See also The Confederation of EU Rectors’ Conferences and the Association of European Universities, *The Bologna Declaration: An Explanation*, accessed at <http://ec.europa.eu/education/policies/educ/bologna/bologna.pdf>

²² See J Lonbay, ‘University Training: The Implications of the Bologna Declaration for the UK’ [2001] EJLE accessed at <http://www.elfa-afde.org/PDF/Journal/UNIVERSITY%TRAINING.pdf> and (2002) XXXV Rassegne forense 89, E Hackl, ‘Towards a European Area of Higher Education: Change and Convergence in European Higher Education’ (2001) EUI Working Paper RSC 2001/09

up conferences were held in Prague in 2001²³, Berlin in 2003²⁴, Bergen in 2005²⁵, London in 2007²⁶ and Leuven/Louvain-La-Neuve in 2009²⁷. On 12 March 2010, the now 47 Education Ministers of the participating States in the Bologna Process²⁸ launched the European Higher Education Area²⁹.

²³ Communiqué of the Conference of Ministers Responsible for Higher Education in Prague, 19 May 2001, accessed at http://www.bologna-bergen2005.no/Docs/00-Main_doc/010519PRAGUE_COMMUNIQUE.PDF. See Lourtie Report – From Bologna to Prague, May 2001, accessed at http://www.bologne-bergen2005.no/Docs/00-Main_doc/0105Lourtie_report.pdf and G Haug, C Tauch, 'Towards a Coherent European Higher Education Space: From Bologna to Prague' accessed at http://www.lebenslangeslernen.at/downloads/EU_CoherentHigherEducation_0301.pdf

²⁴ Communiqué of the Conference of Ministers Responsible for Higher Education in Berlin, 19 September 2003, accessed at http://www.bologna-bergen2005.no/Docs/00-Main_doc/03091Berlin_Communicu.pdf. See European Commission, "Berlin Conference of European Higher Education Ministers "Realising the European Higher Education Area" Contribution of the European Commission", 30 July 2003, accessed at <http://ec.europa/education/policies/educ/bologna/berlin.pdf> and Zgaga Report – From Prague to Berlin, September 2003, accessed at http://www.bologna-berlin2005.no/Docs/00-Main_doc/0309ZGAGA.PDF. For commentary see E Froment, 'The European Higher Education Area: A New Framework for the Development of Higher Education' (2003) 28 Higher Education in Europe 23, D Kladis, 'The Social Dimension of the Bologna Process' (2003) 28 Higher Education in Europe 353, P Nyborg, 'Higher Education as a Public Good and a Public Responsibility' (2003) 28 Higher Education in Europe 355

²⁵ Communiqué of the Conference of European Ministers Responsible for Higher Education in Bergen, 19-20 May 2005, accessed at http://www.bologna-bergen2005.no/Docs/00-Main_doc/050520_Bergen_Communique.pdf. See European Commission, "From Berlin to Bergen: The EU Contribution, 7 April 2005, accessed <http://ec.europa.eu/education/policies/educ/bologna/report05.pdf> and Berlin Follow Up Group, "From Berlin to Bergen", 3 May 2005 accessed at http://www.bologna-bergen2005.no/Bergen/050503_General_rep.pdf

²⁶ Communiqué of the Conference of European Ministers Responsible for Higher Education, London, 17-18 May 2007, accessed at <http://www.dcsf.gov.uk/londonbologna/uploads/documents/LondonCommuniquefinalwithLondonlogo.pdf>

²⁷ Communiqué of the Conference of European Ministers Responsible for Higher Education, Leuven and Louvain-la-Neuve, 28-29 April 2009, accessed at http://www.ond.vlaanderen.be/hogeronderwijs/bologna/conference/documents/Leuven_Louvain-la-Neuve_Communique_April_2009.pdf

²⁸ There has been much analysis of the Bologna Process from the doctoral disciplines of political science and higher education studies. See for example K Barkholt, 'The Bologna Process and Integration Theory: Convergence and Autonomy' (2005) 30 Higher Education in Europe 23, P Blasi, 'The European University – Towards a Wisdom-Based Society' (2006) 31 Higher Education in Europe 403, VL Haanes, 'Unity in Diversity and Diversity in Unity: The Role and Legitimacy of European Universities' (2006) 31 Higher Education in Europe 443, J Huisman, M van de Wende, 'The EU and Bologna: Are Supra- and International Initiatives Threatening Domestic Agendas?' (2004) 39 European Journal of Education 349, R Keeling, 'The Bologna Process and the Lisbon Research Agenda: The European Commission's Expanding Role in Higher Education Discourse' (2006) 41 European Journal of Education 203, T Kirkwood-Tucker, 'Toward a European Model of Higher Education Processes, Problems and Promises' (2004) 36 European Education 51, A Rauhvargers, 'Improving the Recognition of Qualifications in the Framework of the Bologna Process' (2004) 39 European Journal of Education 331, C Tauch, 'Almost Half-Time in the Bologna Process – Where Do We Stand?' (2004) 39 European Journal of Education 275, V Tomusk, 'Three Bolognas and a Pizza Pie: Notes on Institutionalisation of the European Higher Education System' (2001) 14 International Studies in Sociology of Education 75, M Vogel, 'Diversity and Comparability – Towards a Common European Higher Education Area' (2007) 387 Analytical and Bioanalytical Chemistry 131, B Wächter,

Academic commentary on this subject has tended to focus on the possibility of a European common law. ACLEC's consultation paper made reference to this *ius commune*³⁰ as did Goode³¹, albeit negatively, Edward³², Umbach and Scholl³³, Bache³⁴, and Wessels, Linsenmann and Hägele³⁵. By 2003, Wessels, now writing with Grothe and Umbach³⁶ was suggesting the use of a 'Teaching Companion' rather than a core curriculum. However, so far there has been little harmonising influence on the legal curriculum taught in law schools.

1.8 Apart from the commentary noted already, the teaching of EU Law has been studied both in the US and the UK. In the US, instead of simply focusing on EU Law, European Studies are taught as a multi-disciplinary experience, covering law, economics, political science, sociology, anthropology and history³⁷. In law, Goebel³⁸ has briefly written about the pedagogical goals and approaches for teaching EU law,

'The Bologna Process: Developments and Prospects' (2004) 39 *European Journal of Education* 265. Legal analysis has been considerably less. See for example R Cippitani, S Gatt, 'Legal Developments and Problems of the Bologna Process within the European Higher Education Area and European Integration' (2009) 34 *Higher Education in Europe* 385, A Corbett, 'Ideas, Institutions and Policy Entrepreneurs: Towards a New History of Higher Education in the European Community' (2003) 38 *European Journal of Education* 316, S Garben, 'The Bologna Process: From a European Law Perspective' (2010) 16 *ELJ* 186, Hackl, *Op. Cit.* n.1

²⁹ Budapest-Vienna Declaration on the European Higher Education Area, accessed at http://www.ond.vlaanderen.be/hogeronderwijs/Bologna/2010_conference/documents/Budapest-Vienna_Declaration.pdf

³⁰ *Op. cit.* n.1 at para 4.13

³¹ *Op. cit.* n.18 at 12

³² D Edward, 'The 'European' Content of British Law Degrees' (1995) 29 *LT* 142

³³ G Umbach, B Scholl, 'Towards a Core Curriculum in EU Studies' (2003) 2 *EPS* 71

³⁴ I Bache, 'Europeanisation and Higher Education: Towards a Core Curriculum in European Studies' Conference Paper for the ESRC/UACES Study Group and Seminar Series on the Europeanisation of British Politics and Policy-Making, 23 April 2004, accessed at <http://aei.pitt.edu/1728/01/BacheHE.pdf>

³⁵ W Wessels, I Linsenmann, S Hägele, 'A Core Curriculum on European Integration Studies: Basic Assumptions and Proposals' Conference Paper for the ECSA Madison Conference, 31 May-2 June 2001, accessed at

http://www.politik.uni-koeln.de/wessels/DE/PROJEKTE/CORE_CURRICULUM/TEACHING_INTEGRATION.PDF

³⁶ W Wessels, T Grothe, G Umbach, 'The Constitutional Treaty as Empirical Focus for a 'Teaching Companion' in EU Studies' Conference Paper for the ECPR General Conference 2003, 18-21 September 2003, accessed at

<http://www.politik.uni-koeln.de/wessels/DE/PUBLIKATIONEN/texte/empirical-focus%20.pdf>

³⁷ See CJ Makins, *The Study of Europe in the United States*, 1998, European Commission and The German Marshall Fund of the United States, accessed at <http://www.eurunion.org/infores/studyof/portrait.htm>

³⁸ RJ Goebel, 'Teaching the EU: Pedagogical Goals and Approaches in Teaching European Union Law' accessed at <http://www.eurunion.org/infores/teaching/goebel.htm>

although in a personal e-mail he has admitted that this account was now dated and aimed purely at the US³⁹. Smith and Hogan⁴⁰ analysed the teaching of an online EU law course and a more general disciplinary analysis of web-teaching was provided by Wilkin⁴¹. Innovative teaching of the EU was evidenced by the use of European Union simulations (Eurosims), analysed by Bookmiller, DeClair and Loedel⁴² and their importance stressed by Loedel and Occhipinti⁴³. Finally Makins⁴⁴ provided an inter-disciplinary analysis of European study in the US. Apart from law and, although of interest, this analysis does not consider the specifics of teaching and learning the EU in general or EU law in particular.

1.9 In the UK, the study of EU Law has been more focused, although analysis of teaching and learning has been negligible. In 1993 two surveys of law teaching were conducted. The first by Harris and Bellerby⁴⁵ concentrated on the new universities and colleges, and Wilson⁴⁶ focused entirely on old universities. It is notable that these surveys were conducted before EU law became a core subject. Thus Wilson⁴⁷ detailed the number of institutions providing EEC law as an optional course and then noted the growing importance of the European dimension⁴⁸. Harris and Bellerby⁴⁹ considered how the European dimension of law was taught (discrete or integrated units for teaching European legal institutions and substantive law), the percentage of institutions that organised European visits and the percentage of institutions that organised student and teacher exchanges. In 2004 Harris and Beinart⁵⁰ conducted a further survey of all law schools in the UK. The European dimension of this report

³⁹ RJ Goebel, E-mail dated 6 June 2006

⁴⁰ DC Smith, J Hogan, 'Teaching EU Law & Policy in an Online Setting' Conference Paper for EUSA 9th Biennial Conference – The State of Teaching the European Union: Challenges and Opportunities, 31 March-2 April 2005, accessed at http://aei.pitt.edu/3091/01/2005_03_18_EUSA_Submitted.pdf

⁴¹ P Wilkin, 'Teaching the European Union: The Role of the Internet in Webteaching' Conference Paper for ECSA 7th Biennial International Conference, 31 May-2 June 2001, accessed at <http://www.teu.teachingtheeu.html>

⁴² K Bookmiller, E DeClair, P Loedel, 'Teaching an EU Simulation' (1998) 11 ECSA Review 10

⁴³ PH Loedel, J Occhipinti, 'Europe Matters: Teaching the EU in the US' (2005) 18 EUSA Review 9

⁴⁴ Op. cit. n.36

⁴⁵ P Harris, S Bellerby, *A Survey of Law Teaching 1993* (Sweet and Maxwell/Association of Law Teachers, London 1993)

⁴⁶ J Wilson, 'A Third Survey of University Legal Education in the United Kingdom' (1993) 13 LS 143

⁴⁷ Ibid. at 168

⁴⁸ Ibid. at 169

⁴⁹ Op. cit. n.44 at 31

⁵⁰ P Harris, S Beinart, 'A Survey of Law Schools in the United Kingdom, 2004' (2005) 39 LT 299

was brief, concentrating on the mobility of students⁵¹. A further survey was reported in 1986⁵² (but initiated in 1982) that considered the teaching of European law to lawyers in practice.

Apart from surveys, Chisholm⁵³ detailed an alternative approach to the traditional lecture-tutorial teaching techniques called the directed study, lecture and case study (Di-Le-Ca) approach for teaching European law to Business Studies students. Furthermore the University of Exeter provide reports of activities of the Centre for European Legal Studies (CELS) for the Jean Monnet Project on their website⁵⁴.

Aims and Objectives of the EU Law Subject Survey

1.10 The EU Law Subject Survey has the following aims:

- to examine the teaching of European Union law to students on the Qualifying Law Degree (henceforth LLB/QLD) and Common Professional Examination (henceforth CPE) programmes (or their equivalent) in the UK;
- to identify, where possible, the structure of the teaching team for EU Law;
- to establish what is being taught under the banner of EU Law;
- to examine the learning and teaching approaches used on these courses and the factors that influence teaching and learning strategies; and,
- to identify examples of effective practice.

1.11 The objectives of the Survey therefore were:

- to provide the first quantitative and empirical benchmark for EU Law;

⁵¹ Ibid. at 330 & 337

⁵² M Aitkenhead, N Burrows, R Jagtenberg, E Orucu, 'Education in European Community Law in Scotland and the Netherlands' (1986) 20 LT 79

⁵³ MH Chisholm, 'Di-Le-Ca Approach to Teaching European Law' (1990) 24 LT 63

⁵⁴ University of Exeter, Centre for European Legal Studies, accessed at <http://www.law.ex.ac.uk/cels/documents/>

- to provide an overview of teaching and learning methods in EU Law;
- to inform EU Law lecturers of teaching and learning methodology in EU Law;
- to promote innovation in learning and teaching in the subject area;
- to compare and contrast the teaching of EU law on the LLB/QLD and CPE programmes; and,
- to identify and disseminate innovation and effective practice in teaching and learning in EU Law.

1.12 It must be emphasised that the Survey made no attempt to analyse the quality of the courses being offered at institutions, nor did it apply any weighting to whether the institution could be classified as “new” or “old”. This means that there was no analysis conducted on the “success” of courses, or indeed how to measure whether a course was successful or not. This was considered to be a matter for the teams teaching EU Law and their institutions and can be classified as subjective. The intention of the authors of this Report is to present a wholly objective analysis of the teaching and learning of EU Law.

1.13 The initial response to the questionnaire was rather disappointing, requiring considerable time and effort on the part of the team to persuade and encourage lecturers to fill out the questionnaire and return it. However, most of the academics who took the time to complete the questionnaire were more than willing to answer any further questions. A reason suggested for a lower than expected response to the research might be the RAE of 2008 and the high work-load associated with the compilation of the RAE Submission. It should be noted though that the questionnaire only consisted of 12 questions that were relatively easy and quick to complete.

Structure of this Report

1.14 Following this introductory chapter, chapter 2 sets out the methodology employed during the project. Each question of the Survey questionnaire is analysed individually in chapters 3 to 14 before future directions are looked at, recommendations made and further research opportunities considered in chapter 15. A bibliography is provided with the Survey questionnaires included in two appendixes.

2. Methodology

2.1 The Survey was designed to identify the broad nature of EU Law teaching and learning, in the UK in accordance with the stated aims and objectives of the research⁵⁵.

2.2 The adopted methodology was designed firstly to help to identify all the courses and modules in UK universities that contained an element of EU Law, be that on the LLB/QLD or CPE, and secondly to help to identify all the lecturers that delivered EU Law teaching on those courses.

2.3 Unlike other subjects (e.g. the environment, the media) that can exist outside the confines of the law schools, this research was directed specifically at law schools.

2.4 The project was divided into four main phases.

2.5 The **first phase** involved three specific tasks:

- drafting the Survey questionnaire that was designed to be both quantitative and qualitative;
- identifying the recipients for the Survey; and,
- dispatching the Survey questionnaire to the recipients.

The basis for the questionnaire was the template provided by UKCLE⁵⁶, a format that had previously been employed by the Environmental Law Subject Survey team⁵⁷. However, the model was heavily modified to fit this Survey's aims and objectives

⁵⁵ See paras 1.10-1.12 of this Report

⁵⁶ Available at <http://www.ukcle.ac.uk/interact/surveys.html>

⁵⁷ Available at <http://www.ukcle.ac.uk/research/projects/environmental.html>

with a view to reflecting the nature of EU Law as a compulsory module rather than an optional course.

2.6 As indicated, this period also involved the identification of the potential recipients for the Survey questionnaire. This involved two stages of research. The first identified the universities where EU Law was taught, either as part of the LLB/QLD and/or the CPE. The second identified the module leader or senior member of the university staff delivering an EU Law module. These details were collected via a number of methods including personal contacts, online prospectuses and detailed web searches.

2.7 The final part of the first phase involved dispatching the Survey questionnaires. The questionnaire was first piloted in November 2006 by sending it to four known lecturers of EU Law. The results were received by January 2007 and the questionnaire was then re-worked so that it was targeted specifically at the providers of the LLB/QLD and CPE separately, even if they were established in the same institution, rather than targeted at an institution running both courses. The amended questionnaire was emailed “en masse” to the recipients in January 2007, with 110 sent to LLB/QLD providers and 31 to CPE providers. The email contained a copy of the questionnaire and a covering letter giving a brief description of the research and funding.

2.8 The **second phase** of the project involved a further three specific tasks:

- the collection of the Survey questionnaires;
- following up recipients for the completion of the questionnaire; and,
- statistical analysis of the results.

2.9 Fifty questionnaires were eventually returned, of which 37⁵⁸ were from LLB/QLD providers and 13⁵⁹ from CPE. This collection process was predominantly by email, although a small number were returned by post. Collection of questionnaires continued until Easter 2008.

2.10 As the initial response was slow, in July 2007 a reminder letter was forwarded by email to all those who had not responded. In September 2007 individuals were contacted directly via email to encourage the completion of the form and from January to Easter 2008 attempts were made by phone to persuade recipients to submit the questionnaire. For LLB/QLD the response rate was 34% and for CPE 42%, giving an overall response rate of 36%.

2.11 Statistical analysis was undertaken on the quantitative data by Nicola Liles, LLM Administrator at Bristol Law School, UWE, in the summer of 2008.

2.12 The **third stage** of the project was originally envisaged to comprise of identifying further areas of research interest, the devising of a detailed and structured interview and the undertaking of that interview to gather further qualitative data. However, we were surprised to receive a substantial amount of qualitative information in the returned questionnaires. As a result the team decided that a formal interview was not required and so, as the report was written, discrete inquiries were made of the providers to clarify the answers given.

⁵⁸ University of Wales Aberystwyth, University of Bangor, University of Birmingham, Bournemouth University, University of Brighton, Brunel University, Cardiff University, University of Central Lancashire, University of Chester, De Montfort University, University of Derby, Durham University, University of East London, University of Essex, University of Exeter, University of Glamorgan, University of Gloucestershire, University of Hertfordshire, University of Huddersfield, Keele University, Kingston University, University of Leeds, University of Liverpool, University of Manchester, Open University, Oxford University, University of Plymouth, Queen's University Belfast, Sheffield Hallam University, University of Sunderland, University of Ulster, University of Warwick, University of the West of England, University of Aberdeen, University of Glasgow, University of Paisley and University of Stirling

⁵⁹ Bournemouth University, Brunel University, College of Law, University of Glamorgan, University of Hertfordshire, Keele University, Leeds Metropolitan University, Northumbria University, Oxford Brookes University, University of Sussex, Swansea University, Thames Valley University and University of the West of England

2.13 The **fourth** and **final stage** of the project involved two elements: the writing of the report and the dissemination of the findings.

2.14 The writing of the report was impacted by the loss of two members of the team in summer 2008, the first due to retirement and the second (the original project leader) due to the demands of other research projects. This had the effect of slowing down this stage of the project.

2.15 The findings were presented through papers delivered at two conferences: the Association of Law Teachers at Clare College, University of Cambridge on 31 March 2010; and the Socio-Legal Studies Association at Bristol Law School, University of the West of England on 1 April 2010.

3. European Law Teachers

3.1 The first part of the questionnaire was aimed at gathering general information about people who taught European Union Law.

3.2 Gender

Table 3.1 below sets out the split between male and female teachers. 196 European law teachers were identified across the 50 institutions. Of those, 46% were men and 54% were women. As the figures below show, where all institutions are considered together, there were significantly more female than male teachers. The gender divide is however more significant in old universities than in post 92 ones (42% were men and 58% were women as opposed to an almost strict 50/50 split in post 92 universities)⁶⁰. On LLB/QLD and CPE courses, the gender split is more in favour of women (47/53 and 45/55 respectively) but neither deviates much from the split for all institutions.

To put these figures into context they must be examined in relation to studies on the gender split within “the law school”. In 1999 McGlynn⁶¹ published her evaluation of the 1996-97 Higher Education Statistics Agency figures. She found that 14% of chairs were occupied by women, whilst 22% of readers, 40% of principal lecturers, 42% of senior lecturers, and 49% of lecturers were women. Thus 40% of academics in law schools were women, with 35% in old universities and 45% in new universities⁶². Wells⁶³ suggests that the gender split has moved positively in the direction of women since McGlynn’s report but there are no new statistics to support such an opinion.

⁶⁰ This is the only part of this report in which any comparison is made between pre and post 92 universities though as we stated in section 1.12 no weighting is attached to this comparison.

⁶¹ C McGlynn, ‘Women, Representation and the Legal Academy’ (1999) 19 *Legal Studies* 68 at 75

⁶² *Ibid.* at 76

⁶³ C Wells, ‘Working out Women in Law Schools’ (2001) 21 *Legal Studies* 116 at 122

From the figures for the teaching of EU Law in the sample analysed, the gender split for EU is significantly different from that of the legal academic in general, with women outnumbering their male counterparts. It is not possible to analyse this in any more detail due to the period since the original McGlynn report, the scale of the EU Law sample and limitations on the current research.

Table 3.1 – Gender Split of European Law Teachers

Gender	All Universities	New / Old Universities		QLD/ CPE	
Male	91	51	40	73	18
Female	105	50	55	83	22

3.3 Number of Teachers per Institution

Considering that EU Law is a core subject, and that LLB/QLD courses have a greater number of students than CPE courses (see below 5.1), one would naturally expect larger teaching teams on LLB/QLD courses. On CPE courses, and with the exception of two providers with larger than average teaching teams⁶⁴, EU Law is generally taught by teams of 2 to 3 members. On LLB/QLD courses, EU teams have between 2 and 6 members⁶⁵. The average number of EU team members is higher in old universities (4.2) than in post-92 institutions (2.7)

3.4 Summary

⁶⁴ Thames Valley (7) and Swansea (8)

⁶⁵ With the exception of a few institutions which have much larger EU law teams: Bournemouth (17); Durham (9); Stirling (11), and Sunderland (11)

The following points concerning the gender and construction of teaching teams emerge from this research.

- EU law is marginally more likely to be taught by women than men with 54% of EU lecturers being women. The skew in favour of women is more pronounced in old universities than in new universities. It can be tentatively suggested that this is a more positive picture for women teaching EU Law than for women in law schools generally.
- EU Law is taught by teams of academics rather than sole lecturers. This is not surprising given its status as a core subject.

4. Contents of European Union Law Courses

4.1 EU Law as a Compulsory Subject

The teaching of EU Law has become an integral part of all qualifying law and CPE degrees since the mid-1990s and is generally delivered in compulsory courses/modules which focus on core aspects of EU Law (either institutional and/or substantive ones), and in optional courses/modules which tend to focus on specific aspects of EU Law (such as the European single market, European competition law, commercial law, etc.).

Owing to the nature of CPE programmes, EU Law is primarily offered as a compulsory subject as demonstrated in Table 4.1.

Table 4.1 - CPE Compulsory Modules

Subject	Number of Universities
EU Law	10
EC Law	1
Foundations of EU Law	1
Law and Policy of the EU	1

On LLB/QLD programmes, as can be observed in Table 4.2, the course title varies from EU Law and EC Law⁶⁶ (the vast majority of universities have chosen such a title) to the Law of European Integration, Fundamental Principles and Procedure of EU Law and (Legal) Foundation(s) of European Law. The significance of the title appears to indicate the content of the course or module with either only institutional, constitutional or public aspects being taught or both public and substantive aspects of European Law on the syllabus.

⁶⁶ From the coming into force of the Lisbon Treaty on 1 December 2009, the title “EC Law” or “European Community Law” should logically cease to be used.

Table 4.2 – LLB/QLD Compulsory Modules

Subject	Number of Universities
EU Law and Institutions	1
Law of European Integration	1
EC Law	3
GDL EU Law	2
Lib Law	1
EU Law	12
Substantive Law of the EU	1
European Constitution Law	1
European Community Law	1
Law of the Internal Market	1
Understanding Law	1
Legal Foundation of the European Law	1
EU Law 1	3
EU Law 2	3
Law of the EU	5
EU Legal Principles and Institutions	1
Foundations of EU Law	3
EU Substantive Law	2
European Community Law	1

4.2 EU Law as an Optional Subject

Since the professional Foundations of Legal Knowledge require only that QLDs/CPEs teach the “key elements and general principles” of EU law, it is possible to deliver additional substantive elements of EU law as optional courses. While most LLB/QLD providers do offer a mix of compulsory and optional courses, very few CPE providers offer optional courses, as Table 4.3 shows. This can largely be explained by the nature and function of the CPE programme as a bridge for non-law graduates to obtain the necessary prescribed academic knowledge to proceed to the vocational stage of legal education and training. In all three instances specified in Table 4.3 it can be seen that the optional ‘EU element’ was constituted by research and independent study whereby students were permitted (but not required) to write on a topic related to EU law. The dissertation option was compulsory but the choice of studying EU Law was optional whereas the EU Law project was purely optional.

Table 4.3 - CPE Optional Courses/Modules

Subject	Number of Universities
Project	1
Dissertation	2

In comparison to CPE providers, LLB/QLD course providers address substantive law in optional courses as the Table 4.4 shows. However, only 37% offer optional modules which cover EU Law exclusively and just 25% said such modules were not offered every year.

The subjects in italics listed in Table 4.4 are not offered every year. Reasons for this are usually:

- an optional module will only run if a minimum number of students are registered on it; and,
- staff unavailability and other departmental priorities.

Table 4.4 – LLB/QLD Optional Courses/Modules

Subject	Number of Universities
<i>Law of Single European Market</i>	1
<i>EC and UK Competition Law</i>	1
European Administrative Law	1
<i>European Business Law</i>	1
Aspects of EU Law	1
Law of EU	1
Contemporary Issues in EU Social Law and Policy	1
<i>European Commercial Law</i>	2
Institutions and Judicial Control Over the EU	1
European Rules on Competition	1
European Social Law	1
Substantive Law of the EU	1
Law of the European Union (30 credits)	1
Law of the European Union (20 credits)	1
Law and Policies of the EU	1

4.3 Integrating EU Law in Other Courses

Considering the pervasive nature of EU Law, we were naturally also interested to discover whether EU Law was taught as an aspect of any other law subject within an institution or not. We therefore asked the respondents to identify other courses or modules that included elements of EU Law.

4.3.1 Integrating EU Law in Core Subjects

Unsurprisingly, what we found was a sharp contrast between public law subjects on the one hand, and foundation courses, legal skills and private law subjects on the other. While across the majority of CPE and LLB/QLD courses, there was a fairly high rate of integration of EU Law in public law subjects (public law, constitutional and administrative law), this rate dropped drastically in foundation courses such as legal method and systems, English legal system, introduction to Scottish law, and in private law subjects such as contract law or obligations and tort (see Tables 4.5 and 4.6).

Table 4.5 – CPE Providers' Compulsory Modules with Substantive EU law Content

Subject	Number of Universities
Constitutional and Administrative Law	2
English Legal Systems	3
Public Law	10
Legal Method	3
Legal Process	1
Law and Legal Skills	1
Legal Research Skills	1
Obligations I	1
Obligations II	1

Table 4.6 – LLB/QLD Providers’ Compulsory Modules with Substantive EU law
Content

Subject	Number of Universities
Elements of Law	1
Law and Contemporary Society	1
Constitutional and Administrative Law	7
Public Law	17
Constitutional Law	4
Contract Law	2
Tort	1
Modern Legal Systems	1
Legal Foundations	1
Introduction to Law	4
Introductory Scottish Law	1
Learning Scottish Law	1
Sources and Institutions of Scottish Law	1
Law and Government	1
Tax Law	1
Legal Environment of Business and Employment	1
Administrative Law	1
Law and Society	1
Legal Sources and Skills	1
English Legal System	2
Law and Legal Skills	1
Legal Method and Systems	3
Environmental Law	2
Legal Method and Skills	1
Legal Method	1
Intellectual Property	2
Legal Institutions and Methods	1

4.3.2. Integrating in Optional Subjects

As with compulsory subjects, one can also clearly differentiate between two categories of optional subjects (see Table 4.7):

- those that fully integrated EU Law as a result of its recognised growing and strengthening influence, such as intellectual property (and its variants: copyrights and designs; patents and trademarks, etc.), employment or labour law, environmental law and competition law; and

- those where the influence of EU Law was less but nevertheless growing (e.g. media law, company law, human rights, family law, etc.) or not perceived as a major influence (commercial law, international trade, cyber law, conflicts of law).

Table 4.7 – CPE Option Courses/Modules with Substantive EU law Content

Subject	Number of Universities
Project	1
Competition Law	1
Environmental Law	1
Another Area of Law ⁶⁷ (option chosen by students from list of subjects)	1

Table 4.8 – LLB/QLD Option Courses/Modules with Substantive EU law Content

Subject	Number of Universities
Commercial Law	2
Competition Law	7
Environmental Law	8
Labour Law	3
Constitutional Law	1
Media Law	2
Employment Law	7
Company Law	3
Intellectual Property	7
Sports Law	2
Banking Law	1
Family Law	2
Human Rights	1
Discrimination	1
Copyright and Design	1
Patents and Trademarks	1
Business	1
Conflicts of Law	1
Company Law and Partnerships	1
Rules, Rights and Justice: An introduction To Law	1

⁶⁷ The optional module labelled 'Another Area of Law' could include elements of EU Law (environmental and intellectual property law were mentioned). Some modules which appear on the list of modules offered in this option included EU Law but different modules were offered each year.

Cyber Law	1
International Trade	1
Collective Security	1
International Human Rights	7
International Minority Rights	1
E-commerce	1
Maritime Law	1
Media and Information Law	1
Consumer Law	1
Immigration Law	1

While CPE optional modules are all run every year, on LLB/QLD the picture is rather different and more variable. Seven LLB/QLD providers stated that option courses were not run every year. The main reasons usually advanced for this were the following:

- variability of student interest;
- variability of student numbers;
- availability of staff expertise;
- availability of resources; and,
- under the Scottish system (4 year degrees with 2 years at Honours level) each student would have the opportunity to select a module offered in alternative years – this increased student choice in a programme staffed by only 10 members of teaching staff.

4.4 Conclusions

The following conclusions can be drawn from this research.

- Since the mid-1990s, as a result of the new legal professional bodies' requirements for qualifying law degrees, EU Law has become an integral part of all universities' law degrees, with core EU courses being supplemented with optional EU courses covering more specialised areas.

- While EU Law was naturally integrated into core public law subjects, its influence on foundation and core private law subjects would appear still to be less.
- EU Law has also increasingly been incorporated into the teaching of optional subjects not only where the impact of EU Law on the domestic law area is clearly accepted but also where it is regarded as peripheral.

5. Type of Course

5.1 In question 3, we were interested in identifying the main characteristics of the courses taught, such as the stage at which it was offered, whether prerequisites existed, its length and weekly student contact hours.

5.2 Main Characteristics

With the exception of a very few LLB/QLD providers⁶⁸, the main EU Law courses were generally offered at level 2/3 over a period of 20 to 30 weeks⁶⁹. Weekly contact hours tended to be between 2 and 3, with generally 2 hours lectures and 1 hour seminars. Student cohorts varied between 30 and 350 students⁷⁰ and very few providers had pre-requisite courses.⁷¹

On CPE courses, EU Law was either taught over 1 semester only (12 weeks) or a whole year (23-30 weeks). Contact hours tended to be the standard 3 per week and, with the exception of the College of Law (1400 students), total students numbers varied between 12 and 100.

5.3 LLB/QLD and CPE: Together or Separate?

⁶⁸ Law of European Integration (year 1) and Law of the Single European Market (year 2) (Durham); EU Law (Level 1) (Ulster)

⁶⁹ The course might be split into two semester courses such as Foundations of the European Union Law (or EU law and Institutions) and European Substantive law (Aberdeen, Queen's University, Belfast) or EU Law I and EU Law II (Kingston), Law of the EU and EC Trade Law (Derby); EU I and EU II (Liverpool). Others cover the course in 10 weeks (Stirling), 11 (Manchester), 12 (Brunel, Keele, Ulster), 18 (Bangor)

⁷⁰ With the exception of the Open University's Centre of Law with 1200 students on their Understanding Law module

⁷¹ Legal Institutions and Method (Brighton); Lawyers' Skills (Central Lancashire); ELS (Chester); Public Law I & II (University of Derby); Law of the European Integration (University of Durham); SILS (Glasgow); Learning and Personal Development (Gloucestershire); Legal Method or Introduction to English Law and Public Law I or Constitutional Law (Manchester); Introductory Scots Law (University of Paisley); Foundations of the European Union Law (Queen's university, Belfast), Introduction to law (Ulster)

We asked whether CPE students were taught together with undergraduate students where the institution also ran a CPE course, with only 7 institutions reporting that CPE students were taught with undergraduate students⁷². While nearly half of all CPE and LLB/ QLD providers (8 for CPE and 13 for LLB/QLD) reported that students were taught separately, 11 LLB/QLD providers reported that this question was not applicable to their university as the institutions did not run the CPE course⁷³. All 7 institutions that reported CPE and LLB/QLD students were taught together stated that this was for lectures only.

There were two main probable reasons for keeping the teaching of EU Law on LLB/QLD and CPE courses separate:

- while LLB/QLDs were regarded as academic courses, the CPE tended to be classed as a professional course like the LPC and the BVC; and,
- the large number of students on either course reduced the practicality of joint teaching.

5.4 Conclusions

The following conclusions can be drawn from this analysis.

- The vast majority of core EU Law courses were offered at level 2 on LLB/QLDs, generally over an average period of 24 weeks at the average rate of 3 weekly hours.
- Where LLB/QLD and CPE courses were offered in the same institution, students on those courses were generally taught separately.

⁷² Bournemouth (however no longer the case since academic year 2008-2009), Brunel, Essex, Keele, Sussex, Swansea and Ulster

⁷³ There were 7 missing answers, which could be interpreted as an indication that the universities concerned are not running both courses. This interpretation was confirmed by an online check of law courses on offer at the institutions concerned

6. Course Content

6.1 We were interested here in the content of EU Law courses generally (Q 4(a)) but more particularly in the rough percentage of the overall course content each area taught represented (Q 4(b))⁷⁴, and whether certain areas of EU Law were taught on courses other than the principal EU course (Q4(c)).

6.2 General Areas Covered in Principal EU Courses

Table 6.1 shows which subjects were generally covered by CPE and LLB/QLD courses.

For ease of analysis, particularly for display in graphical form, the subjects were grouped into three categories: history and institutional law (Chart 6.1.1); foundational principles (supremacy and direct effect) and remedies (Chart 6.1.2); substantive law (Chart 6.1.3).

⁷⁴ Only 24 QLD providers (i.e. a third) were able to evaluate in percentages the proportion for each area of the overall course content. Only a general impression can be drawn from the figures provided. Generally, the main areas in institutional law and substantive law represented between 5 and 10 % of the overall with variations of + or – 2.5 to 5%.

Table 6.1 – Subjects Included in Principal EU Courses

Subject Included in Principal EU Course	CPE	LLB/QLD	Total
Historical background	13	35	48
Institutional framework	13	34	47
Nature and function of the EU	13	32	45
Integration Theory	4	15	19
Civil law systems and reasoning	5	7	12
Sources of law	13	35	48
General Principles	12	30	42
Principle of Subsidiarity	10	27	37
Fundamental Rights	12	26	38
Supremacy	11	33	45
Direct effect	13	34	47
Preliminary Rulings	12	33	45
Enforcement Actions	10	32	42
Action for Annulment	8	30	38
State Liability	13	33	46
Free Movement of Goods	13	34	47
Free Movement of Persons	13	33	46
Free Movement of Capital	5	9	14
Free Movement of Services and Right of Establishment	13	25	38
Competition Law	4	21	25
State Aid	1	7	8

Intellectual Property Law	1	1	2
Social Policy	4	5	9
Sex Discrimination	4	13	17
Environmental Law	0	1	1

Chart 6.1.1 Course Content

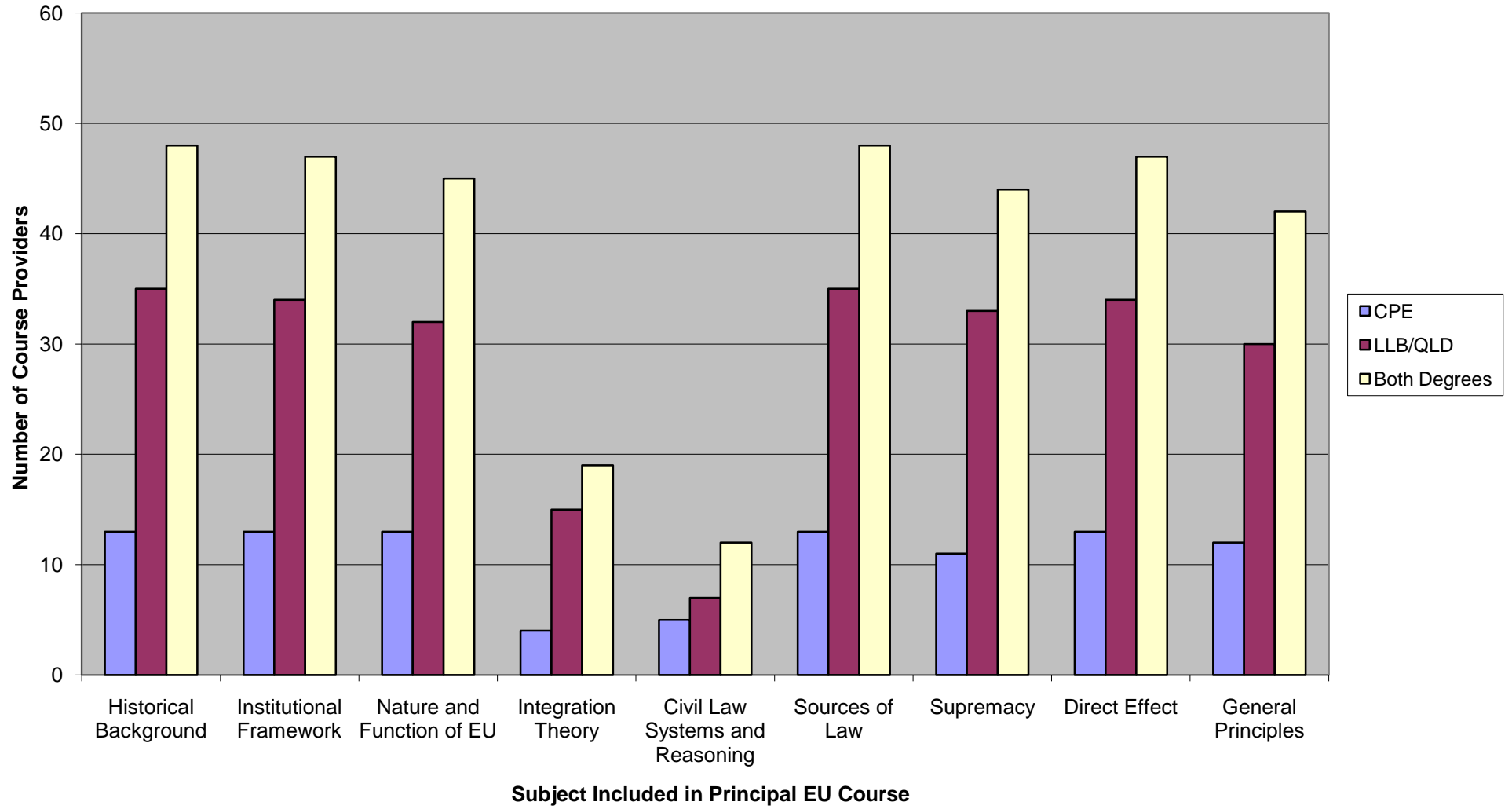


Chart 6.1.2 Course Content

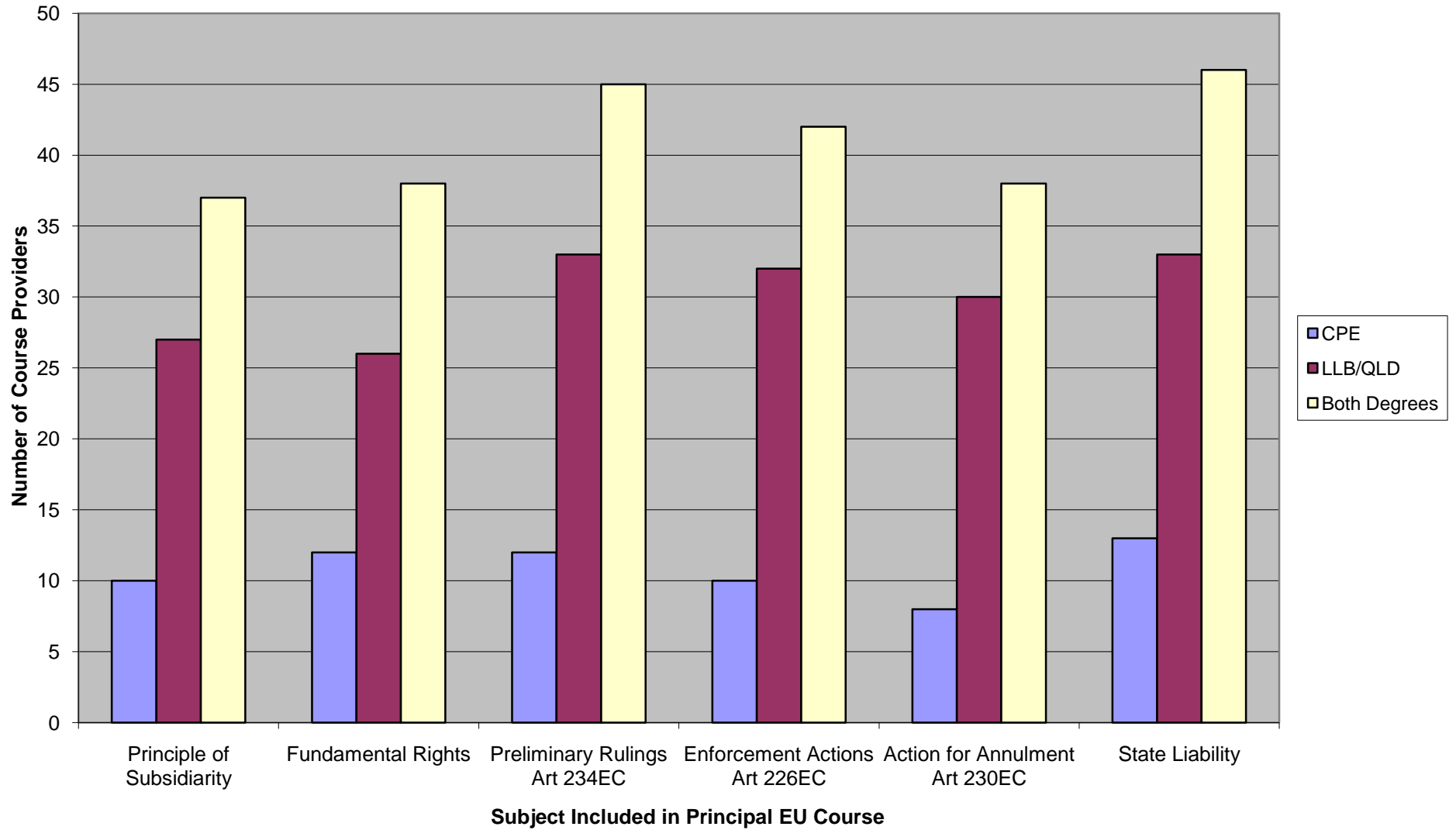


Chart 6.1.3 Course Content

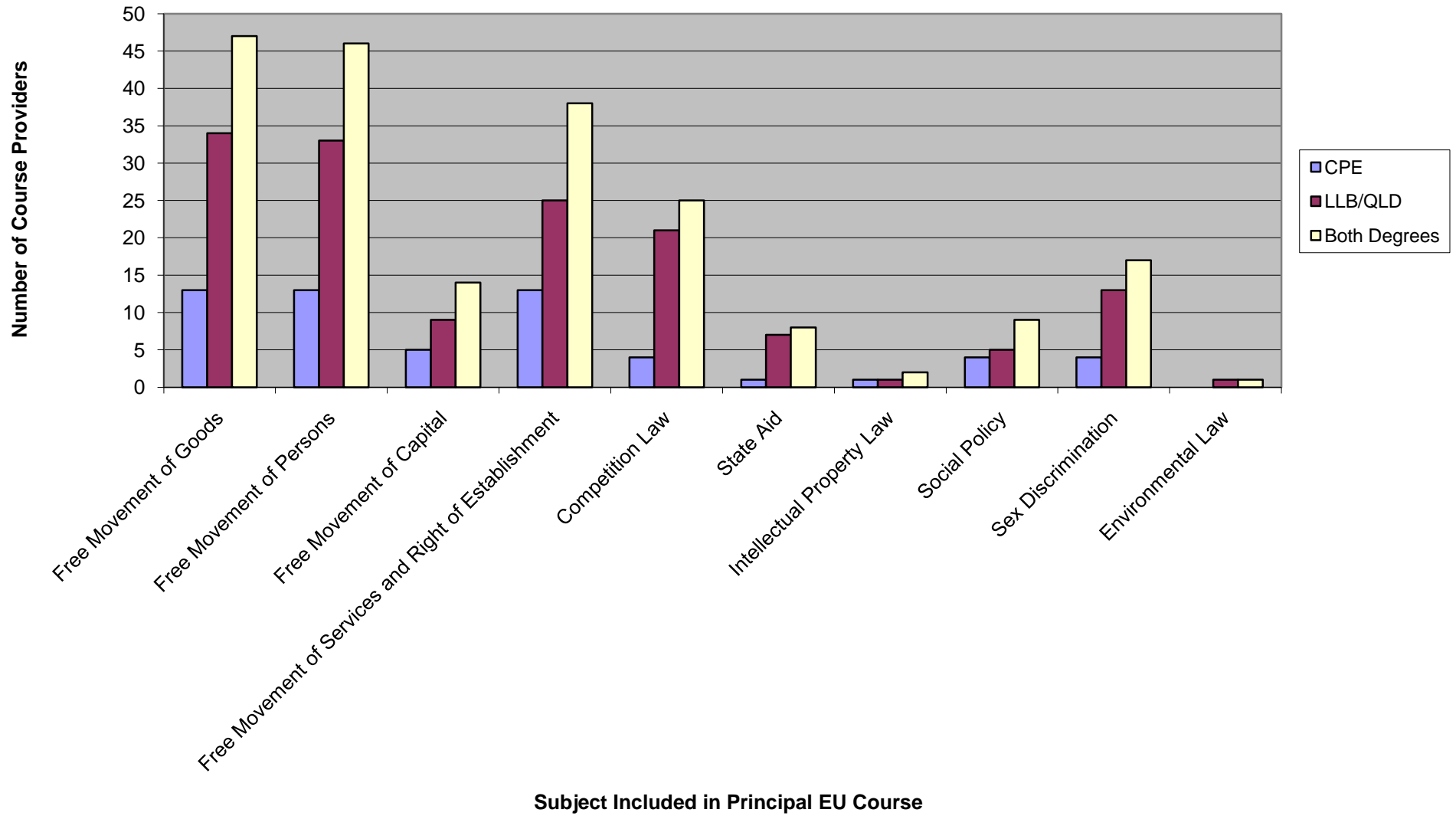


Chart 6.1.1 clearly shows that, with the exception of integration theory and civil law systems and reasoning, most, if not all, CPE and LLB/QLD courses covered the basic aspects of the historical and institutional foundations of the EU. However, in percentage terms, more CPE than LLB/QLD courses covered general principles, the principle of subsidiarity and fundamental rights.

With regard to the second category of subjects, Chart 6.1.2 shows that, unsurprisingly, the vast majority of courses covered supremacy, direct effect, the preliminary rulings procedure and State liability. However, some providers did not deem it necessary to mention enforcement actions and judicial review.

As to substantive law, Chart 6.1.3 also displays expected results. Free movement of goods and free movement of persons were covered in all courses and very few institutions across the board offered, what could be considered, minor subjects such as competition law, discrimination law or intellectual property law.

6.2 EU Law Subjects Taught in Other Courses/Modules

Generally, the major EU Law topics were taught on the main EU courses but there were some universities that opted to offer some of them in other core courses like public, constitutional law or introduction to law. This was the case for the topics of the EU historical background, institutions, sources of law, supremacy and direct effect⁷⁵. Equally, some had also opted to teach the main EU substantive law topics,

⁷⁵ Bangor (public law); Bournemouth CPE (constitutional & administrative law); Cardiff (public law; legal foundations); Central Lancashire (public law); College of Law (public law); East London (constitutional & administrative law); Glasgow (SISL and law & government); Gloucestershire (public law); Northumbria CPE (public law); Oxford (constitutional law); Paisley (constitutional law) Plymouth (legal systems, constitutional and administrative law); Sunderland (constitutional & administrative law); Sheffield Hallam (elements of law); Swansea CPE (public law); Ulster (introduction to law; public law); UWE Bristol (public law I)

such as FMG, FMP, FMSRE and FMC in distinct modules (e.g. competition law, law and policies, EU substantive law, law and the single market).⁷⁶

“Minor” topics tended to be offered in other courses/modules, the results of which are displayed in Chart 6.2. Out of 31(25 LLB/QLD and 6 CPE providers) universities who responded to question 4(c):

- 6 offered civil law system and reasoning in either comparative law, legal skills, legal systems or Roman law, French and German law⁷⁷;
- in 8 universities, European competition law was part of general competition law modules⁷⁸;
- 18 included European intellectual property in separate IP (or media law) modules⁷⁹;
- 10 offered European environmental law as part of general environmental law modules⁸⁰;
- 4 included fundamental rights in a human rights module⁸¹; and,
- in 16 universities, European sex discrimination and social policy were generally included in their labour or employment law courses⁸².

⁷⁶ Durham (law of single European market; EC & UK competition law); Glamorgan CPE (self-directed reading); Queen’s Belfast (EU substantive law); Stirling (competition law); UWE Bristol (EU substantive law); Warwick (law & policies)

⁷⁷ Aberystwyth (comparative law); College of Law (legal method); Exeter (Roman law, French law and German law); Glamorgan (legal systems); Liverpool (pervasive legal skills); Ulster (legal analysis)

⁷⁸ Durham; Hertfordshire CPE; Leeds; Liverpool; Oxford; Stirling; Ulster; Warwick

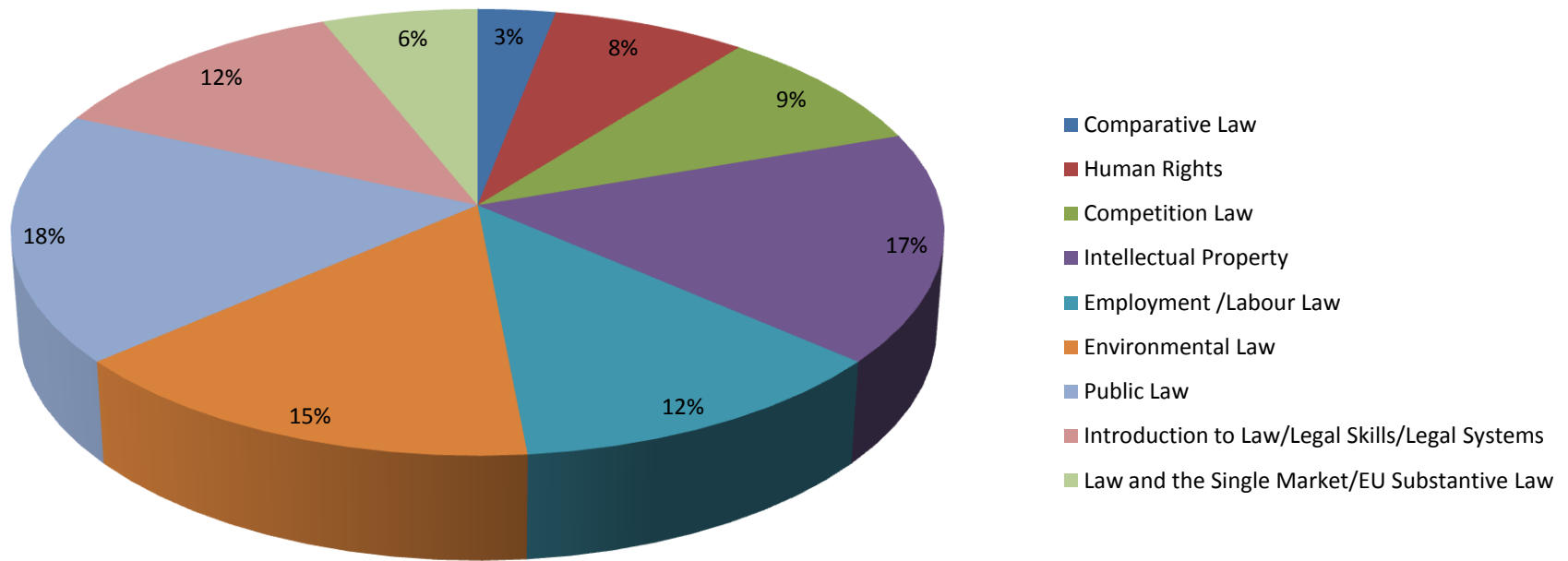
⁷⁹ Aberystwyth; Bournemouth QLD; Bournemouth CPE (another area of law); Chester; Durham (law of single European market); Exeter; Glamorgan; Gloucestershire; Leeds (IP 1 and IP 2); Liverpool; Oxford; Paisley; Plymouth (media and information law; E-commerce); Queen’s Belfast; Stirling; UWE Bristol; Ulster (land law and equity); Warwick (law & policies)

⁸⁰ Bournemouth; Exeter; Gloucestershire; Leeds; Liverpool; Plymouth; Queen’s Belfast; Stirling; UWE Bristol; Warwick

⁸¹ Aberystwyth (human rights); Oxford (human rights); Plymouth (legal systems and human rights); Sheffield Hallam (international human rights)

⁸² Aberystwyth; Bournemouth QLD; Bournemouth CPE (another area of law); Cardiff; Chester; Exeter; Glamorgan; Gloucestershire; Leeds; Liverpool; Oxford; Paisley; Plymouth; Sheffield Hallam (law and contemporary studies); Stirling; Warwick (law & policies)

Chart 6.2 EU Law Taught in Other Courses/Modules



6.3 Conclusions

The following conclusions can be drawn:

- The vast majority of courses covered the key aspects of the history and the institutional framework of the EU, the key principles of EU Law and remedies.
- However, some of those topics could be covered in other core subjects.
- With regard to substantive law, FMG and FMP were generally key topics in core EU Law modules but were also taught in their own separate modules.
- Other “minor” substantive law subjects were more likely to be taught in separate modules.

7. Factors Influencing Course Content

7.1 Institutions were asked to comment on and rank 17 factors which influenced their choice of course content. Each factor was examined separately and the Tables 7.1-7.16 display the results, comparing the CPE and LLB/QLD providers and including a total column providing an opportunity to view an overall picture.

7.2 Influential Factors

The factor that appears to influence the course content the most was the requirements of the professional bodies, with 26 of the institutions rating this as crucial or determinative and a further 14 reporting it as of considerable importance. This is somewhat surprising as the 1999 Joint Statement of the Law Society and the Bar Council merely requires the content of the core subjects (or the Foundations of Legal Knowledge), including EU Law, to be “the key elements and general principles”⁸³, without any other requirements or guidance. Length and nature of the course also seemed to be particularly influential, with 36 institutions considering the length of the course as important, crucial or determinative, and similar importance bestowed on the nature of course by 29 establishments. The fourth most influential factor was the integration of parts of the course into the whole, such that 11 providers regarded this factor as significant or material and 18 of considerable importance. The final factor deemed to have some influence by 29 organisations on course content was the relevance to practice (19 rated it significant, 5 of considerable importance and 5 of crucial importance).

7.3 Minor Factors

⁸³ Law Society and General Council of the Bar, *A Joint Statement Issued by the Law Society and the General Council of the Bar on the Completion of the Initial or Academic Stage of Training by Obtaining an Undergraduate Degree* (Law Society, London 1999) Schedule 2

In comparison, the factors which appeared to be less influential and were rated as of marginal relevance or below by over half of the institutions were:

- content of pre-existing courses (27 rated it irrelevant or of marginal relevance);
- availability of teaching and learning resources and textbook availability (11 and 16 respectively);
- student preferences (11 and 19 respectively);
- type of student (14 and 14 respectively);
- commitment to European Integration (19 and 9 respectively); and,
- personal research agenda (18 and 10 respectively).

7.4 Five institutions commented on different factors which influenced their course content. One LLB/QLD provider stated that a crucial factor for their institution was the “view on what a trained lawyer needs to know about EU Law”.

The comments from four of the CPE providers are quoted below:

“The most important factor is the current structure of the CPE (...) and the limited contact time available. It is crucial to cover the fundamental EU legal system and structures. There is very limited time available to consider substantive law. This drives consideration of three related economic topics.”

“The fact that CPE students are taking a very intensive course (one year full-time, two years part-time) with 6 other demanding subject areas.”

“We aim to encourage a critical and analytical approach, emphasising the Court’s contribution and using topical developments.”

“The (institution) is keen to ensure as seamless a transition between the GDL and LPC/BVC as possible. Thus equipping GDL students for the LPC/BVC is a significant factor. The (institution) is also keen to ensure that its students are as effective as possible when they enter practice. We want to give them experience in the type of issues they are likely to come across in practice; hence we are

increasingly concentrating on the substantive EU Law. This trend will be accentuated following revalidation in 2007/8.”

Table 7.1 – Requirements of Professional Bodies

Rating	CPE	LLB/QLD	Total
Irrelevant	0	1	1
Marginal relevance	1	0	1
Significant or material	2	4	6
Considerable importance	4	10	14
Crucial or determinative	6	20	26
Missing	0	2	2

Table 7.2 – Length of Course

Rating	CPE	LLB/QLD	Total
Irrelevant	0	1	1
Marginal relevance	0	1	1
Significant or material	3	5	8
Considerable importance	5	12	17
Crucial or determinative	5	14	19
Missing	0	4	4

Table 7.3 – Nature of Course

Rating	CPE	LLB/QLD	Total
Irrelevant	2	2	4
Marginal relevance	1	4	5
Significant or material	2	4	6
Considerable importance	3	9	12
Crucial or determinative	4	11	15
Missing	1	7	8

Table 7.4 – Contents of Pre-Existing Course

Rating	CPE	LLB/QLD	Total
Irrelevant	5	13	18
Marginal relevance	2	7	9
Significant or material	6	6	12
Considerable importance	0	6	6
Crucial or determinative	0	1	1
Missing	0	4	4

Table 7.5 – Feedback from Previous Courses

Rating	CPE	LLB/QLD	Total
Irrelevant	2	1	3
Marginal relevance	3	8	11
Significant or material	5	9	14
Considerable importance	2	10	12
Crucial or determinative	1	5	6
Missing	0	4	4

Table 7.6 – Integration of Parts of the Course into the Whole

Rating	CPE	LLB/QLD	Total
Irrelevant	3	1	4
Marginal relevance	0	6	6
Significant or material	4	7	11
Considerable importance	4	14	18
Crucial or determinative	2	5	7
Missing	0	4	4

Table 7.7 – Relevance to Practice

Rating	CPE	LLB/QLD	Total
Irrelevant	0	5	5
Marginal relevance	4	9	13
Significant or material	6	13	19
Considerable importance	0	5	5
Crucial or determinative	3	2	5
Missing	0	3	3

Table 7.8 – Availability of Teaching and Learning Resources

Rating	CPE	LLB/QLD	Total
Irrelevant	2	9	11
Marginal relevance	6	10	16
Significant or material	3	10	13
Considerable importance	0	4	4
Crucial or determinative	2	1	3
Missing	0	3	3

Table 7.9 – Textbook Availability

Rating	CPE	LLB/QLD	Total
Irrelevant	3	10	13
Marginal relevance	3	11	14
Significant or material	4	7	11
Considerable importance	2	5	7
Crucial or determinative	1	1	2
Missing	0	3	3

Table 7.10 – Student Preferences

Rating	CPE	LLB/QLD	Total
Irrelevant	4	7	11
Marginal relevance	2	17	19
Significant or material	5	9	14
Considerable importance	1	0	1
Crucial or determinative	1	1	2
Missing	0	3	3

Table 7.11 – Topicality

Rating	CPE	LLB/QLD	Total
Irrelevant	1	4	5
Marginal relevance	5	7	12
Significant or material	4	15	19
Considerable importance	3	6	9
Crucial or determinative	0	1	1
Missing	0	4	4

Table 7.12 – Type of Student

Rating	CPE	LLB/QLD	Total
Irrelevant	3	11	14
Marginal relevance	2	12	14
Significant or material	2	5	7
Considerable importance	5	4	9
Crucial or determinative	0	1	1
Missing	1	4	5

Table 7.13 – Personal Interests

Rating	CPE	LLB/QLD	Total
Irrelevant	5	10	15
Marginal relevance	3	4	7
Significant or material	1	11	12
Considerable importance	3	8	11
Crucial or determinative	1	1	2
Missing	0	3	3

Table 7.14 – Commitments to European Integration

Rating	CPE	LLB/QLD	Total
Irrelevant	5	14	19
Marginal relevance	0	9	9
Significant or material	4	5	9
Considerable importance	1	4	5
Crucial or determinative	0	0	0
Missing	3	5	8

Table 7.15 – Critical Approach

Rating	CPE	LLB/QLD	Total
Irrelevant	4	7	11
Marginal relevance	0	10	10
Significant or material	7	10	17
Considerable importance	1	5	6
Crucial or determinative	1	0	1
Missing	0	5	5

Table 7.16 – Personal Research Agenda

Rating	CPE	LLB/QLD	Total
Irrelevant	6	12	18
Marginal relevance	2	8	10
Significant or material	4	7	11
Considerable importance	1	5	6
Crucial or determinative	0	0	0
Missing	0	5	5

7.5 Conclusions

The following conclusions can clearly be drawn from this analysis:

- There was a clear cut divide between two categories of factors that influence course content. Professional bodies' requirements, length of course and nature of the course were considered as being the most influential. All other factors were regarded as considerably less relevant.
- The professional bodies merely require "the key elements and general principles" of EU Law to be taught. As such lecturers in general place too great an emphasis on the requirements of the professional bodies. There is considerably greater scope for innovative course content.

8. Learning and Teaching Methods

8.1 One of the main aims in the research was to identify learning and teaching methods in the subject area and to identify innovation and best practice where possible. Respondents were asked to indicate which learning and teaching methods they used and to indicate roughly what percentage of teacher/student contact each method represents.

8.2 Table 8.1 shows that all institutions used lectures as a learning and teaching method and 62% of the institutions used seminars as a way of learning and teaching. All other methods were used to varying degrees with the exception of poster presentations – no institutions reported using this method. Chart 8.1 allows a comparison to be made between the methods employed.

Four CPE providers gave other learning and teaching methods used:

1. Quizzes and podcasts⁸⁴
2. Problem-based learning⁸⁵
3. Feedback on assignment⁸⁶
4. In the 3 seminars on substantive EU Law, knowledge and understanding are developed through consideration of practical/problem based questions⁸⁷

Nine LLB/QLD providers gave alternative methods used:

1. Independent study or learning (with online materials and quizzes)⁸⁸
2. Assessed seminar presentation⁸⁹

⁸⁴ Hertfordshire

⁸⁵ College of Law

⁸⁶ Leeds Met

⁸⁷ UWE

⁸⁸ Liverpool; Hertfordshire; Ulster

⁸⁹ UWE

3. Formative assessment⁹⁰
4. Non-assessed coursework⁹¹
5. “Students are asked to keep an EU issues file of newspaper cuttings through the course”⁹²
6. “For several years third and fourth year students (under the tutor’s supervision) have run a Peer Assisted Learning scheme dedicated specifically to enhance and support learning on the EU course (which is usually taken by second years)”⁹³
7. Annual visit to the EU’s headquarters⁹⁴

⁹⁰ Birmingham

⁹¹ Manchester

⁹² Open University

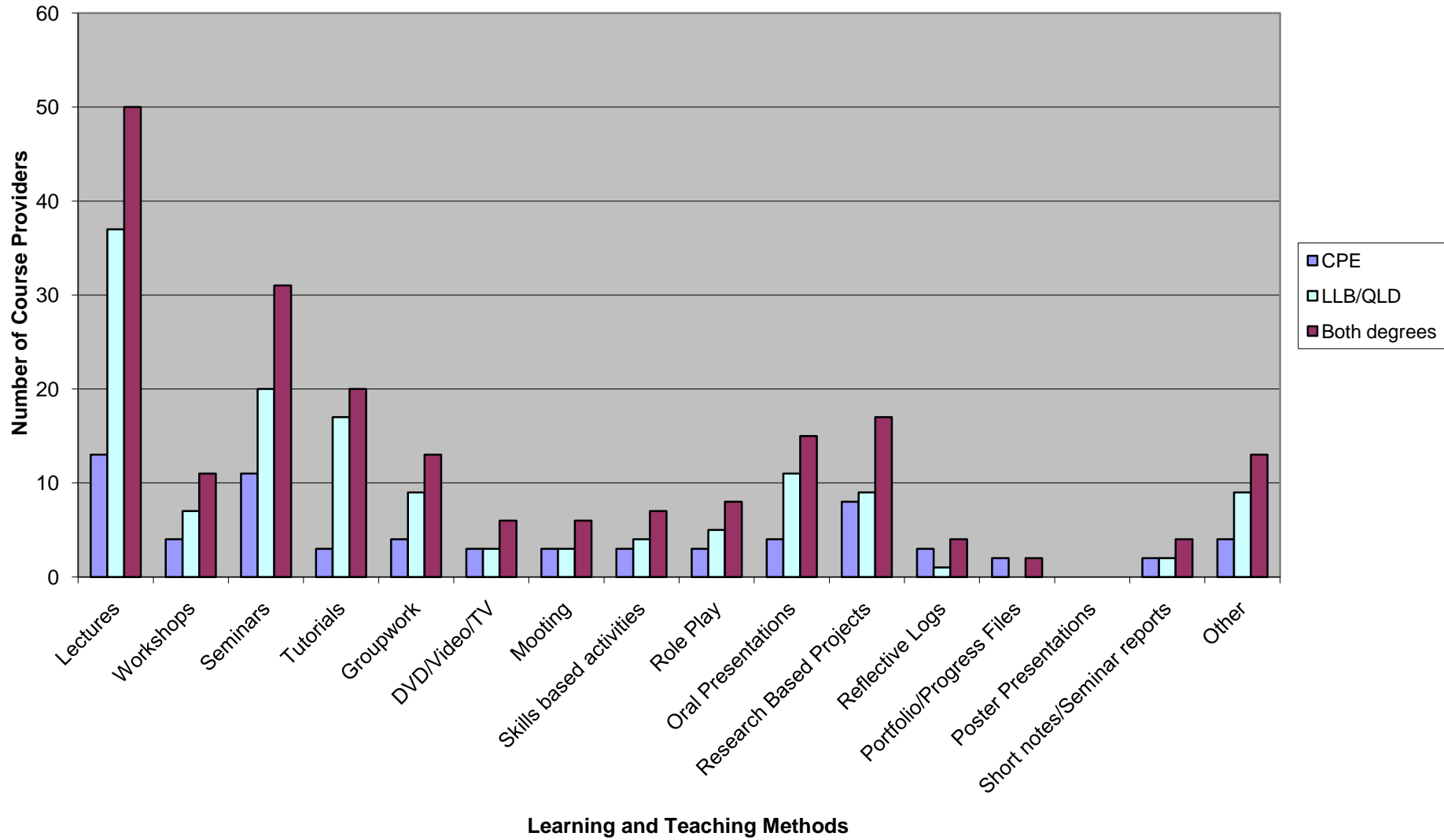
⁹³ Glasgow

⁹⁴ Bangor

Table 8.1 – Learning and Teaching Methods

Learning and Teaching Methods	CPE	LLB/QLD	Total
Lectures	13	37	50
Workshops	4	7	11
Seminars (groups of 12 or more)	11	20	31
Tutorials (groups of less than 12)	3	17	20
Group Work	4	9	13
Watching DVD/video/TV	3	3	6
Mooting	3	3	6
Skills-based activities (e.g. negotiation)	3	4	7
Role Play	3	5	8
Oral Presentations	4	11	15
Research based projects	8	9	17
Reflective Logs	3	1	4
Portfolio/progress files	2	0	2
Poster presentations	0	0	0
Short notes/seminar reports	2	2	4
Other	4	9	13

Chart 8.1 Learning and Teaching Methods



8.2 Conclusions

The following conclusion can be drawn from this analysis:

- While some institutions ventured into new learning and teaching methods, these were not an alternative to the main traditional methods of teaching through lectures and seminars but were primarily complementary to them.
- When combined with the findings in Chapter 9, the delivery of teaching of EU Law is highly traditional and surprisingly lacking in innovation.

9. Electronic Resources

9.1 A key resource now for lecturers teaching any aspect of law is that provided by electronic means. E-learning has excited considerable academic commentary⁹⁵ over the possibilities for replacing traditional learning and teaching methods with those involving electronic delivery and use of the internet. The aim of this particular question was to determine the principal forms of electronic learning and teaching resources utilised by EU Law lecturers and to identify, for further investigation, particular courses employing innovative e-learning for EU Law.

9.2 Results

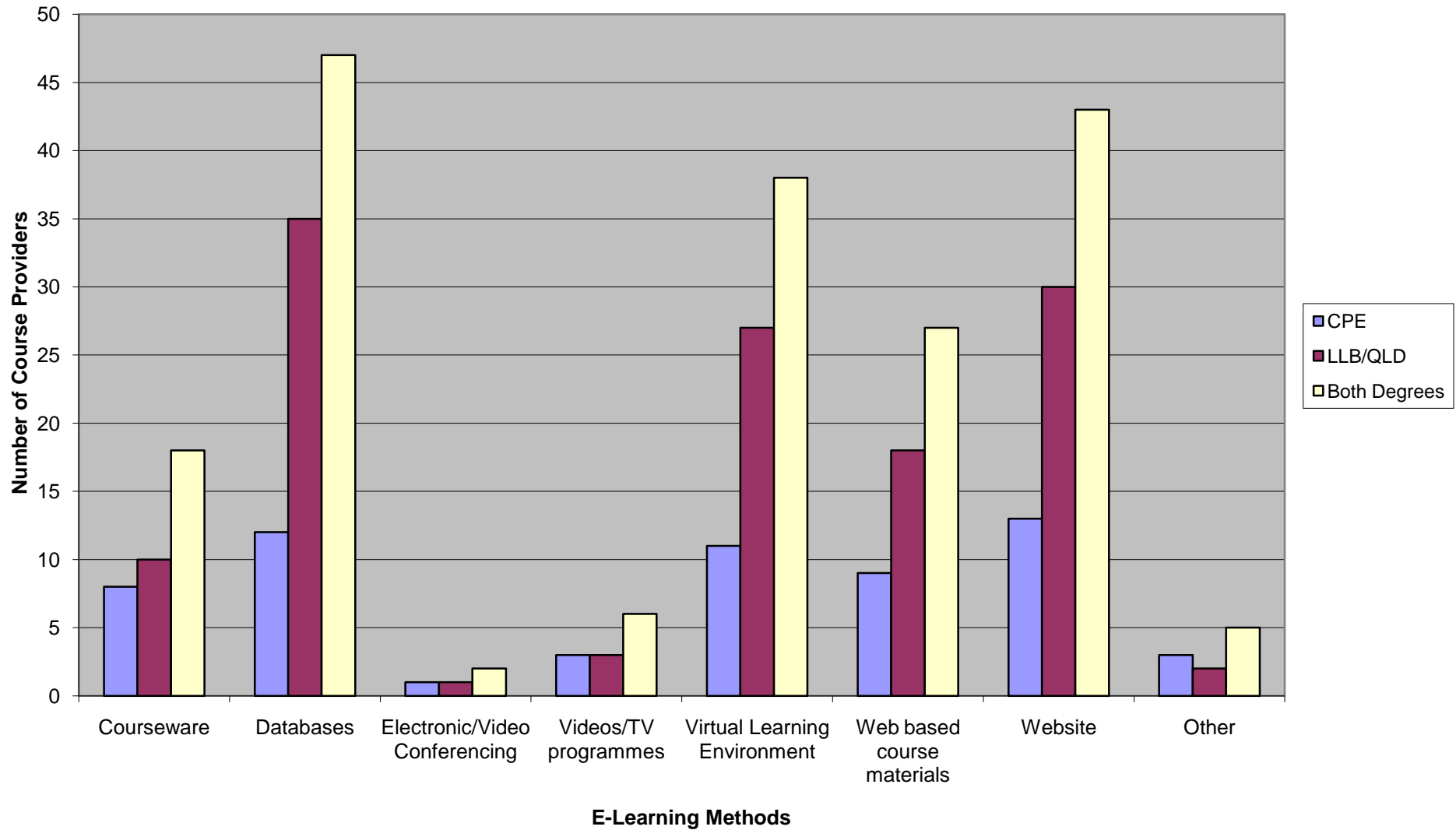
The answers to the question have been reproduced in both tabular and chart form.

⁹⁵ It is not the intention of this Report to enter the debate on the positive or negative effects of e-learning as there has been considerable research and pedagogical analysis conducted across many academic disciplines. For a recent collection of research into e-learning see T Mayes, D Morrison, H Mellar, P Mullen, M Oliver, (Eds.), *Transforming Higher Education Through Technology-Enhanced Learning* (The Higher Education Academy, York 2009). For further information on e-learning in law see <http://www.ukcle.ac.uk/resources/ict/index.html> and <http://www.bileta.ac.uk>.

Table 9.1 – Electronic Resources

Resource Used	CPE	LLB/QLD	Total
Courseware	8	10	18
Databases	12	35	47
Electronic/Video Conferencing	1	1	2
Videos/TV programmes	3	3	6
Virtual Learning Environment	11	27	38
Web based course materials	9	18	27
Website	13	30	43
Other	3	2	5

Chart 9.1 E-Learning Methods



9.3 From the responses it can be clearly seen that lecturers have recognised some of the possibilities for learning and teaching using electronic resources. All institutions use more than one form of electronic resource with the most common being databases, a virtual learning environment and websites. No specific question was directed to the content of websites concerned (institutions were merely asked to specify which websites they used) but from comments on the questionnaire and answers in discussions the most common websites include:

- http://europa.eu/index_en.htm⁹⁶ ;
- <http://www.bailii.org>⁹⁷ ; and,
- http://curia.europa.eu/jcms/jcms/j_6/home⁹⁸.

9.4 It is noticeable that few lecturers appear to have grasped the opportunities for imaginative and innovative employment of electronic resources. This lack of “thinking outside the box” is evidenced by the responses to the use of electronic/video conferencing or, through cross-referencing to Learning and Teaching Methods in Chapter 8, by their failure to embrace the obvious advantages of podcasting (bar one CPE provider that employed podcasts). This, it is submitted, is disappointing as the opportunities available for the delivery of course content, forms of formative assessment and interaction between students and staff within the VLE are significant.

9.5 One of the difficulties with studying the European Union was highlighted in answers received to one aspect of this question, and that was the nature of the coverage the European Union receives on TV and in film. There is no doubt that playing a video or TV programme can enhance the learning experience. However, there exists a paucity of televisual resources that cover topics relating to EU law. Thus finding video or TV sources that can both augment lectures, seminars or workshops, whilst painting EU Law in a positive light, is difficult and can increase the workload of lecturers.

⁹⁶ The home website of the European Union

⁹⁷ The home website of the British and Irish Legal Information Institute

⁹⁸ The home website of the European Court of Justice

9.6 One of the surprising responses to the survey questions, mentioned in 9.4, was the limited use of discussion or chat spaces, or bulletin boards. VLEs were predominantly used as a tool for dissemination of information. Two CPE providers⁹⁹ did employ forms of i-tutorials, interactive computer-based presentations that included video clips, slides and quizzes, and also incorporated asynchronous VLE based discussion groups, which students needed to use to cooperate in problem-based learning. One LLB/QLD provider used webCT for quizzes, email contact, online discussions and groupwork¹⁰⁰. However, there was no indication by other providers that the VLE was utilised in anything other than a purely informal way.

9.7 Another technology identified as being under-utilised was electronic assessment. Only one LLB/QLD provider employed an electronic form of assessment and even then this assessment only counted towards 10% of the student's total mark.

9.7 The survey questionnaire proved to be something of a blunt tool in analysing this rapidly developing area of teaching and learning, with little attention paid to innovative methods of delivery of course content such as podcasts, which our research revealed were employed by only one CPE provider. Discussions with both LLB/QLD and CPE providers indicated that there was a general awareness of podcasts and an intention to employ them in the future. However, we were unable to identify any courses currently employing innovative e-learning for EU Law. This may change in the future and as such it is suggested that this is a fertile area for further research.

9.7 Conclusions

The following conclusions can be drawn from this research.

⁹⁹ College of Law, Hertfordshire (the latter used the VLE for quizzes and podcasts)

¹⁰⁰ Ulster

- Some aspects of e-learning have been grasped with enthusiasm by EU Law lecturers. These include databases, a VLE and the utilisation of websites as learning resources.
- More innovative e-learning (e.g. podcasts) has yet to enter the teaching lexicon of most EU Law lecturers.
- The enhanced features of a VLE (e.g. delivery of course content, forms of formative assessment and interaction between students and staff within the VLE) have, in general, yet to be fully employed.

10. Textbooks¹⁰¹

10.1 A significant part of the student's learning activity is centred around reading, in particular the reading of textbooks or casebooks (indeed law students are described not as studying or working for a law degree, but as "reading law"). There are a vast range of EU Law books, all designed to cater for both the students' needs and the requirements of lecturers. Indeed much of the choice of books is made by students, and hence their teaching and learning experience, is determined by the recommendation of text and casebooks by their course lecturers. Thus it was considered to be valuable to ask lecturers which textbooks and casebooks they recommended students purchase.

10.2 Results

¹⁰¹ Please note that references for textbooks and casebooks are up to date at the time of writing the report.

Table 10.1 – Recommended Textbooks

Textbook Author(s)	CPE	LLB/QLD	Total
Steiner & Woods	6	24	30
Hartley	2	4	6
Wyatt & Dashwood	2	7	9
Berry & Hargreaves	0	4	4
Foster	3	10	13
Horspool & Humphreys	1	3	4
Barnard	1	6	7
Fairhurst	4	14	18
Mathijsen	0	1	1
Other	1	3	4

Table 10.2 – Recommended Casebooks

Casebook Author(s)	CPE	LLB/QLD	Total
Craig & de Búrca	10	26	36
Weatherill	4	17	21
Chalmers et al	7	14	21
Tillotson & Foster	0	4	4
Other	1	0	1

Chart 10.1 Recommended Textbooks

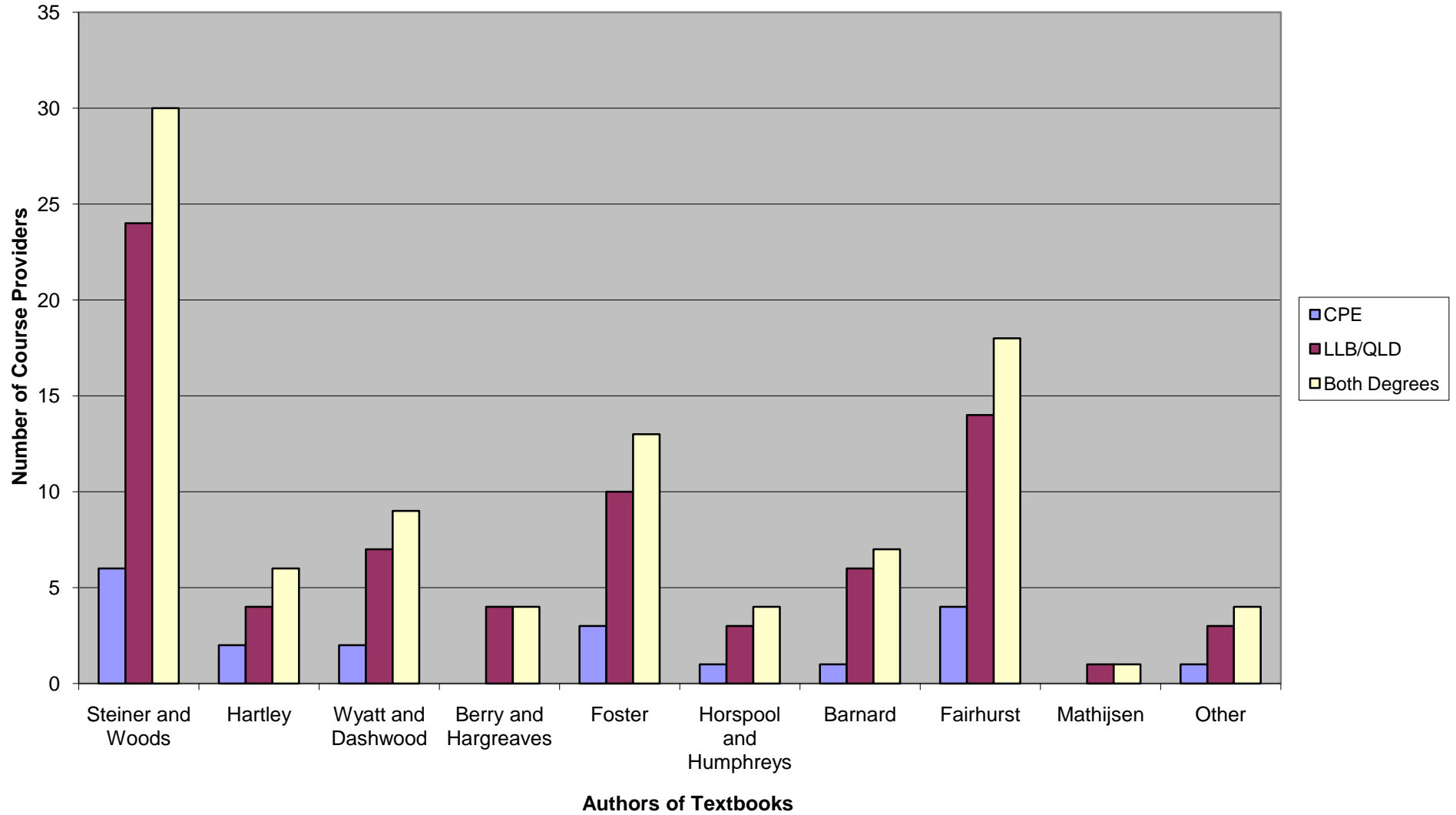
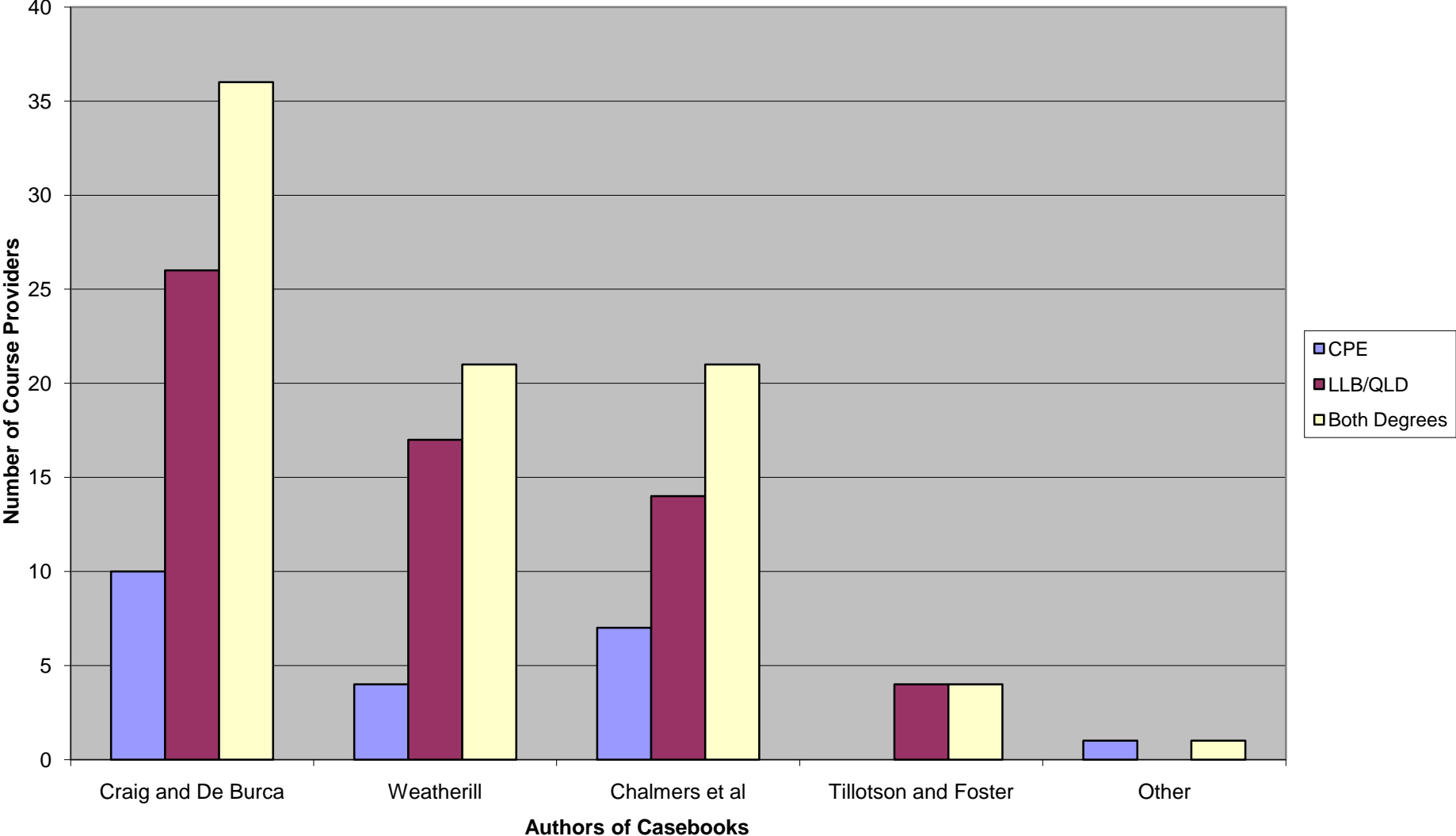


Chart 10.2 Recommended Casebooks



10.3 The results presented in Tables 10.1 and 10.2, and represented by Charts 10.1 and 10.2, are at first blush surprisingly unsurprising with the most popular textbook proving to be J Steiner, L Woods, *EU Law* (10th edn OUP, London 2009) and the most popular casebook being P Craig, G de Búrca, *EU Law: Text, Cases and Materials* (4th edn OUP, London 2008). However, there are some minor differences between the preferences of LLB/QLD and CPE providers. Whilst at LLB/QLD delivery level J Fairhurst, *Law of the European Union* (7th edn Longman, Harlow 2010) was the second most popular textbook with N Foster, *Foster on EU Law* (2nd edn OUP, London 2009) third, at CPE level these positions remained the same though Foster was almost on a par of popularity as Fairhurst. For casebooks, S Weatherill, *Cases and Materials on EU Law* (8th edn OUP, London 2007) was the second favourite for LLB/QLD providers with D Chalmers, C Hadjiemmanuil, G Monti, A Tomkins, *European Union Law* (CUP, Cambridge 2006) a reasonably close second, but for CPE providers these positions were reversed.

It should be noted that the textbooks mentioned as “other” were statute books, an area that we were not investigating.

10.4 Specialist Textbooks

A number of books were mentioned by both CPE and LLB/QLD providers that were predominantly aimed at EU competition law. These included M Furse, *Competition Law of the EC and UK* (6th edn OUP, London 2008), J Goyder, A Albors-Llorens, *Goyder’s EC Competition Law* (5th edn OUP, London 2009), A Jones, B Sufrin, *EC Competition Law: Text, Cases and Materials* (3rd edn OUP, London 2008), V Korah, *An Introductory Guide to EC Competition Law and Practice* (9th edn Hart Publishing, London 2007). One CPE provider¹⁰² specified G Davies, *European Union Internal Market Law* (2nd edn Routledge-Cavendish, London 2006). A final, and honourable

¹⁰² Swansea

mention, must go to S Douglas-Scott, whose textbook *Constitutional Law of the European Union* (Longman, Harlow 2002) was cited by 3 institutions¹⁰³.

10.3 Reasons for Choice of Books

It became clear through discussions that there were two main reasons for the choice of books. The first was coverage/detail and the second being date of publication. Indeed it was considered that the two went hand in hand – there was no point in recommending a book that was up to date if its coverage was poor, and conversely there was no point in recommending a book that had detailed coverage but was too old. One LLB/QLD provider¹⁰⁴ suggested that if students were struggling with the recommended textbook then an “easier” text might be suggested (the two suggested were E Berry, S Hargreaves, *European Union Law* (2nd edn OUP, London 2007) and C Turner, T Storey, *Unlocking EU Law* (2nd edn Hodder, London 2008)). Turner and Storey was also mentioned by one LLB/QLD provider¹⁰⁵ as a level 1 book and not suitable for a level 2 course. Finally it should be noted, as pointed out by one LLB/QLD provider¹⁰⁶, that students should be encouraged to read a range of texts and not rely on merely one.

10.4 Conclusions

A number of conclusions can be drawn from this analysis.

- Textbooks and casebooks are principally chosen on the basis of being both up to date and providing sufficient detailed coverage.
- The three most popular textbooks for both LLB/QLD and CPE providers are Steiner and Woods, Fairhurst and Foster.
- The three most popular casebooks for both LLB/QLD and CPE providers are Craig and de Búrca, Weatherill and Chalmers *et al.*

¹⁰³ Aberystwyth, Central Lancashire and UWE

¹⁰⁴ Plymouth

¹⁰⁵ Ulster

¹⁰⁶ Oxford

- It should be obvious, but needs saying, that students should be encouraged to read a range of texts and not rely on merely one.

11. The Challenges of Teaching EU Law

11.1 The majority of questions so far had been either purely objective or the parameters were determined by the subject itself. The team felt that a more subjective examination of learning and teaching EU Law was required to enable a more nuanced picture to emerge. Unfortunately, due to the limitations imposed by the nature of the research, it was not possible to gather information from students on their experience of studying EU law. As such the subjective picture that emerges is purely centred on the lecturer's own experiences rather than on the learning and teaching perspectives of the students.

11.2 Institutions were asked to comment and rank twelve factors which were considered by the team to possibly pose a challenge to the teaching of EU Law. These factors were, of course, determined initially by the survey team but institutions were given the option to add further factors if they wished to do so.

11.3 Results

Table 11.1 – Students find it difficult to understand civil law reasoning

Rating	CPE	LLB/QLD	Total
No challenge	2	4	6
Challenge marginal significance	7	11	18
Significant or material challenge	4	17	21
Very difficult challenge	0	3	3
Insurmountable challenge	0	0	0
Missing answer	0	2	2

Table 11.2 – Students resent having to study EU Law

Rating	CPE	LLB/QLD	Total
No challenge	2	8	10
Challenge marginal significance	7	18	25
Significant or material challenge	3	3	6
Very difficult challenge	1	5	6
Insurmountable challenge	0	1	1
Missing answer	0	2	2

Table 11.3 – The UK media are critical of the EU

Rating	CPE	LLB/QLD	Total
No challenge	1	6	7
Challenge marginal significance	4	10	14
Significant or material challenge	5	12	17
Very difficult challenge	3	5	8
Insurmountable challenge	0	2	2
Missing answer	0	2	2

Table 11.4 – Students consider EU Law to be distant from their own experience

Rating	CPE	LLB/QLD	Total
No challenge	1	2	3
Challenge marginal significance	3	10	13
Significant or material challenge	6	13	19
Very difficult challenge	3	10	13
Insurmountable challenge	0	1	1
Missing answer	0	1	1

Table 11.5 – There is excessive technical detail

Rating	CPE	LLB/QLD	Total
No challenge	2	5	7
Challenge marginal significance	6	10	16
Significant or material challenge	4	13	17
Very difficult challenge	1	8	9
Insurmountable challenge	0	0	0
Missing answer	0	2	2

Table 11.6 – To understand EU Law fully it is necessary to understand the historical and political contexts

Rating	CPE	LLB/QLD	Total
No challenge	2	4	6
Challenge marginal significance	2	13	15
Significant or material challenge	8	12	20
Very difficult challenge	1	7	8
Insurmountable challenge	0	1	1
Missing answer	0	0	0

Table 11.7 – To understand EU Law fully it is helpful to have an understanding of economics

Rating	CPE	LLB/QLD	Total
No challenge	2	14	16
Challenge marginal significance	10	17	27
Significant or material challenge	1	4	5
Very difficult challenge	0	1	1
Insurmountable challenge	0	0	0
Missing answer	0	1	1

Table 11.8 – It is very difficult for teachers to keep up to date, given the bulk of the material

Rating	CPE	LLB/QLD	Total
No challenge	4	6	10
Challenge marginal significance	6	11	17
Significant or material challenge	3	14	17
Very difficult challenge	0	4	4
Insurmountable challenge	0	2	2
Missing answer	0	0	0

Table 11.9 – Because of the breadth of the subject, it is difficult to select course content

Rating	CPE	LLB/QLD	Total
No challenge	3	6	9
Challenge marginal significance	6	12	18
Significant or material challenge	3	13	16
Very difficult challenge	0	4	4
Insurmountable challenge	1	1	2
Missing answer	0	1	1

Table 11.10 – Students cannot remember names of the cases because they are foreign to them

Rating	CPE	LLB/QLD	Total
No challenge	1	7	8
Challenge marginal significance	6	13	19
Significant or material challenge	6	10	16
Very difficult challenge	0	7	7
Insurmountable challenge	0	0	0
Missing answer	0	0	0

Table 11.11 – Students perceive EU Law as a subject separate from all other core subjects

Rating	CPE	LLB/QLD	Total
No challenge	2	7	9
Challenge marginal significance	1	11	12
Significant or material challenge	8	10	18
Very difficult challenge	1	8	9
Insurmountable challenge	0	0	0
Missing answer	0	1	1

11.4 The most striking conclusion from Tables 11.1-11.11 is the level of optimism displayed by lecturers in the face of the many challenges teaching EU Law presents. It is notable that the numbers of insurmountable challenges were negligible whilst even though very difficult challenges figured significantly in 7 of the 11 categories, those categories were never led by it. Furthermore 35 institutions considered that 'students resenting the need to do study EU Law' was either of no challenge or of only marginal significance, a finding that we found counterintuitive. Even more surprising, considering the high substantive economic content of information relating to the background and underpinning of EU Law, 44 institutions considered that students not possessing a full understanding of economics was either not a challenge or of only marginal significance in affecting students ability to fully understand EU Law.

11.5 The most significant, material or very difficult challenges facing lecturers highlighted by the survey include that students consider EU Law to be distant from their own experience and students perceive EU Law as a subject separate from all other core subjects. Other significant or very hard challenges include students lacking a necessary understanding of the historical and political contexts, the fact that the UK media are critical of the EU, the foreign nature of cases so that students forget them and the excessive technical detail.

11.6 Several institutions provided alternative challenging factors to those listed in the survey that differed for providers of the LLB/QLD and CPE providers. For the former, one institution suggested that "You have to start by studying the institutions which is boring. Everything is novel – institutions, legal instruments, direct effect etc., but once they break into it, they enjoy it."¹⁰⁷ Another institution noted that there was "a lack of student interest in current affairs/politics (EU Law perceived as 'political')"¹⁰⁸ whilst another considered that the "fundamental problem is that the professional requirements lead to too much being crammed into a single course"¹⁰⁹.

¹⁰⁷ Kingston

¹⁰⁸ Gloucestershire

¹⁰⁹ Exeter

This latter point was also supported by the comment over “the amount of reading required for this course”¹¹⁰. Finally the level at which the course was taught was considered important, with level 1 students only beginning to grasp common law concepts and lawmaking within the UK along with learning to read cases and legislation. When they were asked to learn an area of law with new concepts, principles and case law, this required different skills¹¹¹.

For CPE providers there appeared to be a common thread with comments including that the “principal challenge of teaching EU Law on the CPE at X is a lack of contact time with students”¹¹², the “amount of material in the subject if it is to be covered adequately”¹¹³ and the “amount of reading required for this course”¹¹⁴. One final comment focussed on the manner in which judgments handed down by the ECJ were expressed, with the “superficial style of European Court of Justice judgments (the Court’s preference for a declaratory style of adjudication, rather than a discursive one)”¹¹⁵ considered to be a major challenging factor.

11.7 In addition to rating the factors above the institutions were asked to state whether they thought the challenges they identified were unique to EU law as a subject or not. Approximately half of the institutions commented on this, with 17¹¹⁶ of the 37 QLD/CPE providers and 7¹¹⁷ of the 13 CPE providers responding.

¹¹⁰ Keele

¹¹¹ Ulster

¹¹² UWE

¹¹³ Leeds Met

¹¹⁴ Keele

¹¹⁵ Leeds Met

¹¹⁶ Aberystwyth, Bangor, Bournemouth, Brunel, Central Lancashire, Chester, East London, Glamorgan, Gloucestershire, Hertfordshire, Liverpool, Manchester, Plymouth, Queen’s Belfast, Glasgow, Stirling, Ulster

¹¹⁷ Hertfordshire, College of Law, Bournemouth, Oxford Brookes, Sussex, TVU, UWE

Table 11.12 – Factors unique to EU Law as a subject

Challenge	CPE	LLB/QLD	Total
Students find it difficult to understand civil law reasoning	3	5	8
Students resent having to study EU law	3	4	7
The UK media are critical of the EU	5	11	16
Students consider EU law to be distant from their own experience	2	9	11
There is excessive technical detail	0	1	1
To understand EU law fully it is necessary to understand historical & political contexts	1	4	5
To understand EU fully it is helpful to have an understanding of economics	1	1	2
It is very difficult for teachers to keep up to date, given the bulk of the material	0	1	1
Because of the breadth of the subject, it is difficult to select course material	0	1	1
Students cannot remember names of cases because they are foreign to them	2	4	6
Students perceive EU law as a subject separate from all other core subject	5	5	10

11.8 The three factors that were barely considered to be unique were all connected (excessive technical detail, the bulk of the material makes it difficult for lecturers to keep up to date and the breadth of the subject makes it difficult to select course material). It can also be perceived that the two highest scoring challenges were also connected with the critical coverage of EU Law by the UK media possibly leading to students considering EU Law to be distant from their own experience.

11.9 Conclusions

Some interesting conclusions can be drawn from the answers provided to this survey question.

- Lecturers are optimistic over the challenges facing teaching EU Law.
- The most difficult challenges facing lecturers teaching EU Law are students considering EU Law as being distant from their own experiences and perceiving EU Law as a subject separate from all other core subjects.
- The most unique difficulties associated with teaching EU Law are the critical coverage of EU Law by the UK media and students considering EU Law to be distant from their own experience.

12. Assessment Methods

12.1 The team, although more interested in the methods utilised by institutions for learning and teaching, were particularly aware of the importance of assessment, be that substantive or formative. As such two avenues of inquiry were considered: the first, to analyse the forms of summative assessment used; and, the second, to investigate whether formative assessment was employed and if it was, to evaluate the form that it took.

12.2 Summative Assessment

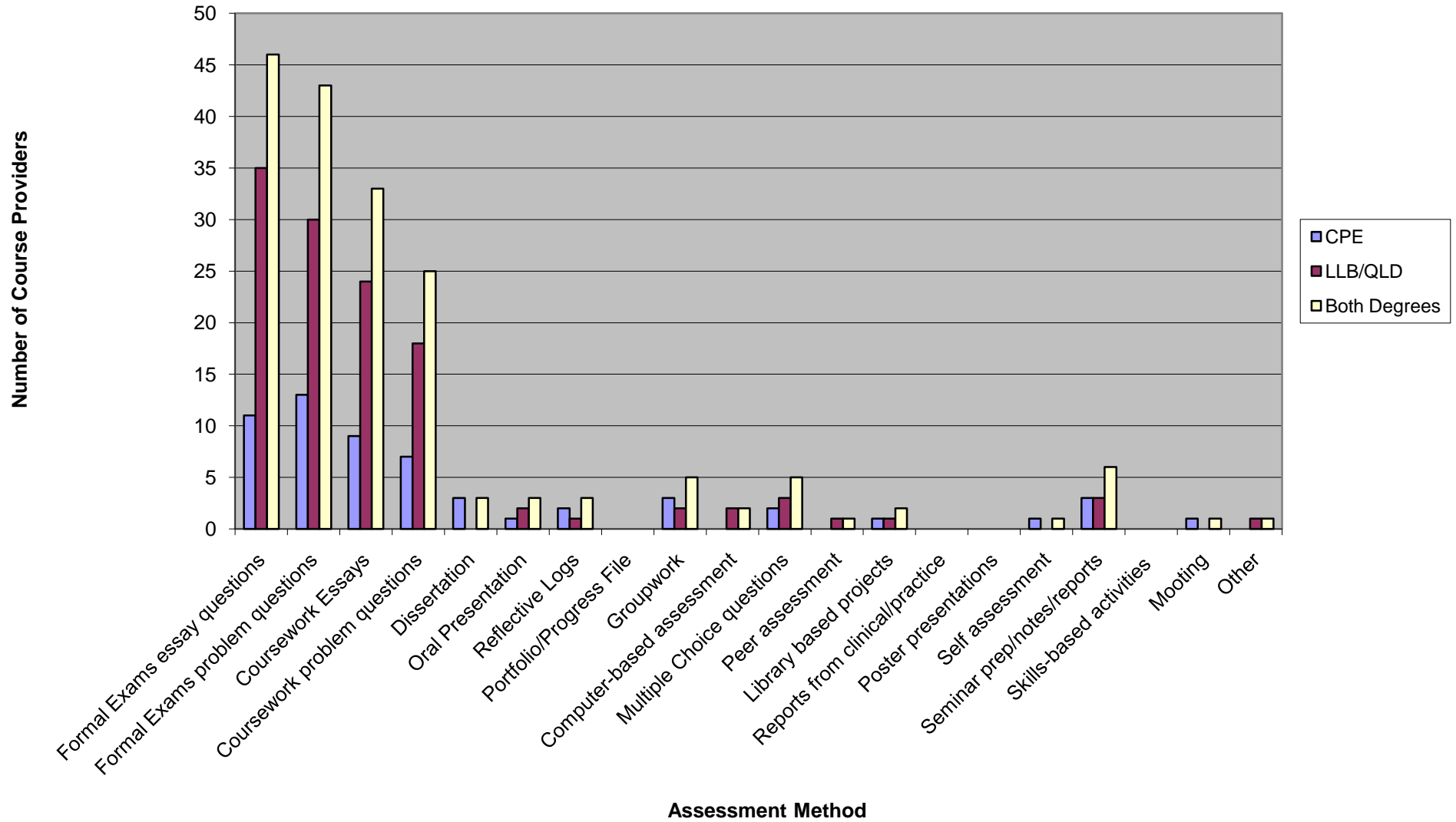
Table 12.1 – Methods Employed for Summative Assessment

Assessment Method	CPE	LLB/QLD	Total
Formal examinations – essay questions	11	35	46
Formal examinations – problem questions	13	30	43
Coursework essays	9	24	33
Coursework problem questions	7	18	25
Dissertation	3	0	3
Oral Presentation	1	2	3
Reflective Logs	2	1	3
Portfolio/Progress File	0	0	0
Groupwork	3	2	5
Computer-Based assessment	0	2	2
Multiple Choice questions	2	3	5
Peer assessment	0	1	1

Library based projects	1	1	2
Reports from clinical/practice based activities	0	0	0
Poster presentations	0	0	0
Self assessment	1	0	1
Seminar preparation/notes/reports	3	3	6
Skills-based activities (e.g. negotiation)	0	0	0
Mooting	1	0	1
Other (contribution to seminars)	0	1	1

The resounding answer to the question on the form of summative assessment as demonstrated in Table 12.1 is that EU Law lecturers appear to be highly conservative in their utilisation of more innovative forms of assessment. This assertion holds true for both QLD/CPE and CPE providers, as shown by Chart 12.1. The predominant forms of assessment are formal examination essay and problem questions and coursework also involving essay and problem questions.

Chart 12.1 Methods Employed for Summative Assessment



12.3 Formative Assessment

Institutions used a variety of methods of formative or informal assessment to provide evaluative feedback and assessment of student performance. However, the results were patchy and difficult to tabulate with universities tending to use multiple methods. Of the 24 LLB/QLD institutions¹¹⁸ that provided a return in this area: 11 institutions set coursework essay questions; 10 set coursework problem questions; 5 provided a bank of multiple choice questions; 4 required the submission of seminar preparation; 3 universities used oral presentations, groupwork and self-assessment; and, 2 employed skills based activities and peer assessment in seminars. One institution set a mock written examination and another employed moots. Finally one institution utilised all the methods in Table 12.1 for formative assessment¹¹⁹.

As would be expected most institutions indicated that this form of assessment was voluntary. “Voluntary non-assessed coursework with feedback from the student’s seminar taker”¹²⁰ and “voluntary formative essay/problem question”¹²¹ are two examples of assessment conducted at the students’ discretion. Indeed feedback featured heavily in the aims of this type of assessment – “students submit an attempt at a problem question in the first workshop. These are looked over in the class and general feedback is given. Individual feedback will be given upon request”¹²². As can be observed, feedback features heavily in this form of assessment – “students receive individual feedback on coursework and self assessment quizzes are provided on webCT which are marked immediately. Feedback is given within seminars and lectures on case studies, presentations, groupwork and debates. Students upon request will also receive individual feedback on exam papers”¹²³. Finally one institution provided their students with a choice of assessment method – “students are required to complete two formative assessments during the year. The

¹¹⁸ Aberystwyth, Bangor, Birmingham, Brighton, Cardiff, Central Lancashire, Chester, Durham, Exeter, Glamorgan, Gloucestershire, Huddersfield, Leeds, Liverpool, Manchester, Open University, Oxford, Queen’s Belfast, Plymouth, Sheffield Hallam, Sunderland, Ulster, UWE, Glasgow, Paisley,

¹¹⁹ Leeds

¹²⁰ Manchester

¹²¹ Exeter

¹²² Glasgow

¹²³ Ulster

first is normally an essay covering the constitutional aspects of the EU. The second assessment is normally a choice between an essay and a problem question. Students also have the option of completing the second formative assessment as a timed piece in preparation for the exams”¹²⁴.

For CPE providers there was a considerably smaller sample and the results were somewhat mixed. 11 CPE providers¹²⁵ identified methods of formative assessment utilised, of which coursework was the most popular with 6 institutions employing this form. However, one provider¹²⁶ indicated 6 methods of formative assessment used: oral presentations; group work; reflective logs; multiple choice questions; quizzes; and, seminar presentations, whilst another¹²⁷ listed 9 methods employed: oral presentations; portfolio/progress file; group work; computer based assessment; peer assessment; library based projects; self-assessment; seminar preparation/notes/reports; and, skill based activities (if preparation/notes/reports are counted as one method!)

12.4 Conclusions

The analysis of assessment for EU Law was somewhat surprising.

- For summative assessment those who teach EU Law overwhelmingly choose to utilise highly traditional methods. These consist of problem and essay questions for both exams and coursework, which holds true for both LLB/QLD and CPE providers.
- For formative assessment the voluntary nature of the process appears to free the imagination. Probably the most important factor that influences the type of assessment employed in this context is the desire to provide students with useful feedback.

¹²⁴ Cardiff

¹²⁵ Bournemouth, Brunel, College of Law, Hertfordshire, Leeds Met, Northumbria, Oxford Brookes, Sussex, Swansea, TVU, UWE

¹²⁶ Hertfordshire

¹²⁷ College of Law

13. Course Evaluation

13.1 The questions in this section were designed to determine how course providers obtained feedback on their programmes and their views on the best type of feedback.

13.2 Results

Table 13.1 CPE Providers

Rating	Student Questionnaire	External Examiners Report	Peer Review by EU tutors	Peer Review in Dept	Peer Review out Dept	Student Interviews	Other
Poor	1	0	0	0	0	1	0
Some Value	0	2	0	1	0	1	0
Reasonable Value	3	4	2	6	0	2	0
Very Valuable	7	4	7	3	2	3	1
Essential	2	3	1	0	0	0	0
Missing	0	0	3	3	11	6	12

Table 13.2 LLB/QLD Providers

Rating	Student Questionnaire	External Examiners Report	Peer Review by EU tutors	Peer Review in Dept	Peer Review out Dept	Student Interviews	Other
Poor	0	1	0	2	0	0	0
Some Value	7	3	0	2	1	2	0
Reasonable Value	7	11	4	10	1	4	0
Very Valuable	15	10	6	6	0	3	2
Essential	5	10	5	1	2	0	1
Missing	4	2	22	16	33	28	34

Table 13.3 Course Evaluation – Overall Picture

Rating	Student Questionnaire	External Examiners Report	Peer Review by EU tutors	Peer Review in Dept	Peer Review out Dept	Student Interviews	Other
Poor	1	1	0	2	0	1	0
Some Value	7	5	0	3	1	3	0
Reasonable Value	10	15	6	16	1	6	0
Very Valuable	22	14	13	9	2	6	3
Essential	7	13	6	1	2	0	1
Missing	4	2	25	19	44	34	46

13.3 Method of Course Evaluation

It is clear from Tables 13.1-13.3 that there are, predominantly, six ways in which EU courses are evaluated. Alternative methods mentioned included staff and student committee meetings (one CPE and one LLB/QLD provider) and open discussion in seminars to identify main difficulties, what was useful and views on textbooks (one LLB/QLD provider). Further alternative methods, possibly involving the use of virtual resources, were not employed. Again it can be considered that those lecturing EU Law are rather conservative in their approach to the delivery of the subject, possibly due to its status as a core subject for a QLD but also possibly due to the larger number of students. It is a recurring theme throughout our research that the teaching of EU Law follows a highly traditional route with novel and imaginative resources having little impact on the teaching environment.

13.4 Perceived Value of Course Evaluation Methods

From the perspective of both LLB/QLD and CPE providers the two most valuable forms of course evaluation are the student questionnaire and the external examiners' report, as represented in Charts 13.1 and 13.2. Peer review by fellow EU Law tutors

and by other non-EU Law lecturers from within the department were also considered valuable, with the former proving to be of greater importance to CPE providers than their LLB/QLD compatriots, as shown in Charts 13.3 and 13.4. However, peer review from outside the department and student interviews were considered to be of negligible importance.

Chart 13.1 Student Questionnaire

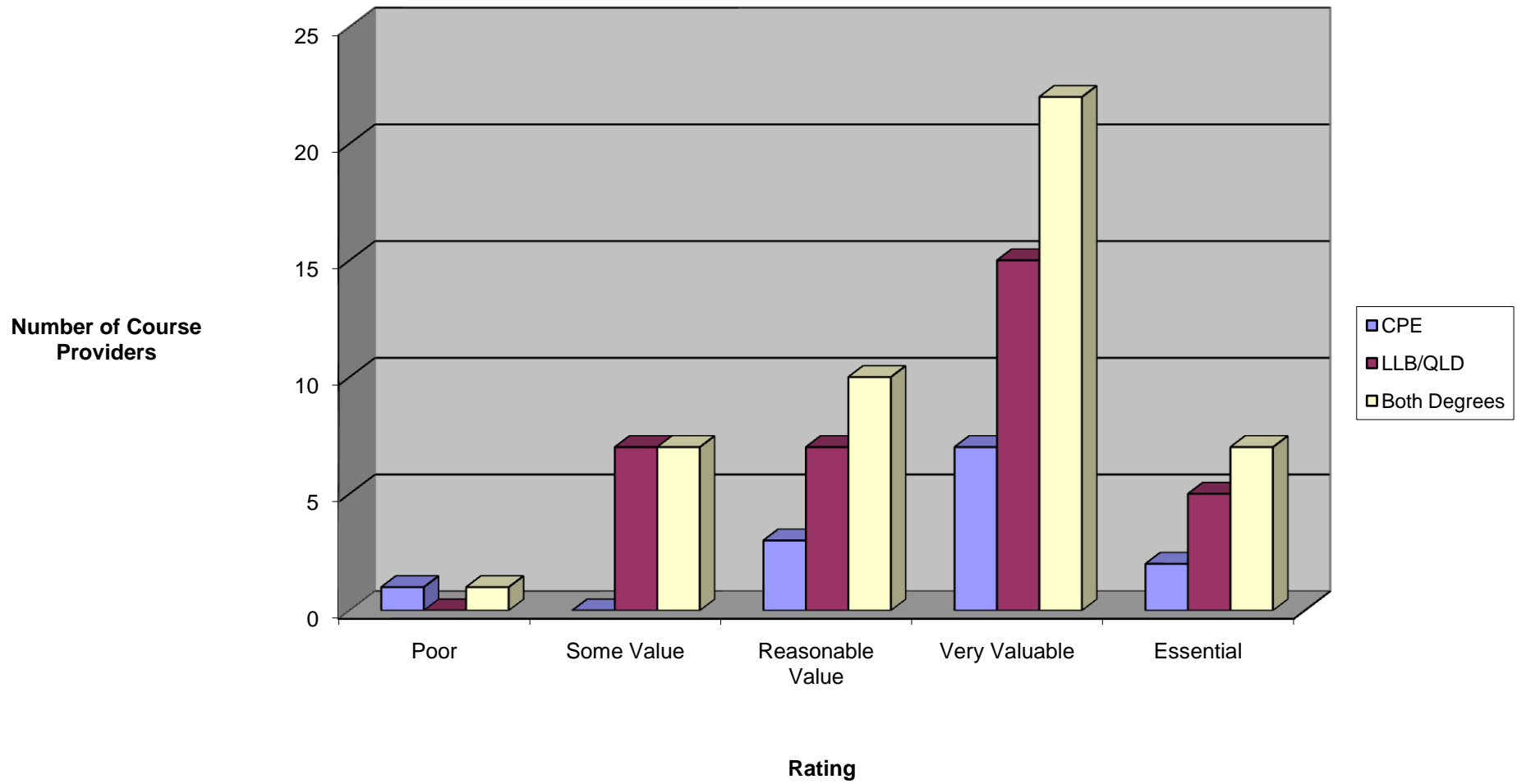


Chart 13.2 External Examiners Report

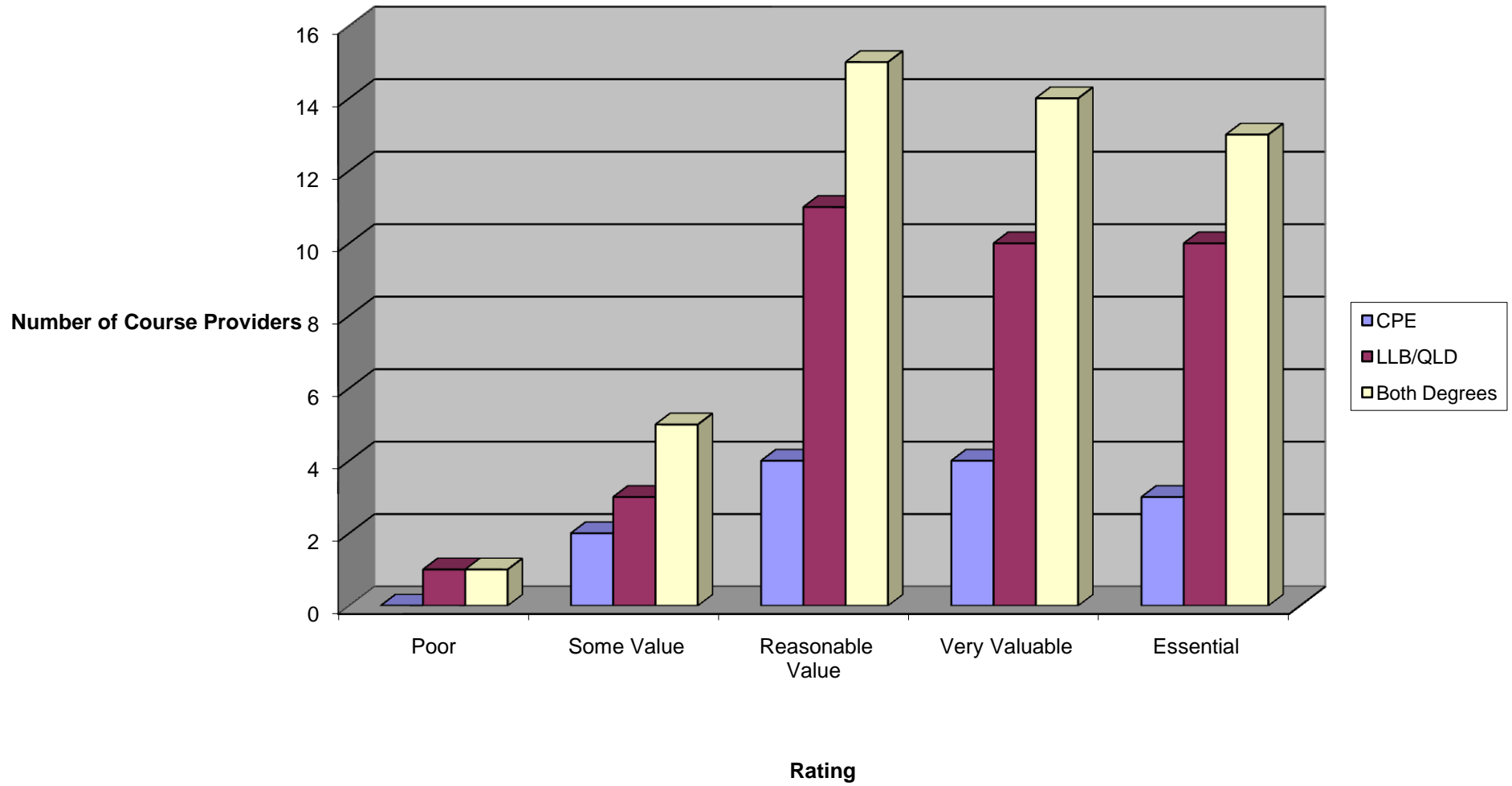


Chart 13.3 Peer Review by EU Tutors

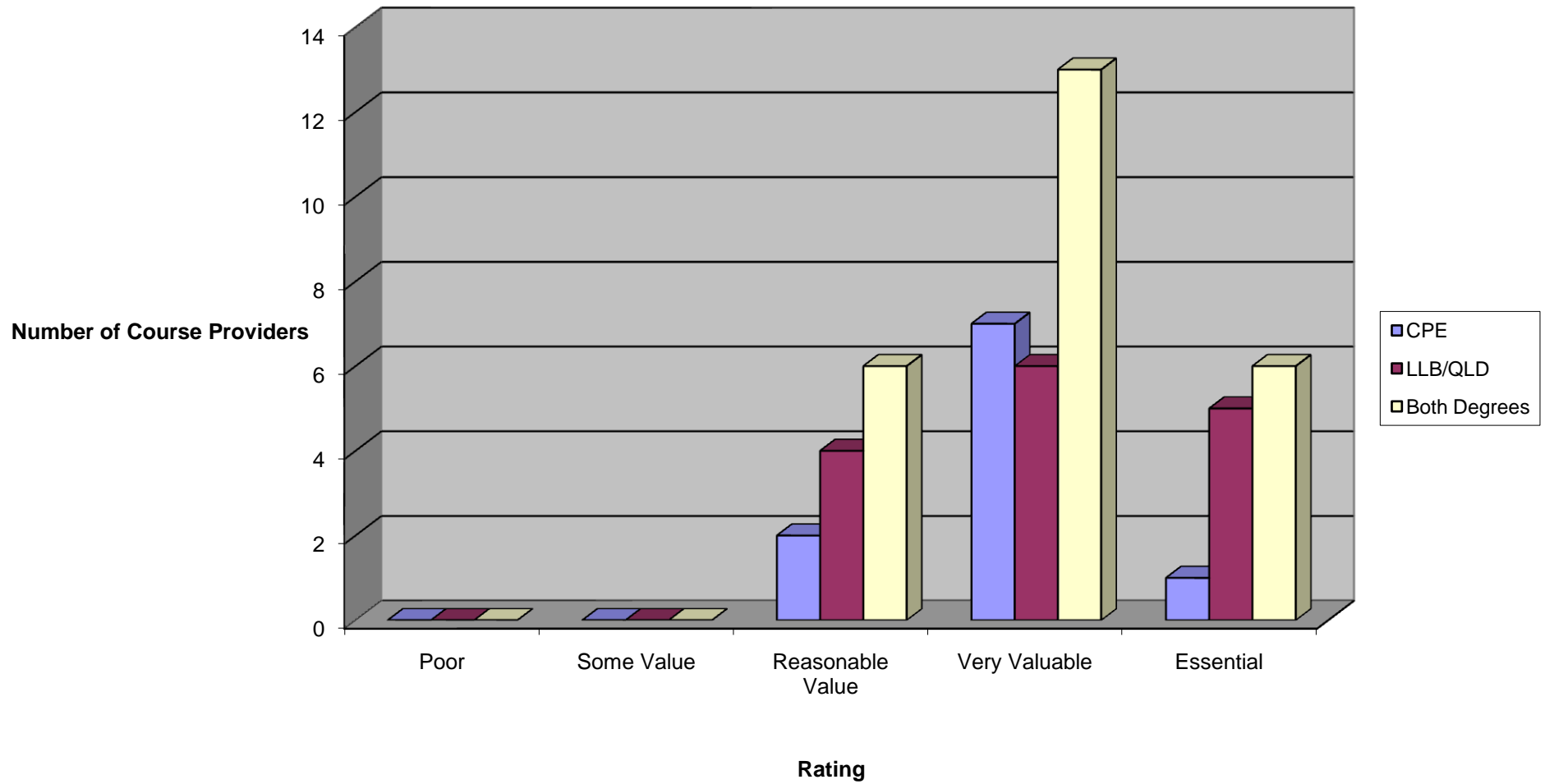
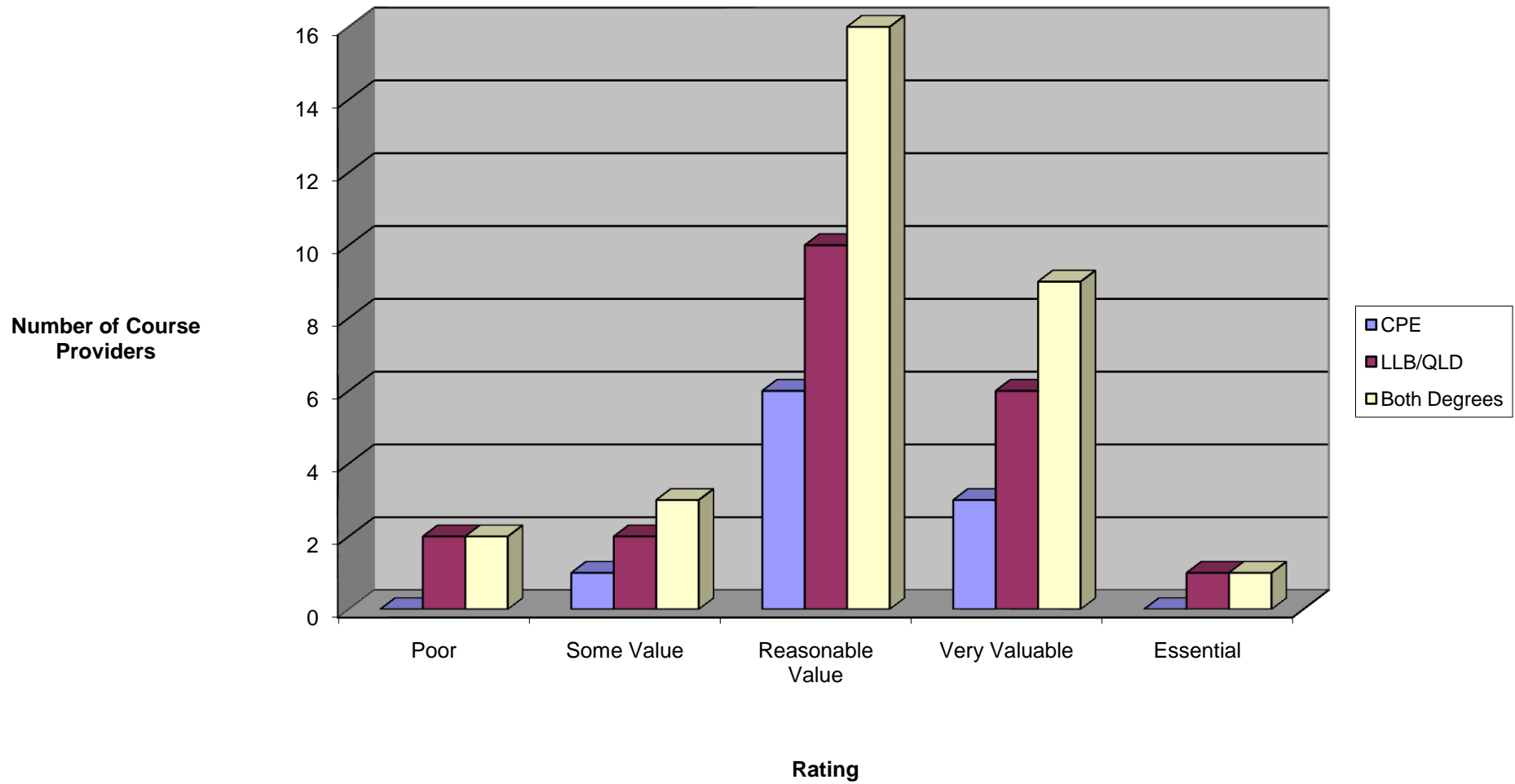


Chart 13.4 Peer Review in Department



13.5 Conclusions

- Course evaluation is conducted predominantly in six ways: student questionnaire; external examiners' report; peer review by EU tutors; peer review in the department; peer review out of the department; and, student interviews.
- Limited alternative methods, particularly opportunities offered by virtual or electronic resources, were employed.
- Student questionnaires and external examiners' reports were considered to be the most important forms of course evaluation.

14. Effective Practice

14.1 The final area of learning and teaching that we wished to investigate was examples of effective practice perpetuated by the institutions studied. These examples, it was thought, could provide food for thought, inspiration or models for other institutions to consider using in their own teaching practices.

14.2 Results

13 LLB/QLD¹²⁸ and 11 CPE providers¹²⁹ offered examples of effective practice adopted by their institutions.

14.3 LLB/QLD Providers

14.3.1 Seminars

The first model encapsulates a holistic approach to seminar work:

“Assessed group presentations are used as a means of building core skills (team work, legal research, written and verbal communication). Each ‘team’ (2/3 students) is given a unique problem question which they must work on together to produce a group presentation and written account. This presentation is then delivered to the rest of the class who can ask questions. The written account is circulated as a class handout. Team members peer review each other’s contribution.

In addition to the group activity outlined above, individual students are asked to undertake prescribed reading each week which is then ‘tested’ by way of a reading

¹²⁸ Bangor, Bournemouth, Brighton, Brunel, Central Lancashire, Durham, Gloucestershire, Keele, Plymouth, Sheffield Hallam, Sunderland, Glasgow, Stirling

¹²⁹ Bournemouth, Brunel, College of Law, Glamorgan, Hertfordshire, Keele, Leeds Met, Northumbria, Sussex, TVU, UWE

check during weekly tutorials. Students are assessed in relation to their 'class contribution' at the end of the semester."¹³⁰

The focus on small group teaching is also evident in this response:

"Small seminar groups – 12 maximum works well."¹³¹

14.3.2 Feedback

A second theme is that of feedback, considered to be particularly important and which the following example emphasises:

"I think the real benefits of using formative feedback, such as crosswords and informal multiple choice questions, are that it gives confidence to the students, and also provides an incentive to continue with their studies.

I try to give as much feedback as possible for the written essay part of the summative assessment. This is because students feel that they are not always sure of the reasons for the marks that they are being given even when model answer is provided."¹³²

The next two responses continue to stress the importance of feedback but also lead into the third theme of good practice, that of the employment of alternative teaching materials:

"Requiring students to write a case note for their summative coursework on Law of the Single European Market. It is a useful tool in making students read judgements and opinions of the Advocate General and familiarise themselves with Court of Justice's workings.

¹³⁰ Stirling

¹³¹ Central Lancashire

¹³² Sunderland

Extensive use of audiovisuals in the core module. It has been received very well by the students as it makes it easier to clarify and simplify what appears a 'foreign' area of law."¹³³

"Integrating formative assessment throughout the delivery so that students see incremental progress and receive constant student centred feedback.

Explanation of marking criteria and learning outcomes so that students can self-assess practice work – thereby making them more familiar with both outcomes and the relevant marking criteria ensuring they have a clear understanding of what is expected in the assessment.

Using flow diagrams as a helpful tool to aid understanding, see how aspects interconnect, and to make revision more active and less passive."¹³⁴

14.3.3 Alternative Learning and Teaching Materials

This use of alternative learning and teaching materials, be they audio-visual, diagrams/flow charts, guest speakers or imaginative use of visits to Europe are evident in the following 5 examples:

"Use of videos has helped to raise students' awareness of the positive and negative aspects to issues as free movement of workers

Use of guest speakers with specific expertise; in particular, in the first year of the course, a representative from the Polish Embassy came to talk to the students from the perspective of a new member state.

This has not yet taken place, but we are in the early stages of planning an educational visit to European institutions."¹³⁵

¹³³ Durham

¹³⁴ Plymouth

¹³⁵ Gloucestershire

“Use of diagrams when teaching: most students find these very helpful. Involves different ‘senses’ i.e. visual, aural and note taking.

Avoid PowerPoint: too much visual information at one – off putting / tedious.

Oral presentations by students: obviously encourages learning.”¹³⁶

“The students like to have diagrammatical summaries of the materials covered in each lecture/seminar to break down the bulk of the information.”¹³⁷

“EU law can be very technical; I do a lot of diagrams, plans and tests in order to make students see the structure of each topic.

At the same time, some topics are more theoretical; I try to relate them to topical discussions (for e.g. immigration) so that students can relate the theoretical points with topical issues.

As EU law is a second year subject, I planned a session to show all students how to find materials on databases. We also had a session on how to write essays. This meant that more time was left in lectures for the substantial law rather than practical issues.”¹³⁸

“In order to teach the institutional framework of the European Union, a PowerPoint presentation with the pictures of the different headquarters in Brussels, Strasbourg and Luxembourg is highly advisable.

In the tutorials discussions about the pros and cons of the EU are excellent tools.

The annual visit to the EU has become a successful practice in our department and students find it extremely beneficial to their learning.”¹³⁹

¹³⁶ Brighton

¹³⁷ Bournemouth

¹³⁸ Brunel

¹³⁹ Bangor

One LLB/QLD provider has introduced an innovative method for improving the learning experience of students, especially directed at EU Law students:

“For several years third and fourth year students (under my supervision) have run a Peer Assisted Learning (PAL) scheme dedicated specifically to enhance and support learning on the EU Law course (which is usually taken by second years).”¹⁴⁰

14.3.4 Anti-Plagiarism

Another model put forward as an example of effective practice is aimed at the growing threat of plagiarism in universities:

“We ask students to write a case note as their assessed piece of work. This avoids (in the main) problems with plagiarism.”¹⁴¹

This anti-plagiarism model operates on a number of levels. First, students must demonstrate their ability to summarise the case and critically analyse it in their own words. Second, by using recent case law there is unlikely to be much academic commentary available to plagiarise.

14.3.5 Research

The final example of effective practice provides a model for introducing research into exam assessment:

“The assessment for Law of the EU is based on a mixed exam: a seen essay question and an unseen problem question. Students value the research element of the seen question.”¹⁴²

¹⁴⁰ Glasgow

¹⁴¹ Sheffield Hallam

¹⁴² Keele

Students can therefore prepare for the seen essay to the level that they choose, encouraging student centred learning. Diligent students can research the question and area fully to prepare a full answer that can then presented in the exam, whilst students at the opposite end of the ability or enthusiasm spectrum can choose to research the question superficially.

14.4 CPE Providers

The good practices identified by the CPE providers can be categorised under three sub-headings or a mixture of them: feedback; assessment; and, the provision of a practical perspective. One CPE provider¹⁴³ gave the same example of good practice as that on the LLB/QLD.

14.4.1 Feedback

The following three comments can generally be included in feedback, although containing some added details:

“Use of extended seminars at the end of the course (1.5hrs instead of 1 hour) to allow for a reflective view linking parts of the course together – e.g. an overview of the single market having done separate seminars previously on goods, persons, services; overview of fundamental rights contexts and applications). Students have been overwhelmingly positive in their feedback.”¹⁴⁴

“The Law School provides exceptionally good feedback on assessments to ALL students.

¹⁴³ Keele

¹⁴⁴ Sussex

All lecture notes begin with three objectives, written with active verbs, that the students should be able to achieve by the end of their reading and research time on the particular lecture; and an overall aim of what the lecture is intended to provide.

Very good audit trail in respect of work sent to external examiners.”¹⁴⁵

“Providing revision summaries on Web CT. Offering to give feedback on student work during term. Detailed generic feedback on exam.”¹⁴⁶

14.4.2 Assessment

Assessment as effective practice is surprisingly not tied to learning outcomes but can be considered to be student centred as evidenced in these two responses:

“The assessment of Law of the EU is based on a mixed exam: a seen essay question and an unseen problem question. Students value the research element of the seen question.”¹⁴⁷

“Assessment: to help prevent over-assessment while maintaining the integrity of assessment and ensuring a high quality learning experience, the coursework essay (assignment), which constitutes 30% of the final mark, combines EU law with Constitutional and Administrative Law. For example, this year the essay was on the European Communities Act and Parliamentary supremacy. Next year we may set an assignment inviting comparison between the European Communities Act and the Human Rights Act.”¹⁴⁸

14.4.3 Practical Perspective

¹⁴⁵ Glamorgan

¹⁴⁶ Leeds Met

¹⁴⁷ Keele

¹⁴⁸ Bournemouth

As the teaching on the CPE tends to be delivered by lecturers on the legal practice side of law lecturers (those predominantly lecturing on the Legal Practice Course or Bar Vocational Course) it is unsurprising that a more practical, rather than doctrinal, approach has been adopted by many institutions. However, the imagination of different approaches is interesting, as are the motivations behind those approaches and the joined up thinking linking practical provision with alternative pedagogical methods. The following five observations provide interesting insights:

“Problem based learning: Description from Course Handbook:

“... the principal idea behind Problem-based Learning (PBL) is that the starting point for learning should be a problem which the learner wishes to solve.

A PBL package is developed by using real life situations that stimulate students to think like a lawyer. Students work in groups to solve problems. They decide what information they need and what they need to learn. They identify what skills they need to acquire to solve the problem effectively.”

I-tutorials – described above.”¹⁴⁹

“Quizzes, self reflective logs, role play, podcasts, blogs.”¹⁵⁰

“EU Law needs practical contextualisation. Blended learning is motivational. Discussion Workshops allow students to openly discuss their views.”¹⁵¹

“Personally I find the free movement topics far more interesting and consequently a significant proportion of the module syllabus is devoted to this. I think the students find this more interesting too. It also helps to consolidate the material studied in the early part of the module by returning to certain key cases when studying the free movement of goods or persons. Examples include direct effect (using cases like

¹⁴⁹ College of Law

¹⁵⁰ Hertfordshire

¹⁵¹ TVU

Van Gend, Van Duyn, Angonese); state liability (Factortame II and III, Beer Purity / Brasserie du Pêcheur, Schmidberger, Köbler); the preliminary rulings procedure (Bosman).”¹⁵²

“In one of the seminars, the students engage in a role play exercise. Different groups represent different member states in negotiations over a proposed new EU law.

In advance of several of the seminars, students are given a number (15-25) short Self Test Questions at the time of being given instructions and preparation (including recommended reading) for the seminars. The STQs are designed to help guide students through their preparation by giving a structure to the topic and emphasising the important issues, etc.

Substantive law issues (FMG, FMP and competition) are dealt with in seminars primarily by way of problem (fact based) scenarios in which the students are required to advise a fictitious client (so as to highlight the practical importance of EU law in legal practice).”¹⁵³

14.5 Conclusions

The examples of effective practice suggest that teaching for EU Law is delivered with imagination through a student-centred approach incorporating some alternative teaching methods and tailored to the role of the course itself. At first blush there would appear to be a clear delineation between providers of the LLB/QLD and the CPE, with the former relying on a far more formal, doctrinal approach, and the latter focusing on practical concerns. However, it is suggested that this delineation is too strong and the relationship is far more nuanced with examples of effective practice able to be transferred between the two. As such the following points can be made:

¹⁵² Northumbria

¹⁵³ UWE

- A holistic approach should be adopted for the teaching of EU Law, employing a range of teaching methods. This should involve the utilisation, where possible, of alternative teaching methods rather than the standard lectern fixed lecture to ensure the capture and retention of student interest.
- Feedback should be employed on a range of levels to ensure that students are able to reflect on their learning experience, to encourage self-confidence and improve self-learning.
- Assessment should be student-centred and aimed at achieving the course's learning outcomes.
- Lecturers engaged in teaching EU Law should attempt to adopt practical 'hands-on' approaches to encourage students to interact with legal tools and materials available.

There was one final example of effective practice which we hope encapsulates the approach of all EU Law lecturers delivering EU Law modules to their students:

"Just damn good teaching."¹⁵⁴

¹⁵⁴ Essex

15. The Future

15.1 This Subject Survey raised a significant number of issues about EU Law and its teaching, and indeed teaching in general. As such the authors suggest that two dominant themes can be identified that require further discussion. In turn these two themes contain four elements. It is also suggested that the points to be discussed below are relevant for both LLB/QLD and CPE lecturers of EU Law.

15.2 Future Directions for Teaching EU Law

15.2.1 Course Contents

The contents of the EU Law module are reasonably fixed, either by the practicalities of teaching a novel and *sui generis* legal system in a finite time period or through the incorrectly perceived formal requirements of the professional bodies. However, EU Law has undergone considerable evolution and almost unbelievable expansion since 1957. As the fields of EU Law have expanded so has its complexity. The result, seen in the answers to the questionnaire and in discussions with colleagues, is an increasing tendency to 'scratch at the surface' or merely teach the basics in the compulsory EU Law module. Specialist areas of law, still either fully regulated or at least significantly influenced by EU Law, are removed from the basic module to become options studied by a significantly smaller number of students.

It is submitted that this tendency will continue¹⁵⁵. EU Law, in comparison to UK law, has grown significantly faster in the last 63 years and there is no indication that it is slowing down. Therefore, there may come a time when the content of the current EU Law module has to be taught in a number of compulsory courses (possibly on the

¹⁵⁵ A good example of this tendency can be found in the area of criminal law, which started to be increasingly influenced by EU Law with the development of the Third EU Pillar on Police and Judicial Cooperation in Criminal Matters. The incorporation of the Third Pillar by the Lisbon Treaty into the Treaty on the Functioning of the European Union (Chapters 4 and 6 of Title V) will only accelerate this process.

lines of the split that we identified in Chapter 6: history and institutional law; foundational principles and remedies; and, substantive law) supported by a discrete range of specialist, predominantly EU Law, modules (e.g. intellectual property, competition law, discrimination law etc.). This would not represent a departure from the formal requirements of the professional bodies.

It must be emphasised that we are not at this stage yet but it is a possibility for the future, especially if the extent and reach of EU Law continues to expand at today's pace.

15.2.2 Teaching and Learning Methods

One of the major findings of this research has been the employment by EU Law lecturers of highly traditional teaching methods for the delivery of their course. Although there were examples of innovative teaching, the vast majority of teachers either did not use these or simply used them to support the traditional lecture/seminar model of teaching.

It is suggested that the opportunities offered by innovative and alternative teaching methods should be embraced by EU Law lecturers. Students at university are increasingly computer/internet literate and are fully aware of the possibilities for employing modern technology from their experiences at school. It is likely that student-centred demands will increase in the short to medium term for EU Law to be delivered using E-Learning tools.

15.2.3 E-Learning

This leads onto the third point, that of the importance of employing E-Learning tools in teaching EU Law. From the evidence in Chapter 9, most EU Law lecturers have grasped the importance of E-Learning but have yet to fully employ all the tools in the E-Learning environment. In particular the use of the Virtual Learning Environment

could be expanded to facilitate enhanced computer learning, possibly through discussion groups, on-line seminars, chat rooms. Furthermore, the Virtual Learning Environment could enable the development of different forms of information delivery through lecturers exploiting the opportunities presented by podcasts and interactive self-assessment, methods of information delivery which are under-utilised at present. Furthermore E-Learning could be exercised for formal summative assessment, an area where the traditional method of teaching was also much in evidence.

It is suggested that the possibilities presented by E-Learning tools should be grasped and fully explored by EU Law teachers. This would assist with the delivery of the module and enhance the student learning experience.

15.2.4 The Challenge of Teaching EU Law

The evidence from Chapter 11 was that EU Law lecturers were, in general, very optimistic over the challenges presented by teaching EU Law, with no problem overwhelming or dominating the subject.

Our perception is that this optimism is somewhat inflated and does not necessarily reflect the true position, particularly if viewed from the position of the student. As such it is submitted that teaching EU Law must reflect the student learning experience, not just taking into account student questionnaires (see Chapter 13) but also conduct independent, non-assessed (or judgemental) student interviews.

15.3 Future Research Opportunities

15.3.1 The Gender Dimension

Chapter 3 identified a women positive split for EU Law lecturers that compared favourably with the gender split of academics in law schools generally. However, the

general data originated from 1996-97, too old to be considered reliable. Furthermore the sample of EU Law teachers did not identify all individuals lecturing EU Law in law schools. Therefore, it is submitted that there is a requirement for a new examination of the gender split in law schools, that could also include a full survey of the gender of EU Law lecturers.

15.3.2 Teaching and Learning EU Law from the Student Perspective

From 15.2.4 above and as identified in Chapter 11, the research conducted by this Survey team was wholly based on the perspectives of EU Law lecturers. These perspectives are coloured by academic knowledge, teaching experience and the individual's own personal experiences. To present a true picture of the EU Law teaching and learning experience it is suggested that further research should be conducted, but this time from the perspective of students studying EU Law.

15.3.3 E-Learning

The discussions on E-Learning in Chapter 9 and above suggest the opportunities that may be available to teachers of EU Law. It is suggested that E-Learning presents an opportunity for further research by examining the general employment of E-Learning in universities and schools, but also the use of computers, software and the internet by other public organisations and industry, to construct a model that could be applied to EU Law.

15.3.4 Future EU Law Teaching and Learning

The final recommendation for further research is based on our own survey. This Subject Survey was the first comprehensive analysis of EU Law learning and teaching and it produced some highly surprising results. As has been discussed above, this area of law is rapidly growing and changing and it is submitted that the teaching of this subject will have to match such growth and change. Therefore it is recommended that a follow-up Survey is undertaken five years after this initial

research, and at regular five yearly intervals thereafter. The result would be a clearer picture of attitudes and experiences of lecturers and the methods used by them for teaching EU Law. It would also chart the changing landscape and provide models of effective practice for further dissemination.

Bibliography

Legislation

Treaty Establishing the European Economic Community 25 March 1957 unpublished

Treaty on European Union OJ 1992 C191

Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community OJ 2007 C306 but see now the Consolidated Version of the Treaty on the European Union and the Treaty on the Functioning of the European Union OJ 2008 C115

Declarations and Communiqués

Joint Declaration on Harmonisation of the Architecture of the European Higher Education System, 25 May 1998, accessed at

http://www.bologna-berlin2003.de/pdf/Sorbonne_declaration.pdf

Joint Declaration of the European Ministers of Education, 19 June 1999, accessed at

http://www.ond.vlaanderen.be/hogeronderwijs/bologna/documents/MDC/BOLOGNA_DECLARATION1.pdf

Communiqué of the Conference of Ministers Responsible for Higher Education in Prague, 19 May 2001, accessed at http://www.bologna-bergen2005.no/Docs/00-Main_doc/010519PRAGUE_COMMUNIQUE.PDF

Communiqué of the Conference of Ministers Responsible for Higher Education in Berlin, 19 September 2003, accessed at http://www.bologna-bergen2005.no/Docs/00-Main_doc/03091Berlin_Communicu.pdf

Communiqué of the Conference of European Ministers Responsible for Higher Education in Bergen, 19-20 May 2005, accessed at http://www.bologna-bergen2005.no/Docs/00-Main_doc/050520_Bergen_Communique.pdf

Communiqué of the Conference of European Ministers Responsible for Higher Education, London, 17-18 May 2007, accessed at <http://www.dcsf.gov.uk/londonbologna/uploads/documents/LondonCommuniquefinalwithLondonlogo.pdf>

Communiqué of the Conference of European Ministers Responsible for Higher Education, Leuven and Louvain-la-Neuve, 28-29 April 2009, accessed at http://www.ond.vlaanderen.be/hogeronderwijs/bologna/conference/documents/Leuven_Louvain-la-Neuve_Communique_April_2009.pdf

Budapest-Vienna Declaration on the European Higher Education Area, accessed at http://www.ond.vlaanderen.be/hogeronderwijs/Bologna/2010_conference/documents/Budapest-Vienna_Declaration.pdf

Books

A Arnall, A Dashwood, M Dougan, M Ross, E Spaventa, D Wyatt, *Wyatt & Dashwood's European Union Law* (5th edn Sweet & Maxwell, London 2006)

C Barnard, *The Substantive Law of the EU: The Four Freedoms* (2nd edn OUP, London 2007)

E Berry, S Hargreaves, *European Union Law* (2nd edn OUP, London 2007)

D Chalmers, C Hadjiemmanuil, G Monti, A Tomkins, *European Union Law* (CUP, Cambridge 2006)

P Craig, G de Búrca, *EU Law: Text, Cases and Materials* (4th edn OUP, London 2008)

B de Witte, C Forder, (Eds.), *The Common Law of Europe and the Future of Legal Education* (Kluwer, Deventer 1992)

J Fairhurst, *Law of the European Union* (7th edn Longman, Harlow 2010)

N Foster, *Foster on EU Law* (2nd edn OUP, London 2009)

P Harris, S Bellerby, *A Survey of Law Teaching 1993* (Sweet and Maxwell/Association of Law Teachers, London 1993)

T Hartley, *The Foundations of European Community Law* (6th edn OUP, London 2007)

M Horspool, M Humphreys, *European Union Law* (5th edn OUP, London 2008)

Law Society and General Council of the Bar, *A Joint Statement Issued by the Law Society and the General Council of the Bar on the Completion of the Initial or Academic Stage of Training by Obtaining an Undergraduate Degree* (Law Society, London 1999)

PSRF Mathijsen, *A Guide to European Union Law* (9th edn Sweet & Maxwell, London 2007)

T Mayes, D Morrison, H Mellar, P Mullen, M Oliver, (Eds.), *Transforming Higher Education Through Technology-Enhanced Learning* (The Higher Education Academy, York 2009)

J Steiner, L Woods, *EU Law* (10th edn OUP, London 2009)

J Tillotson, N Foster, *Text, Cases and Materials on European Union Law* (4th edn Cavendish-Routledge, London 2003)

C Turner, T Storey, *Unlocking EU Law* (2nd edn Hodder, London 2008)

S Weatherill, *Cases and Materials on EU Law* (8th edn OUP, London 2007)

Journal Articles

M Aitkenhead, N Burrows, R Jagtenberg, E Orucu, 'Education in European Community Law in Scotland and the Netherlands' (1986) 20 LT 79

I Bache, 'Europeanisation and Higher Education: Towards a Core Curriculum in European Studies' Conference Paper for the ESRC/UACES Study Group and Seminar Series on the Europeanisation of British Politics and Policy-Making, 23 April 2004, accessed at <http://aei.pitt.edu/1728/01/BacheHE.pdf>

A Barblan, 'The Sorbonne Declaration – Follow-up and Implication: A Personal View' Conference Paper for the XII Santander Group General Assembly, 17 April 1999, accessed at

<http://www.upf.edu/bologna/obologna/ees/document/instituc/1999/santander.rtf>

K Barkholt, 'The Bologna Process and Integration Theory: Convergence and Autonomy' (2005) 30 Higher Education in Europe 23

P Birks, 'Compulsory Subjects: Will the Seven Foundations ever Crumble?' [1995] 1 Web JCLI

P Blasi, 'The European University – Towards a Wisdom-Based Society' (2006) 31 Higher Education in Europe 403

K Bookmiller, E DeClair, P Loedel, 'Teaching an EU Simulation' (1998) 11 ECSA Review 10

MH Chisholm, 'Di-Le-Ca Approach to Teaching European Law' (1990) 24 LT 63

R Cippitani, S Gatt, 'Legal Developments and Problems of the Bologna Process within the European Higher Education Area and European Integration' (2009) 34 Higher Education in Europe 385

A Corbett, 'Ideas, Institutions and Policy Entrepreneurs: Towards a New History of Higher Education in the European Community' (2003) 38 European Journal of Education 316

D Edward, 'The 'European' Content of British Law Degrees' (1995) 29 LT 142

E Froment, 'The European Higher Education Area: A New Framework for the Development of Higher Education' (2003) 28 Higher Education in Europe 23

S Garben, 'The Bologna Process: From a European Law Perspective' (2010) 16 ELJ 186

RJ Goebel, 'Teaching the EU: Pedagogical Goals and Approaches in Teaching European Union Law' accessed at

<http://www.eurunion.org/infores/teaching/goebel.htm>

- R Goode, 'The European Law School' (1993) 13 LS 1
- VL Haanes, 'Unity in Diversity and Diversity in Unity: The Role and Legitimacy of European Universities' (2006) 31 Higher Education in Europe 443
- E Hackl, 'Towards a European Area of Higher Education: Change and Convergence in European Higher Education' (2001) EUI Working Paper RSC 2001/09
- P Harris, S Beinart, 'A Survey of Law Schools in the United Kingdom, 2004' (2005) 39 LT 299
- G Haug, C Tauch, 'Towards a Coherent European Higher Education Space: From Bologna to Prague' accessed at http://www.lebenslangeslernen.at/downloads/EU_CoherentHigherEducation_0301.pdf
- J Hodgson, 'The Comparative Dimension (or What do They Know of England, that only England Know?)' [1995] 5 Web JCLI
- J Huisman, M van de Wende, 'The EU and Bologna: Are Supra- and International Initiatives Threatening Domestic Agendas?' (2004) 39 European Journal of Education 349
- R Keeling, 'The Bologna Process and the Lisbon Research Agenda: The European Commission's Expanding Role in Higher Education Discourse' (2006) 41 European Journal of Education 203
- T Kirkwood-Tucker, 'Toward a European Model of Higher Education Processes, Problems and Promises' (2004) 36 European Education 51
- D Kladis, 'The Social Dimension of the Bologna Process' (2003) 28 Higher Education in Europe 353
- R Jones, J Scully, 'Hypertext within Legal Education' [1996] 2 JILT
- R Jones, J Scully, 'Effective Teaching and Learning on the Web' [1998] 2 Web JCLI
- PH Loedel, J Occhipinti, 'Europe Matters: Teaching the EU in the US' (2005) 18 EUSA Review 9

J Lonbay, 'University Training: The Implications of the Bologna Declaration for the UK' [2001] EJLE accessed at

<http://www.elfa-afde.org/PDF/Journal/UNIVERSITY%TRAINING.pdf>

J Lonbay, 'University Training: The Implications of the Bologna Declaration for the UK' (2002) XXXV Rassegne forense 89

CJ Makins, 'The Study of Europe in the United States 1998' European Commission and The German Marshall Fund of the United States, accessed at <http://www.eurunion.org/infores/studyof/portrait.htm>

C McGlynn, 'Women, Representation and the Legal Academy' (1999) 19 Legal Studies 68

P Nyborg, 'Higher Education as a Public Good and a Public Responsibility' (2003) 28 Higher Education in Europe 355

A Rauhvargers, 'Improving the Recognition of Qualifications in the Framework of the Bologna Process' (2004) 39 European Journal of Education 331

DC Smith, J Hogan, 'Teaching EU Law & Policy in an Online Setting' Conference Paper for EUSA 9th Biennial Conference – The State of Teaching the European Union: Challenges and Opportunities, 31 March-2 April 2005, accessed at http://aei.pitt.edu/3091/01/2005_03_18_EUSA_Submitted.pdf

C Tauch, 'Almost Half-Time in the Bologna Process – Where Do We Stand?' (2004) 39 European Journal of Education 275

V Tomusk, 'Three Bolognas and a Pizza Pie: Notes on Institutionalisation of the European Higher Education System' (2001) 14 International Studies in Sociology of Education 75

G Umbach, B Scholl, 'Towards a Core Curriculum in EU Studies' (2003) 2 EPS 71

M Vogel, 'Diversity and Comparability – Towards a Common European Higher Education Area' (2007) 387 Analytical and Bioanalytical Chemistry 131

B Wächter, 'The Bologna Process: Developments and Prospects' (2004) 39 European Journal of Education 265

C Wells, 'Working out Women in Law Schools' (2001) 21 Legal Studies 116

W Wessels, I Linsenmann, S Hägele, 'A Core Curriculum on European Integration Studies: Basic Assumptions and Proposals' Conference Paper for the ECSA Madison Conference, 31 May-2 June 2001, accessed at http://www.politik.uni-koeln.de/wessels/DE/PROJEKTE/CORE_CURRICULUM/TEACHING_INTEGRATION.PDF

W Wessels, T Grothe, G Umbach, 'The Constitutional Treaty as Empirical Focus for a 'Teaching Companion' in EU Studies' Conference Paper for the ECPR General Conference 2003, 18-21 September 2003, accessed at <http://www.politik.uni-koeln.de/wessels/DE/PUBLIKATIONEN/texte/empirical-focus%20.pdf>

P Wilkin, 'Teaching the European Union: The Role of the Internet in Webteaching' Conference Paper for ECSA 7th Biennial International Conference, 31 May-2 June 2001, accessed at <http://www.teu.teachingtheeu.html>

J Wilson, 'A Third Survey of University Legal Education in the United Kingdom' (1993) 13 LS 143

Reports

ACLEC, *Review of Legal Education: The Initial Stage – Consultation Paper*, 1994, ACLEC

ACLEC, *Review of Legal Education Second Consultative Conference – 18 July 1994*, 1994, ACLEC

ACLEC, *First Report on Legal Education and Training*, 1996, ACLEC

Berlin Follow Up Group, "From Berlin to Bergen", 3 May 2005 accessed at http://www.bologna-bergen2005.no/Bergen/050503_General_rep.pdf

European Commission, "Berlin Conference of European Higher Education Ministers "Realising the European Higher Education Area" Contribution of the European Commission", 30 July 2003, accessed at

<http://ec.europa/education/policies/educ/bologna/berlin.pdf>

European Commission, "From Berlin to Bergen: The EU Contribution, 7 April 2005, accessed <http://ec.europa.eu/education/policies/educ/bologna/report05.pdf>

Lourtie Report – From Bologna to Prague, May 2001, accessed at http://www.bologne-bergen2005.no/Docs/00-Main_doc/0105Lourtie_report.pdf

The Confederation of EU Rectors' Conferences and the Association of European Universities, The Bologna Declaration: An Explanation, accessed at <http://ec.europa.eu/education/policies/educ/bologna/bologna.pdf>

Zgaga Report – From Prague to Berlin, September 2003, accessed at http://www.bologna-berlin2005.no/Docs/00-Main_doc/0309ZGAGA.PDF

Websites

<http://www.bailii.org>

<http://www.biletta.ac.uk>

http://curia.europa.eu/jcms/jcms/j_6/home

http://europa.eu/index_en.htm

University of Exeter, Centre for European Legal Studies, accessed at <http://www.law.ex.ac.uk/cels/documents/>

<http://www.ukcle.ac.uk/interact/surveys.html>

<http://www.ukcle.ac.uk/research/projects/environmental.html>

<http://www.ukcle.ac.uk/resources/ict/index.html>

Appendix 1 UKCLE Subject Survey – EU Law



University of the
West of England

Dear Colleague,

We are undertaking a survey on teaching and learning European Union Law in UK and Irish universities. This survey is funded by the UK Centre for Legal Education (UKCLE).

We are investigating in particular the delivery of EU Law modules on qualifying law degrees and Common Professional Examination (CPE) programmes or equivalent.

We would be grateful if you could spare the time to complete the attached questionnaire and return it to us at the address provided as soon as possible.

We look forward to hearing from you.

Yours sincerely,

Caroline Maughan (project leader)

Richard Ball

Christian Dadomo

Jane Kay



University of the
West of England

UKCLE SUBJECT SURVEY - EUROPEAN UNION LAW

This survey is looking at the teaching of European Union Law (or similar) courses at undergraduate and CPE levels.

We include within the definition of "European Union Law": European Union Law; European Community Law; European Constitutional and Administrative Law; European Competition Law; The Law of the European Internal Market; European Commercial Law; and any of the European Union policies (e.g., social, environment, etc.).

NB: This definition does not include the European Convention on Human Rights

1. General information

1.1. Name of your institution

1.2 Name of QLD module leader

1.3 Names of other QLD team members

2. General information on the teaching of EU law on the LLB/QLD

2.1 Please identify the courses/modules that cover exclusively EU law

Compulsory courses/modules (please list)

Option courses/modules (please list)

2.2 Are option courses/modules offered every year? (Please indicate)

Yes

No

2.3 If not, why not?

2.4 Please identify other courses/modules that include elements of EU law (e.g. Public law, Legal Method and Systems, Competition law, Environmental law, etc.)

Compulsory courses/modules (please list)

Option courses/modules (please list)

2.5 Are option courses/modules offered every year? (Please indicate)

Yes

No

2.6 If not, why not?

3. Specific information on the courses/modules taught

3.1

Course name	Degree programme and UG level (1-3)	Stage offered and compulsory or optional (e.g. final year option only)	Prerequisite courses (if any)	Course length (weeks)	Student contact hours per week	Number of students

3.2
If
you
r
insti
tutio
n

also runs a CPE course, are CPE students taught together with undergraduate students?
(Please indicate)

Yes

No

3.3 If yes, please give details below

Students taught together in:	X
All their classes	
Lectures only	
Seminars/tutorials only	
Other classes (<i>please specify</i>)	
:	

4. Course Content

We are interested first in the content of your principal European Union law course or module.
Please indicate:

(a) which general areas are covered in your course;

(b) for each area, roughly what percentage of the overall course content this area represents;

(c) any areas which are taught on courses other than your principal EU course.

There are a number of boxes where you may wish to add course contents that have not been pre-listed.

(a) Subject included in principal EU course	(a) Please mark with X	(b) Percentage of overall content	(c) Subject included in other course/module. Please identify in which other course/module
Historical background			
Institutional framework			
Nature and function of the EU			
Integration theory			
Civil law systems and reasoning			
Sources of law			
Supremacy			
Direct Effect			
General Principles			
Principle of Subsidiarity			
Fundamental Rights			
Preliminary Rulings, Art 234			
Enforcement Actions, Art 226			
Action for Annulment, Art 230			
State Liability			
Free Movement of Goods			
Free Movement of Persons			
Free Movement of Capital			
Free Movement of Services			

and Right of Establishment			
Competition Law			
State Aid			
Intellectual Property Law			
Social Policy			
Sex Discrimination			
Environmental Law			

5.0 Factors Influencing Course Content

We are interested in the factors which influence the selection of course content. Please indicate which factors influence your present choice of course content. Please give a weighting to each of the selected factors from 1 - 5:

1 = an irrelevant factor

2 = of marginal relevance

3 = significant or material

4 = of considerable importance

5 = a crucial or determinative factor.

Factors	Weight (1 - 5)
Requirements of professional bodies	
Length of course	
Nature of course (e.g. Specialist course such as EU Competition law)	
Contents of pre-existing course	
Feedback from previous courses	
Integration of parts of the course into the whole	
Relevance to practice	
Availability of teaching and learning resources, e.g. databases, library holdings	

Textbook availability and coverage	
Student preferences	
Topicality	
Type of student	
Personal interests	
Commitment to European integration	
Taking a critical approach to European integration	
Personal research agenda	
Other (<i>please specify</i>)	

6.0 Learning and Teaching Methods

One of the main aims in the research is to identify learning and teaching methods in the subject area and to identify innovation and best practice where possible. Please indicate

which learning and teaching methods are used. Mark all that apply and indicate roughly what percentage of student learning time each method represents.

Please note that e-learning methods are addressed in 7 below.

Learning and Teaching Methods	X	Percentage of student learning time
Lectures		
Workshops		
Seminars (groups of 12 or more)		
Tutorials (groups of less than 12)		
Group work		
Watching DVD/video/TV		
Mooting		
Skills-based activities (eg negotiation)		
Role play		
Oral presentations		
Research-based projects		
Reflective logs		
Portfolio/progress files		
Poster presentations		
Short notes/seminar reports		
Other (<i>please specify</i>)		

--	--	--

7.0 E-Learning methods.

Please list full details of the main electronic learning and teaching resources used.

Resources used	X (plus details where appropriate)
Courseware (e.g. Self-test questions on CD roms such as IOLIS)	
Databases e.g. LEXIS-NEXIS, Westlaw, Lawtel, Context	

Electronic/video conferencing	
Videos/TV programmes	
Virtual Learning Environment eg. Blackboard, WebCT, Lotus Notes	
Web-based course materials	
Websites (list most frequently used)	
Other (<i>please specify</i>)	

8.0 Textbooks

8.1. Which of the following general textbooks do you recommend for students to buy?

Textbook author(s)	X
Steiner & Woods	
Hartley	
Wyatt & Dashwood	
Deards & Hargreaves	
Foster	
Horspool & Humphreys	
Barnard	
Fairhurst & Vincenzi	
Mathijssen	
Other (<i>please specify</i>)	

8.2 Which casebook/cases and materials book do you recommend for students to buy?

Author(s)	X
Craig & de Burca	
Weatherill	
Chalmers & others	

Tillotson & Foster	
Other (<i>please specify</i>)	

8.3 Please identify any specialist textbook(s) you recommend students to buy

--

9.0 The Challenges of Teaching European Union Law

In general terms, to what extent does the teaching of European Union law pose particular challenges? Please indicate which particular challenges apply to your course. Please give a weighting to each of the selected factors from 1 - 5:

1 = not a challenge at all

2 = a challenge of marginal significance

3 = a significant or material challenge

4 = a very difficult challenge

5 = an insurmountable challenge

In addition, please indicate whether you consider that any of the challenges are unique to EU law as a subject.

Challenges of teaching EU law	Weighting 1 - 5	Unique? X
Students find it difficult to understand civil law reasoning		
Students resent having to study EU law		
The UK media are critical of the EU		
Students consider EU law to be distant from their own experience		
There is excessive technical detail		
To understand EU law fully it is necessary to understand the historical and political contexts		
To understand EU law fully it is helpful to have an understanding of economics		
It is very difficult for teachers to keep up to date, given the bulk of material		
Because of the breadth of the subject, it is difficult		

to select course content		
Students cannot remember names of the cases because they are foreign to them		
Students perceive EU law as a subject separate from all other core subjects		
Other (<i>please specify</i>)		

10. Assessment Methods.

10.1

Please indicate which formal assessment methods are used and also indicate the percentage of the final mark which is allocated to each method.

Assessment method	X	% of marks
Formal examinations – essay questions		
Formal examinations – problem questions		
Coursework essays		
Coursework problem questions		
Dissertation		
Oral presentation		
Reflective logs		
Portfolio/progress file		
Group work		
Computer-based assessment		
Multiple choice questions		
Peer assessment		
Library-based projects		
Reports from clinical/practice-based activities		
Poster presentations		
Self assessment		
Seminar preparation/notes/reports		
Skills-based activities (e.g. negotiation)		
Mooting		
Other (<i>please specify</i>)		

--	--	--

10.2

Do you use any of the above methods for informal (formative) assessment of student performance and feedback? (Please indicate.)

Yes

No

Please specify these methods below.

--

11.Course Evaluation

How do you evaluate your courses? Which methods of evaluation provide the best feedback?

Please give a weighting to each of the selected evaluation methods from 1 – 5, for example:

1 = a poor method;

- 2 = a method which has some value;
- 3 = a method which has a reasonable value;
- 4 = a method which is very valuable;
- 5 = a method which is essential.

Evaluation method	X	Weighting (1 – 5)
Student questionnaires		
External examiners' reports		
Peer review by EU law tutors		
Peer review within your department		
Peer review outside your department		
Interviews with students		
Other (<i>please specify</i>)		

12 Examples of good practice

12.1 Do you have examples of good practice in learning, teaching and assessment methods that you would be willing to disseminate through this project?

If yes, please provide a brief outline below:

1.

2.

3.

4.

Etc...

12.2 May we contact you for further details?

If yes, please provide the name of the person to contact together with a telephone number and e-mail address

Thank you very much for completing this questionnaire.

If you have any other comments then please write them below.

We would encourage you to complete this questionnaire electronically and send it to:

christian.dadomo@uwe.ac.uk (please specify EU Law Survey in the subject box)

But it is also possible to return it by post to:

Christian Dadomo

**School of Law
University of the West of England**

Frenchay Campus

Coldharbour Lane

Frenchay

Bristol

BS16 1QY

Direct telephone line: 01173282350

Appendix 2 UKCLE Subject Survey – EU Law



University of the
West of England

Dear colleague,

We are undertaking a survey on teaching and learning European Union Law in UK and Irish universities. This survey is funded by the UK Centre for Legal Education (UKCLE).

We are investigating in particular the delivery of EU Law modules on qualifying law degrees and Common Professional Examination (CPE) programmes or equivalent.

We would be grateful if you could spare the time to complete the attached questionnaire and return it to us at the address provided as soon as possible.

We look forward to hearing from you.

Yours sincerely,

Caroline Maughan (project leader)

Richard Ball

Christian Dadomo

Jane Kay



University of the
West of England

UKCLE SUBJECT SURVEY - EUROPEAN UNION LAW

This survey is looking at the teaching of European Union Law (or similar) courses at undergraduate and CPE levels.

We include within the definition of "European Union Law": European Union Law; European Community Law; European Constitutional and Administrative Law; European Competition Law; The Law of the European Internal Market; European Commercial Law; and any of the European Union policies (e.g., social, environment, etc.).

NB: This definition does not include the European Convention on Human Rights

1. General information

1.1. Name of your institution

1.2 Name of CPE module leader

1.3 Names of other CPE team members

--

2. General information on the teaching of EU law on the CPE

2.1 Please identify the courses/modules that cover exclusively EU law

Compulsory courses/modules (please list)

Option courses/modules (please list)

2.2 Are option courses/modules offered every year? (Please indicate)

Yes

No

2.3 If not, why not?

2.4 Please identify other courses/modules that include elements of EU law (e.g. Public law, Legal Method and Systems, Competition law, Environmental law, etc.)

Compulsory courses/modules (please list)

Option courses/modules (please list)

2.5 Are option courses/modules offered every year? (Please indicate)

Yes

No

2.6 If not, why not?

--

3. Specific information on the courses/modules taught

3.1.

Course name	Stage offered (e.g., first or second semester)	Course length (weeks)	Student contact hours per week	Number of students

--	--	--	--	--

3.2 Are CPE students taught together with undergraduate students? (please indicate)

Yes

No

3.3 If yes, please give details below:

Students taught together in:	X
All their classes	
Lectures only	
Seminars/tutorials only	
Other classes (<i>please specify</i>)	

4. Course Content

We are interested first in the content of your principal European Union law course or module. Please indicate:

(a) which general areas are covered in your course;

(b) for each area, roughly what percentage of the overall course content this area represents;

(c) any areas which are taught on courses other than your principal EU course. There are a number of boxes where you may wish to add course contents that have not been pre-listed.

(a) Subject included in principal EU course	(a) Please mark with X	(b) Percentage of overall content	(c) Subject included in other course/module. Please identify in which other course/module
Historical background			
Institutional framework			
Nature and function of the EU			
Integration theory			
Civil law systems and reasoning			
Sources of law			
Supremacy			
Direct Effect			
General Principles			
Principle of Subsidiarity			
Fundamental Rights			
Preliminary Rulings, Art 234			
Enforcement Actions, Art 226			
Action for Annulment, Art 230			
State Liability			
Free Movement of Goods			
Free Movement of Persons			

Free Movement of Capital			
Free Movement of Services and Right of Establishment			
Competition Law			
State Aid			
Intellectual Property Law			
Social Policy			
Sex Discrimination			
Environmental Law			

5.0 Factors Influencing Course Content

We are interested in the factors which influence the selection of course content. Please indicate which factors influence your present choice of course content. Please give a weighting to each of the selected factors from 1 - 5:

1 = an irrelevant factor

2 = of marginal relevance

3 = significant or material

4 = of considerable importance

5 = a crucial or determinative factor.

Factors	Weight (1 - 5)
Requirements of professional bodies	
Length of course	
Nature of course (e.g. Specialist course such as EU Competition law)	
Contents of pre-existing course	

Feedback from previous courses	
Integration of parts of the course into the whole	
Relevance to practice	
Availability of teaching and learning resources, e g. databases, library holdings	
Textbook availability and coverage	
Student preferences	
Topicality	
Type of student	
Personal interests	
Commitment to European integration	
Taking a critical approach to European integration	
Personal research agenda	
Other (<i>please specify</i>)	

6.0 Learning and Teaching Methods

One of the main aims in the research is to identify learning and teaching methods in the subject area and to identify innovation and best practice where possible. Please indicate which learning and teaching methods are used. Mark all that apply and indicate roughly what percentage of student learning time each method represents.

Please note that e-learning methods are addressed in 7 below.

Learning and Teaching Methods	X	Percentage of student learning time
Lectures		
Workshops		
Seminars (groups of 12 or more)		
Tutorials (groups of less than 12)		
Group work		
Watching DVD/video/TV		
Mooting		
Skills-based activities (eg negotiation)		
Role play		
Oral presentations		
Research-based projects		
Reflective reports		
Portfolio/progress files		
Poster presentations		
Short notes/seminar reports		
Other (<i>please specify</i>)		

--	--	--

7.0 E-Learning methods.

Please list full details of the main electronic learning and teaching resources used.

Resources used	X (plus details where appropriate)
Courseware (e.g. Self-test questions on CD roms such as IOLIS)	

Databases e.g. LEXIS-NEXIS, Westlaw, Lawtel, Context	
Electronic/video conferencing	
Videos/TV programmes	
Virtual Learning Environment e.g. Blackboard, WebCT, Lotus Notes	
Web-based course materials	
Websites (list most frequently used)	
Other (<i>please specify</i>)	

8.0 Textbooks

8.1 Which of the following general textbooks do you recommend for students to buy?

Textbook author(s)	X
Steiner & Woods	
Hartley	
Wyatt & Dashwood	
Deards & Hargreaves	
Foster	
Horspool & Humphreys	
Barnard	
Fairhurst & Vincenzi	
Mathijssen	
Other (<i>please specify</i>)	

--	--

8.2. Which casebook/cases and materials book do you recommend for students to buy?

Author(s)	X
Craig & de Burca	
Weatherill	
Chalmers & others	
Tillotson & Foster	
Other (<i>please specify</i>)	

8.3 Please identify any specialist textbook(s) you recommend students to buy

--

9.0 The Challenges of Teaching European Union Law

In general terms, to what extent does the teaching of European Union law pose particular challenges? Please indicate which particular challenges apply to your course. Please give a weighting to each of the selected factors from 1 - 5:

1 = not a challenge at all

2 = a challenge of marginal significance

3 = a significant or material challenge

4 = a very difficult challenge

5 = an insurmountable challenge

In addition, please indicate whether you consider that any of the challenges are unique to EU law as a subject.

Challenges of teaching EU law	Weighting 1 - 5	Unique? X
Students find it difficult to understand civil law reasoning		
Students resent having to study EU law		
The UK media are critical of the EU		
Students consider EU law to be distant from their own experience		
There is excessive technical detail		
To understand EU law fully it is necessary to understand the historical and political contexts		
To understand EU law fully it is helpful to have an understanding of economics		
It is very difficult for teachers to keep up to date, given the bulk of material		

Because of the breadth of the subject, it is difficult to select course content		
Students cannot remember names of the cases because they are foreign to them		
Students perceive EU law as a subject separate from all other core subjects		
Other (<i>please specify</i>)		

10 Assessment Methods.

Please indicate which assessment methods are used and also indicate the percentage of the final mark which is allocated to each method.

10.1

Assessment method	X	% of marks
Formal examinations – essay questions		
Formal examinations – problem questions		

Coursework essays		
Coursework problem questions		
Dissertation		
Oral presentation		
Reflective logs		
Portfolio/progress file		
Group work		
Computer-based assessment		
Multiple choice questions		
Peer assessment		
Library-based projects		
Reports from clinical/practice-based activities		
Poster presentations		
Self assessment		
Seminar preparation/notes/reports		
Skills-based activities (e.g. negotiation)		
Mooting		
Other (<i>please specify</i>)		

10.2 Do you use any of the above assessment methods for informal (formative) assessment of students' performance and feedback?

Please specify these methods below.

11. Course Evaluation

How do you evaluate your courses? Which methods of evaluation provide the best feedback?

Please give a weighting to each of the selected evaluation methods from 1 – 5, for example:

- 6 = a poor method;
- 7 = a method which has some value;
- 8 = a method which has a reasonable value;
- 9 = a method which is very valuable;
- 10 = a method which is essential.

Evaluation method	X	Weighting (1 – 5)
Student questionnaires		
External examiners' reports		

Peer review by EU law tutors		
Peer review within your department		
Peer review outside your department		
Interviews with students		
Other (<i>please specify</i>)		

12. Examples of good practice

12.1 Do you have examples of good practice in learning, teaching and assessment methods that you would be willing to disseminate through this project?

If yes, please provide a brief outline below:

<p>1.</p>
<p>2.</p>
<p>3.</p>
<p>4.</p>
<p>Etc...</p>

12.2 May we contact you for further details?

If yes, please provide the name of the person to contact together with a telephone number and e-mail address

Thank you very much for completing this questionnaire.

If you have any other comments then please write them below.

We would encourage you to complete this questionnaire electronically and send it to:

christian.dadomo@uwe.ac.uk (please specify EU Law Survey in the subject box)

But it is also possible to return it by post to:

Christian Dadomo

School of Law

University of the West of England

Frenchay Campus

Coldharbour Lane

Frenchay

Bristol

BS16 1QY

Direct telephone line: 01173282350