



Higher National Unit specification

General information for centres

Unit title: European Business and Trade Law

Unit code: F1XC 34

Unit purpose: This Unit introduces candidates to the important features of free movement, free trade, fair competition and intellectual property rights within the European Union (EU).

On completion of this Unit, candidates will be able to:

- 1 Explain the Articles governing the free movement of goods within the EU.
- 2 Explain the Articles governing the free movement of workers and the rights of establishment for professions and businesses within the EU.
- 3 Identify and explain the Articles governing competition policy and intellectual property rights in the EU.

Credit points and level: 1 HN credit at SCQF level 7: (8 SCQF credit points at SCQF level 7*)

**SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

Recommended prior knowledge and skills: Access to this Unit is at the discretion of the centre; however it would be beneficial if candidates had good written and oral communication skills which could be evidenced by possession of Higher English or a suitable HN Communication Unit at SCQF level 6.

Core Skills: There are opportunities to develop the Core Skill of Communication, and the components Problem Solving (Critical Thinking) and Problem Solving (Planning and Organising) at SCQF level 5, and the Core Skills of Information Technology and Working with Others at SCQF level 4 in this Unit, although there is no automatic certification of Core Skills or Core Skills components.

Context for delivery: If this Unit is delivered as part of a Group Award, it is recommended that it should be taught and assessed within the subject area of the Group Award to which it contributes.

Assessment: The Unit may be assessed by one structured open-book report or could be assessed by three separate instruments of assessment. Outcomes 1, 2 and 3 may be assessed by a structured open-book report based on stimulus material; or alternatively by a set of structured questions carried out in open-book conditions, where candidates have access to copies of relevant personal notes, handouts and textbooks for reference purposes.

Higher National Unit specification: statement of standards

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The sections of the Unit stating the Outcomes, Knowledge and/or Skills, and Evidence Requirements are mandatory.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the Knowledge and/or Skills section must be taught and available for assessment. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Outcome 1

Explain the Articles governing the free movement of goods within the EU

Knowledge and/or Skills

- ◆ Barriers to trade (protectionism)
- ◆ Mutual Recognition
- ◆ Articles governing free movement of goods in the EU
- ◆ Articles governing Customs Union of the EU
- ◆ Quantitative restrictions and measures
- ◆ Distinctly Applicable and Indistinctly Applicable measures
- ◆ Mandatory Requirements

Evidence Requirements

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ explain three barriers to trade — one physical, one technical and one fiscal
- ◆ explain the European Unions mutual recognition policy and how it guarantees free movement of goods and services
- ◆ identify and explain each of the Articles 28, 29, and 30 governing the free movement of goods in the EU
- ◆ identify and explain each of the Articles 9, 12, 95, 95 (1), 95 (2) governing the Customs Union of the EU
- ◆ explain and provide three examples of quantitative restrictions and measures having equivalent effect
- ◆ compare and contrast the distinctly and indistinctly applicable measures that are capable of hindering trade in the EU
- ◆ describe at least three Mandatory requirements and how they can regulate and restrict trade in the EU

The evidence must be in line with current legislation

Candidates must cite relevant case law where appropriate.

Higher National Unit specification: statement of standards (cont)

Unit title: European Business and Trade Law

Assessment Guidelines

This Outcome could be assessed by a structured open-book report of 1,500–2,000 words or equivalent. Tutors should arrange a feedback session with the candidate to ensure the authenticity of the candidate's work.

An assessment checklist could also be used to ensure that all the knowledge and skills are evidenced.

Outcome 2

Explain the Articles governing the free movement of workers and the rights of establishment for professions and businesses within the European Union

Knowledge and/or Skills

- ◆ Articles governing the free movement of workers
- ◆ Articles governing the freedom to establish a business and provide services throughout the European Union.
- ◆ Articles that provide exemptions to the basic principle of free movement of workers.
- ◆ Social Security Rights
- ◆ Harmonisation of professional qualifications

Evidence Requirements

Candidates will need evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ identify and explain the Articles 39, 43 and 49 governing the free movement of workers, the freedom of establishment and the freedom to provide services in the EU
- ◆ identify and explain Articles 39(3) and 39(4), the two exceptions to the basic principle of free movement of workers
- ◆ explain the principle of equal treatment in and community provisions on social security rights in the EU
- ◆ describe the principle of harmonising professional qualifications in the EU

The evidence must be in line with current legislation.

Candidates must cite relevant case law where appropriate.

Assessment Guidelines

This Outcome could be assessed by a structured open-book report of 1,500–2,000 words or equivalent. Tutors should arrange a feedback session with the candidate to ensure the authenticity of the candidate's work.

An assessment checklist could also be used to ensure that all the knowledge and skills are evidenced.

Higher National Unit specification: statement of standards (cont)

Unit title: European Business and Trade Law

Outcome 3

Identify and explain the Articles governing competition policy and intellectual property in the EU

Knowledge and/or Skills

- ◆ Articles governing competition policy in the EU.
- ◆ Article which permits exemptions from the European Commission
- ◆ Forms of intellectual property:
- ◆ Directive which protects intellectual property rights in the EU

Evidence Requirements

Candidates will need evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ identify and explain the Articles 81 and 82 prohibiting anti competitive agreements and abuse by one or more undertakings of a dominant position
- ◆ explain Article 81(3) and the possibility of agreements being exempt from the rules governing competition policy in the EU. (Give at least three examples)
- ◆ explain at least three common forms of intellectual property
- ◆ explain Directive 2004/48/EC that enforces intellectual property rights in the EU

The evidence must be in line with current legislation.

Candidates must cite relevant case law where appropriate.

Assessment Guidelines

This Outcome may take the form of structured short answer questions assessed under open-book conditions. In these answers, the candidate will need to provide evidence to show that they can give an accurate and clear explanation of competition policy and protection of intellectual property in the EU. Alternatively, it could be assessed by a structured open-book report of 1,500–2,000 words or equivalent.

Tutors should arrange a feedback session with the candidate to ensure the authenticity of the candidate's work.

An assessment checklist could also be used to ensure that all the knowledge and skills are evidenced.

Administrative Information

Unit code: F1XC 34
Unit title: European Business and Trade Law
Superclass category: BB
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Higher National Unit specification: support notes

Unit title: European Business and Trade Law

This part of the Unit specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 40 hours.

Guidance on the content and context for this Unit

It is important that prior to assessment, the tutor could provide candidates with formative work including handouts, information leaflets, practical exercises, web sites, class discussions and guidance on self directed learning. Wherever possible, centres should adopt a proactive approach towards the teaching of this Unit by using current examples and reported cases from relevant sources. Likewise, candidates should be encouraged to source all information, eg internet, journals and newspapers. Candidates should also be encouraged to use these sources as discussion topics in the classroom environment.

Outcome 1 refers to barriers. Physical barriers can include, border controls, quotas, government procurement policy, customs formalities, etc. Technical barriers can comprise varying regulations and product standards used from country to country and fiscal barriers can consist of customs duties, national subsidies, and tariffs to trade.

Outcome 2 looks at the European Union's mutual recognition policy and how it guarantees free movement of goods and service, without the need to harmonise member states' national legislation.

Outcome 3 looks at the current legislation and Articles governing competition policy and intellectual property within the EU.

Guidance on the delivery and assessment of this Unit

Centres are recommended to follow the sequence of Outcomes which will provide the candidate with a practical insight to the concept of free movement in a Single European Market.

A variety of teaching and learning approaches could be utilised throughout this Unit. Tutor explanation, class and group discussion, case studies, individual and small group research and exploring relevant case law are all appropriate for developing knowledge and skills. Candidates will be expected, as much as possible, to demonstrate their ability to relate the theoretical and practical legal position to the assessments.

As stated in the General information for centres, this Unit can be assessed by use of three separate assessment events.

Opportunities for developing Core Skills

There are opportunities to develop the Core Skill of Communication and the components Problem Solving (Critical Thinking) and Problem Solving (Planning and Organising) at SCQF level 5, and the Core Skills of Information Technology and Working with Others at SCQF level 4 in this Unit, although there is no automatic certification of Core Skills or Core Skills components.

Higher National Unit specification: support notes (cont)

Unit title: European Business and Trade Law

This Unit allows the development of particular Core Skills in the learning and assessment process. By researching the developments of European Business and trade law, the use of Problem Solving is paramount in reaching decisions. Throughout the Unit the candidate may take part in group discussions and group work. In accessing Information Technology initially as a research method with the internet and then progressing to its presentation possibilities, candidates also develop creative communication skills by producing reports and may develop visualisation techniques such as computer generated materials, for example PowerPoint or slide production.

Open learning

This Unit could be delivered by distance learning that may incorporate some degree of on-line support. However it would require planning by the centre to ensure the sufficiency and authenticity of candidate evidence. If this Unit is delivered by open or distance learning methods, additional resources will be required for candidate support, assessment and quality assurance.

Candidates with disabilities and/or additional support needs

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering alternative Outcomes for Units. Further advice can be found in the SQA document *Guidance on Assessment Arrangements for Candidates with Disabilities and/or Additional Support Needs* (www.sqa.org.uk).

General information for candidates

Unit title: European Business and Trade Law

The Unit provides an introduction to the knowledge and understanding of the laws that govern free movement in the Single European Market.

- ◆ In Outcome 1 you will learn about the laws which aim to guard the free movement of goods and eliminate the barriers to free trade.
- ◆ In Outcome 2 you will learn about the laws which protect freedom of movement for workers, freedom of establishment, freedom to provide services and mutual recognition of qualifications. The assessment also covers Social Security cover in other Member States of the European Union.
- ◆ In Outcome 3 you will learn about the laws which aim to prohibit anti-competitive agreements and distorting competition. You will also learn of the different forms of intellectual property and the laws to enforce intellectual property rights throughout the European Union.

During the course of this Unit you may take part in such activities as class and group discussions, group work, and self directed learning. You may be asked to produce reports and answer short and extended response questions.

The activities undertaken whilst completing this Unit may provide opportunities for you to develop important Core Skills in the areas of Communication, Problem Solving, Working with Others and Information Technology.