

MASTER OF LAW IN EUROPEAN UNION LAW (English) , INTERNATIONAL AND COMPARATIVE LAW (English)

LLGC701 RESEARCH METHODOLOGY AND LEGAL WRITING SEMINAR

This course is designed to teach postgraduate students advanced legal research and writing skills. It is taught by a group of law professors mainly from the FLL. Depending on availability, high caliber legal academics from other law schools may also be invited to join the teaching team on a case by case basis. The course covers a wide range of topics of legal research and writing, such as jurisprudence, legal research methodologies, use of library resources, legal reasoning, preparation and writing of law journal articles, preparation and writing of LLM thesis, use of references, formality for legal writing, and critical legal thinking.

LLGC702 COMPARATIVE LEGAL SYSTEMS

This course includes aspects of both macro and micro-comparison, and introduction to the method of comparative law, based on its constituent elements and practical examples. It also yields an overview over the major contemporary legal systems, "legal traditions" or "legal families" throughout the world, including, for instance, the Roman-Germanic or Civil Law Systems, Common Law Systems and non-occidental Law Systems, with reference to the Far-East – Chinese and Japanese Law – as well as for the Religious Legal Systems – Islamic and Hindu Law. These will be presented with a special focus on their main features, essential historical elements and study of some of their most significant legal institutions and concepts.

SPECIALIZED COURSES

LLEL751 INSTITUTIONAL LAW OF THE EUROPEAN UNION

The European Union, the European Communities and their legal system. The objectives. The institutions and bodies and their powers. The judicial system. The sources and scope of Community law. The interpretation and application of Community law, including the application of Community law by the Members States. The relationship between Community domestic law of the Members States.

LLEL752 ECONOMIC LAW OF THE EUROPEAN UNION

The course aims to equip students with the specialist knowledge in the field of EU law related to the economy: fundamental freedoms, customs union, internal market, economic union, monetary integration, competition, trade restrictions, antitrust , state aid, public undertakings and services of general interest. The course also delves on the main vectors of European Union trade law: theoretical foundations, the rationale underpinning free trade; the need for Union regulation; the forms of regulation, focusing in particular on arguments concerning regulatory competition. It subsequently addresses the construction and evolution of EU's internal market, looking in particular at the four freedoms in light of the evolution of the European Court of Justice's case law.

LLEL753 EXTERNAL LAW AND POLICY OF THE EUROPEAN UNION

Introduction to the different policies of the European Union. General concept of common policies. Agricultural, commercial, industrial, social, transport, education and vocational training policy. The fiscal harmonization. Cultural policy. Policy for research and technological development. The economic and social co-operation. The development co-operation. The new areas: energy, civil protection and tourism. Historical development of the EU external policy before the Lisbon Treaty. The EU external policy, legal setting, institutional organisation and actions after the Lisbon Treaty.

LLEL754 CONTEMPORARY ISSUES IN INTERNATIONAL LAW

Contemporary legal issues arising in distinct fields of international law will be critically examined. Relevant norms and principles in a select set of topics will be introduced before contemporary issues are addressed. Possible topics include traditional and modern sources and subjects, treaties, sovereignty, immunities and privileges, statehood and territorial disputes, asylum and extradition, state responsibility, collective security and unilateral use of force, armed conflict and criminal jurisdiction, terrorism and human rights, dispute resolution and role of general principles in lex specialis like WTO law and environmental law. The contemporary issues will be examined in the light of recent judicial and arbitral decisions, regional developments and emerging state practices.

LLEL755 INTERNATIONAL ECONOMIC LAW

This course aims to critically examine contemporary legal issues in international economic relations. Specific topics related to the international economic order including the actors, principles, legal sources and economic organizations will be explored. International trade law will be addressed in detail and norms governing international monetary, banking and financial relations will be introduced. GATT and WTO regimes governing trade in goods, services, TRIPS, competition policy and dispute settlement will be studied along with its emerging jurisprudence. International monetary law and role of IMF will be briefly examined to analyze specific challenges. The international financial architecture will be introduced towards the end mainly focusing on relevant institutions like the World Bank, sovereign debts, and international regulations on banking and financial markets.

LLEL756 COMPARATIVE CONTRACT LAW

This course will offer a comparative study of contract law of major legal systems and some specific jurisdictions. The issues studied in a comparative perspective includes general principles of contract, formation, vitiating factors, exemption clauses, performance, discharge, breach, remedies and unification measures. Key differences between the common and civil law legal systems in governing contracts will be discussed. Specific jurisdictions will be chosen and the characteristics of the contract law will be examined and compared. It will also study major international efforts in harmonization of contractual principles and how far Asian jurisdictions have been responsive. A specific focus will be made on contract laws of Macau and Hong Kong SARs and relevant cases.

ELECTIVE COURSES

LLEL757 EU COMPETITION LAW

Basic concepts: market competition, economic activity, undertaking. Anti-competitive agreements: Article 101 TFEU, horizontal and vertical agreements, block exemptions. Abuse of dominant position: Article 102 TFEU, exclusionary and exploitative abuses. Merger control: EU Merger Regulation, substantive assessment, efficiency defense, merger remedies. Enforcement system: Regulation 1/2003, judicial control, public and private enforcement. Public undertakings and state aid measures.

LLEL758 EU ENVIRONMENTAL LAW

This course is about the main issues related to EU Environmental law, covering the following topics: history and evolution of EU Environmental Law; Environmental Law in EU Treaties; EU Environmental law principles; and some of the most important areas of EU Environmental Law, such as environmental impact assessment; assessment of the effects of certain plans and programmes on the environment; integrated pollution prevention and control; EU emissions allowance trading system for greenhouse gas; Community eco-management and audit scheme (EMAS).

LLEL759 EU NATURAL RESOURCES AND ENERGY LAW

The Treaty on the European Union (TEU) calls on the union to "help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development". This course thus presents the legal rules relating to the management of natural resources and the security of energy supply against the backdrop of a high degree of environmental protection from a European perspective. It not only covers various natural resources, such as land, air, water, oil and gas but also explores new policies to exploit alternative or renewable sources of energy.

LLEL760 TREATY REFORMS IN THE EU

The European Union is based on the rule of law. Thus every action taken by the EU is founded on treaties that have been approved voluntarily and democratically by all EU member States. The course guides students towards a critical understanding of the founding treaties (Treaty of Paris, 1951, and Treaties of Rome, 1957), and the reforms in the Merger Treaty (1965), the budget treaties (1970, 1975), the Single European Act (1987), the Treaty of Maastricht (1992), the Treaty of Amsterdam (1997), the Treaty of Nice (2001), as well as the Constitutional Treaty (2004) and the Lisbon Treaty (2007).

LLEL761 FOREIGN INVESTMENT LAW

This course aims at equipping students with the requisite knowledge to deal intricate legal issues facing foreign investments. The concept as manifested in the form of portfolio and direct investment will be introduced along with relevant investment risks. The governing norms and principles in domestic laws (home and host state), bilateral treaties (BITs), multilateral (including WTO TRIMS) and regional instruments will be studied. The course will mainly focus on Investment arbitration including jurisdiction and applicable law issues in investment contracts and BITs, breach of treatment standards, actions constituting taking of foreign property, defenses and compensation. Investor-state investment disputes and institutional arbitration involving landmark cases will be examined specifically.

LLEL762 INTERNATIONAL CRIMINAL AND HUMANITARIAN LAW

Core substantive and procedural rules of international criminal law and basic concepts, principles and rules of international humanitarian law (IHL) will be introduced. The Rome Statute of the International Criminal Court (ICC), on the definition of substantive crimes, jurisdiction and the admissibility of cases, and principles of international criminal law will be studied. Students will get an overview of different actors in the ICC and its criminal procedure. Concerning IHL, the course will first discuss the history and aims of IHL, its sources, and the notion of armed conflict. Secondly, it will set out the cardinal principles of IHL, with special emphasis on the principle of distinction. Finally, it will discuss the relation between IHL and international human rights law and international criminal law.

LLEL763 HUMAN RIGHTS AND REFUGEE LAW

This course aims to address the interaction between national, regional and international human rights protection and the protection of refugees. It will examine the framework on human rights protection, including the historical development of human rights, the sources and the different categories of human rights. Contemporary challenges facing international mechanism for protection of human rights will be examined. Human rights laws and institutions in selected jurisdictions, including Asia will be studied in a comparative perspective in order to examine national implementation of international norms. The jurisprudence in major landmark human rights cases and its implementation will be critically examined. Finally, the course identifies the legal issues and challenges concerning refugees and migration primarily across borders.

LLEL764 LAW OF INTERNATIONAL ORGANIZATIONS

The course aims to offer a deep understanding of the law related to international organisations. Since the substantive law differs from organisation to organization, the course first introduces some core concepts and principles which are common to international organisations, such as theory of international organisations, legal personality and the principle of functionality. The course will subsequently look into the specific legal systems of some representative global organisations, such as the UN and the WTO, and some selected regional organization, like the EU and ASEAN or co-operation alliances like the BRICS, G7/G8 and G20 to examine how the principles and theoretical concepts are applied in practice. Finally, the course will discuss inter-relations between inter-governmental organisations and the role of non-governmental organisations.

LLEL765 LEGAL CULTURE AND LEGAL PLURALISM

This course assesses the formation and development of law based on the history of European and Chinese legal cultures. Specific focus is made on continental legal systems. Topics include European ancient law (Hebrew law, Greek law, Roman law, etc.), European medieval law (Canonic law, Germanic law, Feudal law, Mercantile law, the revival of Roman law and the formation of common European law), modern European law after the Renaissance and the legal evolution of Western Europe after the French Revolution, namely the sources of contemporary European law. The course also examines the ancient and contemporary legal philosophy of

China, legal history and culture in China. The course will also draw examples of unique legal cultures and legal pluralism from other jurisdictions like Japan and India.

LLEL766 COMMON LAW

This course will provide a comprehensive introduction to substantive common law and equity as developed in England and subsequently adopted in other jurisdictions like USA, Australia and Hong Kong. Common law and equitable remedies in specific fields like laws of trusts, contracts and torts and unique procedural elements like the writs and jury systems will be studied. Students will be trained in the judicial process using case studies and techniques of identifying ratio and obiter in binding precedents. The contemporary features of common law will be studied in a comparative perspective with the intent of training students from civil law jurisdictions to be able to interact with major common law systems in the world.

LLEL767 MARITIME AND SHIPPING LAW

The objective of this course is to foster a critical appraisal of private law issues arising in maritime transportation. Topics covered include carriage of goods by sea, maritime safety and liability and marine insurance. International legal instruments governing relevant issues and specific national legislation and cases will be comparatively examined. The issues covered includes international sales and incoterms, carriage contracts and bill of lading, cargo claims, liability of carriers, security and limitation of liability, charter parties, maritime safety and navigation, salvage, towage and general average, multimodal transportation and marine insurance. The role of admiralty courts and maritime arbitration mechanism and relevant enforcement issues will be briefly introduced.

LLEL768 E-COMMERCE AND INFORMATION TECHNOLOGY LAW

Critical legal issues relating to information technology and its application in B2B and B2C business transactions will be addressed mainly in a trans-national context and in the light of the challenges arising in the borderless nature of the cyberspace. Issues covered includes jurisdiction and applicable law for online transactions, electronic contracts and agents, click-wrap agreements, intellectual property rights, electronic authentication and transactional security, virtual enterprises and domain names, online privacy and data protection, electronic payment systems and taxation, liability of online intermediaries, online consumer protection, cyber-crime and online dispute resolution. Due to the diversity and relative infancy of legal developments in the field, specific national laws and cases will be studied using comparative methods.

LLEL769 MOOTING

The mooting course is aimed at developing drafting and advocacy skills for students. The course will train the students in adversarial process to enable them to examine legal disputes, conduct legal research, and develop drafting, argumentative and rebuttal skills. The course is open to all students but the enrolment is subjected to a selection process. Selected students will be required to prepare and participate in mooting competitions like the Jessup International Law Moot Competition or other competitions. Students will analyze the moot problem, conduct legal research and draft written memorials according to the rules of the competition. The students will be trained for oral rounds and partake in regular practice moots.

LLIB724 INTRODUCTION TO MACAU LAW

This course covers key topics and features of the legal system of the Macau SAR. The themes may vary but normally should include discussions of the Basic Law and the autonomy of the Macau SAR, the political system, the protection of fundamental rights, and international law issues relevant for Macau. The discussions are contextual and take comparative law into account.

LLIB725 MACAU AND COMPARATIVE GAMING LAW

This course focuses especially on the commercial operation of casino games of chance (table games and slot machines) as regulated in the Macau SAR, the world's largest gaming jurisdiction. The course has an interdisciplinary nature and covers especially the history of gaming in Macau and various issues of administrative and tax law, contract law and criminal law. The course includes a detailed study of the regulation of gaming concessions and of gaming promoters. It also features a comparative element, by which the Macau system will be contrasted with the regulation of gaming in the two main jurisdictions in gaming other than Macau, which are Nevada and Singapore.

LLIB726 ADVANCED ISSUES OF INTERNATIONAL TRADE LAW

This course builds on the course on WTO and Regional Trade Law and proposes the discussion of selected, more advanced issues of contemporary relevance in the international trading community. It will thus strongly rely on the discussion of case law, i.e. particularly ongoing disputes of global and regional relevance, and will be based on the assignment of pertinent reading materials. Active class participation in the form of raising questions or partake in group discussions as well as class presentations will be equally given an important role.

LLIB727 ASIAN BUSINESS LAW

This course undertakes a comparative approach to the regulation of business in Asia. It first tries to assess possible particularities in the legal and business culture in Asia and focuses inter alia on the areas of commercial law, corporate law and business transactions, securities, intellectual property, and labor law issues. To this end, selected jurisdictions, such as those of the PRC, Japan and Korea but also others will be presented and discussed from a comparative and both public-private law perspective. The analysis includes the evaluation of national legal systems in the context of regional economic integration projects based on various bi-, tri- or plurilateral agreements.

LLIB728 COMPANY LAW

Based on the regulation of companies in Macau, focusing on private companies and public companies, this course discusses major trends of in company law and corporate governance. All major issues of company law will be covered, including fundamental concepts (types of companies; limited liability; capital maintenance), the creation of companies, the capital, the shares, the organs of companies,

the rights and obligations of shareholders, and the dissolution and liquidation of companies.

LLIB729 LAW AND SOCIETY

Taking a multidisciplinary approach, this course deals with a wide set of contact points between law and society. These include first a retrospective look at the significance of various factors or causal elements fuelling the changes underlying the development of societies, such as the invention of new technologies amidst an evolving relationship between politics and economics. It then asks how these numerous changes will influence the processes underlying legal thinking and reasoning as well as the adoption, application, and enforcement of laws in the future. To this end, the discussion will also present new theoretical approaches in law, such as the “law and economics” movement or a political economic, as well as novel concepts, such as “global governance” or “global administrative law”, to try to identify new trends in the field of legal science.

LLIB730 INTELLECTUAL PROPERTY LAW IN THE CREATIVE ECONOMY

This course discusses the principal role and main characteristics of intellectual property rights in the context of the regulation of international trade in an emerging global creative economy. Taking into account the rise of a knowledge-based economy, which was accompanied by a rise in creativity, culture and technology, it covers the history and present status quo of the main intellectual property rights, such as copyright, trademarks, patents, geographical indications, and designs. The key international treaties, such as the Berne and Paris Conventions and notably the TRIPS Agreement adopted under the aegis of the World Trade Organization (WTO) will also be analyzed.

LLIB731 MONEY LAUNDERING AND ANTI-CORRUPTION LAW

This course discusses international trends and legal initiatives for the prevention and repression of corruption, money laundering and the financing of terrorism through the financial system. The discussion covers the international treaties relevant in the field, detailed substantive criminal law issues and the preventive measures required from financial institutions.

LLIB732 PRIVATE INTERNATIONAL LAW

This course focuses on Private International Law-provisions that are applicable in cross-border cases. These provisions may be set out in international treaty law, regional laws and domestic Private International Law. The first part deals with questions of jurisdiction, recognition and enforcement of civil and commercial matters, the second with the conflict rules that answer the question which will be the applicable law. The students will be accustomed with i.a. international conventions of which Macau is a contracting party, other regulations on Private International Law, and examples of domestic rules on Private International Law. Basic knowledge of private law (especially contracts & torts) and procedural law (jurisdiction, recognition and enforcement) are desirable.

LLIB733 CONSUMER PROTECTION LAW

This course enquires into the role of consumer protection law in the legal systems of contemporary societies. The inquiry includes a presentation of the laws and organizations at both the national and international level that are entrusted with the protection of the rights of consumers in their commercial transactions. Further issues discussed include the legal concept and definition of the consumer, contractual issues trying to ensure the protection of the weaker party through special contractual clauses, and the relationship and contact points with other legal areas, such as competition law, intellectual property law (e.g. trademarks), and product safety law.

LLIB734 COMMERCIAL CONTRACTS

This is a specialized contract law course covering various legal mechanisms to distribute goods and services, including the ICC Incoterms, the contract of carriage of goods by sea and the various payment mechanisms in international trade. The regulation of international trade agreements by the UN Convention on the International Sale of Goods will be addressed, along with the contracts used for the marketing of goods. The course will cover also various financial instruments and agreements involving banks, namely the term loan, the negative pledge, syndicated lending,

LLGC703 SEMINAR SERIES

This course will consist of a minimum number of 10 seminars offered by the Faculty of Law throughout the academic year featuring notably eminent visiting professors, practitioners or distinguished experts from a great variety of legal and professional backgrounds. Moreover, their active participation is encouraged and will be included in the final evaluation.