

8 Learning outcomes

For the course 'EU Law for sub-central Authorities' (hereafter: 'EULfscA') students must be able to showcase in **English**; their **basic knowledge and understanding** of:

- 1) EU State Aid **AND** Public Procurement Procedure rules (as part of their **compulsory chairperson role**); in the following three STEPs:
 - a. **STEP I**: inside the scope of application? and possible interference? (compare: HRLiE)
 - b. **STEP II**: possible justification grounds?
 - c. **STEP III**: possible legal opportunities and legal risks for your stakeholder and possible other relevant EU legislation, etc. you can think of?

NOTE: for your final 'written legal advice' (exam1) **teams** will focus on one or the other (for further details check **Rubric1** under the 'role of compulsory chairperson'); and

- 2) 'Legal Design (Thinking)' (exam2: 'Visual'); by **making use of** its five STAGEs during classes/feedback/workshops/etc. and making a 'Legal Design Thinking' 'end product':
 - a. **STAGE1: Empathize**: **research** your **users'/stakeholders'** needs.
 - b. **STAGE2: Define**: **state** your users'/stakeholders' **needs and problems**.
 - c. **STAGE3: Ideate**: **challenge** assumptions and **create** ideas.
 - d. **STAGE4: Create (prototype)**: start to **create** solutions.
 - e. **STAGE5: Test**: **try out your solutions**.
 - f. **STAGE6 (EULfscA)**: your final 'Visual' (exam2) as a 'Legal Design Thinking' 'end product' (for further details check **Rubric2**)
- **by applying it to the relevant facts of 'our (fictive) Energy Store Project'** (like in the 'Bridge!' by Europa Decentraal; for further details: check homework for lecture/workshop1 and CANVAS for your final exam case);
- which I (examiner) put in a fictive *real life* setting in a **Dutch municipality X** (real names will be available in your final exam case; check CANVAS);
- as part of a (student) **legal advice** (group assignments with individual components); students/**teams** will:
 - a) **exam1**: write a (final) 'written legal advice' on this project for the 'municipal council' (in Dutch: gemeenteraad) on either EU State Aid or Public Procurement Procedure; and
 - b) **exam2**: present their 'written legal advice' in the form of a '**Visual**' to the 'municipal council';
 - c) your 'written legal advice' (exam1)/'Visual'(exam2) should/must (see **rubric1 & 2 EULfscA (on exam1 & 2)** for further details):
 - a. be legally sound (**exam1 & exam2: on substance**);
 - b. be easily comprehensible and presented in a transparent way to your 'client' (or: audience) and 'stakeholder': **the municipal council** (**exam1 & exam2: on substance**);
 - c. be in a **clear (document) structure** (**exam1 & exam2: structure & organization**);
 - d. make functional use of 'visuals' by way of illustration of your 'written legal advice' (**exam2: Visual; as shown/explained during lecture/workshop1 and practiced in our various workshops**). This visual must have the **right balance** between (**written and spoken**) words and visual illustrations/elements (**exam2: on substance**).

Examples of a visual à la ‘Legal Design (Thinking)’ are f.i.: flow chart, step-by-step plan, mind map, word/thought cloud, info-graphic (poster), (animated) video clip, stop motion video clip, ‘rich picture’, checklist, brochure, leaflet, (3D)-model, (photo) cartoon (photo comic poster), story board, interactive PDF/Excel list, etc.

In order to do so, students **know, understand** and are able to:

- i) **apply** the relevant search engines (f.i. EURlex, CURIA) to look up and apply relevant case law by the CJEU and relevant EU legislation in the form of f.i. (the current) relevant EU Regulations, EU Directives and/or Commission Guidelines (and its possible successors) (MCS training: week A1 and EULfscA classes and reader).

Text from **compulsory reader**:

EUR-Lex: The EU Regulations/Directives mentioned below all (may) have small changes/ amendments via more recent version f.i. on relevant thresholds or the period of application (usually laid down in the final article of the relevant EU Regulation/Directive). Students can check **Online** whether a particular EU Regulations/Directives is still ‘**in force**’ or has been **repealed** or perhaps **amended**; via the links provided below. We will also practice this in class via EUR-Lex under ‘**document information**’ under the relevant EU Regulation/Directive (please, try it yourself: look up the **repealed** PPP-Directive (Directive 2004/18/EC; see below). It should say: "**No longer in force**, Date of end of validity: 18/04/2016; **Repealed** by 32014L0024. Latest consolidated version: 01/01/2016". If you then click on: '32014L0024' you will find **its successor!**"

- ii) **apply** the relevant articles/legal steps/conditions for ‘state aid’ **AND** ‘public procurement procedure’ (as explained in our EULfscA course) based on **at least the following (re)sources** (check your reader for EULfscA):

- a. **State Aid** (hereafter: ‘**SA**’; **STEPI**: week B1-3, **STEPII**: week B4, **STEPIII**: week B9&10):

- i. **STEPI**: Art. 107 (1) and 108 (3) TFEU, and
- ii. **STEPI**: COMMISSION REGULATION (EU) No 1407/2013 of 18 December 2013 on the application of **Articles 107 and 108** of the Treaty on the Functioning of the European Union to **de minimis aid** (or its successor);
- iii. **STEPII**: Art. 107(2) & (3) TFEU, and
- iv. **STEPII**: COMMISSION REGULATION (EU) No 651/2014 of 17 June 2014 **declaring certain categories of aid compatible** with the internal market in application of Articles 107 & 108 of the Treaty (hereafter: ‘**GBER**’; or its successor);
- v. **STEPIII**: possible other relevant EU legislation/Commission guidelines and or case law on SA. Because, maybe your team has found possible other relevant EU legislation/Commission guidelines and or case law on State Aid (that we did not cover in class under STEPI or STEPII) that can be relevant for your written legal advice (Please note: this is NOT a must, but can be a ‘bonus’).

- b. **Public Procurement Procedure** (hereafter: ‘**PPP**’; **STEPI**: week B2&3, **STEPII**: week B5, **STEPIII**: week B9&10):

- i. **STEPI (three ‘Ws’)**: DIRECTIVE 2014/24/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 February 2014 on **public procurement** and repealing Directive 2004/18/EC (or its successor), and

- ii. **STEPI (three 'Ws')**: COMMISSION DELEGATED REGULATION (EU) 2015/2170 of 24 November 2015 amending Directive 2014/24/EU of the European Parliament and of the Council in respect of the application **thresholds** for the procedures for the award of contracts (or its successor);
 - iii. **STEP II (fourth 'W')**: 'which public procurement procedure' and DIRECTIVE 2014/24/EU (or its successor) on PPP, and
 - iv. **STEP II (procedural rules)**: COUNCIL DIRECTIVE of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to **the application of review procedures** to the award of public supply and public works contracts (or its successor);
 - v. **STEP III**: possible other relevant EU legislation/Commission guidelines and or case law on PPP. Because, maybe your team has found possible other relevant EU legislation/Commission guidelines and or case law on PPP (that we did not cover in class under STEPI or STEP II) that can be relevant for your written legal advice (Please note: this is NOT a must, but can be a 'bonus').
- c. **STEP III**: is advising your client (or: audience) and stakeholder: **the municipal council**; on **possible legal opportunities and legal risks** on **both** State Aid **and** Public Procurement Procedure; for the following three (other) stakeholders:
- i. **VI Municipalities (scCA; in our case)**:
 - **Municipality X.1** in the Dutch Province **X.2** (real names will be available in your final exam case; check CANVAS); **or**
 - ii. **V Scientific institutions (EO; in our case): (triple helix): to test 'our Energy Store-project' in a real-life environment, i.o.w. in a living lab**
 - **University (of Applied Sciences) Y.1** in **Y.2** in the Dutch Province **Y.3** (real names will be available in your final exam case; check CANVAS); **or**
 - iii. **VI SMEs (EO; in our case): NOTE: normally SMEs are in competition!**
 - **Energy company Z.1** with headquarters in **Z.2**, NL (real names will be available in your final exam case; check CANVAS).
- d. **Your group assignment (final exam case) will read something along the line of:**
- i. **VI Municipality X** prefers to *grant* 'our Energy Store-project' to some local stakeholders:
 - **V University (of Applied Sciences) Y** to test 'our Energy Store-project' in a *real-life* environment, i.o.w. in a *living lab*) and
 - **VI Energy company Z** (to build 'our Energy Store-project')
 - in total there are f.i. 19 partners/interests/stakeholders to this project, we will focus on these **three stakeholders (VI, V), (VI)**
 - ii. In order to make this project into a big success; **Municipality X** means to immediately grant **University (of Applied Sciences) Y** and **Energy company Z** 'a big bag of money'; to help finance this innovative project.

- iii. Please advise **your client (or: audience) and stakeholder: the municipal council** on **STEP III** taking into consideration **STEP I** and **STEP II** on either 'State Aid' or 'Public Procurement Procedure' (**i.o.w. in your final 'written legal advice' (exam1) you will focus on one or the other**).
 - iv. **IMPORTANT NOTICE**: final (group) roles will be assigned after '**Feedback2 (STEP II)**' in week B6. This will be based on our '**token system**' for your **compulsory** individual chairperson role (see **rubric1 EULfscA** for further details).
 - v. Please note: when representing the **Municipality X teams** are expected to 'inform' the municipal council and when representing **University (of Applied Sciences) Y or Energy company Z** they *may* also lobby¹ (both are pretty common for a project of this size; but can attain certain (legal) risks).
- iii) **analyse** a written English (legal) text; in addition, they are capable of expressing and/or presenting their opinion about the text in speaking and writing and of expressing their criticism on it (MCS training: week A2 and MCS, HRLiE, LoEU and EULfscA classes and FB);
 - iv) **write** a legal advice in English which is of sufficient level both in terms of English (Legal terminology) and communicative value (MCS, HRLiE, LoEU, EULfscA classes and FB).
 - v) **understand** English spoken at normal speed in a legal setting, and to (re)act to it adequately in English both in speaking and writing (MCS, HRLiE, LoEU, EULfscA classes and FB);
 - vi) **express** themselves adequately in speaking in English in a legal context (MCS, HRLiE, LoEU, EULfscA classes and FB) **f.i. during FB1 and FB2 (peer feedback): give feed up, feedback and/or feed forward to the other team were possible/required.**

¹ **Lobby**: If you lobby someone such as a member of a government or council, you try to persuade them that a particular law should be changed or that a particular thing should be done (source: [collins dictionary](#); 9-11-21).