



Course Syllabus LAW 322G

EU LAW OF THE INTERNAL MARKET

Number of ECTS credits: 6

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Course Description

Economic integration remains a central aspect of the European Union. The establishment of the internal market is one of the cornerstones of the Union's activities and aims at creating an area without internal frontiers characterized by the four freedoms, namely the free movement of goods, persons, services and capital. This course examines the law regulating the internal market of the European Union covering the four freedoms and its application in practice using case studies drawn from real life examples. Judicial and non-judicial means of redress relevant to the enforcement of the single market are also covered. The course aims to provide students with a good understanding of the legal framework that regulates the functioning of the internal market and an appreciation of practical problems that companies and individuals face when moving and trading within the EU.

Course Prerequisites (if any)

None.

It is recommended but not indispensable to have previously taken one of the following courses:

- LAW 101P (Introduction to International and EU law) or
- LAW 221G (European Organisations) or
- LAW 222G (European Union Constitutional Law)

Learning Objectives

After successful completion of this course, you should be able to:

- Gain an understanding of the different roles that EU institutions, the Member States and individuals and companies play in regulating the EU internal market.
- Identify the main legal instruments that regulate the EU internal market and understand their respective scope of application and the different situations which they govern;
- Identify the key judgments of the EU Court of Justice that explain the legal concepts and issues that relate to the internal market;
- Gain an appreciation of the various obstacles faced by citizens and businesses who seek to exercise their EU free movement rights in practice;
- Identify the various judicial and non-judicial means of overcoming these obstacles;
- Comprehend, critique and utilise arguments pertaining to EU law of the internal market in a practical context;
- Apply knowledge and understanding of the EU single market and develop problem-solving abilities through the analysis of case studies drawn from real life.

In terms of skills, the course will enable every student to:

- Develop further their writing, legal research and critical skills by undertaking an individual written paper assignment on a topic of their choice relating to the EU internal market;
- Develop their writing skills through a case study assignments; and
- Develop further their presentation skills by reporting in class on their answer to the case study assignments.

In terms of learning attitudes, the course will enable every student to:

- Engage in discussions concerning topical issues relating to the single market;
- Develop a capacity for critically examining topical issues relating to the internal market within their legal context; and
- Follow the development of topical issues that relate to the internal market through the targeted reading of newspaper reports and other media available on the internet.

The course will combine lectures, group discussions and individual/team work. Maximum use will be made of audio-visual sources and other media to encourage active discussion. Each three-hour class will consist in an informal lecture allowing for plenty of discussion followed by a group discussion or individual/team work facilitated by the professor.

Course Schedule

EU Law of the Internal Market		
Seminar 1	Introduction	Week 1
Seminar 2	The evolution of the Internal Market	Week 2
Seminar 3	Free movement of persons	Week 3
Seminar 4	Restrictions on the free movement of persons	Week 4
Seminar 5	Free movement of workers	Week 5
Seminar 6	Freedom of establishment and free provision of services	Week 6
Seminar 7	Mid-term examination	Week 7
Seminar 8	Exam correction and discussion	Week 8
Seminar 9	Researching EU law	Week 9 – deadline for paper proposal
Seminar 10	Free movement of goods: fiscal barriers	Week 10
Seminar 11	Free movement of goods: non-fiscal barriers	Week 11
	<i>Spring recess</i>	
Seminar 12	Free movement of capital and Economic and Monetary Union	Week 12 – deadline for submission of paper
Seminar 13	Harmonisation of legislation	Week 13
Seminar 14	Enforcement of EU law and access to justice	Week 14
Seminar 15	Final Examination	Week 15

Course Materials

Course Textbook:

Catherine Barnard, *The Substantive Law of the EU: The Four Freedoms* (5th edn. Oxford University Press, 2016).

Price: £33.99 via OUP website (note: a reduction may be available by ordering through Vesalius College in Brussels):

<https://global.oup.com/academic/product/the-substantive-law-of-the-eu-9780198749950?q=catherine%20barnard&lang=en&cc=be>

All students are required to obtain the above textbook.

Additional Reading lists:

A supplementary reading list will be produced.

Useful Websites:

This list of websites is not exhaustive by any means but should give you up-to-date information and data on EU rules that apply to the internal market. Several of these sites have analysis of internal market law, others information for you to analyse yourself. It is suggested that you take a look at them early in the semester to see what information they contain. Always be aware of the quality and political orientation of websites: just because something is stated on a website does not always make the statement true or objective!

The Europa portal, the official website of the EU institutions:

ec.europa.eu/

European Commission – Directorate General for Justice

ec.europa.eu/justice/

subjects: EU citizenship – free movement of persons – fundamental rights – consumer protection – contract law – criminal justice – data protection – gender equality

European Commission – DG for Home Affairs

ec.europa.eu/home-affairs/

subjects: immigration – asylum – visas – organised crime – human trafficking – police cooperation – terrorism

The EU immigration Portal

useful for researching how the EU immigration rules for non-EU citizens are applied in the Member States (it does not cover free movement of EU citizens)

ec.europa.eu/immigration/

European Commission – DG Employment and Social Affairs

ec.europa.eu/social/

subjects: social security – healthcare - employment law

European Commission – DG for Competition

http://ec.europa.eu/competition/index_en.html

subjects: competition, state aids, market liberalisation

European Commission – DG for Internal Market and Service

http://ec.europa.eu/dgs/internal_market/index_en.htm

subjects: free movement of goods – freedom of establishment – services – mutual recognition of professional qualifications

EU law database

EUR-LEX portal

eur-lex.europa.eu/

Summaries of EU legislation by theme
europa.eu/legislation_summaries/index_en.htm

EU Court of Justice
curia.europa.eu

European Parliament
europarl.europa.eu

Useful blogs discussing EU case law

Court of justice blog

<http://courtofjustice.eu/>

Eutopia law

<http://eutopialaw.com/>

European law blog

<http://europeanlawblog.eu/>

EU law blog

<http://eulaw.typepad.com/>

EU law analysis blog

<http://eulawanalysis.blogspot.com>

Other useful pan-European websites

EUDO project – EU Citizenship case law (this contains useful summaries of most cases we will cover in class on EU citizenship)

<http://eudo-citizenship.eu/databases/citizenship-case-law/>

Free movement blog

www.freemovement.org.uk/

European citizenship

projecteu.info/home/

EU Migration law

<http://www.europeanmigrationlaw.eu/>

Radboud Centre for Migration Law

<http://www.ru.nl/law/cmrl/>

Odysseus Network

<http://odysseus-network.eu/>

Journals

Additional reading materials will be drawn from a variety of periodicals.

The principal periodicals in English include the following:

- European Law Review (ELRev)
- the Common Market Law Review (CML Rev)

- Yearbook of European law (YEL)

Other periodicals include:

- Cahiers de Droit Européen (CDE)
- Cambridge Yearbook of European Legal Studies
- Europarecht (EuR)
- European Business Law Review (EBLRev)
- European Journal of Migration and Law (EJML)
- European Law Journal (ELJ)
- European Public Law (EPL)
- International and Comparative Law Quarterly (ICLQ)
- Journal of Common Market Studies (JCMS)
- Legal Issues of Economic Integration (LIEI)
- Maastricht Journal of European and International Law (Maas. JEIL)
- Modern Law Review (MLRev)
- Revue du Marché Commun (RMC)
- Revue Trimestrielle de Droit Européen (RTDE)

Course Assessment

The students will be evaluated on the basis of their performance as follows:

➤ Midterm examination	30%
➤ Paper (due week 12)	30%
➤ Final examination	30%
➤ In-class participation	<u>10%</u>
TOTAL	100%

The mid-term examination will comprise a mixture of essay questions and case studies.

The paper will involve a 5000-word written assignment on a topic relating to the internal market. The topic is to be chosen by the student but needs to be approved by your professor. Students are required to submit a one-page proposal before week 9 (see separate “paper proposal instructions” on Poincarré). The final paper needs to be submitted electronically by the end of week 12. Further detailed information on assessing your written paper can be found on PoinCarré (see “paper grading criteria and writing instructions”).

The final examination will comprise a mixture of essay questions and case studies.

Each student will be expected to take an active part in class discussions and will be ranked on their level of participation.

Grading Scale of Vesalius College

Vesalius College grading policy, in line with the Flemish Educational norms, is now as stated follows:

Letter grade	Scale of 20	Scale of 100
A	17.0-20.0	85-100
A-	16.1-16.9	81-84
B+	15.3-16.0	77-80
B	14.5-15.2	73-76
B-	13.7-14.4	69-72
C+	13.1-13.6	66-68
C	12.3-13.0	62-65
C-	11.5-12.2	58-61
D+	10.7-11.4	54-57
D	10.0-10.6	50-53
F	0-9.9	0-49

Grading Criteria

The following criteria will be applied in assessing your written work:

- Evidence of understanding of the concepts, theories and ideas developed in the course.
- Correct reference to legal sources such as treaties, case law, domestic law, and scholarly publications in line with OSCOLA method of citation (see further “OSCOLA citation handbook” on Poincarré).
- Correct use of legal terms and expressions.
- Correct application of the law to the facts of the case studies.

Additional Course Policies

Attendance of all classes is mandatory. An attendance list may be taken.

In case you are unable to attend the class, please inform your professor ahead of time. You may be asked to provide documentary justification for your absence.

Academic Honesty Statement

Academic dishonesty is **NOT** tolerated in this course.

Academic honesty is not only an ethical issue but also the foundation of scholarship. Cheating and plagiarism are therefore serious breaches of academic integrity.

Following the College policy, cheating and plagiarism cases will be communicated in writing to the Associate Dean for Students and submitted to the Student Conduct Committee for disciplinary action.

If you refer to someone else's work, appropriate references and citations must be provided. Grammar, spelling and punctuation count, so use the tools necessary to correct before handing in assignments.

For lesson plans, see separate Course Handbook available on PoinCarré.