

Academic Year: (2023 / 2024)

Review date: 27-04-2023

Department assigned to the subject: International Law, Ecclesiastical Law and Philosophy of Law Department

Coordinating teacher: MOREIRO GONZALEZ, CARLOS JAVIER

Type: Compulsory ECTS Credits : 5.0

Year : 1 Semester : 2

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

The course seeks to foster an understanding of the principles underlying the subject and to encourage students to think about those principles in a practical way. Such objectives have a particular priority in this course, since the subject is a broad one and detailed coverage of all areas of Union law would be impossible. The course aims to give students a clear understanding of the subject as a coherent body of law, rather than merely becoming acquainted with isolated parts: the areas of substantive law chosen for special study are, therefore, ones in which the doctrines most characteristic of the Union legal order have been worked out. One of the goals is that a student who has followed this course will be able to approach even unfamiliar areas of Union law with an authority born of knowledge of how the system essentially works.

The course is based on the assumption that students have already mastered the principal legal skills required for the study of national law and seek to develop those skills in the somewhat different context of European Union Law. Thus, attention is paid to the different approaches to legal reasoning in general and the interpretation of texts in particular.

OBJECTIVES

1. to analyse closely the law of the internal market, with special reference to the free movement of goods and of persons;
2. to equip students to recognise and deal with problems of European Union Law they may encounter in their subsequent careers; develop familiarity with Union law materials and methods of reasoning, and an appreciation of any differences as compared with the methods and reasoning of the common law; and provide experience of operating in an order which is both multi-lingual and multi-cultural.

DESCRIPTION OF CONTENTS: PROGRAMME

The internal market:

- (a) Free movement of goods: customs duties and charges having equivalent effect; discriminatory internal taxation; quantitative restrictions and measures having equivalent effect; the effect of the Keck line of case law; justifications for national restrictions on freedom of movement (not including intellectual property rights); the effect of the Unfair Commercial Practices Directive on Keck.
- (b) Free movement of persons: free movement of workers; freedom of establishment (not including mutual recognition of qualifications); freedom to provide services.
- (c) Citizenship of the Union
- (d) Derogations and public interest requirements
- (e) The free movement of capital

LEARNING ACTIVITIES AND METHODOLOGY

This course will be taught through actively led seminars. A comprehensive handout will be provided which will contain lists of cases which should be read in advance of the class and which will be discussed in class. The following textbooks will be proposed as supplementary reading:

Barnard, The Substantive Law of the European Union: The Four Freedoms (4th ed)
Barnard and Peers, EU Law, (1st ed)
Chalmers, Davies and Monti, European Union Law: Cases and Materials (3rd ed)
Craig and de Búrca, EU Law: Text, Cases and Materials (5th ed)

ASSESSMENT SYSTEM

Ordinary session.

Students will as well solve a practical case on an individual basis which will determine the 60% of the final mark.

On going assessment: 40%

Extra-ordinary session:

End-of-term exam, consisting in a practical case to solve individually: 100% of total mark.

The absence of more than 20% of the front classes causes dismissal from the course.

% end-of-term-examination:	60
% of continuous assessment (assignments, laboratory, practicals...):	40

BASIC BIBLIOGRAPHY

- Barnard, C. Law and Brexit, Oxford Review of Economic Policy, vol. 33, issue 1, 2017
- Barnard, C. The Substantive Law of the European Union: The Four Freedoms, Oxford UP, 2019
- Barnard, C. The Substantive Law of the EU. The four freedoms , Oxford University Press , 2022
- Chalmers, Davies and Monti European Union Law: Cases and Materials (3rd ed), Cambridge UP, 2014
- Craig and de Búrca EU Law: Text, Cases and Materials (7th ed.), Oxford UP, 2020
- European Court of Auditors Has the Commission ensured effective implementation of the Services Directive? Special report No 05, Publication Office of the European Union, 2016
- H-Y Chiu, I. Research Handbook on Shadow Banking, Elgar, 2018
- K.M.Halonen et al. Transparency in EU Procurements , Elgar , 2019
- Leal-Arcas, R. EU Trade Law, Elgar, 2019
- MOREIRO GONZALEZ, C.J. The Convergence of Recent International Investment Awards and Case Law on the Principle of Legitimate Expectations: Towards Common Criteria Regarding Fair and Equitable Treatment?, European Law Review , 2017 (3)
- Platsas, A. The Harmonisation of National Legal Systems Strategic Models and Factors, Elgar, 2017
- R.Leal-Arcas EU Trade Law, Elgar, 2019
- Scholten, M. Law Enforcement by EU Authorities Implications for Political and Judicial Accountability, Elgar, 2017
- Weiss, F., Kaupa, C. European Union Internal Market Law, Cambridge U.P., 2014

ADDITIONAL BIBLIOGRAPHY

- A.L. Calvo Caravaca/J. Carrascosa González Mercado Único y libre competencia en la Unión Europea, Colex, 2003

BASIC ELECTRONIC RESOURCES

- EU Commission . Directorate General for Internal Market, Industry, Entrepreneurship and SME:
https://ec.europa.eu/growth/about-us_en