

**European Domestic Market Law (Free Circulation)**

Code: 102260  
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	0

**Contact**

Name: Miquel Gardeñes Santiago  
Email: Miquel.Gardenes@uab.cat

**Use of languages**

Principal working language: spanish (spa)  
Some groups entirely in English: No  
Some groups entirely in Catalan: No  
Some groups entirely in Spanish: Yes

**Other comments on languages**

Taking into account the important number of international students (Erasmus, double degrees with other Universities...) the lectures are usually taught in Spanish.

**Teachers**

Blanca Vilà Costa

**Prerequisites**

Derecho europeo del mercado interior (libre circulación), grupo 1, *European Internal Market Law (free circulation), group 1*.

There are no specific prerequisites.

During the 2018/2019 academic year, this course will be taught by professors Blanca Vilà and Miquel Gardeñes. By way of exception, if any of these professors would not be able to teach one or more of their lectures, they may be replaced by someone else. Spanish will be the usual language of the course.

**Objectives and Contextualisation**

- To offer an overview of the principles and main legal framework of the European Union internal market: the "four freedoms of movement" (persons, goods, services and capital) and competition law. Most of the course will be devoted to the four freedoms. As for European competition law, the course will only provide a basic introduction to its general aspects.
- To identify the impact of EU internal market law on the legal order of Member States, and the limits that internal market law imposes on Member States.
- To get acquainted with the criteria used by the Court of Justice of the European Union to solve possible conflicts between free movement rights and other public interest objectives.

- To acquire a basic knowledge of the topics analyzed during the course, so as to facilitate further more specialized postgraduate studies in this area.

## **Content**

Basic and summarized description of the contents of the course:

Lesson 1: Introduction.

### **PART I: THE FREEDOMS OF MOVEMENT**

Lesson 2: Free Movement of Goods (I)

- General aspects.
- Customs duties and charges having equivalent effect.
- Discriminatory and protectionist internal taxes.
- Remedies against tax obstacles which are not in conformity with EU Law.

Lesson 3: Free movement of Goods (II)

- Quantitative restrictions and measures having equivalent effect.
- Conditions for the existence of a restrictive measure under Article 34 TFEU.
- Measures specifically applicable to exports: Article 35 TFEU.
- Possible justification of restrictive measures: secondary law. Reasons of general interests. Article 36 TFEU.
- Other instruments.

Lesson 4: Free movement of persons

- Introduction and general aspects.
- Entry and residence in Spain of nationals of other Member States.
- Free movement of workers.

Lesson 5: right of establishment and freedom to provide services

- General aspects.
- Restrictions to establishment and to the provision of services.
- Possible justification for reasons of general interest.
- Specific issues.

Lesson 6: free movement of capital and payments

- Distinction between movements of capital and payments.
- Evolution of the EU legal framework on capital movements.

### **PART II: EU COMPETITION LAW**

Lesson 7: Introduction and fundamental concepts

- Objectives and addresses of EU competition law.
- Concepts of undertaking and relevant market.
- Territorial scope. Relations between EU competition law and Member States' competition law,

Lesson 8: Conducts relevant for competition law.

- Prohibited conducts:
  - a) agreements between undertakings that restrict or distort competition.
  - b) abuse of a dominant position.
- Conducts subject to control:
  - a) control of mergers.
  - b) control of State aids to undertakings.