

European Domestic Market Law (Free Circulation)

Code: 102260
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	0

Contact

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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.

Competences

- Apprehending the necessary mechanisms in order to know, assess, and apply the legislative reforms as well as to follow the changes produced in a concrete subject.
- Arguing and laying the foundation for the implementation of legal standards.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Drawing up and formalising works, reports, documents, rulings.
- Identifying and solving problems.
- Identifying the underlying conflicts of interest in disputes and real cases.
- Identifying, assessing and putting into practice changes in jurisprudence.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Integrating the importance of Law as a regulatory system of social relations.
- Managing bibliographic and documentary resources: databases, browsing, etc.
- Memorising and utilising legal terminology.
- Searching, interpreting and applying legal standards, arguing every case.
- Students must be capable of demonstrating the unitary nature of the legal system and of the necessary interdisciplinary view of legal problems.
- Students must be capable of learning autonomously and having an entrepreneurial spirit.
- Using the main constitutional principles and values as a working tool in the interpretation of the legal system.

Learning Outcomes

1. Applying an interdisciplinary and integrated vision of the legal problems in an international environment.
2. Assessing legislative changes and reforms in a context of plurality of systems.
3. Assessing the underlying conflicts of interest in the legal problems proposed in an international environment.
4. Building a legal reasoning or discourse in the field of Public International Law, Private International Law and European Union Law.
5. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
6. Drawing up and formalising works, reports, documents, rulings.
7. Identifying and assessing the changes and evolution of jurisprudence in a context of plurality of systems.
8. Identifying and knowing the basic contents of every stipulated speciality.
9. Identifying and solving problems.
10. Integrating the importance of Law as a regulatory system of social relations, and the contextualisation of the legal phenomenon in the international environment.
11. Managing bibliographic and documentary resources: databases, browsing, etc.
12. Memorising and using the specific terminology of Public International Law, Private International Law and European Union Law.
13. Students must be capable of learning autonomously and having an entrepreneurial spirit.
14. Using the constitutional values as a criterion for interpretation and solution of conflicts, specially in case of a contradiction between the main fundamental principles of several legal systems.

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.

Methodology

The main Lectures (dissertations) includes the Lecturer's presentation of each one of the contents identified, corresponding to a subject matter. The lecture's session is oriented to the analysis of EU provisions and corresponding case-law of the CJEU, and to solve and debate practical issues. Also is a part of the "Classroom work" the discussion by Students of these issues, theoretical and practical. A crucial part of the Lecture's Session - periodically - will be oriented to solve by written the case presented by the Lecturer in 1 hour' time, fulfilling the written answers an oral debate between the lecturer and the students, object of an periodical evaluation.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Readings, Search of Bibliography and Case-Law Materials	22.5	0.9	8, 7, 10, 12, 14, 2, 3
Work in Classroom- Debating /Case Law analysis, Practical questions	22.5	0.9	1, 8, 4, 5, 11, 7, 10, 9, 6, 13, 14, 2, 3
Type: Autonomous			
General and Particular Lecturer presentations	100	4	8, 7, 10, 12, 9, 2, 3

Assessment

Three are in all the evaluable Student activities for the purpose of this Course:

1) (1) A written practical exam, answering and analyzing a piece of case law, at a proposed date, concerning at least one of the EU Freedoms (4' % of points)

2) (2) A final exam answering TWO THEORETICAL QUESTIONS (50% of points)

3) (3) Participation to the oral class discussions and written cases along all Academic year sessions (10%)

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Final Exam: Two Theoretical Questions on Freedoms	50 %	1	0.04	1, 8, 4, 5, 7, 9, 6, 13, 14, 2, 3
Participativo on Debates/ Written cases in Classroom along the Course	10 %	1	0.04	1, 8, 4, 5, 7, 10, 12, 6, 14, 2, 3
Written Case / Qualification	40 %	3	0.12	1, 8, 4, 5, 11, 3

Bibliography

Preliminar Bibliography (Introductory), compulsory:

Abellán Honrubia, Victoira y Vilà Costa, Blanca (dirs.); Olesti Rayo, Andreu (coord.),
Lecciones de Derecho Comunitario Europeo.
Barcelona, Ariel, 2012, temas VIII a XI.

Barnard, Catherine, The Substantive Law of the EU: The Four Freedoms
, Oxford University Press, 5ª ed.,
2016.

Beneyto Pérez, José Mª (dir.), Maíllo González-Orús, Jerónimo, Becerril Atienza, Brelén (coords.),
Tratado de Derecho y políticas de la Unión Europea (tomo VI: mercado único europeo y unión económica y
monetaria)

Aranzadi, 2014

Beneyto, José Mª y Maíllo, Jerónimo (dirs.), Corti, J., Milla, P. (coords.),
Fostering Growth in Europe, Madrid, CEU ediciones, 2014.

De Grove-Valdeyron, Nathalie,
Reinforcing the Internal Market
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Droit du marché intérieur européen

Direcció General d'Empresa i Indústria, Comissió de la UE,

Libre circulación de mercancías. Guía para la

, Luxemburgo, Oficina, aplicación de las disposiciones del tratado que rigen la libre circulación de mercancías
de Publicaciones de la Unión Europea, 2010 (s'hi pot accedir a través d'Internet).

Dubois, Louis y Blumann, Claude,
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Fernández Navarrete, Donato,
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Fundamentos económicos y políticas de la UE

García Cruces, José Antonio (dir.),
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Tratado de Derecho de la competencia y de la publicidad

Tirant lo Blanch, 2014.

García Murcia, Joaquín (dir.), Libertad de circulación y derechos de protección social en la Unión Europea
Lisboa, Jurvã editorial, 2016.

Grynfolgel, Catherine,

Droit européen de la concurrence, Paris, LGDJ, 2016.

Gutiérrez Velasco, Íñigo (coord.), El Tribunal de Justicia de la UE ante el espejo del Derecho social
tirant lo Blanch, 2017.

Kaupa, Clemens,

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López Escudero, Manuel y Martín y Pérez de Nanclares, José (coords.),

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Madrid, McGraw-Hill, 2000.

Martos García, Juan Jesús, "Las exacciones de efecto equivalente a los derechos de aduana en la Unión
europea. Análisis jurisprudencial", núm. 144, 2012, pp. 55-87.

Crónica Tributaria

Oliva, Anne Marie,

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Pérez de las Heras, Beatriz,

El mercado interior europeo. Las libertades económicas: mercancías, personas,
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servicios y capitales

Reich, Norbert i altres,

Understanding EU Internal Market Law

Intersentia, 3ª ed., 2015.

SCIENTIFIC rEVIEW

Cahiers de Droit Européen

Civitas. Revista Española de Derecho Europeo

Common Market Law Review

Cuadernos Europeos de Deusto

European Law Review

Gaceta Jurídica de la Unión Europea y de la Competencia

Europe

Noticias de la Unión Europea (anteriormente Noticias CEE)

Revista Aranzadi de Unión Europea

Revista de Derecho Comunitario Europeo

(anteriormente) Revista de Instituciones Europeas

Revista de Derecho de la Unión Europea

Revista de Estudios Europeos

Revista Electrónica de Estudios Internacionales

Revista Española de Derecho Europeo

Revista General de Derecho Europeo

(portal jurídico "iustel", en <http://www.iustel.com>)

Revista Jurídica La Ley

(suplemento "Unión Europea", de aparición mensual)

Revue du Droit de l'Union Européenne

(anteriormente

Revue du Marché Unique Européen)

Revue du Marché Commun et de l'Union Européenne (

anteriormente

Revue du Marché Commun)

Revue Trimestrielle de Droit Européen

WEBS Internet:

- Unión Europea:

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

- Dret i procediments legislatius de la UE (pàgina EUR-Lex):

eur-lex.europa.eu/homepage.html

- Tribunal de Justícia de la Unió Europea:

<http://curia.europa.eu/>

- Web sobre temes diversos de la UE:

europa.eu/european-union/topics_es.htm

En particular, poden interessar les entrades següents: "Ciudadanía de la UE", "Competencia", "Consumidores" i "Mercado único".

- Xarxa SOLVIT:

<http://ec.europa.eu/solvit/index.htm>