

Common Legal Space

Code: 40894
ECTS Credits: 10

Degree	Type	Year	Semester
4313791 European Integration	OT	0	2

The proposed teaching and assessment methodology that appear in the guide may be subject to changes as a result of the restrictions to face-to-face class attendance imposed by the health authorities.

Contact

Name: José María de Dios Marcer

Email: JosepMaria.DeDios@uab.cat

Use of Languages

Principal working language: spanish (spa)

Other comments on languages

Some conferences could be taught in english

Teachers

Carles Górriz López

José María de Dios Marcer

Eduardo Rojo Torrecilla

Prerequisites

the same requirements demanded to be admitted to the master degree

Objectives and Contextualisation

- To provide the tools to understand the bases of the legal architecture of the European internal market, that is, the regime of the so-called freedoms of circulation (in particular, freemovement of persons and goods, as well as the rights of establishment and provision of services) and the EU policy on competition in the market.
- Familiarization with the criteria used by the Court of Justice of the European Union to decide on the compatibility or otherwise of the measures of the Member States with the EU Law on free movement.
- To facilitate that students acquire the necessary tools to work on specific cases related to this subject.
- To train students to be able to deep on the specific topics of the program, for example through the completion of a Master Final Project.

Competences

- Analyse, synthesise, organise and plan projects and assignments related to the area of study.
- Communicate and justify conclusions clearly and unambiguously to both specialised and non-specialised audiences.

- Continue the learning process, to a large extent autonomously
- Identify and resolve conflicts of competence between the EU legal system and national systems (specialisation in Legal Integration).
- Identify citizens' rights established in the EU legal system and know the legal procedures for their protection (specialisation in Legal Integration).
- Integrate knowledge and use it to make judgements in complex situations, with incomplete information, while keeping in mind social and ethical responsibilities.
- Seek out information in the scientific literature using appropriate channels, and use this information to formulate and contextualise a research topic.

Learning Outcomes

1. Analyse the principles of distribution of competences between the EU and its member states.
2. Analyse, synthesise, organise and plan projects and assignments related to the area of study.
3. Apply to the different branches of the EU legal system the principles that govern the distribution of competences.
4. Assess the effectiveness of the various legal paths available for defending rights.
5. Communicate and justify conclusions clearly and unambiguously to both specialised and non-specialised audiences.
6. Continue the learning process, to a large extent autonomously
7. Integrate knowledge and use it to make judgements in complex situations, with incomplete information, while keeping in mind social and ethical responsibilities.
8. Map the various legal paths available for defending the different rights that are recognised in each branch of the EU legal system.
9. Seek out information in the scientific literature using appropriate channels, and use this information to formulate and contextualise a research topic.

Content

- Introduction to the internal market
- Free movement of persons: general issues.
- Free movement of persons: aspects related to the free movement of workers.
- Free movement of goods.
- Freedom of establishment and provision of services.
- Competition law.
- Conferences and seminars that could be organized

Methodology

The teaching methodology and the evaluation may undergo some modification depending on the restrictions on attendance that may be imposed by academic and / or health authorities

The educational progress is organized from three different types of activities

1. professor directed activities

These activities are

These activities are developed in the classroom during a semester, within the timetables foreseen for the module and under the direction of the teaching staff. They may be theoretical or practical, but this distinction between theoretical and practical activities is not a rigid division, because both aspects are always integrated

in the courses. Although it is not approximate, we can calculate that 75% of the teaching would be devoted to theoretical aspects, and 25% to practical aspects. Attendance at classes is compulsory.

1.1. theoretical aspects

The theoretical classes are based on the teacher's exposition of the corresponding subjects of the program. The active participation of the students is expected and a dynamic interrelation between teacher and students is required.

1.2. practical aspects:

The practical aspects of the sessions will be devoted, basically, to the analysis of jurisprudence and the resolution of practical cases, based on the criteria normally used by the jurisprudence of the Court of Justice of the European Union. Normally, this practical part will be developed orally, although students may also be asked to resolve written practices.

The materials for the practices will be placed in the virtual campus or they will have to be looked for by the students, through the electronic resources and the available data bases, or using the available collections in the library of social sciences of the UAB and in the library of the European Documentation Center, located on the UAB campus.

1.3. Complementary seminars and/or conferences:

In addition to the courses scheduled, specialized seminars or conferences could be offered during the course.

2. Supervised activities:

Students are the responsables of these activities, always supervised and directed by their professors. During the course, three sessions will be devoted to carrying out supervised activities, which will be done in writing, and in principle in the classroom. The result of these activities will be used to decide the evaluation of the module, as will be explained in the corresponding section. These activities may consist of preparing a dissertation, answering questions about theoretical aspects, solving case studies or commenting on a text or document. They may also consist of personal working, following the instructions provided by the teaching staff

3. Autonomous activities (individually or in group):

Study of the bibliography and materials; Students will have to find the materials required for the preparation of the course and the evaluation tests.

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
seminars and conferences	5	0.2	7, 6
theoretical-practical courses	45	1.8	1, 3, 9, 8, 7, 5, 6, 4
Type: Supervised			
Dissertations, case studies, text comments, solving questions in group	6	0.24	2, 7, 5
Type: Autonomous			
literature search	178	7.12	1, 2, 3, 9, 7, 6, 4

Assessment

The evaluation will be organized from three evaluable activities. The dates of these activities will be communicated when the module's calendar is published. These activities will be theoretical questions, the resolution of a practical case, and text comments and dissertations. They may also consist of personal working, committed by the professor.

90% of the module's qualification will be obtained from the arithmetic average of the grades obtained in each of these three activities (each of them represents 30% of the module grade).

The remaining 10% will be obtained depending the attendance and participation in the conferences or complementary seminars organized.

To determine the final grade, the resulting average grade may be subject to weighting taking into account an overall assessment of the results achieved by the student.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Attendance to seminars	10%	5	0.2	2, 3, 9, 8, 7, 5
Attendance to seminars	30%	3	0.12	7, 6
Second assessable activity	30%	4	0.16	2, 3, 9, 7, 5, 4
Third assessable activity	30%	4	0.16	1, 2, 3, 9, 7, 5

Bibliography

Bibliografía específica:

Sin perjuicio de la bibliografía específica que pueda recomendar cada uno de los docentes a lo largo del curso, los siguientes textos pueden resultar de interés:

Adriano Rafaelli, E. (ed.), *Antitrust between EU Law and National Law / Antitrust fra diritto Nazionale e diritto dell'Unione Europea*, Bruxelles, Bruylant, 2015.

Autores varios, número monográfico de la *Revista Aranzadi de Unión Europea* (número 10, octubre de 2012) dedicado a la conmemoración de los veinte años del mercado interior europeo.

Baquero Cruz, J., *Entre competencia y libre circulación: el Derecho constitucional económico de la Comunidad Europea*, Madrid, Civitas, 2002.

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

Beneyto Pérez, J. Mª (dir.), *Tratado de Derecho de la competencia: Unión Europea y España*, Barcelona, Bosch, 2005, 4 volúmenes.

Beneyto, J.M. y Maíllo, J. (dirs.), Corti, J. y Milla, P. (dirs.), *Fostering Growth in Europe. Reinforcing the internal Market*, CEU ediciones, 2014.

De Grove-Valdeyron, N., *Droit du marché intérieur européen*, Paris, LGDJ, 4ª ed, 2014.

Dirección General de Empresa e Industria, Comisión de la UE, *Libre circulación de mercancías. Guía para la aplicación de las disposiciones del tratado que rigen la libre circulación de mercancías*, Luxemburgo, Oficina de Publicaciones de la Unión Europea, 2010.

Dubois, L. y Blumann, C., *Droit matériel de l'Union Européenne*, Paris, Montchrestien, 7ª ed., 2015.

Fernández Navarrete, D., *Fundamentos económicos y políticas de la UE*, Madrid, Delta, 2014.

García Cruces, J.A., *Tratado de Derecho de la competencia y de la publicidad*, tomo I, Valencia, Tirant lo Blanch, 2014.

García Murica, J. (dir.), *Libertad de circulación y Derecho de protección social en la Unión Europea*, Lisboa, Jurvã editorial, 2016.

Gardeñes Santiago, M., "Mercado interior: sobre la noción de medida de efecto equivalente a una restricción cuantitativa. ¿A la tercera va la vencida?", en L.A. Bourges (coord.), *UE: Sociología y Derecho Alimentarios. Estudios Jurídicos en Honor de Luis González Vaqué*, Cizur Menor (Navarra), Thomson Reuters / Aranzadi, 2013, págs. 213-226.

Goerlich Peset, J.Mª. (dir.), *Libertades económicas, mercado de trabajo y derecho de la competencia. Un estudio de las relaciones entre el ordenamiento laboral y la disciplina de mercado*, Madrid, Consejo Económico y Social, 2011.

Górriz López y Arenas García (coord.), *Libertad de establecimiento y Derecho europeo de sociedades*, Barcelona, Atelier, 2017.

Grynfolgel, C., *Droit européen de la concurrence*, Paris, LGDJ, 2016.

Gutiérrez Velasco, I. (coord.), *El Tribunal de Justicia de la UE ante el espejo del Derecho social*, Valencia, Tirant lo Blanch, 2017.

Kaupa, C., *The Pluralist Character of the European Economic Constitution*, Hart Publishing, 2016.

López Escudero, M. y Martín y Pérez de Nanclares, J. (coords.), *Derecho comunitario material*, Madrid, McGraw-Hill, 2000.

Maillo González-Orús, J. (coord.), *Tratado de Derecho y políticas de la Unión Europea (tomo VI: mercado único europeo y unión económica y monetaria)*, Aranzadi, 2013.

Martos García, J.J., "Las exacciones de efecto equivalente a los derechos de aduana en la Unión Europea. Análisis jurisprudencial", en *Crónica Tributaria*, núm. 144, 2012, pp. 55-87.

Öberg, M.L., *The boundaries of the EU internal market: participation without membership*, 2020

Oliva, A.M., *Leçons de droit matériel de l'Union Européenne*, Paris, Ellipses, 2013.

Ortiz Blanco, L. y otros, *Manual de Derecho de la Competencia*, Madrid, Tecnos, 2008.

Pérez de las Heras, B. *El mercado interior europeo. Las libertades económicas: mercancías, personas, servicios y capitales*, Universidad de Deusto, 2ª ed., 2008.

Phinnemore, D.: Northern Ireland, a place between'in UK.EU relations? *European Foreign Affairs Review* 2020, vol. 4 (núm 25) p. 631-650

Reich, N. y otros, *Understanding EU Internal Market*, Intersentaia, 3ª ed., 2015.

Signes de Mesa, Juan Ignacio; Fernández Torres, Isabel y Fuentes Naharro, Mónica, *Derecho de la competencia*, Cizur Menor (Navarra), Civitas / Thomson-Reuters, 2013.

Velasco San Pedro, Luis Antonio (coord.), *Derecho europeo de la competencia (Antitrust e intervenciones públicas)*, Valladolid, Lex Nova, 2005.

Verschueren, H. (ed.), *Residence, Employment and Social Rights of Moibile Persons. On How EU Define Where They Belong*, Intersentia, 2016.

Vogel, L., *European Competition Law*, Bruxelles, Bruylant, 2015.

Vogel, L., *Traité de droit économique. Tome 1: Droit de la concurrente - droits européen et français*, Bruxelles, Bruylant, 2015.

Vogel, L., *Traité de droit économique. Tome 4: Droit européen desaffaires*, Bruxelles, Bruylant, 2015.

Revistas especializadas

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

Sitios de Internet de interés

- Unión Europea: <http://www.europa.eu/>

- Derecho y procedimientos legislativos de la UE (EUR-Lex): eur-lex.europa.eu/homepage.html

- Tribunal de Justicia de la UE: <http://curia.europa.eu/>

- Web sobre temas diversos relativos a la UE: europa.eu/european-union/topics_es.htm

En particular, pueden interesarlas entradas siguientes: "Ciudadanía de la UE", "Competencia", "Consumidores" y "Mercado único".

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

Software

Sitios de Internet de interés

- Unión Europea: <http://www.europa.eu/>
- Derecho y procedimientos legislativos de la UE (EUR-Lex): eur-lex.europa.eu/homepage.html
- Tribunal de Justicia de la UE: <http://curia.europa.eu/>
- Web sobre temas diversos relativos a la UE: europa.eu/european-union/topics_es.htm

En particular, pueden interesarlas entradas siguientes: "Ciudadanía de la UE", "Competencia", "Consumidores" y "Mercado único".

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