

COURSE DESCRIPTION

SINGLE EUROPEAN MARKET

SECOND YEAR (FIRST SEMESTER)

***DEGREE (S): INTERNATIONAL RELATIONS AND THE
EUROPEAN UNION***

ACADEMIC YEAR 2021/2022

LAW SCHOOL

1. IDENTIFICACIÓN DE LA ASIGNATURA

1.- COURSE:

Name: Single European Market	
Code: e205_12252	
Year (s) course is taught: Second	Semester(s) course is taught: 1st
Type: Compulsory	ECTS: 6
Language: English	Modality: face-to-face
Degree (s) in which course is taught: International Relations and European Union (Bilingual Programme)	
School in which course is taught: Law School	

2.- ORGANIZATION OF THE COURSE:

Department: Public Law
Area of knowledge: Public International Law & International Relations
Head of Area: José María Beneyto

2. TEACHING STAFF OF THE COURSE

1.- IDENTITY OF TEACHING STAFF:

Professor in charge	
Name	Prof. Dr. Jerónimo Maillo
Tlfn (ext):	91 514 04 22
Email:	maigon@ceu.es
Office:	Real Instituto Universitario de Estudios Europeos
Academic profile:	Full Professor of EU, International Public Law and International Relations. Head of the Public Law Department. Coordinator of the Center for Competition Policy & Market Regulation
Research field:	EU Law- Single European Market- Competition Law & Policy- Trade & Economic Regulation

TEACHER (S)	CONTACT
Dr. Maria Corres Illera	e-mail: maria.corresillera@ceu.es

2.- TUTORIAL ACTIVITY:

For any queries students can contact teachers by e-mail, phone or visiting their office during the teacher's tutorial times published on the students' gateway.

3. COURSE DESCRIPTION

The course focuses on providing students with the necessary knowledge on the four fundamental freedoms of the Single European Market (free movement of goods, workers, establishment/services and capital). While also integrating them into the wider context of the ever expanding process of Economic integration in Europe.

The main aims of this course are:

- To understand the goals and the process for building a Single European Market (SEM) and the objectives pursued by it.
- To assimilate the fundamental principles of the SEM, in particular the free movement of goods, persons (including workers, establishment and services) and capitals.
- To get used to a fluent reading and analysis of the Court of Justice's case law regarding these issues.
- To learn how to solve hypothetical cases related to these issues.

4. COMPETENCES & SKILLS

1.- COMPETENCES

Code	Basic and General Competencies
CB1	Students should demonstrate their learning ability through a continuous assessment. Assimilating concepts by drawing awareness from their acquired basis in secondary education, as well as through advanced texts related to their area of knowledge. In this way, they will be able to ascertain the knowledge from the most novel studies in their field.
CB 2	Students should be able to apply their acquired knowledge in a professional way. Using arguments to solve problems in their area of knowledge.
CB 3	Students should be able to research and interpret information in their field. In order to be able to reflect upon them and make statements in relation to contemporary topics such as social, scientific or ethical issues.
CB 4	Students should be able to relay information, ideas, problems and solution to both a specialized and a non-specialized audience.

CB 5	Students should be able to develop skills necessary to undertake further studies with a great sense of autonomy.
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Code	Specific Competencies
CE2	Know how the relationship between international events and the theories formulated by the main authors of International Relations and other legal, and social sciences.
CE 5	Learn to differentiate the distribution of powers and functions of the State, international organizations, the European Union and other social groups in the international system.
CE 6	Know the sources of information about the European Union, the work of its institutions and the application of its policies in addition to the doctrinal sources of critical analysis on them.
CE 9	Understand the structure, organization and functioning of the European Union at its different levels. As well as the planning, implementation and evaluation of its public policies.
CE 10	Know the application of the principles of public law to the international regime of human rights and gender rights.
CE 12	Understand the characteristics of international cooperation and security relations in order to evaluate the effectiveness of development policies.
CE 13	Know the main actors and relationships of the different regional areas of the international system. As well as explain the origins, evolution and consequences of the different international processes of regional integration.
CE 14	Know the principles and norms of public law, both state and international. As well as international procedures for the peaceful settlement of disputes.
CE 17	Be able to carry out a critical analysis, evaluation and synthesis of new and complex ideas in the framework of international relations.

2.- LEARNING OUTCOMES

Code	Learning outcomes
1	Understand the process of building the European Single Market and the objectives pursued by it.
2	Comprehend the fundamental principles of the SEM, in particular the free movement of goods, persons (including workers, establishment and services) and capitals.
3	Obtain fluency in reading Court of Justice jurisprudence as well as capability to analyze cases regarding the subject matter.
4	Learn how to solve hypothetical cases related to these issues.

5. TEACHING METHODOLOGY OF THE COURSE

LEARNING ACTIVITIES

1. – LECTURE (AF1):

Along the semester, six lectures will systematically introduce the student to each of the blocks of the program, offering an overview and their main keys. In particular, the 6 lectures will be devoted to:

- L1: Concept and development of the Single European Market: Aims, evolution and achievements.
- L2: Free movement of goods: an overview
- L3: Free movement of EU citizens and their families
- L4: Working in other Member States; principles and problems
- L5: Free movement of capital: concept, evolution and basic principles
- L6: Complementary Techniques to achieve the SEM: harmonisation, standardisation and prevention.

2.- SEMINAR (AF2):

Seminars require prior reading and preparation of materials by the students. Seminars are conceived as dynamic and promote active participation by the students so that doubts, debate and personal opinions contribute to mature high education and critical assessment.

Resolution of hypothetical cases will compel the students to apply the ideas and concept previously developed in lectures and other seminars.

3. - GROUP WORKSHOP (AF3):

Working groups are activities lead to give students skills in the application of the knowledge learned during lectures and the seminar. Workshops will take place along the semester, all of them requiring a very active role of the students. They will have to resolve cases, preparing short written and oral presentations.

6. ASSESSMENT OF LEARNING

1.- CLASS ATTENDANCE:

A minimum of 75% attendance of lectures and seminars is indispensable for continuous assessment

Workshops attendance and exercises are also compulsory (75% as a minimum)

2.- ASSESSMENT SYSTEMS AND CRITERIA:

- **ORDINARY EXAMINATION. CONTINUOUS ASSESSMENT:**
 - Attendance minimum respected
 - Active participation in seminars and workshops
 - Pass on both theory and practice (case resolution and/or text commentaries), and on both continuous assessment and final exam
- **EXTRAORDINARY EXAMINATION:**
 - No continuous assessment. Pass on the Final extraordinary exam (a pass both on theory and practice).

PARAMETER TO ASSESS	PERCENTAGE
SE5: Attendance and continuous assessments in lectures and seminars	10
SE2: Partial exam	20
SE4: Workshops, case simulations and other presentations	10
SE2: Final exam	60
FINAL RESULTS FOR THE COURSE	100

7. COURSE PROGRAMME

1.- COURSE PROGRAMME:

Lesson 1.- Introduction to the Single European market

1. Economic integration theories.
2. The European case: aims, history and achievements of European Economic Integration.
3. Negative and positive integration.
4. Types of barriers to free movement: Basic Treaty Framework

Lesson 2.- Free movement of goods (I): fiscal obstacles

1. The elimination of Custom Duties and Charges having an Equivalent Effect to a Custom Duty (CEE): articles 28 and 30 TFEU.
2. The prohibition of fiscal discrimination. The case law regarding Article 110 TFEU.

Lesson 3.- Free movement of goods (II): Quantitative Restrictions and Measures having an Equivalent Effect (MEE)

1. The concept of Measure having an Equivalent Effect (MEE) before Cassis de Dijon.
 - 1.1. Directive 70/50 and the Dassonville test to apply Art. 34 TFEU.
 - 1.2. The exceptions of Art. 36 TFEU: public morality, public order, public security, public health, artistic heritage and industrial/commercial property.
2. Barriers to free movement of goods arising from indistinctly applicable national rules: the Cassis period.
 - 2.1. Analysis of the mandatory requirements: consumer protection, loyalty of commercial transactions, environmental protection....
3. Case law after Cassis:
 - 3.1. The change precedents
 - 3.2. Keck and subsequent case law.
4. Conclusions on the case law. Interaction between judicial and legislative measures.

Lesson 4.- Free movement of goods (III): other restrictions

1. The adjustment of monopolies of a commercial character (Article 37 TFEU).
2. State aids and the control mechanism laid down in Articles 107 et seq. from the perspective of Art. 34 TFEU.

Lesson 5.- Free movement of persons (I): rights of movement and residence of EU citizens and their families

1. The evolution of free movement rights. EU citizenship and free movement
2. Direct and indirect beneficiaries
3. Requirements and conditions to enjoy free movement and residence rights
4. Exceptions: public health and public order/public security.

Lesson 6: Free movement of persons (II): exercise of economic activities

1. Free movement of workers
 - 1.1. Scope of application: the concept of worker
 - 1.2. The prohibition of discrimination
 - 1.3. Indistinctly applicable restrictions: the extension of Cassis logic to the free movement of workers. Analysis of the Bosman case and its consequences.
 - 1.4. Exceptions: employment in Public administration and other exceptions.
2. Free establishment and free provision of services
 - 2.1. Scope of application of both freedoms: the concept of establishment and services.
 - 2.2. The prohibition of discrimination.
 - 2.3. Indistinctly applicable restrictions.
 - 2.4. Exceptions: exercise of official authority and other exceptions.
 - 2.5. Mutual recognition of qualifications.
 - 2.6. Legal persons. Harmonisation of company law.
 - 2.7. Establishment and services of lawyers.
 - 2.8. The Services Directive.

Lesson 7.- Free movement of payments and capitals

1. Scope of application. The concept of payments and capitals.
2. The process for liberalisation and the current situation since the TEU
3. Exceptions to the free movement of payments and capitals.

Lesson 8.-Harmonisation, standardisation and prevention of new obstacles. The elimination of physical barriers. Better governance and enforcement

1. The 'new approach' to harmonisation and normalisation.
 - 1.1. The new perspectives opened by current Article 114 TFUE (initially Article 100 A EEC Treaty)
 - 1.2. The choice of the legal basis to harmonise
 - 1.3. The normalisation or standardisation.
2. The procedure to prevent new obstacles to trade.
3. The elimination of physical barriers to free movement. Disappearance of controls for persons in internal borders: the Schengen Agreement and its communitarisation.
4. Better governance and enforcement.

Lesson 9.-Current and future challenges: the need to reinforce the Internal Market Final conclusions

8. RECOMMENDED READING

1.- BASIC READING:

- Barnard, C.: The Substantive Law of the EU: The Four Freedoms, 6th ed., Oxford University Press, Oxford, 2019.
- Craig, P. y De Búrca, G.: "EU Law. Text, cases and materials", 6th ed., Oxford, 2015, Chapters 17-22.
- Beneyto, J.M (Dir), Mailló, J. y Becerril, B. (coords), Mercado Único Europeo y Unión Económica y Monetaria", Tratado de Derecho y Políticas de la UE, Tomo VI, Thomson Reuters Aranzadi, 2013.
- See also syllabus at the subject website

2.- COMPLEMENTARY READING:

- Barnard, C. y Scott, J. (eds.): The Law of the Single European Market, Hart, Oxford, 2002.
- Beneyto, J.M.: "Europa 1992. El Acta Única Europea: Mercado Interior y Cooperación Política Europea", Civitas, Madrid, 1989.
- Beneyto, J.M (Dir), Mailló, J. y Becerril, B. (coords), Mercado Único Europeo y Unión Económica y Monetaria", Tratado de Derecho y Políticas de la UE, Tomo VI, Thomson Reuters Aranzadi, 2013.
- Cecchini, P.: "Europa 1992: Una apuesta de futuro", Alianza Editorial, Madrid, 1998.
- Green, N., Hartley, T.C. & Usher, J.A.: "The Legal Foundations of the Single European Market", Oxford University Press, Oxford, 1991.
- Jarvis, Malcolm: "The Application of EC Law by National Courts. The free movement of goods", Clarendon Press, Oxford 1998.
- Jiménez de Parga, P: "El derecho a la libre circulación de personas físicas en la Europa comunitaria" Ed.Tecnos, Madrid, 1994.
- Lirola, M^a Isabel: "Libre circulación de personas y Unión Europea", Ed. Civitas, Cuadernos de Estudios Europeos, Madrid 1994.
- López Escudero, M. y Martín y Pérez de Nanclares, J. (coord.): "Derecho Comunitario Material", McGraw Hill, Madrid, 2000. Capítulos 3-11.
- Mailló, J., "Aportaciones del Mercado Interior y la política europea de competencia europea: lecciones a considerar por otras áreas de integración regional", en Beneyto, J.M., El modelo europeo de gobernanza. Contribuciones de la integración europea a la gobernanza global, Biblioteca Nueva, 2014, pp. 157-186.
- Mattera, A.: "El Mercado Único Europeo. Sus reglas, su funcionamiento", Civitas, Madrid, 1991.
- Oliver, P.: Oliver on the free movement of goods, Hart Publishing, Oxford, 2010.
- Poiares Maduro, M.: "We the Court: The European Court of Justice and the European Economic Constitution. A critical reading of article 30 EC of the Treaty", Hart Publishing, Oxford, 1998.
- Sideck, Mohamed: "EC Law on the free movement of capital and the EMU", Kluwer Law International, Stockholm, 1999.
- Steiner, J. & Woods, L.: "EU Law", 10th ed., OUP, Oxford, 2009.
- VVAA (Coord. Caiger & Floudas): "1996 Onwards. Lowering the Barriers Further", Wiley, Chichester (England), 1996.

3.- WEB SOURCES:

- EU's Web page: <http://europa.eu>
- Eurlex: <http://eur-lex.europa.eu/>
- Instituto de Estudios Europeos: <http://www.idee.ceu.es>
- Centro de Documentación Europea: <http://www.uspceu.es/pages/servicios/cde/centro-documentacion-europea-home.html>

9. ATTITUDE IN THE CLASSROOM

1.- REGULATIONS:

Any irregular act of academic integrity (no reference to cited sources, plagiarism of work or inappropriate use of prohibited information during examinations) or signing the attendance sheet for fellow students not present in class will result in the student not being eligible for continuous assessment and possibly being penalized according to the University regulations.

10. EXCEPTIONAL MEASURES

Should an exceptional situation occur which prevents continuing with face-to-face teaching under the conditions previously established to this end, the University will take appropriate decisions and adopt the necessary measures to guarantee the acquisition of skills and attainment of learning outcomes as established in this Course Unit Guide. This will be done in accordance with the teaching coordination mechanisms included in the Internal Quality Assurance System of each degree.