



Course: Law

Degree: Bachelor

Branch: Core curriculum

Study plan: Aviso n.º 9088/2019, de 23 de maio

Teaching staff:

Professor in charge of the curricular unit

Prof.ª Doutora Inês Quadros

Other Professors of the curricular unit

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Language of instruction:

English

Functioning:

Theoretical-Practical Classes

Intended learning outcomes:

The course aims to provide students with an in-depth vision of one of the most important substantive areas of EU Law. At the end of the course students are expected to understand the main principles underpinning the internal market, mostly, but not only, concerning the legal framework governing the economic freedoms. Some insight of the harmonization procedure will also be thrown, as well as citizenship's free movement rules.

Syllabus:

1. Introductory concepts
 - 1.1. Economic integration stages and models
 - 1.2. Free market and economic freedoms
 - 1.3. Internal market fundamental principles: discrimination, access to the market, economic freedom
 - 1.4. Competitive federalism
 - 1.5. General structure of freedoms' adjudication
2. Free movement of goods
 - 2.1. Customs duties and charges having equivalent effect
 - 2.2. Quantitative restrictions and measures having equivalent effect
 - 2.3. Derogations; proportionality

- 2.4. Art. 90 and internal taxation; similar products and competing products
- 3. Free movement of workers
 - 3.1. Rights and persons concerned
 - 3.2. Exceptions and derogations
- 4. Free provision of services
 - 4.1. Persons concerned
 - 4.2. Scope and exclusions; restrictions
 - 4.3. Secondary legislation and procedure (harmonization).
- 5. Right of establishment
- 6. Related rights of free movement and freedoms' enhancement through citizenship
 - 6.1. Rights of free movement and residence
 - 6.2. Citizenship directive
- 7. Free movement of capital and payments

Evidence of the syllabus coherence with the curricular units intended learning outcomes:

A thorough knowledge of the EU internal market demands for a comprehensive understanding of the 4 freedoms – the, so called, ‘negative integration’ –, as well as their relationship and mutual boundaries. Further, the study of the method the ECJ has developed in freedoms’ adjudication allows for a comparison between them and the development of common principles and rules.

Recommended prior learning (or curricular units whose prior attendance is recommended):

Completion of a general course on European Union Law is recommended.

Teaching and assessment methods:

Classes shall be mostly dedicated to the discussion on caselaw concerning the relevant topics. Assessment will be based on active participation in the classes and oral discussion of the proposed case law; as well as a mandatory written exam.

Evidence of the teaching methods and the intended learning outcomes:

Discussion in classes will be crucial to the understanding of the opposing interests underpinning the construction of the internal market. Caselaw will help students to develop a critical reasoning on the topics.

Bibliography:

Catherine Barnard, The Substantive Law of the EU: The Four Freedoms, 6th ed., OUP, 2019

Other materials will be indicated to students before the beginning of classes.

Legislation:

Treaty of the European Union; Treaty on the Functioning of the European Union; Directives 2004/38, 2006/123 and 2015/1535.