

- Faculté de droit
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Internal Market Law of the EU (4DR2122)

Filières concernées	Nombre d'heures	Validation	Crédits ECTS
Master bilingue en droit	Cours: 4 ph	oral: 15 min contrôle continu: 1	8
Master en droit	Cours: 4 ph	oral: 15 min contrôle continu: 1	8

ph=période hebdomadaire, pg=période globale, j=jour, dj=demi-jour, h=heure, min=minute

Période d'enseignement:

- Semestre Automne

Equipe enseignante:

Prof. Evelyne Clerc.

Objectifs:

- understand the process of EU (negative and positive) integration, assess market access restrictions and potential justifications, develop an informed opinion on issues relating to free movement
- become familiar with relevant Treaty provisions, secondary legislation and leading Court of Justice case law
- develop skills to recognize the key points in CoJ cases
- have a fair command of analytical tools to solve case studies.

Contenu:

The internal market is the EU's Holy Grail; its impact is increasingly felt in Switzerland as well. This course deals with the substantive law governing the EU internal market and, in a lesser degree, its conventional extension to Switzerland. The course focuses on the four fundamental freedoms; which form the cornerstone of European integration: the free movement of goods, persons (workers, EU citizens, third-country nationals), services and establishment, as well as free movement of capital.

This will be achieved by first discussing the Court of Justice case law interpreting the Treaty on the Functioning of the EU (and the related provisions in the EU-CH bilateral agreements). Attention will also be paid to the impact of positive harmonisation measures through EU secondary legislation, on the basis of specific issues relating to technical barriers to the free movement of goods, to the recognition of diplomas, to the services directive and to the protection of posted workers.

Forme de l'évaluation:

Continuous evaluation as described in the Annex. Mid-term exam (2 hours) and final exam (2 hours) each count for 50% of the grade. Moreover, grade is raised to reflect a student's positive contribution to class discussion. Additional logistical information is provided in the course outline. In case of failure, students will take an oral exam (15 minutes + preparation time).

Documentation:

Syllabus, course materials and additional information regarding the precise topics of the lectures and how to prepare for them are provided on the Claroline course website (EU_MARKET). Coursepack and book are to be purchased from ANED or from bookstore. Students are expected to complete the assigned reading before each class, to make case presentations, to solve hypothetical fact patterns and to participate actively in class discussion.