

- 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	Voir ci-dessous	8
Master en droit	Cours: 4 ph	Voir ci-dessous	8

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

Période d'enseignement:

- Semestre Automne

Equipe enseignante

CLERC Evelyne, Professeur ordinaire

Contenu

The course addresses the "four fundamental freedoms" which form the cornerstone of the EU integration: the free movement of goods, persons (workers, EU citizens, third-country nationals), services and capital. It considers the substantive law governing the EU internal market and, to a lesser extent, its bilateral extension to Switzerland.

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

Forme de l'évaluation

Alternative 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. Both exams are closed book; that means that students may only rely on legislation (in paper form). Computers, mobile phones and other electronic devices, as well as watches, are forbidden during the exams. Possession of an electronic device (even switched off) during the exam is considered as cheating. Additional logistical information is provided in the course outline. In case of failure, the retake is an oral exam (15 min + preparation time).

Documentation

Syllabus, reader, course materials and additional information regarding the precise topics of the lectures and how to prepare for them are provided on the Moodle course website. Coursepack and book shall be purchased from ANED or from bookstore.

Forme de l'enseignement

The classes are a mix of lectures and case studies. An active participation of the students to class discussion on the basis of prior assigned readings, of solving hypothetical fact patterns and occasional case presentations is required, so as to acquire the necessary legal tools and skills to master new development in EU substantive law.

Objectifs d'apprentissage

Au terme de la formation l'étudiant-e doit être capable de :

- Present orally a case study to peers in a clear, concise and convincing manner and deliver a sound legal solution
- Develop a scientific research in clear and structured way
- Develop an informed opinion on issues relating to free movement within the EU internal market as well as between the EU and Switzerland, and discuss critically with colleagues
- Identify the relevant provisions laid down by the Treaty, the EU secondary legislation and the relevant case law of the Court of Justice that are applicable to a given factual situation, and apply these various legal sources to solve case studies in a legally sound and structured manner
- Identify the uncertainties in internal market law
- Recognise the key points in leading cases of the Court of Justice of the EU
- Evaluate critically a recent case of the CJEU in the light of existing case law and indicate the possible relevance for further developments
- Work with interacting sources of EU law (primary law, secondary legislation and judgments) and in a multi-level (EU and national) legal framework
- Explain the dynamic and evolving nature of the European (negative and positive) integration process, identify market access restrictions and discriminations, as well as potential justifications

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Compétences transférables

- Communicate in English and in French, including through interaction with native speakers
- Work in an international context and in a multi-layered legal framework, as well as discuss with colleagues from different disciplines and/or different cultures
- Present orally an issue or a personal position