

- 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:

DELIMATIS Panagiotis, Professeur.

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 CJEU cases
- have a fair command of analytical tools to solve case studies.

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 conventional extension to Switzerland.

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, such as technical barriers to the free movement of goods, recognition of diplomas, free movement of EU citizens, 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, 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 Moodle course website. Coursepack and book shall 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.