

- Faculté de droit
- www.unine.ch/droit

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 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 provisions (and the related rules 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 posting of workers.

Forme de l'évaluation

Students are required to take two written exams, one at midterm and one at the end of the semester (during Jan/Feb 2026 exams session). The duration of exams is two hours (120 minutes). Each exam consists of multiple-choice questions, of which only one answer is always correct. The midterm and final exams each count for 50% of the grade. Moreover, grade is raised to reflect a student's positive contribution to class discussion. Students must register on IS-Academia for the January/February written exams session. If a student wants to drop the course and not register for the exam, he/she shall do so at the latest before the midterm exam. NON-REGISTRATION OR WITHDRAWAL OF REGISTRATION FOR THE JANUARY-FEBRUARY EXAM IS NOT ALLOWED AFTER THE MIDTERM EXAM HAS BEEN TAKEN (Art. 34 and 35 §2bis REE).

In the event of absence from the midterm or end-of-semester exam for valid reasons accepted by the Secretariat (e.g. illness, accident, death of a relative), the Professor responsible will immediately set a new assessment date for the student (Art. 36 § 1-3 REE).

The students shall and may rely only on the binder of legislation "Internal Market Law of the EU", in printed form. They are allowed to highlight, annotate or use stickers as 'bookmarks' in the legislation (no post-it). Annotations shall consist in max. 5 words (i.e. no list of conditions) or in cross-references to other provisions. Except for the binder of legislation, both exams are closed book. 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. The Law School and University regulations relating to fraud at exams apply. Additional logistical information about the exams will be provided in class and by email.

Modalités de rattrapage

In case of failure, the retake is an oral exam (15 minutes + preparation time) that will take place during another exams' session (June at the earliest). A new registration on IS-Academia is required for the oral exam. The students shall and may rely only on the binder of legislation "Internal Market Law of the EU", in printed form, and notes drafted during the 15-minutes preparation. The oral exam is closed book, except for the abovementioned binder. The same restrictions relating to annotations, electronic devices... apply (see above). The Law School and University regulations relating to fraud at exams apply.

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.

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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 EU internal market law. Therefore, students are required to come to class prepared.

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 an informed opinion on issues relating to free movement within the EU internal market as well as between the EU and Switzerland
- 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
- 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
- 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
- Identify the uncertainties in internal market law

Compétences transférables

- Communicate in English and in French, including through interaction with native speakers
- Present and defend orally an issue or a personal position
- 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