

1. GENERAL INFORMATION			
1.1. Course teacher	Iris Goldner Lang/Tamara Perišin	1.6. Year of the study programme	5 (4+1)
1.2. Name of the course	EU Internal Market Law	1.7. Credits (ECTS)	7
1.3. Associate teachers	No associate teachers, but visiting professors will give lectures	1.8. Type of instruction (number of hours L + S + E + e-learning)	L (28 hours) + S (28 hours)
1.4. Study programme (undergraduate, graduate, integrated)	Graduate	1.9. Expected enrolment in the course	20
1.5. Status of the course	Elective	1.10. Level of application of e-learning (level 1, 2, 3), percentage of online instruction (max. 20%)	0
2. COUSE DESCRIPTION			
2.1. Course objectives	<p>The main objective of the course is to transfer advanced knowledge and understanding of EU internal market law. In order to achieve this objective the course aims at developing and deepening students' knowledge of the EU internal market and economic and political background of the EU and its fundamental freedoms – free movement of goods, workers, services and capital. The course explores the interaction between EU institutions, as well as between EU institutions and EU Member States in the process of the development of fundamental freedoms. It addresses the principles of conferred powers, subsidiarity and proportionality in the context of market freedoms and discusses not only legal, but also economic and social aspects of EU fundamental freedoms. The topic is discussed by analysing the evolution of both positive and negative integration, the limits of national regulatory autonomy and the contributions made by the Court of Justice of the European Union and other EU institutions.</p>		
2.2. Course enrolment requirements and entry competences required for the course	Level 6 competences of European Qualifications Framework. Knowledge of English language.		
2.3. Learning outcomes at the level of the programme to which the course contributes	<p>Development of problem-solving skills and critical thinking;</p> <p>Application of the newly acquired knowledge by course participants in their day-to-day life and professional work;</p> <p>Raising civic engagement and public awareness;</p> <p>Ability to conduct independent research;</p> <p>Communication and literacy</p> <p>Student will have been able to use professional language and to present information in a way that is comprehensible to others, to read and discuss legal materials written in technical and complex language, and to write a student essay and be able to present it in appropriate way.</p> <p>Exchange of ideas and experiences among course participants;</p> <p>Professional literacy;</p> <p>Other general learning outcomes</p>		

	Student will have ability to use internet, including e-mail, to work in a group and to contribute to achievement of group goals
2.4. Learning outcomes expected at the level of the course (4 to 10 learning outcomes)	<ul style="list-style-type: none"> <li>(1) To develop and deepen the knowledge of the functioning of the EU internal market and the economic and political background of the EU and its fundamental freedoms;</li> <li>(2) To develop and deepen the knowledge of fundamental freedoms – free movement of goods, workers, services and capital;</li> <li>(3) To learn and understand the interaction between EU institutions (Court of Justice of the European Union, European Commission, Council, European Parliament) and the EU institutions and EU Member States in the process of the development of fundamental freedoms;</li> <li>(4) To learn and understand the scope and effect of the law of the free movement of goods - the mechanism of free movement of goods through positive and negative integration, the limits of national regulatory autonomy and the contributions made by the Court of Justice of the European Union and other EU institutions;</li> <li>(5) To learn and understand the principles of conferred powers, subsidiarity, proportionality;</li> <li>(6) To learn and understand the economic and social aspects of free movement of workers, the prohibition of discriminatory and non-discriminatory restrictions and the exceptions;</li> <li>(7) To learn and discuss the rights of family members of EU nationals;</li> <li>(8) To learn and understand the concept of EU citizenship;</li> <li>(9) To understand and differentiate the criteria for the application of the provisions on free movement of services and freedom of establishment and the criteria for assessing when national measures can be used;</li> <li>(10) To understand how the Court of Justice of the European Union has developed the rights of individuals and companies to carry on business across national frontiers.</li> </ul>
2.5. Course content broken down in detail by weekly class schedule (syllabus)	<p><b>Unit 1: Political and economic foundations of the EU</b></p> <p><b>Learning objectives:</b> to understand the economic and political background of EU internal market rules; to understand the concept of four fundamental market freedoms – free movement of goods, persons, services and capital.</p> <p><b>Unit 2: Free movement of goods I</b></p> <p><b>Learning objectives:</b> to understand concepts “quantitative restrictions”, “measures having equivalent effect”, “distinctly applicable measures” and “indistinctly applicable measures”, and develop the skill of differentiating such measures in practice; to understand the relationship between Articles 34 and 36 TFEU on the one hand, and Article 114 TFEU on the other hand; to understand the reasons and circumstances which led to the development of the judicial doctrine of “mutual recognition as well as its consequences for the process of European integration; to understand the limits of national regulatory autonomy.</p> <p><b>Unit 3: Free movement of goods II</b></p>

**Learning objectives:** to understand the system of justifying measures caught by Article 34 TFEU – legitimate aims of consumer protection, environmental protection, fundamental rights, etc; to understand types of proportionality assessment and develop the skill of applying it in practice.

#### **Unit 4: Positive integration in the EU – competences, subsidiarity, proportionality**

**Learning objectives:** to understand the competences of the EU in regulating the internal market; to understand the principles of conferred powers, subsidiarity and proportionality; to understand the importance and ways of selecting the appropriate Treaty basis for EC legislation.

#### **Unit 5: Free movement of workers I**

**Learning objectives:** to understand the economic and social aspects of free movement of workers in the context of the EU internal market; to understand direct effect of Article 45 TFEU; to understand the territorial reach of Article 45 TFEU; to understand the meaning of the term “worker”; to understand the scope of freedom of movement of workers as guaranteed by the Treaty.

#### **Unit 6: Free movement of workers II - public policy, security and health justifications and public service exception**

**Learning objectives:** to understand the concepts “public policy”, “public security” and “public health” in EU law as well as situations in which these justifications are allowed; to understand the concept of public service and the scope of its application.

#### **Unit 7: European citizenship and family reunification**

**Learning objectives:** to understand the concept of EU citizenship and its importance in EU law according to Treaty articles and the practice of the Court of Justice of the European Union; to understand the rights of family members of EU citizens as regulated by the case law of the Court of Justice of the European Union, Treaty articles and Directive 2004/38 on the right of EU citizens and their family members to freely move and reside in the territory of Member States.

#### **Unit 8: Free movement of services and freedom of establishment I**

**Learning objectives:** to understand and differentiate the criteria for the application of the provisions on free movement of services and freedom of establishment; to understand the concept of proportionality in the context of free movement of services and freedom of establishment; to understand the criteria for assessing whether national measures can be used; to understand the phrase “a measure that hinders or makes less attractive”; to understand the balancing done by the Court of Justice of the European Union between fundamental freedoms and fundamental rights.

	<p><b>Units 9: Free movement of services and freedom of establishment II</b></p> <p><b>Learning objectives:</b> to understand whether Treaty provisions on establishment and services have horizontal direct effect; to understand the functioning of the establishment of companies.</p> <p><b>Unit 10: National tax rules as obstacles to free movement of persons and services</b>  <b>Free movement of capital - golden shares</b></p> <p><b>Learning objectives:</b> to understanding that tax rules can present obstacles to market freedoms; to understand the justifications for these obstacles; to identify the consequences of internal market rules for national fiscal systems; to understand that privileged shares owned by a MS in a privatised company, limitations on shareholders voting powers and similar measures can restrict or make less attractive the movement of capital; to understand the narrow possibilities for justifying such measures.</p>					
2.6. Format of instruction:	<input checked="" type="checkbox"/> lectures <input checked="" type="checkbox"/> seminars and workshops <input type="checkbox"/> exercises <input type="checkbox"/> on line in entirety <input checked="" type="checkbox"/> partial e-learning <input type="checkbox"/> field work	<input checked="" type="checkbox"/> independent assignments <input type="checkbox"/> multimedia and the internet <input type="checkbox"/> laboratory <input type="checkbox"/> work with mentor <input type="checkbox"/> (other)	<p>2.7. Comments:</p> <p>E-learning includes access to teaching materials and student assignments requiring on-line research of sources.</p>			
2.8. Student responsibilities	<ol style="list-style-type: none"> <li>1. Preparation for each class by reading the course material provided in advance at the course website.</li> <li>2. Attendance in class (18 hours of lectures and 18 hours of seminars) and participation in class discussion, solving of hypothetical cases in class.</li> <li>3. Anonymous, two-hour, written exam-entailing problem solving of hypothetical cases and essay type questions.</li> </ol>					
2.9. Screening student work <i>(name the proportion of ECTS credits for each activity so that the total number of ECTS credits is equal to the ECTS value of the course )</i>	Class attendance	2	Research		Practical training	
	Experimental work		Report		(other)	
	Essay		Seminar essay		(other)	
	Tests		Oral exam		(other)	
	Written exam	5	Project		(other)	
2.10. Grading and evaluating student work in class and at the final exam	Class attendance is a necessary condition for taking the course exam.					

	<p>The exam is taken after the classes have finished. It is a written exam containing 4 questions – 2 essay-type questions and 2 hypothetical cases, each covering different course units and examining different learning outcomes. A student has to answer two questions. The grade is based on the quality of the provided answers.</p> <p>Exams are anonymous. Each exam is examined by 2 examiners i.e. course teachers.</p>		
2.11. Required literature (available in the library and via other media)	<b>Title</b>	<b>Number of copies in the library</b>	<b>Availability via other media</b>
	C. Barnard, <i>The Substantive Law of the EU</i> , OUP, Oxford, 2010.	0	Internet
	T. Perišin, <i>Free Movement of Goods and Limits of Regulatory Autonomy in the EU and WTO</i> , T.M.C. Asser Press, The Hague, 2008	0	Internet
	Selected primary and secondary sources of EU law (Treaties, directives, regulations, cases etc.).	0	- Course website; - Eurlex.
2.12. Optional literature (at the time of submission of study programme proposal)	<p>P. Craig and G. de Burca, <i>EU Law</i>, OUP, Oxford, 2011.</p> <p>Wyatt and Dashwood's <i>European Union Law</i>, Sweet and Maxwell, London, 2011</p>		
2.13. Quality assurance methods that ensure the acquisition of exit competences	<p>Quality of the course will be assessed by self-evaluation, student evaluation and institutional evaluation.</p> <p>Quality assurance in accordance with requirements of the University of Zagreb. All written submissions will be kept on file for 12 months after the course for purpose of peer review. Self-evaluation will be performed.</p>		
2.14. Other (as the proposer wishes to add)			