



Course title	From Market Freedoms to Citizenship
Course Code	LAW406.1
Category (core/elective)	Core
Level	LLM
Duration (semesters)	1
Semester when taught (autumn/spring)	Autumn
ECTS	7.5
Prerequisites	None
Responsible	Professor Vassilis Hatzopoulos

Course objectives

The Internal Market has been, and still is, the driving force of the EU integration project. It has been put to work from day one of the EEC, was reinforced by the Single European Act in order for it to be 'completed' by 1992, was further pushed through intensive litigation, and is still a work in process. If free movement of goods was the first to materialize, capitals, services and persons play an increased role these last years. Economic realities have put free movement of services and capitals in the forefront of the internal market, while political susceptibilities have made free movement of EU citizens an absolute goal. During the last years EU citizenship has been detached from the free movement rules –due to the ingenious case law of the CJEU.

This Course is intended to present the dynamics of the evolution of the internal market, give insights into the basic concepts triggering the application of the relevant rules and discuss the various justifications – Treaty provided and judge-made – to restrictions to the rules. In so doing the Course tends to delve into the larger image of other trade agreements, both at the regional and global level. It is also aimed at discussing the various regulatory methods used in order to secure the proper functioning of the internal market, as well as the relations of the internal market rules with the other Treaty rules (competition, state aids and public procurement). Last but not least, it is intended to follow the emergence of EU citizenship as an autonomous concept and explore whether this leads to the 'de-marketization' of the market freedoms.

Course Description

The Course starts with a dynamic perspective of the concept and content of Single/Internal Market since its inception. It briefly compares this concept with similar ones found in other regional or global trade agreements. It then turns to the material rules applicable to the various freedoms and to the rights stemming from EU citizenship. Then the ways in which Member States may organize the provision of services to their citizens are being discussed, as well as the various regulatory and non-regulatory means used by the EU to contain them. In the last lectures the frame is being widened and the WTO and other trade agreements are being brought into the image.

Course Outline

The Course is organized on the basis of 13 lectures as follows

1. Variants of economic integration – From Common Market to Internal Market and back to Common Market – Other agreements of economic integration concluded by the EU at the regional and the global level
2. Fiscal and non-fiscal impediments to the free movement of goods
3. Free movement of capital and basic EMU rules
4. Free movement of workers and establishment of natural and legal persons
5. Free provision of services
6. EU Citizenship
7. Network-bound industries
8. Public Procurement law
9. Services of General interest and the internal market
10. Regulatory methods for the Internal Market
11. Basic WTO rules on free movement of goods
12. The GATS - Preferential trade agreements
13. Bringing it all together – future challenges

Educational Outcomes

Students are expected to acquire a full understanding of the various instruments of trade protectionism and to distinguish them from the leeway left to States in order to pursue legitimate policies. The different levels of limitations imposed by the TFEU, the WTO and other bilateral trade or association agreements should be made clear. Therefore, they shall have a clear understanding of the concept of trade 'restriction'. Further, they will have a clear vision of the points in common and the differences between the various EU freedoms as well as the way one freedom feeds into the other. Therefore, the Course will greatly benefit practice-oriented students, as it will provide them with the essential toolkit with which they will be able to tackle trade disputes at the EU and, to a lesser extent, at the global level.

Students will also benefit from a more normative approach, as they will have the opportunity to appraise the way in which other functions of the State, such as the award of citizenship and the provision of services of general interest to citizens, get entangled with the market rules. Students are expected, thus, to be able knowledgeably to participate in the big debate whether the EU is only about economic integration or whether, on the contrary, it also allows for social and other

considerations to be taken onboard the integration project.

Students having followed this course will possess the necessary knowledge in order to be able to litigate in any field of the internal market and, to a lesser extent WTO law. Further, they will be able to assist their governments, local authorities, state-owned enterprises etc on policy design and implementation. Naturally, they shall be ready to operate in any trade-related international organisation or management body.

<p>Basic Textbook(s)</p>	<ul style="list-style-type: none"> - Barnard, C <i>The Substantive Law of the EU: The Four Freedoms</i>, 4th ed (Oxford: OUP, 2013). - Chalmers, D., Davies, G., and Monti, G., <i>European Union Law: Cases and Materials</i>, 2nd ed (Cambridge: CUP, 2010). - Craig, P and de Burca, G <i>EU Law, Texts and Materials</i>, 5th ed (Oxford: OUP, 2011) - Gormley, L., <i>EU Law of Free Movement of Goods and Customs Union</i> (Oxford: OUP, 2009).
<p>Basic Bibliography</p>	<ul style="list-style-type: none"> - Barnard, C., and Scott, J. (eds), <i>The Law of the Single European Market: Unpacking the Premises</i> (Oxford/Portland: Hart Publishing, 2002) - de Burca, G., and Scott, J. (eds), <i>The EU and the WTO: Legal and Constitutional Issues</i> (Oxford/Portland: Hart Publishing, 2001). - de Burca, G., and Scott, J., <i>Law and New Governance in the EU and the US</i> (Oxford/Portland: Hart Publishing, 2006). - Hatzopoulos, V, <i>Regulating Services in the EU</i> (Oxford: OUP, 2012). - Koeck, H.F., and Karollus, M.M. (eds), <i>The New Services Directive of the EU, FIDE XXIII Congress 2008, Volume III</i> (Vienna: Nomos, 2008). - Oliver, P. et al, <i>Oliver on Free Movement of Goods in the European Union</i> (Oxford: Hart Publishing, 2010).
<p>Additional Bibliography</p>	<ul style="list-style-type: none"> - Breus, F., Fink, G., and Griller, S. (eds), <i>Services Liberalisation in the Internal Market</i> (Wien/New York: Springer, 2008). - Dehousse, R. (ed), <i>The Community Method: Obstinate or Obsolete?</i> (Basingstoke: Palgrave Macmillan, 2011). - Krajewski, M., Neergaard, U., and van de Gronden, J. (eds), <i>The Changing Legal Framework for Services of General Interest in Europe: Between Competition and Solidarity</i> (The Hague: TMC Asser Press, 2009). - Lianos, I, Odudu, O, <i>Regulating Trade in Services in the EU and the WTO: Trust, Distrust and Economic Integration</i> (Cambridge: CUP, 2012) - Sauter, W., and Schepel, H., <i>State and Market in EU Law: The Public and Private Spheres of the Internal Market before the EU Courts</i> (Cambridge: CUP, 2009).

	<ul style="list-style-type: none"> - Senden L., <i>Soft Law in EC Law</i> (Oxford/Portland: Hart Publishing, 2004). - Shiubhne, N.N. (ed), <i>Regulating the Internal Market</i> (Cheltenham/Northampton: Edward Elgar Publishing, 2006).
Teaching Methodology	Lectures: lectures x hours = 24 hours Tutorials: tutorials x hours = 12 hours Total: = 36 hours
Evaluation	Final Exam = 70 % Course Participation = 30% Total = 100%
Language	English
Location	Athens, Plaka
General note	While the ‘Course Objectives’ and ‘Educational Outcomes’ above remain immutable, the ‘Course Content’ and ‘Course Outline’ may be altered in order to accommodate students’ needs and individual professors’ approaches. Bibliography and reading materials may vary accordingly.