

The Law of Internal Market in the EU

Program of the lectures:

- 1) **Internal Market – Concept, Evolution and Principles**
 - Definition of the Internal Market
 - The four fundamental freedoms
 - Principles: non-discrimination, proportionality, mutual recognition
 - Development from 1992 to the present (Digital Internal Market)
- 2) **Free Movement of Goods**
 - Customs union and the prohibition of customs duties
 - Prohibition of quantitative restrictions and measures having equivalent effect
 - Case law: *Dassonville*, *Cassis de Dijon*, *Keck*, *Trailers*
 - Technical barriers and harmonisation
- 3) **Free Movement of Services**
 - Primary law (Arts. 56–62 TFEU)
 - Directive 2006/123/EC (Services Directive) – scope, exceptions, practical implications
 - Cross-border provision of services
 - Posting of workers – Directives 96/71/EC and 2018/957/EU
 - Social rights of mobile workers
 - Case law: *Laval*, *Viking*, *Sähköalojen ammattiliitto*
- 4) **Free Movement of Persons**
 - EU citizenship
 - Directive 2004/38/EC – right of entry, residence, and permanent residence
 - Restrictions: public policy, public security, public health
 - Social benefits and access to public services
 - Case law: *Dano*, *Alimanovic*, *Zambrano*, *Baumbast*
- 5) **Free Movement of Workers**
 - Rights of workers under Art. 45 TFEU
 - Equal treatment, access to employment, social advantages
 - Coordination of social security systems (Regulations 883/2004 and 987/2009)
 - Professional mobility and recognition of qualifications (Directive 2005/36/EC)
- 6) **Free Movement of Capital and Payments**
 - Liberalisation of capital movements
 - Restrictions and exceptions (tax measures, public interest)
 - Case law: *Golden Shares*, *Commission v. Portugal*, *Santander*
 - Financial services and regulation (MiFID II, PSD2 – brief overview)
- 7) **Free Movement of Personal Data**
 - GDPR as an instrument enabling the free movement of data
 - Relationship between data protection and the Internal Market
 - Transfers of personal data to third countries (Schrems I/II, Data Privacy Framework)
 - Data Governance Act (DGA) and Data Act – new rules for the EU data economy
 - Interoperability and data sharing within the EU
- 8) **Digital Single Market – New Regulatory Framework**
 - Digital Services Act (DSA) – online safety and platform responsibilities
 - Digital Markets Act (DMA) – regulation of gatekeepers
 - Relationship between DSA/DMA and the four freedoms
 - Online platforms as actors of the Internal Market
 - Artificial intelligence and the Internal Market (AI Act – brief overview)
- 9) **Enforcement, Institutions and Judicial Protection**
 - Role of the European Commission, Member States, and the courts
 - Infringement procedures
 - Direct effect and supremacy of EU law
 - Preliminary ruling procedure (Art. 267 TFEU)
- 10) **Practical Case Studies and Current Challenges**
 - Cross-border healthcare services
 - Online provision of services (platforms, digital markets)

- Worker mobility after 2020
- Brexit and the Internal Market
- Future of the Internal Market (green transition, digitalisation)

Literature:

1. Foster on EU Law. FOSTER N.: – 8th ed. Oxford University Press, Oxford 2021, 504 p. - ISBN ISBN: 9780192897961
2. Fundamentals of European Union law [elektronický dokument] / Peter Varga ; reviewers: Andrea Olšovská, Monika Jurčová. - [1st ed.]. - Trnava : Trnavská univerzita, Právnická fakulta, 2013. - 1 CD, 111 p. - ISBN 978-80-8082-720-5: <http://iuridica.truni.sk/sites/default/files/dokumenty/zahranicne-vztahy/en/publications/pdf/07European%20Law.pdf>
3. WEATHERILL S.: Cases and materials on EU Law. Oxford University Press, Oxford 2010, 710 p. - ISBN 978-0-19-956225-1

Treaty on the European Union and the Treaty on Functioning of the European Union (Consolidated version 2016) O.J. C 202/01, 7 June 2016: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:C:2016:202:FULL&from=EN>

Internet sites:

www.europa.eu

Assessment criteria:

- Attendance of courses
- Active participation in the lesson
- Innovative method of solving the submitted tasks
- Preparation for the lessons

Exam

- oral exam, the students will be asked a problem from the discussed issues, emphasis is put on practical approach

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