



LUND
UNIVERSITY

Faculty of Law

JAEN43, Internal Market Law, 12 credits *Inremarknadsrätt, 12 högskolepoäng* Second Cycle / Avancerad nivå

Details of approval

The syllabus was approved by Educational Committee of the Law Faculty Board on 2014-10-14 and was last revised on 2022-09-07 by Faculty of Law Board of education at undergraduate and postgraduate levels. The revised syllabus applies from 2022-09-07, autumn semester 2022.

General Information

The course Internal Market Law is a compulsory course within the Master's Programme in European Business Law at the Faculty of Law. The course is open to students in the programme leading to a Swedish Professional Law degree as well as students participating in exchange programmes with the Faculty of Law, and who follow the courses on the Master's Programme in European Business Law in their studies at an advanced level.

Language of instruction: English

Main field of studies

European Business Law

Depth of study relative to the degree requirements

A1F, Second cycle, has second-cycle course/s as entry requirements

Learning outcomes

The aim of the course is to enable students to reflect critically on the basic principles, legislation and case law of the internal market law of the European Union.

Knowledge and understanding

To pass the examination the student shall be able to

- demonstrate an understanding of how the Internal Market is structured, how the different national legal systems interact with European Union law and the establishment of a true European Market
- demonstrate an understanding of legal solutions, common or diverging, to

internal market law such as harmonisation, mutual recognition and the relationship between European Union law and national law

- demonstrate an understanding of how to identify and solve diversities in national law, from the perspective of European Internal Market law
- give an overview regarding the completion of the Internal Market.

Competence and skills

To pass the examination the student shall be able to

- demonstrate an ability to master a wide range of diverse sources of legislation and case law relating to internal market situations
- demonstrate an ability to reveal similarities and diversities among different European legal solutions intended to structure the Internal market
- assess legal and policy issues caused by the differences in national legislation
- discuss and give suggestions on the degree to which it is possible to consider internal market law as a subject per se.

Judgement and approach

Students will practise inter-disciplinary working methods with colleagues from different cultural backgrounds and of the opposite gender. They will also be required to perform independent research and take full responsibility for the development of their own knowledge in an objective, but critical manner.

To pass the examination the students are required to consider and discuss social and ethical responsibilities in a commercial environment and make personal judgments based on these reflections. Students will practise inter-disciplinary working methods with colleagues from different cultural backgrounds and of the opposite gender. They will also be required to perform independent research and take full responsibility for the development of their own knowledge in an objective, but critical manner.

To pass the examination the students are required to consider and discuss social and ethical responsibilities in a commercial environment and make personal judgments based on these reflections.

Course content

In this course, Internal Market law will be studied from a comparative European perspective. The focus lies on the free movement of goods, persons, services and capital, and related areas such as state monopolies and public undertakings.

It must be emphasised that the purpose of the course is not to provide the students with knowledge of the law of the internal market as a whole, i.e. with a presentation of the entire European legislation in this field. Instead this course aspires to highlight solutions, common or diverging, to such problems of internal market law that occur in all common market systems. In order to do so, pertinent cases and areas of legislation will be compared. In this manner, the students will gain a profound knowledge of the nature of internal market law and master a wide range of diverse sources in market situations.

The legal systems relevant in this process can be divided into different legal regimes:

1) Treaty Articles, 2) secondary legislation and 3) national legislation. In addition to these legal regimes, case law of the European Union Court of Justice (ECJ) deserves special attention.

Course design

Teaching consists of compulsory lectures and seminars.

The students acquire the above knowledge and competences through the self-study of course literature and other course materials, and by taking an active part in lectures and seminars.

Assessment

In order to pass, students are required to have 80% attendance or more on the course.

Examination is in the form of a written test at the end of the course.

The examiner, in consultation with Disability Support Services, may deviate from the regular form of examination in order to provide a permanently disabled student with a form of examination equivalent to that of a student without a disability.

Subcourses that are part of this course can be found in an appendix at the end of this document.

Grades

Marking scale: Fail, Pass, Pass with credit, Pass with distinction.

One of the following grades is given: Fail (U), Pass (B), Pass with Credit (BA) or Pass with Distinction (AB).

All grading criteria rest on the baseline set up for the grade B. Criteria for the grade BA are additional to those for the grade B. Criteria for the grade AB are additional to those for the grade BA. Each grade criterion consists of a qualitative and a quantitative dimension. To be awarded a specific grade, the grade criterion must be satisfied in its qualitative as well as its quantitative dimension.

Grading criteria are applied to all dimensions listed as "Learning outcomes" in this syllabus. By way of example, an AB would presuppose that the student's examination reflect her or his mastery with regard to knowledge and understanding, skills and abilities and values and attitudes as laid down in the syllabus as "learning outcomes". Grading is done primarily using Qualitative and Quantitative criteria. The Quantitative criterion reflects how well read the student is whereas the Qualitative criterion reflects how well the student can use his/her knowledge to make a well structured critical and analytical argument and put it in a proper context.

B – Basic command

In order to achieve this grade the student must show good knowledge about how different national systems interact with EU law in the establishment of the Internal Market.

The student must show an ability to identify and critically analyse case law concerning the four freedoms and related areas.

The student has to acquire sound knowledge and understanding of the interpretative methods used by the ECJ and their relevance for the development of the Internal Market.

BA – Advanced command

In order to achieve this grade the student must show very good knowledge about how different national systems interact with EU law in the establishment of the Internal Market.

The student must show a good ability to identify and critically analyse case law concerning the four freedoms and related areas.

The student has to acquire great knowledge and understanding of the interpretative methods used by the ECJ and their relevance for the development of the Internal Market.

The student has to be able to critically and independently identify policy choices in the development of the Internal Market and show an ability to reflect on the relationship between the ECJ and the Union legislator in developing the Internal Market.

AB – Mastery

In order to achieve this grade the student must show an in-depth knowledge about how different national systems interact with EU law in the establishment of the Internal Market.

The student must show a very good ability to identify and critically analyse case law concerning the four freedoms and related areas.

The student has to acquire profound knowledge and understanding of the interpretative methods used by the ECJ and their relevance for the development of the Internal Market.

The student has to be able to critically and independently identify policy choices in the development of the Internal Market and show an ability to reflect and discuss the relationship between the ECJ and the Union legislator in developing the Internal Market. The student shall also demonstrate a profound understanding of the

relationship between the Union and the Member States as regards the regulation of the Internal Market.

Entry requirements

Students within the Master's Programme in European Business Law qualify automatically for this course.

Students on the programme leading to a Swedish Professional Law degree and who follow the Master's Programme in European Business Law in their studies at advanced level: prerequisites are stated in the curriculum for the Master of Law Programme at the Faculty of Law.

Exchange students must have passed at least two and a half years of law studies at university level.

Further information

The University views plagiarism as a very serious academic offence, and will take disciplinary action against students for any kind of attempted malpractice in connection with examinations and assessments. The penalty that may be imposed for this, and other unfair practices in examinations or assessments, includes suspension from the University.

For course literature see Appendix.

Lectures and course materials are in English.

The course is scheduled to require 10 weeks of studies.

Subcourses in JAEN43, Internal Market Law

Applies from H14

1401 Internal Market Law, 12,0 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction