

EC INTERNAL MARKET LAW

**Contents**

**Part I: Introduction**

**§ 1 Institutional and substantive Law of the European Union**

- I. The substantive law of the European Union in the spectrum of European law
- II. The importance of the substantive law of the European Union in legal practice
- III. The substantive law in the failed Treaty establishing a Constitution for Europe and in the Treaty of Lisbon

**§ 2 The European Union as framework for the economic development in Europe**

- I. The beginning of the European organisation of integration as an economic community
- II. The Europeanization of the economy during 50 years of European integration
- III. The European internal market and its implications for the state, the economy and the citizen
- IV. The economic fundamental freedoms and their importance for the European integration
- V. The European Union as a political community of the European citizens or as a neo-liberal specialised economic organisation [Zweckverband]?

**§ 3 The European unified economic area - an overview**

- I. The principle of an open market economy with free competition (art. 119 FEU Treaty, formerly 4 EC Treaty)
- II. The customs union (art. 28 et seq. FEU Treaty, formerly 23 et seq. EC Treaty)
- III. Common market (art. 2 EC Treaty) and internal market (art. 26 FEU Treaty, formerly 14 EC Treaty)
- IV. The fundamental freedoms in the internal market (art. 28 et seq., 34 et seq., 45 et seq., 49 et seq., 56 et seq., 63 et seq. FEU Treaty, formerly 23 et seq., 28 et seq., 39 et seq., 43 et seq., 49 et seq., 56 et seq. EC Treaty)
- V. The realization and protection of the internal market
- VI. The economic and monetary union (art. 119 et seq. FEU Treaty, formerly 98 et seq. EC Treaty)

**Part II: The Fundamental Freedoms**

**§ 4 General theory**

- I. The legal nature and the special features of the fundamental freedoms
- II. In particular: fundamental freedoms and fundamental rights
- III. The functions of the fundamental freedoms
- IV. The holders (entitled subjects) and the addressees (obliged subjects) of the fundamental freedoms

- V. The concepts of sphere of protection ["Schutzbereich"], enroachment/interference ["Eingriff"/"Beeinträchtigung"] and limits ["Schranken"] of the fundamental freedoms
- VI. The concurrence of fundamental freedoms
- VII. The complementation of the fundamental freedoms by the prohibition of discrimination (art. 18 FEU Treaty, formerly 12 EC Treaty)

**§ 5 The free movement of goods (art. 28 et seq., 110 et seq. FEU Treaty, formerly 23 et seq., 90 et seq. EC Treaty /)**

- I. General aspects
- II. Sphere of protection
- III. Encroachments
- IV. Limits and limits of limits ["Schranken-Schranken"]

**§ 6 The freedom of movement for workers (art. 45 et seq. FEU Treaty, formerly 39 et seq. EC Treaty)**

- I. General aspects
- II. Sphere of protection
- III. Encroachments
- IV. Limits and limits of limits

**§ 7 The freedom of establishment (art. 49 et seq. FEU Treaty, formerly 43 et seq. EC Treaty)**

- I. General aspects
- II. Sphere of protection
- III. Encroachments
- IV. Limits and limits of limits

**§ 8 The freedom to provide services (art. 56 et seq. FEU Treaty, formerly 49 et seq. EC Treaty)**

- I. General aspects
- II. Sphere of protection
- III. Encroachments
- IV. Limits and limits of limits

**§ 9 The free movement of capital and payments (art. 63 et seq. FEU Treaty, formerly 56 et seq. EC Treaty)**

- I. General aspects
- II. Spheres of protection
- III. Encroachments
- IV. Limits and limits of limits

-----

## **Part III: The Realization and Safeguard of the Internal Market**

### **§ 10 The approximation of laws in the internal market**

- I. Concept and purpose of the approximation of laws
- II. Approximation of laws and mutual recognition of national standards
- III. Approximation of laws according to art. 115 FEU Treaty, formerly 94 EC Treaty
- IV. Approximation of laws according to art. 114 FEU Treaty, formerly 95 EC Treaty
- V. Approximation of laws according to special clauses

### **§ 11 The competition law of the European Union**

- I. Introduction
- II. The prohibition of cartels (art. 101 FEU Treaty, formerly 81 EC Treaty)
- III. The prohibition of abuse of a dominant position (art. 102 FEU Treaty, formerly 82 EC Treaty)
- IV. The European merger control
- V. The restrictions on state aids (art. 107 et seq. FEU Treaty, formerly 87 et seq. EC Treaty)
- VI. The prohibition of favouring public undertakings (art. 106 FEU Treaty, formerly 86 EC Treaty)

## **Part IV: The Economic and Monetary Union (overview)**

### **§ 12 Economic and budgetary policy in the European Union**

- I. Introduction
- II. The orientation of the economic policy of the Union and the member states on market-economy lines (art. 119(1), 120 FEU Treaty, formerly 4(1), 98 EC Treaty)
- III. The coordination of the economic policy of the member states (art. 121 FEU Treaty, formerly 99 EC Treaty)
- IV. The safeguard of the budgetary discipline of the member states (art. 126 FEU Treaty, formerly 104 EC Treaty)

### **§ 13 The Monetary Union**

- I. The importance of the monetary union for the European integration
- II. The long way towards the monetary union
- III. The substantive law, in particular the criterias for taking part at the monetary union
- IV. The institutional framework and the legal instruments of the monetary union
- V. The way of the Baltic states towards the monetary union

More Informations on this course at [www.lanet.lv/~tschmit1](http://www.lanet.lv/~tschmit1). For any questions, suggestions and criticism please contact me via e-mail at [tschmit1@gwdg.de](mailto:tschmit1@gwdg.de).