







The EU Single Market Law

One of the main purposes of EU law → building a Europe-wide market (the **Internal/Common/Single Market**) embracing the nation-wide markets of all the Member States

Internal market = Market integration

In this course, such a topic will be addressed from a legal perspective

Market integration: An ongoing process

From the outset it is one of the main aims at the heart of the European integration project:

- Art. 2 Treaty of Rome 1957 (EEC): «It shall be the aim of the Community, by establishing a Common Market (...)»
- Art. 3.3 TEU (after Lisbon): «The Union shall establish an internal market. (...)» → Art. 26 et seq. TFEU

But the goal is still far from being achieved...
re-launching the single market

The single market is not "yesterday's business" (it has still to develop its full potential)

Re-launching the single market does not merely imply to eliminate the remaining obstacles to free intra-EU movement

A stronger and better integrated market which fully plays its role as a platform on which to build European competitiveness (vis-à-vis non-EU countries)

In the *Single Market Act* (2011), the European Commission identifies twelve "levers" to boost growth and strengthen confidence

Market integration: a goal to be progressively achieved

From different national markets (those of 28 EU Member States + third States participating in the European Economic Area) towards one single European market

The **nature** of EU market changes in the course of the history of the EU, but not the **pursued aim** → to merge national markets into a single Europe-wide market, not simply to liberalise trade between EU countries

The concept of “Internal Market”

The definition laid down in the Treaty and in the case-law

ECJ case-law

Case 15/81, *Schul*:
“The concept of a common market (...) involves the elimination of all obstacles to intra-Community trade in order to merge the national markets into a single market bringing about conditions as close as possible to those of a genuine internal market”.

See also Case 270/80, *Polydor*

1985 Commission's White Paper

The objective of completing the internal market has 3 aspects:

- 1) The welding together of the markets of the MSs into one **single** market
- 2) Ensuring that this single market is also an **expanding** market – not static but growing
- 3) To this end, ensuring that the market is **flexible** so that resources, both of people and materials, and of capital and investments, flow into the areas of greatest economic advantage

Art 26(2) TFEU

The internal market shall comprise

- "an area without internal frontiers
- "in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaties"

What is a "market"?

The place where supply (of goods or services) meets with demand of them.

Any place where the sellers of a particular good or service can meet with the buyers of that goods and service where there is a potential for a transaction to take place. The buyers must have something they can offer in exchange for there to be a potential transaction

What should be ensured for EU being a single integrated market area?

Any market participant should be able to

- Deploy his or her labour and capital
- Sell or buy goods
- Perform or receive services

Across the Union's «internal» frontiers without being impeded by national rules maintaining or reintroducing frontiers by means of trade restrictions

Market integration

vs

Legal pluralism

A single EU-wide market,
but not a single law

Legal pluralism in the European Union

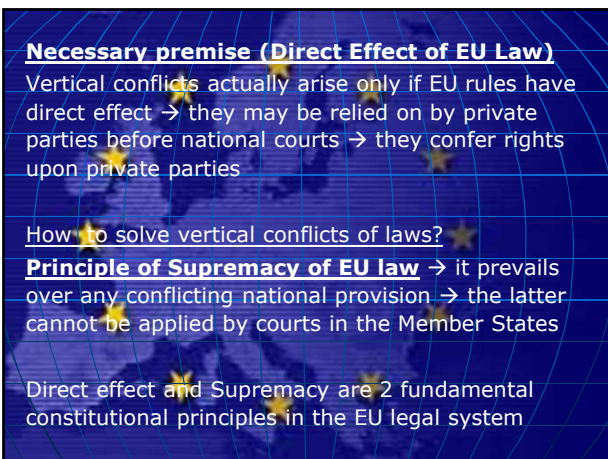
Market activities are regulated by

- a) Various (and different) **national** rules
- b) **EU** rules, i.e.
 - 1) Basic principles of freedom set out by **primary** law → **negative** integration → incompatible national rules may not be applied
 - 2) Uniform or harmonised **secondary** law → positive integration → market is regulated at central (EU) level

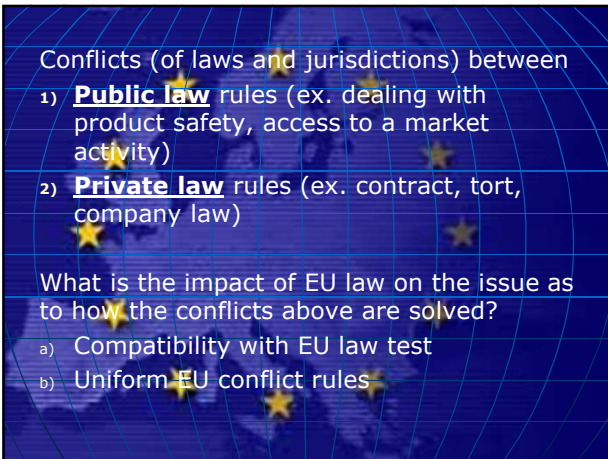
⇒ **Vertical** and **horizontal** conflicts of laws













b) Uniform EU private international law

Judicial cooperation in civil matters → Art 81 TFEU: power to legislate is conferred on EU legislature → rules on choice of laws and jurisdictions are enacted at EU level → they determine in a uniform way

1) **Which court has jurisdiction**

2) **Which law applies**

→ Uniformity → legal certainty → foreseeability

B) Course structure

What is this course aimed at?
(learning objectives)

You will be able

a) to **solve** practical problems involving legal issues relating to the EU single market

b) to **elaborate** papers on the issues above, applying the proper theoretical and methodological approach acquired

Course organisation & Assessment methods

Interactive approach:

- i) Introductory lectures on each topic
- ii) Case-study
- iii) Class participation
- iv) Papers on practical cases (to be written, working alone or in group, and discussed in class)
- v) Final oral exam? Maybe not

Further reading

- European Commission, White Paper on *Completing the Internal Market*, COM(85) 310 final
- European Commission, Communication on *A single market for 21st century Europe*, COM(2007) 724 final
- M. Monti, Report on *A new strategy for the single market*, 9 May 2010
- European Commission, Communication on the *Single Market Act*, COM(2011) 206 final
- European Commission, Communication on *Single Market Act II*, COM(2012) 573 final
