

EU Internal Market Law

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Session No 1 "Introduction to the course"

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A) What does this course deal with?

Market integration in the EU from a broader perspective:

- 1) The law of the Internal Market
- 2) The EU competition law

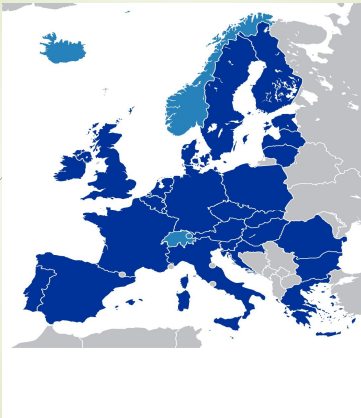
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1) The "Internal" Market Law

Internal market = **Market integration**
(something more than Free Trade)

- building a Europe-wide market (the **Common** or **Internal** or **Single** Market) embracing the nation-wide markets of all the Member States
- removing all obstacles to intra-EU free movement of goods, services, persons and capital

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The definition of
"Internal Market"

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CJEU 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*

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1985 Commission's White Paper

The objective of completing the internal market has 3 aspects:

- 1) welding together 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

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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"

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The European Union as an 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** = **restrictions on free movement**

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The Internal Market is not "yesterday's business"

The building of a European Market has been at the heart of the European integration project from the very beginning →

- 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 (...)"

The goal is still far from being achieved

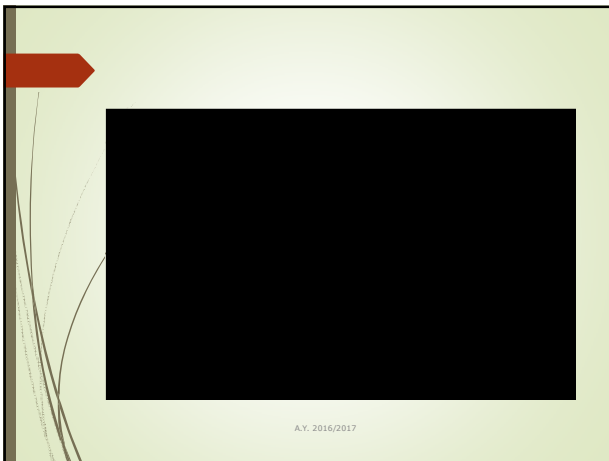
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re-launching the single market

- It 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) →

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

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2) The EU Competition Law

A body of uniform rules aimed at ensuring a free workable competition within the internal market

- Rules addressed to undertakings operating in the European market → prohibition of
 - i) anti-competitive agreements
 - ii) abuse of dominance
- Rules addressed to Member States → they cannot "help" their undertakings

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B) Assessment methods

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Workshop format requiring active students' involvement

Students regularly attending lectures will be assessed on the basis of

- i) Class participation
- ii) Case-study
- iii) Two review questions: one on the first part of the course (internal market), the other on the second part (competition law)

Non-attending students: oral exam

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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

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