European Union Law

## Prof. Matteo Manfredi

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course aims to provide students with an overview of the most relevant aspects of the legal system adopted by the European Union, such as the institutions and the law regulating the internal market, with a focus on content and terminology. Then, after studying the principles, structures and guarantees of this legal system, students will be guided through the discovery of the most important substantive rules at the basis of the internal market and the area of freedom of the European Union.

Thanks to the study of the material indicated in the reading list, supported by class attendance, students will be able to reach a good knowledge of the institutional structure and the sources of European Union law, and understand the peculiarities of an extremely dynamic and evolving legal system.

For this reason, at the end of the course, students will also be able to identify the activities carried out by the European Court of Justice, as well as its principles and lines of reasoning; this will help them to acquire a critical approach towards EU law issues.

***COURSE CONTENT***

After introducing the institutional structure of the European Union, the course will focus on the sources of European Union law, in order to explain the fundamental role played by European regulations in defining the legal relationships between natural and/or juridical persons in its member states. The second part of the course will present the most important aspects of the integration of member states in the EU internal market, such as freedom of movement and EU citizenship.

***READING LIST***

1. U. Draetta-F. Bestagno-A. Santini, *Elementi di Diritto dell’Unione europea*, Parte Istituzionale, Giuffrè, Milano, last edition available, the entire volume with the exception of chapters eight and nine;

*And in addition*:

2. A. Arena-F. Bestagno-G. Rossolillo, *Mercato unico e libertà di circolazione nell’Unione europea*, Giappichelli, 2020, 2nd ed., only the following pages: pp. 1-160; 173-209; 221-249; 273-287; 293-300. On the pages indicated, all Comments, as well as only the judgements specified below, shall be examined. Conversely, the regulations in the book are not intended to be studied: students need only consult them in order to better understand the Comments in the chapters and the judgements.

***TEACHING METHOD***

Frontal lectures. During the course, the theoretical analysis of the EU legal system will be supported by the practical study of the decisions taken by the European Court of Justice. For this reason, a wide range of sentences taken from EU jurisdiction will be analysed and discussed in class.

This teaching method is due to the importance of EU jurisdiction in the development and the definition of the peculiarities, general principles, and substantial discipline of the EU legal system.

***ASSESSMENT METHOD AND CRITERIA***

Oral assessment. Students will be tested on their knowledge of the EU institutional framework, the sources of EU law, and their relevance in national law, with a focus on the application of the freedom of circulation principle in the internal market. In addition, they will be evaluated on the use of appropriate terminology (that can be found in the texts under analysis).

The final mark, expressed in thirtieths, will result from the answers given by students during the oral assessment, according to the following criteria: completeness and accuracy of discourse in the treatment of a subject; ability to carry out a critical analysis of juridical topics; ability to identify the regulatory sources of EU law, and relevant case law (especially by the European Court of Justice); ability to find links and connections between different topics; accuracy of answers and terminology in use.

In the light of this, excellent marks will be given to students who possess all the skills mentioned above.

Students who, instead, have a good knowledge of course content, acceptable argumentative skills, a discrete capability to find links between different topics, and proper terminology will get good marks.

Students with a basic knowledge of the topics explained in class, and difficulties in orienting themselves among the different topics and using proper terminology will get mediocre marks.

Students who don’t meet the assessment criteria mentioned above will not pass the exam.

***NOTES AND PREREQUISITES***

1. **When studying the volume by Draetta, Bestagno and Santini,** students are advised to pay particular attention to the points of reference the manual offers using “bold” to emphasise the most important points.
2. **When studying the volume by Arena, Bestagno and Rossolillo**, students should also prepare all the *Commenti* for the exam, not just the judgements identified in these notes.

The questions at the end of each section can provide students with useful indications for self-assessment while studying.

1. Given the teaching method used in the lectures (i.e. frontal lectures in class based on the theoretical framework but also on the discussion of EU Court of Justice judgements under the guidance of the lecturer) attendance is encouraged. For non-attending students, however, the two volumes indicated for study cover the course content in full. The lecturers are available for any further clarification required by non-attending students.

There are no prerequisites in terms of prior knowledge, as the course is introductory in nature, introducing the EU system before examining EU law in gradually increasing detail.

**Court of Justice judgements to prepare from the volume "Mercato unico e libertà di circolazione nell’Unione europea":**

Chapter 1: La libera circolazione delle merci

A. Il mercato interno e l’unione doganale

3.3. Sentenza 10 dicembre 1968, causa 7/68, Comm. c. Italia (“Italian Art”) (p. 14)

B. Rilevanza ed effetti delle norme di diritto dell’UE in materia di libera circolazione delle merci

2.1 Sentenza 5 febbraio 1963, causa 26/62, Van Gend en Loos (p. 22)

2.5 Sentenza 5 marzo 1996, cause riunite C-46/96 e C-48/93, Brasserie du Pêcheur (p. 27)

C. Il divieto di ostacoli di natura fiscale nel commercio tra stati membri

2.5 Sentenza 26 febbraio 1975, causa 63-74, Cadsky (p. 40)

2.8 Sentenza 4 maggio 1986, causa 106/84, Comm. c. Danimarca (“vini d’uva e di frutta”, p. 43)

2.9 Sentenza 12 luglio 1983, causa 170/78, Comm. c. Regno Unito (“vino e birra”, p. 53)

D. Il divieto di restrizioni quantitative e di misure di effetto equivalente: le misure distintamente applicabili

3.1 Sentenza 11 luglio 1974, causa 8/74, Dassonville (p. 55)

3.4 Sentenza 9 dicembre 1981, causa 193/80, Comm. c. Italia ("Aceto") (p. 57)

E. Segue: le misure indistintamente applicabili

3.1 Sentenza 20 febbraio 1979, causa 120/78, "Cassis de Dijon" (p.71)

3.2 Sentenza 24 novembre 1993, cause riunite C-267/91 e C-268/91, Keck e Mithouard (p. 73)

3.4 Sentenza 10 febbraio 2009, causa C-110/05, Commissione c. Italia (rimorchi, p.78)

F. Margini di autonomia normativa degli stati membri nella tutela di interessi generali

3.1 Sentenza 14 luglio 1988, causa 90/86, Zoni (p. 101)

3.3 Sentenza CG 10 novembre 1982, causa 261/81, Rau (p. 104)

3.4 Judgement 3 dicembre 1998, case C-67/97, Bluhme (p. 106)

Chapter 2: La cittadinanza europea

A. Cittadinanza europea e cittadinanza nazionale

3.1 Sentenza 7 luglio 1992, causa C-369/90, Micheletti (p. 125)

3.3 Sentenza 2 ottobre 2008, causa C-148/02, Garcia Avello (p. 126)

3.4 Sentenza 2 marzo 2010, causa C-135/08, Rottmann (p. 127)

B. I diritti civili discendenti dalla cittadinanza europea

3.3 Sentenza 19 ottobre 2004, causa C-200/02, Chen (p. 149)

3.6 Sentenza 5 giugno 2018, causa C-673/16, Coman (p. 153)

Chapter 3: La libera circolazione dei lavoratori

A. Caratteri generali e ambito di applicazione delle norme in materia di libera circolazione dei lavoratori

3.2 Sentenza 3 luglio 1986, causa 66/85, Lawrie-Blum (p. 183)

3.4 Sentenza 26 febbraio 1991, causa C-292/89, Antonissen (p. 187)

B. Le condizioni di accesso e di esercizio dell’impiego

3.2 Sentenza CG 30 maggio 1989, causa 33/88, Allué (p. 202)

3.4 Sentenza CG 6 giugno 2000, causa C-281/98, Angonese (p. 206)

Chapter 4: La libertà di stabilimento

A. L’ambito applicativo della libertà di stabilimento

3.1 Sentenza 30 novembre 1995, causa C-55/94, Gebhard (p. 224)

3.3 Sentenza 27 settembre 1988, causa 81/87, Daily Mail (p. 226)

C. Le deroghe alla libertà di stabilimento

3.5. Sentenza CG 6 novembre 2003, causa C-243/01, Gambelli (p. 247)

Chapter 5: La libera prestazione dei servizi

A. L’ambito applicativo della libera prestazione dei servizi

3.4 Sentenza 3 dicembre 1974, causa 33/74, van Binsbergen (p. 281)

3.5 Sentenza CG 11 dicembre 2003, causa C-215/01, Schnitzer (p. 282)

C. Le deroghe alla libera prestazione dei servizi

2.1 Sentenza 14 ottobre 2004, causa C- 36/02, Omega (p. 297)

2.2 Sentenza CG 26 febbraio 1991, causa C-198/89, Commissione c. Grecia (guide

turistiche p.299)

In case the current Covid-19 health emergency does not allow frontal teaching, remote teaching will be carried out following procedures that will be promptly notified to students.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG or on the Faculty notice board.