# European Union law

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

*Course aims*

The course aims to introduce students to the knowledge of the EU legal system, both for its specific peculiarities in terms of national legal systems, and for the importance of the relationship between EU law and national laws. The first part of the course will explore the *institutional profiles* of the Union, such as the institutional structure and the sources of EU law, the fundamental rules on which the Union is founded, their effectiveness with respect to national law, its ability to affect relationships between individuals and between individuals and the State.

The second part of the course will be dedicated to the study of the *substantive law of the Union*, especially with regard o *internal market* policies. Particular attention will be paid to topical issues affecting the process of European integration both in the *general* and in the *special part*.

*Intended learning outcomes*

KNOWLEDGE AND UNDERSTANDING

At the end of the course students will be able to understand the institutional structure of the European Union and the dynamics underlying the process of European integration, in particular the tension between a more supranational and a more intergovernmental dimension. Students will also be able to describe the characteristics and sources of the EU legal system and how it interacts with national legal systems. Finally, students will be able to distinguish the different legal principles relating to internal market policies.

ABILITY TO APPLY KNOWLEDGE AND UNDERSTANDING

At the end of the course students will be able to use the legal language of European Union law and to critically analyse the related sources and the jurisprudence of the Court of Justice. Students will also be able to solve the legal problems relating to the interaction between the Union legal system and internal legal systems. Finally, students will have acquired a method that can also be applied to the study of EU policies that are not covered by the course.

***COURSE CONTENT***

*I. General part: institutional profiles*

* Origins and development of the European integration process
* Characteristics of the European Union, founding values, objectives, and competences
* The institutional framework (institutions, bodies, and agencies)
* The legal system of the Union and its sources
* European Union law and domestic law
* Judicial protection of rights

*II. Special part: the substantive law*

* The internal market: freedoms of movement and European Union citizenship

***READING LIST***

*I. General part*

U. Draetta-F. Bestagno-A. Santini, *Elementi di diritto dell’Unione Europea. Parte istituzionale,* Giuffrè Francis Lefebvre, Milan, 2022, 7th ed., the entire volume except chapter 9. [Buy from V&P](https://librerie.unicatt.it/scheda-libro/ugo-draetta-francesco-bestagno-andrea-santini/elementi-di-diritto-dellunione-europea-parte-istituzionale-ordinamento-e-struttura-dellunione-europea-9788828805007-552849.html?search_string=draetta%20Elementi%20di%20diritto%20dell%E2%80%99Unione%20Europea&search_results=1)

*II. Special part*

A. Arena-F. Bestagno-G. Rossolillo, *Mercato unico e libertà di circolazione nell’Unione europea*, Giappichelli, 2020, 2nd ed. [*Buy from VP*](https://librerie.unicatt.it/scheda-libro/amedeo-arena-francesco-bestagno-giulia-rossolillo/mercato-unico-e-liberta-di-circolazione-nellunione-europea-9788892133341-683168.html). The study should be limited to the following pages: 1-160; 173-209; 221-249; 273-287; 293-300. In these pages, **all** **the Comments and only the judgments indicated below** will have to be studied, while the simple consultation of the the norms included in the textbook is recommended to better understand the Comments in the chapters and the sentences.

For *attending students*, the preparation of the exam will be based on the lecture notes, supplemented by the parts of the manuals that will be indicated in class and by the additional materials that will be made available on the Blackboard platform.

*Non-attending students* are required to study the two manuals specified in the indications previously provided.

For an adequate understanding of European Union law, it is in any case *necessary* to consult the sources, easily found online or collected in one of the commercially available codes, including e.g. B. Nascimbene, *Unione europea. Trattati*, Giappichelli, Turin, latest ed. available.

***TEACHING METHOD***

The traditional “frontal” lessons will be combined with classroom examination of “materials” aimed at illustrating the contents of the course with a case-study method and encouraging the active participation of students. Attention will also be paid to the search for sources using information technology.

***ASSESSMENT METHOD AND CRITERIA***

Oral exam on the topics of the programme indicated above, as specified in the reading list, also concerning the difference between attending and non-attending students. Attending students will be offered the possibility of dividing the exam into two parts, according to the procedures agreed with the lecturer at the beginning of the course.

The assessment will be marked out of thirty, taking into account relevance of answers, knowledge of the topics covered by the course and the critical understanding of the issues addressed, as well as the ability to present and use relevant legal language.

**Judgments of the Court of Justice to be prepared using the volume “Mercato unico e libertà di circolazione nell’Unione europea”:**

Capitolo 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

2.5 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)

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

Capitolo 2: La cittadinanza europea

A. Cittadinanza europea e cittadinanza nazionale

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)

Capitolo 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

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

Capitolo 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)

D. L’integrazione positiva in materia di stabilimento

4.4. Sentenza CG 17 luglio 2014, cause riunite C-58/13 e C-59/13, Torresi (p. 269)

Capitolo 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)

B. L’integrazione negativa in materia di servizi

2.3. Sentenza CG 10 maggio 1995, causa C-384/93, Alpine Investments (p. 290)

C. Le deroghe alla libera prestazione dei servizi

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

2.7. Sentenza CG 5 ottobre 1994, causa C-23/93, TV 10 (p. 307)

Capitolo 6: La libera circolazione dei capitali e dei pagamenti

A. L’ambito applicativo della libera circolazione dei capitali e dei pagamenti

4.1. Sentenza CG 31 gennaio 1984, cause riunite 286/82 e 26/83, Luisi Carbone (p. 325)

B. L’integrazione negativa e positiva in materia di capitali e di pagamenti

2.1. Sentenza CG 4 giugno 2002, causa C-367/98, Commissione c. Portogallo (golden shares) (p. 330)

***NOTES AND PREREQUISITES***

Prerequisites for attending the course and taking the exam are a good knowledge of the fundamental principles and sources of the Italian legal system acquired through previous study of Constitutional Law.

Information on office hours available on the teacher's personal page at <http://docenti.unicatt.it/>.