UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

European Union Law

2425-3-E3301M208

Learning objectives

Ø Knowledge and understanding

At the end of the course, students will have acquired good knowledge and understanding of the main aspects of European law.

Ø Ability to apply knowledge and understanding

In class, analysis and discussion of cases will develop students facility in applying the knowledge acquired during the course.

Ø Autonomy of judgment

Students, also through discussions with experts, shall acquire correct legal terminology and shall reach communicative skills in assessing and discussing situations related to European Union law.

Ø Communication skills

Students, including through dialogue with teachers, will gain a correct legal terminology and achieve communicative skills in the assessment and discussion of the phenomena related to European law.

Ø Learning ability

Finally, the method of teaching, through the analysis of the documentation in the classroom from time to time provided by the teacher, will develop the students' ability to learn the factors described above, allowing them to continue autonomously updating of the knowledge acquired.

Contents

In the first part of the course the most relevant features of the EU Legal order will be examined. It will follow an analysis of the rights and obligations of undertakings and professionals that decide to operate in a different EU Country (free movement of services). During the course, the consequences of the freedom of movement of goods, people and capital will also be examined, at the end, the rules on competition and State aids will be analyzed as well.

Detailed program

1. The EU legal system:

1.1 Preliminary notions on the EU legal system. The European Parliament, the European Council, the Council, the Commission, the European Court of Justice and the European Central Bank. The acts of the European Union; the enhanced cooperations (Articles 1-20 TEU, Articles 1-25 TFEU, Articles 223-284 and 288 TFEU).

1.2 The right of withdrawal from the European Union (Article 50 and Article 218 TFEU).

1.3 The relationship between domestic law and European Union Law: italian jurisprudence on the matter (cases 6/64; 106/77; 42/17; Italian constitutional Court cases 7/3/64, n.14; 8/6/84, n.170).

2. Fundamental freedoms. A brief introduction on the free movement of goods and people (Articles 26-37 and 45-48 TFEU): jurisprudence on the ECJ on the matter: cases 120/78, 178/84 and 90/86.

3. The right of establishment and the freedom to provide services (Articles 49-62 TFEU): jurisprudence on the ECJ on the matter: cases 2/74, 33/74 and 107/83.

3.1 An introduction on the right of establishment and freedom to provide services of the companies (Article 54 TFEU).

3.2 The self-employed people.

4. The freedom of movement of capital and payments (Articles 63-66 TFEU). Economic and monetary policy (Article 119 TFEU).

4.1 The rules provided by the Treaty of Rome for the movement of capital and payments (cases 203/80; 286/82 - 26/83).

4.2 Economic and monetary policy.

5. The competition rules and the rules for State aids within the EU legal order (Articles 101-109 TFEU):

5.1 The agreements between undertakings; the abuse of dominant position (case 6/72).

5.2 Public undertakings and competition (Article 106 TFEU). Commission Directive 2006/111/EC.

5.3 Concentration between firms: outline (Council Regulation No. 139/2004).

5.4 The State aid.

Prerequisites

Public Law

Teaching methods

Lectures, class discussion, presentations.

Assessment methods

The exam will take place in oral and/or written form, with open questions.

Textbooks and Reading Materials

The texts of the Treaty of European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) can be printed from the site – official website of the European Union

Alternatively the texts are published in:

Nascimbene, *Unione europea: Trattati,* Turin, Giappichelli, 2020.

The exam shall be prepared also on the following book:

R. Adam-A. Tizzano, *Lineamenti di diritto dell'Unione europea*, Turin, Giappichelli, 2022,1/165; 193-285; 327-442.

Semester

First semester

Teaching language

Italian

Sustainable Development Goals

GOOD HEALTH AND WELL-BEING | QUALITY EDUCATION | PEACE, JUSTICE AND STRONG INSTITUTIONS