

## Module L2: EU Internal Market and Competition Law

<b>Stage</b>		2					
<b>Semester</b>		2					
<b>Module Title</b>		EU Internal Market and Competition Law					
<b>Module Number/Reference</b>		IMCL					
<b>Module Status</b>		Elective					
<b>Module ECTS credit</b>		10					
<b>Module NFQ level (only if applicable)</b>		9					
<b>Pre-requisite Module Titles</b>		International Trade Law					
<b>Co-requisite Module Titles</b>		N/A					
<b>Is this a capstone module? (Yes or No)</b>		No					
<b>List of Module Teaching Personnel</b>		Dr Claire Hogan					
<b>Contact Hours</b>				<b>Non-contact Hours</b>			<b>Total Effort (Hours)</b>
<b>Lecture</b>	<b>Practical</b>	<b>Tutorial</b>	<b>Seminar</b>	<b>Assignment</b>	<b>Placement</b>	<b>Independent work</b>	
36						164	200
<b>Allocation of Marks (Within the Module)</b>							
	<b>Continuous Assessment</b>	<b>Project</b>	<b>Practical</b>	<b>Final Exam</b>	<b>Total is always 100%</b>		
<b>Percentage contribution</b>	30%			70%	<b>100%</b>		

### Intended Module Learning Outcomes

On successful completion of this module, the learner will be able to:

1. Critically analyse and assess in depth European Internal Market and Competition Law and the philosophical, political and economic structures underpinning it.
2. Apply advanced theoretical knowledge and in depth critical thinking to suggest credible and creative solutions to various international legal problems in problem questions, essay questions and/or dissertation.
3. Synthesise and conceptualise a holistic picture of where the rules surrounding the Internal Market fall within the overall context of European Community Law.
4. Demonstrate a critical awareness of current legal issues within Union Internal Market Law and new insights informed by the forefront of the international legal field
5. Visualise creative solutions to complex European Internal Market and Competition legal issues.
6. Develop advanced reasoned arguments, challenging assumptions and reaching sound informed judgement about EU law issues

7. Communicate ideas effectively and argue, advocate, present and persuade with clarity and accuracy

## **Module Objectives**

The aim of this module is twofold. Firstly, it seeks to develop within the learner an in-depth understanding of the economic and political basis for the internal market of the European Union, and the laws that ensure its operation. Secondly, it requires the learner to critically analyse the European Union's policies in the sphere of competition law and state aids.

The module will address a number of current legal issues in the development of the internal market, such as the future of the Eurozone, the position of public services and the impact of the developing jurisprudence on citizenship. The learner is encouraged to critically assess the very basis for competition law within the EU and engage with the academic commentary and court decisions to determine whether these are consistent with the overall policy goals. Attention will also be given to the extent to which non-economic concerns now influence competition policy and whether this is a positive development.

## **Module Aims:**

- the ability to elaborate on the political, legal and economic reasoning behind the formation of the internal market
- an understanding of the substantive case law of the internal market
- the ability to determine the extent to which the aims of the internal have broadened from purely economic to encompass social objectives
- a comprehension of the modernisation of Union competition law undertaken over the last 8 years and the impact this has had on the methods of enforcement

## **Module Curriculum**

- o Week 1: Introduction: Conceptions of the Internal Market
- o Week 2: Economic Governance & the Euro
- o Week 3: Choice of Regulatory Approach: Article 114 TFEU
- o Week 5: Free Movement of Goods: The Role of Article 34 TFEU
- o Week 6: Freedom of Establishment and to Provide Services: 'Non-discriminatory rules' post *Gebhard*
- o Week 7: Fundamental Freedoms v. Fundamental Rights: The Impact of the Internal Market on the 'Social State'
- o Week 8: Union Citizenship: The New Frontier of the Internal Market
- o Week 9: Article 101 TFEU
- o Week 10: Article 102 TFEU
- o Week 11: Competition Law Enforcement
- o Week 12: Reinforcement of Key Principles, Revision

### **Reading lists and other learning materials**

*Bellamy & Child, European Community Law of Competition* 6th ed., Oxford: Oxford University Press 2008.

Carlton, D.W. & Perloff, J.M., 2004. *Modern Industrial Organization* 4th ed., Pearson Education.

Chalmers et al., *European Union Law*, (2<sup>nd</sup> Ed, Cambridge, 2010)

Cini, M. & McGowan, L., 2008. *The Competition Policy in the European Union (European Union* 2nd ed., Palgrave Macmillan.

Craig & De Burca, *EU Law: Text, Cases and Materials*, (5<sup>th</sup> ed, Oxford, 2011)

Furse, M., 2004. *Competition Law of the EC and UK* 4th ed., Oxford University Press.

Gavil, A.I., Kovacic, W.E. & Baker, J.B., 2008. *Antitrust Law in Perspective: Cases, Concepts and Problems in Competition Policy* 2nd ed., West.

Goyder J. and Albers-Llorens A., *Goyder's EC Competition Law*, (5th ed., Oxford University Press, 2009)

Jones & Sufrin, *EU Competition Law* (4<sup>th</sup> ed, Oxford)

Kerse, C. & Khan, N., 2009. *EC Antitrust Procedure* 6th ed., Sweet & Maxwell.

Korah V., *Introductory Guide to EC Competition Law and Practice*, (9th ed., Hart Publishing, 2007)

Moravcsik A. *The Choice for Europe: Social Purpose & State Power from Messina to Maastricht*, (1999, Cornell)

Rodger, B. & MacCulloch, A., 2008. *Competition Law and Policy in the EC and UK* 1st ed., Routledge-Cavendish

Schepel, *The Constitution of Private Governance* (2004, Hart)

Sullivan, L.A. & Grimes, W.S., 2006. *The Law of Antitrust: An Integrated Handbook* 2nd ed., West Publishing Company

Weiler & Wind (eds) *European Constitutionalism Beyond the State* (2003, CUP)

Whish, R., 2008. *Competition Law* 6th ed., Oxford University Press.

### **Module Learning Environment**

A learning environment that promotes collaborative learning will be promoted and learners will be encouraged to actively engage in all class discussions and exercises.

### **Module Teaching and Learning Strategy**

The module will be delivered by means of structured and participative style lectures. The learners will be assigned reading the previous week and some learners will be picked to lead the discussion of the material. Participation by all learners is vital in order to realise the most benefit from the course.

Learners who have been picked to discuss a particular article are expected to provide a typed summary of the key points within the article (1-2 pages). This must be emailed to the lecturer and will be uploaded on Moodle for the benefit of the entire class.

The lecturer shall arrange for a Competition Law expert to deliver a talk to the learners.

**Range of modes of direct contact**

Teaching will consist of weekly lectures for which learners would be expected to have previously completed assigned reading and prepared draft answers to certain questions. In addition learners will be expected to present individually and in groups on various topics assigned to them throughout the semester.

Total contact hours: 36 Hours

**Range of other learning methods**

Independent learning and research supported with on line resources available through Moodle.

Total non-contact hours: 164 Hours

**Module Assessment Strategy**

<b>Assessment Methods</b>			
<b>Element number</b>	<b>Weighting</b>	<b>Type</b>	<b>Description</b>
1	30	Continuous Assessment	5,000 words assignment. Learners will be expected to present an individual piece of course work within this module. Learners will be expected to critically assess issues, such as choice of legal base, the legality of measures taken, and the impact of decision-making processes on current European issues.  Students will be expected to address a wide range of relevant case law, Treaty provisions, secondary legislation, academic commentary or institutional documents and to develop a holistic and sophisticated understanding of the operation of the Internal Market and Competition Law. Learners will be able to reflect on the impact that such laws have on business

			practice within the international market
2	70	Exam	Closed book examination: a 3 hour exam which covers the breadth of the course and requires learners to answer 3 questions out of 6, testing their ability to apply knowledge learned throughout the module.

**Diagnostic/ formative assessment**

Feedback through formative assessment will support learners taking control of their own learning.

**Further information on assessment**

Marking criteria will be distributed to learners with each assignment brief. These will be used to provide learner direction on all summative assessments.

<b>Assessment Strategy</b>		
<b>Module Learning Outcome</b>	<b>Element 1</b>	<b>Element 2</b>
1. Critically analyse and assess in-depth European Internal Market and Competition Law and the philosophical, political and economic structures underpinning it.	✓	✓
2. Apply advanced theoretical knowledge and in depth critical thinking to suggest credible and creative solutions to various international legal problems in problem questions, essay questions and/or dissertation.	✓	✓
3. Synthesise and conceptualise a holistic picture of where the rules surrounding the Internal Market fall within the overall context of European Community Law.	✓	✓
4. Demonstrate a critical awareness of current legal issues within Union Internal Market Law and new insights informed by the forefront of the international legal field	✓	✓
5. Visualise creative solutions to complex European Internal Market and Competition legal issues.	✓	
6. Develop advanced reasoned arguments, challenging assumptions and reaching sound informed judgement about EU law issues	✓	✓
7. Communicate ideas effectively and argue, advocate, present and persuade with clarity and accuracy	✓	✓

Please see **Annex 2** for **Copy Legacy Examinations**.

Please see **Annex 9** for **Sample Assignment and Examination Marking Criteria**.