

Module 6: EU Internal Market and Competition Law

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|--|---|-----------------|------------------|--------------------------|-----------------------------|-------------------------|-----------------------------|
| Stage | 1 | | | | | | |
| Semester | 2 | | | | | | |
| Module Title | EU Internal Market and Competition Law | | | | | | |
| Module Number/Reference | LLM-EUIM | | | | | | |
| Module Status (Mandatory/Elective) | Elective for International Commercial Law LL.M. and International Law LL.M. | | | | | | |
| Module ECTS credit | 10 | | | | | | |
| Module NFQ level (only if applicable) | 9 | | | | | | |
| Pre-requisite Module Titles | Public International Law, Advanced Legal Research and Writing | | | | | | |
| Co-requisite Module Titles | N/A | | | | | | |
| Is this a capstone module? (Yes or No) | No | | | | | | |
| List of Module Teaching Personnel | Dr Claire Hogan | | | | | | |
| Contact Hours | | | | Non-contact Hours | | | Total Effort (Hours) |
| Lecture | Practical | Tutorial | Seminar | Assignment | Placement | Independent work | |
| 30 | | | | | | 170 | 200 |
| Allocation of Marks (Within the Module) | | | | | | | |
| | Continuous Assessment | Project | Practical | Final Exam | Total is always 100% | | |
| Percentage contribution | 50 | | | 50 | 100 | | |

Intended Module Learning Outcomes

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

1. Critically analyse and assess in-depth EU 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 through problem and essay questions
3. Synthesise and conceptualise a holistic picture of where the rules surrounding the Internal Market fall within the overall context of EU Law
4. Demonstrate a critical awareness of current legal issues within EU Internal Market Law and Competition Law
5. Visualise creative solutions to complex EU Internal Market and Competition legal issues
6. Develop advanced reasoned arguments, challenge assumptions and reach sound informed judgment in relation to focused EU Law issues
7. Manage and participate constructively in complex team environments
8. Communicate ideas orally in an effective manner and argue, advocate, present and persuade with clarity and accuracy

Module Objectives

The objectives of this module are 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. 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 basis for Competition Law within the EU and engage with academic commentary and court decisions to determine whether the overall policy goals are being met.

Module Aims (to provide learners with)

- 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 Market have broadened from purely economic to encompass social objectives
- an understanding of Articles 101 and 102 TFEU
- a comprehension of the modernisation of EU Competition law undertaken over the last 8 years and the impact this has had on the methods of Enforcement

Module Curriculum

- Topic 1: Introduction: Conceptions of the Internal Market
- Topic 2: Economic Governance & the Euro
- Topic 3: Choice of Regulatory Approach: Article 114 TFEU
- Topic 4: Free Movement of Goods: The Role of Article 34 TFEU
- Topic 5: Freedom of Establishment and to Provide Services: 'Non-discriminatory rules' post *Gebhard*
- Topic 6: Fundamental Freedoms v. Fundamental Rights: The Impact of the Internal Market on the 'Social State'
- Topic 7: Union Citizenship: The New Frontier of the Internal Market
- Topic 8: Article 101 TFEU
- Topic 9: Article 102 TFEU
- Topic 10: Competition Law Enforcement
- Week 12: Reinforcement of Key Principles, Revision

Reading lists and other learning materials

- Bellamy & Child, European Union Law of Competition* (7th ed., Oxford University Press, 2013)
- Chalmers, D., et al., *European Union Law: Cases and Materials*, (2nd ed., Cambridge, 2010)
- Cini, M. & McGowan, L., *The Competition Policy in the European Union (European Union)* (2nd ed., Palgrave Macmillan, 2008)
- Craig, P., & De Burca, G., *EU Law: Text, Cases and Materials*, (5th ed, Oxford University Press, 2011)
- Goyder J. and Albors-Llorens A., *Goyder's EC Competition Law*, (5th ed., Oxford University Press, 2009)
- Jones, A., & Sufrin, B., *EU Competition Law* (4th ed., Oxford University Press, 2011)
- Kerse, C. & Khan, N., *EC Antitrust Procedure* (6th ed., Sweet & Maxwell, 2009)
- 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* (Cornell University Press, 1998)
- Rodger, B. & MacCulloch, A., *Competition Law and Policy in the EC and UK* (1st ed., Routledge-Cavendish, 2008)
- Weiler, J.H.H. & Wind, M.(eds.) *European Constitutionalism Beyond the State* (Cambridge University Press, 2003)
- Whish, R., *Competition Law* (7th ed., Oxford University Press, 2012)

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 week previous to each class, and some learners will be asked to lead the discussion of the material. Participation by all learners is vital in order to realise optimum benefit from the module. Learners who have been asked 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 practitioner to deliver a talk to the learners.

Range of modes of direct contact

Teaching will consist of weekly lectures for which learners will 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 module.

Total contact hours: 30 Hours

Range of other learning methods

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

Total non-contact hours: 170 Hours

Module Assessment Strategy

| Assessment Methods | | | |
|---------------------------|------------------|-----------------------|--|
| Element number | Weighting | Type | Description |
| 1 | 50 | Continuous Assessment | <p>4,000-5,000 word individual written essay</p> <p>Debate of topics in class</p> <p>Oral presentation of topic to class</p> <p>Learners will be expected to address a wide range of relevant case law, Treaty provisions, secondary legislation, academic commentary or institutional documents in order to develop and convey a holistic and sophisticated understanding of the operation of the Internal Market and Competition Law.</p> <p>The written assignment shall be worth 40% while the oral presentation shall be worth 10%.</p> |
| 2 | 50 | Examination | <p>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.</p> |

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.

| Assessment Strategy | | |
|---|------------------|------------------|
| Module Learning Outcome | Element 1 | Element 2 |
| 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 through problem and essay questions | ✓ | ✓ |
| 3. Synthesise and conceptualise a holistic picture of where the rules surrounding the Internal Market fall within the overall context of EU Law | ✓ | ✓ |
| 4. Demonstrate a critical awareness of current legal issues within EU Internal Market Law and Competition Law | ✓ | ✓ |
| 5. Visualise creative solutions to complex EU Internal Market and Competition legal issues. | ✓ | |
| 6. Develop advanced reasoned arguments, challenge assumptions and reach sound informed judgment in relation to focused EU Law issues | ✓ | ✓ |
| 7. Manage and participate constructively in complex team environments | ✓ | |
| 8. Communicate ideas orally in an effective manner and argue, advocate, present and persuade with clarity and accuracy | ✓ | |

Please see **Annex 2** for Faculty Marking Criteria Guidelines and **Annex 3** for Sample Examinations and Continuous Assessment along with Marking Criteria