



UNIWERSYTET  
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W POZNANIU

## European Legal Framework for Trade in Goods

### Educational subject description sheet

#### Basic information

|   |  |  |
|---|--|--|
| <b>Study programme</b><br>European Legal Studies                |  | <b>Didactic cycle</b><br>2023/24           |
| <b>Speciality</b><br>-  |  | <b>Subject code</b><br>10ELSS.18N.04851.23 |
| <b>Organizational unit</b><br>Faculty of Law and Administration |  | <b>Lecture languages</b><br>English        |
| <b>Study level</b><br>First-cycle programme                     |  | <b>Course type</b><br>Obligatory           |
| <b>Study form</b><br>Full-time                                  |  | <b>Block</b><br>Subjects not assigned      |
| <b>Education profile</b><br>General academic                    |  |  |
| <b>Subject coordinator</b>                                      | Katarzyna Woźniak-Boińska, Miłosz Malaga           |  |
| <b>Lecturer</b>   | Miłosz Malaga                                      |  |
| <b>Period</b><br>Semester 4                                     | <b>Activities and hours</b><br>• Lecture: 30, Exam | <b>Number of ECTS points</b><br>4          |

#### Goals

| Code | Goal  |
|------|---|
| C1   | Providing students with in-depth knowledge necessary to understand and apply provisions regulating free movement of goods in the European Union |

#### Subject learning outcomes

| Code                                 | Outcomes in terms of   | Learning outcomes                                    | Examination methods |
|--------------------------------------|--|--|---------------------|
| <b>Knowledge - Student:</b>          |  |  |                     |
| W1                                   | is able to present the objectives of the economic integration in Europe in the broader global context  | ELS_K1_W02,<br>ELS_K1_W05,<br>ELS_K1_W09             | Oral exam           |
| W2                                   | is able to present legal solutions ensuring free movement of goods in the European Economic Area, and impact of EU law upon national law of the Member States                    | ELS_K1_W05,<br>ELS_K1_W08                            | Oral exam           |
| W3                                   | is able to solve basic legal issues with cross-border trade in goods   | ELS_K1_W05,<br>ELS_K1_W08                            | Oral exam           |
| W4                                   | is able to identify and assess the barriers in trade in goods, to differentiate actions of the states and actions of the individuals in the context of the application of EU law | ELS_K1_W10,<br>ELS_K1_W11                            | Oral exam           |
| <b>Skills - Student:</b>             |  |  |                     |
| U1                                   | is able to solve basic legal issues with cross-border trade in goods   | ELS_K1_U02,<br>ELS_K1_U05,<br>ELS_K1_U08, ELS_K1_U09 | Oral exam           |
| U2                                   | is able to identify and assess the barriers in trade in goods, to differentiate actions of the states and actions of the individuals in the context of the application of EU law | ELS_K1_U07, ELS_K1_U08                               | Oral exam           |
| <b>Social competences - Student:</b> |  |  |                     |
| K1                                   | is able to solve basic legal issues with cross-border trade in goods   | ELS_K1_K01   | Oral exam           |
| K2                                   | is able to identify and assess the barriers in trade in goods, to differentiate actions of the states and actions of the individuals in the context of the application of EU law | ELS_K1_K03   | Oral exam           |

### Study content

| No. | Course content  | Subject learning outcomes | Activities |
|-----|---|---------------------------|------------|
| 1.  | Introduction: basic definitions and concepts, scope: subject matter, territory and persons bound        | W1, W2                    | Lecture    |
| 2.  | Broader context: European Economic Area, relationship with law of the WTO                               | W1, W2                    | Lecture    |
| 3.  | Fiscal measures: customs duties and internal taxation   | W2, W3, U1, K1            | Lecture    |
| 4.  | Quantitative restrictions in imports and exports and measures having equivalent effect: general remarks | W2, W3, U1, K1            | Lecture    |
| 5.  | Definition of measures having equivalent effect and market access test                                  | W3, W4, U1, U2, K1, K2    | Lecture    |
| 6.  | Horizontal direct effect" of Article 34 TFEU  | W1, W4, U1, U2, K2        | Lecture    |
| 7.  | Derogations and justifications: Article 36 TFEU, proportionality test                                   | W3, W4, U1, U2, K2        | Lecture    |

| No. | Course content   | Subject learning outcomes | Activities |
|-----|--|---------------------------|------------|
| 8.  | Rule of reason in free movement: the concept of mandatory requirements | W3, W4, U1, U2, K1, K2    | Lecture    |
| 9.  | Union legislation relating to the free movement of goods               | W1, W2                    | Lecture    |

### Additional information

| Activities | Teaching and learning methods and activities                                     |
|------------|--|
| Lecture    | Lecture with a multimedia presentation of selected issues, Problem-based lecture |

| Activities | Credit conditions  |
|------------|--|
| Lecture    | <p>excellent (A ; 5,0):</p> <ul style="list-style-type: none"> <li>a) excellent knowledge of notions and concepts relating to EU free movement of goods, excellent knowledge of relevant case-law from the CJEU</li> <li>b) very good background for application of key methods when solving cases and problems regarding free movement of goods</li> </ul> <p>very good (B+; 4,5):</p> <ul style="list-style-type: none"> <li>c) very good knowledge of notions and concepts relating to EU free movement of goods, very good knowledge of relevant case-law from the CJEU</li> <li>d) very good background for application of key methods when solving cases and problems regarding free movement of goods</li> </ul> <p>good (B ; 4,0):</p> <ul style="list-style-type: none"> <li>a) good knowledge of key notions and concepts relating to EU free movement of goods, good knowledge of case-law milestones from the CJEU</li> <li>b) good background for application of basic methods when solving cases and problems regarding free movement of goods</li> </ul> <p>average (C+,3,5)</p> <ul style="list-style-type: none"> <li>a) average knowledge of key notions and concepts relating to EU free movement of goods, average knowledge of case-law milestones from the CJEU</li> <li>b) average background for application of basic methods when solving cases and problems regarding free movement of goods</li> </ul> <p>satisfactory (C; 3,0):</p> <ul style="list-style-type: none"> <li>a) satisfactory knowledge of fundamental notions and concepts relating to EU free movement of goods</li> <li>b) satisfactory background for understanding of basic methods when solving cases and problems regarding free movement of goods</li> </ul> <p>unsatisfactory (D ; 2,0):</p> <ul style="list-style-type: none"> <li>a) unsatisfactory knowledge of fundamental notions and concepts relating to EU free movement of goods</li> <li>c) unsatisfactory background for understanding of basic methods when solving cases and problems regarding free movement of goods</li> </ul> |

## Literature

### Obligatory

1. Barnard C., The Substantive Law of the EU, Oxford University Press 2010 De Sousa P.C., The European Fundamental Freedoms. A Contextual Approach, Oxford University Press 2015 Gormley L.W., EU Law of Free Movement of Goods and Customs Union, Oxford University Press 2009 Oliver P. (ed.), Oliver on Free Movement of Goods in the European Union, Hart Publishing 2010

### Optional

1. Shuibhne N.N., The Coherence of EU Free Movement Law. Constitutional Responsibility and the Court of Justice, Oxford University Press 2013 Mataija M., Private Regulation and the Internal Market, Oxford University Press 2016 Weatherill S., Contract Law of the Internal Market, Intersentia 2016 Additional articles and chapters: Krenn C., A Missing Piece in the Horizontal Effect "Jigsaw": Horizontal Direct Effect and the Free Movement of Goods, „Common Market Law Review" (2012) 49:1, p. 177-216
2. Davies G., Freedom to Contract and the Horizontal Effect of Free Movement Law [in:] The Involvement of EU Law in Private Law Relationships, Leczykiewicz D., Weatherill S. (ed.), Hart Publishing 2013 Enchelmaier S., Moped Trailers, Mickelsson & Roos, Gysbrechts: The ECJ's Case Law on Goods Keeps on Moving [in:] Yearbook of European Law (2010), 29(1), p. 190-223 Gormley L.W., Inconsistencies and Misconceptions in the Free Movement of Goods, European Law Review (2015), 40(6), p. 925-939
3. Hojnik J., De Minimis Rule within the EU Internal Market Freedoms: Towards a More Mature and Legitimate Market?, European Journal of Legal Studies (2013), 6:1, p. 25-45 Jansson M.S., Kalimo H., De minimis meets "market access": Transformations in the substance – and the syntax – of EU free movement law?, „Common Market Law Review" (2014), 51:2, p. 523-558
4. Lianos I., Shifting Narratives in the European Internal Market: Efficient Restrictions of Trade and the Nature of "Economic" Integration, European Business Law Review (2010), 21(5), p. 705-760 Lianos I., In Memoriam Keck: The Reformation of the EU Law on the Free Movement of Goods, „European Law Review" (2015), 40(2), p. 225-248 Oliver P., Of Trailers and Jet Skis: Is the Case Law on Article 34 TFEU Hurtling in a New Direction?, „Fordham International Law Journal" (2011), 33:5, p. 1423-1471.
5. Oliver P., When, if ever, can restrictions on free movement be justified on economic grounds?, European Law Review (2016), 41(2), p. 147-175 Snell J., The Notion of Market Access: A Concept or a Slogan?, Common Market Law Review (2010), 47, p. 437-472 Wyatt D., Horizontal Effect of Fundamental Freedoms and the Right to Equality after Viking and Mangold, and the Implications for Community Competence, „Croatian Yearbook of European Law & Policy" (2008), 4, p. 1-48
6. Arrowsmith S., Rethinking the Approach to Economic Justifications under the EU's Free Movement Rules, Current Legal Problems (2015), 68, p. 307-365 Barnard C., Trailing a New Approach to Free Movement of Goods?, „The Cambridge Law Journal" (2009), 68:2, p. 288-290 Connor T., "Market Access" or Bust? Positioning the Principle within the Jurisprudence of Goods, Persons, Services, and Capital, German Law Review (2012), 13, p. 679-
7. Lenaerts K., Market Access and Proportionality [in:] Landmark Cases of EU Consumer Law. In Honour of Jules Stuyck, red. E. Terry, G. Straetmans, V. Colaert, Intersentia 2013 Hartkamp A., The Effect of the EC Treaty in Private Law: On Direct and Indirect Horizontal Effects of Primary Community Law, „European Review of Private Law" (2010), no. 3, p. 527-548
8. Lenaerts K., Market Access and Proportionality [in:] Landmark Cases of EU Consumer Law. In Honour of Jules Stuyck, red. E. Terry, G. Straetmans, V. Colaert, Intersentia 2013 Krenn C., A Missing Piece in the Horizontal Effect "Jigsaw": Horizontal Direct Effect and the Free Movement of Goods, „Common Market Law Review" (2012) 49:1, p. 177-216

## Calculation of ECTS points

| Activities                       | Activity hours* |
|----------------------------------|-----------------|
| Lecture                          | 30              |
| Preparation for classes          | 25              |
| Reading the indicated literature | 25              |
| Preparation for the assessment   | 25              |

|                              |                     |
|------------------------------|---------------------|
| Other                        | 15                  |
|                              |                     |
| <b>Student workload</b>      | <b>Hours</b><br>120 |
| <b>Number of ECTS points</b> | <b>ECTS</b><br>4    |

\* academic hour = 45 minutes

## Efekty uczenia się dla kierunku

| Kod        | Treść   |
|------------|---|
| ELS_K1_K01 | The graduate is ready to critically appraise his or her knowledge, particularly in the context of the changing acquis on the regulation and critical assessment of the acquired knowledge, especially in view of the changing acquis on the regulation and application of law |
| ELS_K1_K03 | The graduate is ready to think and act as an entrepreneur   |
| ELS_K1_U02 | The graduate can use the basic theoretical knowledge and independently procure data to analyse individual processes and social phenomena (cultural, political, legal and economic) within legal science   |
| ELS_K1_U05 | The graduate can use basic EU normative systems and selected norms, rules and regulations (legal, professional, moral) to solve a specific task   |
| ELS_K1_U07 | The graduate can identify and analyse selected solution of specific individual problems and propose relevant resolutions  |
| ELS_K1_U08 | The graduate can identify and analyse the basic phenomena that occur in legal sciences and are related to European integration  |
| ELS_K1_U09 | The graduate can prepare and present (individually or as a member of a team) standard oral presentations on specific and detailed aspects of European law, using for that basic theoretical approaches and different source materials   |
| ELS_K1_W02 | The graduate knows and understands the basic assumptions of integration processes analysed on the example of the European Union, in the social, cultural and economic context   |
| ELS_K1_W05 | The graduate knows and understands the structure of the European law system against the background of its relations with international and national legal orders  |
| ELS_K1_W08 | The graduate knows and understands a deepened understanding of the competences (policies) of the European Union including the principles of the EU single market  |
| ELS_K1_W09 | The graduate knows and understands the mechanisms of legal cooperation between the European Union and external subjects including states and international organisations  |
| ELS_K1_W10 | The graduate knows and understands EU private law regulations, both substantive and procedural, in selected sectors   |
| ELS_K1_W11 | The graduate knows and understands EU public law regulations, including criminal law, in selected sectors   |