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# Internal Market Law of the European Union

Cases and Materials  
Riga 2005

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| Alberta iela 13<br>LV-1010 Riga<br>Latvia | Phone: +371-7039-355<br>Fax: +371-7039-240<br>Mobile: +371-616-2303 | VAT: LV-40003655379<br>E-Mail: <a href="mailto:pgj@lexnet.dk">pgj@lexnet.dk</a><br>Website: <a href="http://www.lexnet.dk">www.lexnet.dk</a> |
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## Table of Contents

### Wednesday 26 October 2005

#### 18.00 - 19.30      Session No. 1

##### *The internal market and the economic mechanisms for achieving an ever closer union*

- The introduction will cover the economic background for the internal market, as well as the relation between the individual rights of free movement, and the links to other parts of EU law.

##### Reading

- Craig & de Búrca p. 3-10, 580-583, 936-938, 1170-1203

##### Cases

- Case 155/80, Judgment of the Court of 14 July 1981,  
Oebel, ECR p. 1993 ..... p. 008
- Case C-67/97, Judgment of the Court (Fifth Chamber)  
of 3 December 1998, Bluhme, ECR p. i-8033 ..... p. 015
- Case C-513/99, Judgment of the Court of 17 September 2002,  
Concordia Bus, ECR p. i-7213 ..... p. 024

#### 19.30 - 21.00      Session No. 2

##### *Technical and fiscal barriers to trade*

- The lecture on technical and fiscal barriers to trade will cover the different prohibitions on restrictions in relation to the free movement of goods. The rule of reason and its relation to the treaty exemptions will be explained, together with the principles of subsidiarity and proportionality.

##### Reading

- Craig & de Búrca p. 613-641, 659-680

## Cases

- Case 120/78, Judgment of the Court of 20 February 1979, Rewe-Zentral, ECR p. 649 .....p. 040
- Case 178/84, Judgment of the Court of 12 March 1987, Germany, ECR p. 1227 .....p. 047
- Case C-189/95, Judgment of the Court of 23 October 1997, Franzén, ECR p. i-5909 ..... p. 062

## Friday 28 October 2005

18.00 - 19.30                  Session No. 3

### *Advertising and consumer protection*

- The seminar will explore the development of and limits to the Keck principle, with special emphasis on the issues of advertising and consumer protection.

## Reading

- Craig & de Búrca p. 641-658

## Cases

- Case C-362/88, Judgment of the Court (Sixth Chamber) of 7 March 1990, GB-INNO-BM, ECR p. i-667 ..... p. 076
- Case C-368/95, Judgment of the Court of 26 June 1997, Familiapress, ECR p. i-3689 .....p. 083
- Case C-405/98, Judgment of the Court (Sixth Chamber) of 8 March 2001, Gourmet, ECR p. i-1795 ..... p. 092

19.30 - 21.00                  Session No. 4

### *Protection of intellectual property rights*

- The seminar will examine the conflict of interests between the realisation of the internal market and the national character of many intellectual property rights, as well as the balance that the ECJ has tries to establish between the conflicting interests.

## Reading

- Craig & de Búrca p. 1088-1122

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## Cases

- Case C-316/95, Judgment of the Court of 9 July 1997,  
Generics, ECR p. i-3929 ..... p. 100
- Case C-349/95, Judgment of the Court of 11 November 1997,  
Loendersloot, ECR p. i-6227 ..... p. 110
- Case C-61/97, Judgment of the Court of 22 September 1998,  
Videogramdistributører, ECR p. i-5171 .....p. 122

## Monday 31 October 2005

18.00 - 19.30          Session No. 5

### *Fiscal measures and environmental regulation*

- The seminar will conclude the section of the course that is dedicated to the free movement of goods by looking at the application of the rules against fiscal barriers, especially in the field on protection of the environment.

## Reading

- Craig & de Búrca p. 583-612

## Cases

- Case C-129/96, Judgment of the Court of 18 December 1997,  
Inter-Environnement Wallonie, ECR p. i-7411 ..... p. 130
- Case C-389/00, Judgment of the Court (Fifth Chamber)  
of 27 February 2003, Germany, ECR not yet published .....p. 140
- Case C-213/96, Judgment of the Court of 2 April 1998,  
Outokumpu Oy, ECR p. i-1777 ..... p. 149

19.30 - 21.00          Session No. 6

### *Development of the professional right of free movement*

- The lecture will present the special issues related to the free movement of services and the right of establishment as contrasted against the right of free movement for goods. The gradual development of common standards will be exemplified by case law.

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## Reading

- Craig & de Búrca p. 765-825

## Cases

- Case C-55/94, Judgment of the Court of 30 November 1995, Gebhard, ECR p. i-4165 ..... p. 159
- Joined cases C-369/96 and C-376/96, Judgment of the Court of 23 November 1999, Arblade, ECR p. i-8453 ..... p. 170
- Case C-188/95, Judgment of the Court of 2 December 1997, Fantask, ECR p. i-6783 .....p. 188

## Tuesday 1 November 2005

18.00 - 19.30                      Session No. 7

### *Free movement of television services*

- The seminar will concentrate on the free movement of television services as the example of a service that in itself is capable of free movement.

## Cases

- Case C-148/91, Judgment of the Court of 3 February 1993, Veronica, ECR p. i-487 ..... p. 202
- Case C-56/96, Judgment of the Court (Sixth Chamber) of 5 June 1997, VT4, ECR p. i-3143 ..... p. 209
- Case C-17/00, Judgment of the Court (Fifth Chamber) of 29 November 2001, Coster, ECR p. i-9445 ..... p. 216

19.30 - 21.00                      Session No. 8

### *Taxes and the right of establishment*

- The seminar will explore the links between the harmonisation of company law and the realisation of the right to both primary and secondary establishment.

## Cases

- Case 81/87, Judgment of the Court of 27 September 1988, Daily Mail, ECR p. 5483 ..... p. 223

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- Case C-212/97, Judgment of the Court of 9 March 1999,  
Centros, ECR p. i-1459 ..... p. 231
- Case 63/86, Judgment of the Court of 14 January 1988,  
Italy, ECR p. 29 ..... p. 243

### **Friday 4 November 2005**

18.00 - 19.30                      Session No. 9

#### *Free movement of persons*

- The lecture will highlight important recent developments and discuss the practical consequences of an area without internal borders in which the physical free movement is constantly getting easier and what this means for the law in the area. In this context the Schengen agreement and border control issues will be discussed.

#### Reading

- Craig & de Búrca p. 701-765

#### Cases

- Case C-369/90, Judgment of the Court of 7 July 1992,  
Micheletti, ECR p. i-4239 ..... p. 250
- Case C-85/96, Judgment of the Court of 12 May 1998,  
Martínez, ECR p. i-2691 ..... p. 255
- Case C-60/00, Judgment of the Court of 11 July 2002,  
Carpenter, ECR 2002, p. i-6279 ..... p. 267

19.30 - 21.00                      Session No. 10

#### *Free movement of capital*

- The lecture will focus on a critical presentation of the relevant treaty provisions and secondary legislation, as well as the contribution of case law in the field of free movement of capital. Also considered will be tax issues relating to the free movement of capital

#### Reading

- Craig & de Búrca p. 680-701

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## Cases

- Case C-302/97, Judgment of the Court of 1 June 1999,  
Klaus Konle, ECR p. i-3099 ..... p. 278
- Case C-35/98 Judgment of the Court of 6 June 2000,  
Staatssecretaris van Financien v B.G.M., ECR p. i-4071 ..... p. 291
- Case C-423/98, Judgment of the Court of 13 July 2000,  
Albore, ECR p. i -5965 ..... p. 303

**Thursday 8 November 2005**

18.00-19.30

*Exam*

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