## Ministry of Education and Science of Ukraine Yaroslav Mudryi National Law University

European Union Law Department

#### **WORK PROGRAMME**

### of academic discipline

## « Legal Regulation of the EU Internal Market »

**Level of higher education** – the second (master's) level

**Degree of higher education** – Master

**Field of Knowledge** – 29 «International Relations»

**Speciality** – 293 «International Law»

**Discipline status** – optional

**Year of enrollment** – 2022

The working programme of the academic discipline « Legal Regulation of the EU Internal Market » for students of the second (master's) level of higher education in the field of knowledge 29 "International Relations" of the speciality 293 "International Law". Kharkiv: Yaroslav Mudryi National Law University of Ukraine, 2022. 36 p.

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#### 1. Description of the academic discipline

The work programme of the academic discipline "Legal Regulation of the EU Internal Market" was developed in accordance with the educational and professional programme "International Law" of the second (master's) level of higher education in the field of knowledge 29 "International Relations" speciality 293 "International Law".

	Field of knowledge,	Didactic structure discip		
Titles of indicators	speciality, level of education	full-time education	Part-time education	
Number of ECTS credits - 8	Field of knowledge	Compulsory	Compulsory	
Modules - 4	- 29 "International relations"	A year of enrollment: 2022	A year of enrollment: 2022	
	Speciality - 293	1-2 semester	1-2 semester	
Total hours - 240	"International Law"			
Total Hours - 240		Lectures	Lectures	
	Level of education	40 hours	16 hours	
	- second (master's)	Seminars	Seminars	
		40 hours	8 hours	
Weekly hours for full-time		Individual work	Individual work	
education:		160 hours	156 hours	
contact hours - 2-4, independent student work - 6-8.		Types of assessment: current assessment; benchmark assessment (credit); final assessment (exam)	Types of assessment: current assessment; final assessment (credit)	

#### The aim and tasks of the academic discipline

The aim of the academic discipline "Legal Regulation of the EU Internal Market" is to provide a system of theoretical and practical knowledge regarding the legal basis of the functioning of the internal market of the European Union in the context of the development of economic and sectoral policies of the European Union, to form a deep and holistic understanding of the mechanism of legal regulation of the main freedoms of the EU internal market, to develop the main abilities and skills in the application of the norms of EU law, which regulate relations within the internal market, as well as to enhance analytical activities of higher

education students, conducting scientific research work in the field of legal regulation of the EU internal market.

#### Tasks:

- mastering by students the theoretical knowledge developed by the science of the law of the European Union regarding the development of integration processes in Europe, the formation of the EU internal market, the legal regulation of its functioning, as well as the evolution, current state, main features and patterns of the development of the law of the EU internal market;
- knowledge of the essence of the law of the internal market of the European Union and its components: principles, norms, institutions; means of unification of the national legislation of the member states in the field of relations within the EU internal market;
- mastering the regulatory material that is the result of the law-making activity of EU institutions and bodies, as well as those rules of conduct that regulate the functioning of the EU internal market;
- determination of the content, legal nature, scope, exceptions and permissible limitations of the freedoms of the EU internal market (freedom of movement of goods, freedom of movement of persons, freedom of provision of services, freedom of capital movement);
- formation of students' skills in analyzing the provisions of EU founding treaties, acts of EU secondary law, decisions of the EU Court in order to better understand the peculiarities of the legal regulation of the functioning of the EU internal market:
- development of skills of independent analysis and assessment of norms and law enforcement practice, including judicial practice, regarding the realization of freedom of movement of goods, persons, services and capital;
- formation of strands of analysis of Ukrainian legislation on compliance with Ukraine's obligations under the Association Agreement in terms of access to the EU internal market;

- determination of applied problems arising as a result of the adaptation of the national legislation of Ukraine to the EU legislation in the sphere of regulating relations within the EU internal market.

**Prerequisites:** Law of the European Union and its system, Competition (antimonopoly) law, Protection of rights in the European Court of Human Rights.

*Co-requisites:* European Private International Law, WTO Law, Tax Law, International Tax Law, European Internet Law.

**Postrequisites:** Corporate law and EU governance, International intellectual property law, Legal aspects of e-commerce.

#### 2. Expected learning outcomes

As a result of mastering the discipline, a student must demonstrate the following learning outcomes:

- LO 1. To demonstrate knowledge of general theoretical concepts and concepts of integration processes, particularly in Europe, goals and principles, forms of European economic integration, the ability to assess the impact of globalization on the socio-economic development of integration entities.
- LO 2. To demonstrate knowledge of the stages of formation of the EU internal market, key concepts, principles, theories and doctrines in the field of legal regulation of the internal market of the European Union.
- LO 3. To demonstrate knowledge and understanding of the process and features of approximation of the legislation of member states in order to ensure the freedoms of the EU internal market, features of legal regulation and financing of joint and sectoral policies of the EU, the ability to classify them, provide a description.
- LO 4. To demonstrate knowledge of the legal regulation of the free movement of goods, the scope and conditions of limiting such forms of protectionism as the application of customs duties and duties of equivalent effect.

- LO 5. To demonstrate knowledge of non-fiscal barriers to trade, quantitative restrictions and measures having equivalent effect, conditions for implementing the principle of mutual recognition and technical regulations. To define the relationship between protection against discrimination and protection against vaguely applicable rules.
- LO 6. To characterize the principles that apply to the free movement of persons and identify discriminatory or non-discriminatory measures that limit freedom of movement on grounds of public order, security and public health and impede market access.
- LO 7. To demonstrate knowledge of the basic principles governing the freedom of establishment and free movement of services, which are set out in the Treaties of the European Union and are specified and developed through secondary EU legislation and the case law of the Court of Justice of the EU, as well as the conditions and principles of restrictions on the freedom to provide services in the EU.
- LO 8. To characterize the features and current state of the legal regulation of the free movement of capital and payments in the European Union and the conditions for limiting the freedom of movement of capital in the EU.
- LO 9. To demonstrate knowledge of the main competition rules in the EU, which regulate the prohibitions of entering into anti-competitive agreements (and other forms of collusion) between independent companies and establish the prevention of abuse of a dominant position.
- LO 10. To carry out a critical analysis of the precedent practice of the Court of Justice of the EU in the field of liberalization of the four freedoms and the elimination of obstacles to interstate trade within the EU and to solve complex specialized tasks and practical problems in the implementation of the four freedoms.
- LO11. To demonstrate knowledge of the evolution of relations between Ukraine and the European Union in the economic sphere and legal regulation of their current state.

LO 12. To provide professional advice and conclusions on the essence of legal regulation of Ukraine's integration with the EU in the economic sphere, cooperation between Ukraine and the European Union in the implementation of the provisions of the Association Agreement, in particular regarding the implementation of the norms and principles of the comprehensive and deepened free trade zone.

The teaching of the academic discipline ensures the formation of general and special competencies in the student of higher education and the achievement of learning outcomes determined by the standard of higher education of the relevant specialty and the educational and professional program "International Law", namely:

#### General competencies:

- GC 1. The ability to think critically, analyze and synthesize.
- GC 2. The ability to identify and solve problems arising in the professional sphere, to formulate and ask questions for their further solution.
  - GC 5. The ability to act socially responsibly and consciously.
- GC 6. The ability to work effectively in an intercultural environment, including developing and managing international projects.
- GC 9. The ability to solve problems of an innovative nature and to find alternative solutions in professional activities.
- GC 10. The ability to work (collect, receive, systematize and synthesize) with various information and large volumes of information from various sources, analyze and critically and constructively evaluate it, taking into account the cross-cultural characteristics of the subjects of international relations.
- GC 11. The ability to use the latest information and communication technologies for professional purposes.
- GC 12. The ability to formulate a personal opinion and present it with evidence.
- GC 15. The ability to understand the specifics of the subject area and professional activity, to make well-founded, balanced decisions and to be aware of their ethical consequences.
  - GC 16. The ability to communicate with representatives of other professional

groups of different levels, from other fields of knowledge and activities, as well as the ability to work in an international professional environment.

#### Special competencies:

- SC 1. The ability to critically analyze the problems and patterns of the functioning and development of international relations, to determine the trends in the development of world politics, to assess the impact of global political processes on national legal, political and economic systems.
- SC 3. The ability to independently provide legal representation of the interests of individuals, legal entities or the state when considering cases in national and international institutions and organize the provision of legal services.
- SC 4. The ability to comprehensively use highly specialized knowledge in specific areas of regulation of international public law, international private law, and European law to solve applied problems.
- SC 5. The ability to effectively ensure the adaptation of Ukrainian legislation to EU law in law-making, law-interpreting and law-enforcing contexts, to provide legal support to European integration and Euro-Atlantic processes in various spheres of social relations.
- SC 6. The ability to prepare drafts of national and international legal acts, as well as to provide proposals for bringing the norms of domestic legislation into compliance with the norms of international law.
- SC 7. The ability to represent the interests of Ukraine or individuals and legal entities in international judicial institutions, arbitrations, national courts of foreign countries.
- SC 8. The ability to work and represent the interests of Ukraine in international intergovernmental organizations.
- SC 9. The ability to understand the nature of integration entities, to determine optimal approaches and strategies for Ukraine's cooperation with such entities.
- SC 10. The ability to provide a full and versatile international legal assessment of the actions of subjects of international law.
  - SC 11. The ability to ensure the implementation of international legal

standards in certain areas of national legislation.

- SC 12. The ability to conduct research and/or introduce innovations in various fields and institutions of public international law, private international law, EU law.
- SC 15. The ability to make decisions in situations that require a systematic, logical and functional interpretation of the norms of international law (public/private), the law of the European Union, as well as an understanding of the peculiarities of the practice of their application.
- SC 16. The ability to work with international documentation (treaties, acts of international organizations and bodies, etc.), determine their legal nature, draft projects and accompanying documentation in Ukrainian and foreign languages.
- SC 17. The ability to master the ethics of an international lawyer in order to properly represent and protect the interests of the state, individuals and legal entities in international relations.
- SC 18. The ability to forecast trends in the development of international law (public/private), European Union law and their impact on the development of national legal systems.
- SC 21. The ability to communicate effectively in an international, multicultural environment using knowledge in the fields of international law, European law and international relations.

#### Programme training outcomes:

- PTO 1. To analyze multifaceted problems of international and national legal content and propose ways to solve them.
- PTO 4. To understand the international legal situation, forecast its development, professionally and critically evaluate events and phenomena in the field of international relations and world politics, using legal tools.
- PTO 5. To provide legal representation of the client in national courts, international commercial arbitrations, state authorities and local self-government bodies.
- PTO 6. To protect the interests of the state in national courts, international commercial arbitrations, international courts and organizations, in particular

integration ones, and at international conferences.

- PTO 7. To make informed decisions based on the acquired knowledge of international public, private and EU law and to be aware of their consequences for various subjects of national and international law.
- PTO 8. To prepare drafts of international treaties and acts of national legislation, to provide proposals for eliminating conflicts between the norms of international law, as well as for bringing the norms of national law into compliance with the norms of international law.
- PTO 10. To provide legal support for the processes of adaptation of various branches of Ukrainian legislation to the law of the European Union.
- PTO 11. To demonstrate communication skills with representatives of other professional groups of different levels, other fields of knowledge and types of activities, as well as the ability to work in an international, intercultural environment; to organize and conduct negotiations.
- PTO. 14. To demonstrate the ability to convey one's own knowledge, conclusions and arguments to specialists and non-specialists.
- PTO 17. To carry out research on international legal topics, using primary sources and methods of legal interpretation of complex problems arising from this research, justify the conclusions and present the results of the research.
- PTO 19. To demonstrate knowledge of the evolution, current state and prospects for the development of legal regulation of various spheres of international cooperation, to be aware of the consequences of the convergence of legal systems in the conditions of globalization and regional integration.

### 3. Programme of the discipline

### Module 1. Legal principles of EU internal market regulation.

Formation of the internal market of the European Union. Objective and subjective prerequisites of integration processes. Types and forms of integration. Development of integration processes in the context of globalization. Stages of economic integration and the spread of integration processes. Integration and economic cooperation. Goals and principles of European economic integration. The

impact of globalization on the socio-economic development of the integration association. Treaty establishing the European Coal and Steel Community of 1951, the European Economic Community of 1957 and the European Atomic Energy Community of 1957.

Stages of formation of the EU internal market. The concept and main elements of the common market. Customs union: a step-by-step approach to the implementation of a unified customs policy. Joint Program on the Abolition of Restrictions on Freedom of Establishment 1962 and Joint Program on the Abolition of Restrictions on the Freedom to Provide Services in the EU 1962.

Disadvantages of the common market concept. Factors of ineffective implementation of the basic freedoms of the common market. The program of formation of the internal market. The role of the White Paper of the Commission on the completion of the formation of the internal market of 1985, the Single European Act of 1986 in the creation of the internal market. The Maastricht Treaty of 1992: its purpose and significance for the formation and development of the legal basis of economic integration. The Treaty of Lisbon and the creation of the internal market. Reforming the internal market.

General legal principles of functioning and development of the EU internal market. Concepts of "common market", "single market" and "internal market". Legal regulation of the internal market. Principles of the internal market. The institutional mechanism of the common trade policy of the EU. The role of EU institutions and auxiliary bodies in the field of common trade policy.

Approximation of the legislation of the member states in order to ensure the freedoms of the EU internal market (Articles 114 and 115 of the Treaty on the Functioning of the EU). The scope and conditions of application of Article 114 of the TFEU on the example of the cases of the ECJ: (*C-376/98 Tobacco Advertising II, C-380/03 Tobacco Advertising II, C-210/03 Swedish Match, C-66/04 Smoke flavourings, C -217/04 ENISA*). Exceptions to the measures taken on the basis of Article 114 of the FDEU and the delineation of the scope of Article 114 and other articles of the FDEU.

Economic and Monetary Union. History and structure of the Economic and Monetary Union. Consequences of the introduction of the single European currency (euro). The crisis in the Eurozone and the connection with the Economic and Monetary Union.

Legal regulation of common and branch policies of the EU. General characteristics of EU common policies. Classification of common EU policies (horizontal and sectoral, fundamental and secondary policies). Financing common policies. EU budget. Sources of revenues and expenditures of the EU budget. Horizontal policies of the EU. Objectives and principles of EU regional policy. Political-legal and institutional foundations of EU regional policy. Stages of development of EU regional policy. Common fisheries policies; competition; transport and industry. Evolution of common policies in the field of fisheries; competition; transport and industry. Characteristic features of the transport sector. General characteristics of EU agrarian policy. Implementation of energy policy in Europe. Internal energy market. Development of EU energy policy. Energy strategy of the EU. Priorities of the EU's foreign energy policy. European legislation on the protection of consumer rights. Protection of consumer rights and the EU internal market. Development of EU legislation on the protection of consumer rights. Basic principles of consumer rights protection (information policy, right to terminate the contract, consumer expectations; product safety; responsibility for product quality; unfair terms). Environmental policy of the EU. Evolution of EU environmental law. Objectives of the EU environmental policy. Competence and scope of EU legislation. Principles of EU environmental policy (High level of environmental protection; Precautionary principle; Principle of prevention of damage; elimination of damage; principle of mandatory compensation by the guilty party). Conservation. Water protection. Key components of EU climate legislation.

## Module 2. Freedom of internal movement of goods and persons the EU market

Free movement of goods. Fiscal measures: customs duties and internal taxation. Freedom of movement of goods: legal basis and main elements. Provisions

of the Agreement on the free movement of goods. The meaning of the principle enshrined in Art. 10 TFEU (combating discrimination based on sex, racial or ethnic origin, religion or belief, [physical or mental] disability, age or sexual orientation), for the legal regulation of the free movement of goods in the EU. Harmonization of legislation as a tool for free movement of goods. The concept of goods in EU law. Difference of goods from other objects of free movement. Legal regulation of the freedom of movement of goods among persons (subjects). The nature of the operation of the freedom of movement of goods. Formation and legal basis of functioning of the Customs Union of EU member states. The external aspect of the functioning of the Customs Union: the concept of a single customs tariff; the concept of EU customs territory; import of goods from third countries into the EU territory. Classification of goods for customs regulation. EU Customs Code. The internal aspect of the functioning of the Customs Union. Definition of the concept of "customs fees". Definition of the concept of "duty equivalent fees". Prohibition of discriminatory internal taxation (Article 110 of the Federal Tax Code). Concept and legal consequences of direct and indirect discrimination in the field of taxation. "Exotic" imports, "parafiscal" and other fees. Correlation of Article 110 of the TFEU with other articles of the Treaty regulating the freedom of movement of goods.

Non-fiscal measures: Quantitative restrictions and measures having equivalent effect. The concept of quantitative restrictions (CO). Prohibition of quantitative restrictions on exports and imports, and measures having an effect equivalent to quantitative restrictions. The concept of measures having an effect equivalent to quantitative restrictions (QRs). Measures of general and selective application. Criteria for determining similar (homogeneous) products. Discrimination arising from equal treatment of domestic and imported goods: Price fixing. Directive 2015/1535 on the provision of information in the field of technical standards and regulations.

Derogations from the provisions of Art. 34 and 35 of the Federal Treaty on the prohibition of quantitative restrictions on imports and exports and on all measures of equivalent effect between member states (Article 36 of the Federal Treaty).

Exceptions to the prohibitions established by Art. Art. 34 and 35 of the TFEU (Article 36 of the TFEU) and imperative requirements of the public interest. Social morality. State policy. Public security. Protection of the health and life of people, animals or plants. Protection of national values that have artistic, historical or archaeological value. Protection of industrial and commercial property. Arbitrary discrimination and disguised restraint of trade. Protection of consumer rights and the natural environment. Proportionality of measures that can be taken by the state. Regulation (EU) 2019/515 of the European Parliament and of the Council of March 19, 2019 on mutual recognition of goods legally sold in another member state and repealing Regulation (EC) No. 764/2008. State monopolies (Article 37 of the Federal Law on Federal Law). The role of the EU Court in ensuring the freedom of movement of goods in the EU.

Concept and content of freedom of movement of persons. Freedom of movement of persons: content, history of the development of freedom of movement of persons. The legal basis of freedom of movement of workers. Legal principles of freedom of movement of workers in EU law (Article 45 of the TFEU). Scope of application of freedom of movement of workers. The personal and substantive scope of freedom of movement of workers. The content of the concepts "employee" and "labor activity for hire" ("salaried work"). The concept of "employee's family member". Territorial application of freedom of movement of workers. Prohibition of access to the labor market (Part 3 of Article 45 of the Labor Code). Basics of the legal status of a migrant worker. Rights arising from the freedom of movement of workers (main and related). Free access to the labor market. Equality of working conditions. The right to free movement (the right to enter, leave and reside). Directive 2004/38 on the rights of citizens of the Union and their family members to move and reside freely in the territory of the Member States: personal and substantive scope of application of the Directive. Rights of family members. EU Regulation 492/2011 on the freedom of movement of workers in the EU. Regulation of the provision of social and tax benefits. Regulation No. 1408/71 on the application

of social security systems to employees and their family members. Regulation No. 883/2004 on coordination of social security systems of member states. The mechanism for the implementation of rights to freedom of movement of workers. The right to education. Mutual recognition of diplomas. EU Directive 2005/36 on mutual recognition of professional qualifications. Right of entry and residence and "citizenship of the European Union". Correlation of citizenship of member states and "citizenship of the European Union". Social aspects of freedom of movement of workers. Direct discrimination. Hidden discrimination. Non-discriminatory restrictions. Legitimate restrictions on the freedom of movement of workers in EU law. Restrictions provided for in Part 4 of Art. 45 and Art. 51 of the FSEU. Restrictions provided by Directive 2004/38/EC. Freedom of movement of workers and public service. Prohibition of access to activities in the performance of public service. Restrictions related to the need to protect public order, state security and public health. Freedom of movement of citizens of third countries. Formation of the legal mechanism of EU immigration policy (Schengen agreements). Peculiarities of legal regulation of the status of citizens of third countries in the EU: visa control, asylum and protection of refugees; formation of a general policy regarding migrants from third countries. Directive 2003/109 on the status of third-country nationals who are permanent residents. Exceptions to the prohibitions established by Art. Art. 45(3), 52 and 62 of the TFEU and imperative requirements of the public interest. State policy and public safety. Personal behavior. Public health. Policy in the field of health care and social security. Means of legal protection. Proportionality.

# Module 3. Free movement of services and freedom of establishment in the EU internal market

Legal basis of freedom of establishment. The nature and scope of the freedom of establishment. Entities subject to freedom of establishment. The concept of "community". Distinguishing the freedom of establishment from other freedoms of the internal market. Content of freedom of establishment. Permissible restrictions on the freedom of establishment. Ensuring the realization of freedom of establishment. Harmonization of provisions on the recognition of diplomas and qualifications.

Harmonization and unification of company law.

Concept and content of freedom to provide services. Liberalization of the services market. The legal basis of the freedom to provide services. The role of EU institutions in the formation of the legal framework of the service sector. The role of the EU Court in the formation of the mechanism of legal regulation of the freedom to provide services. Evolution of the legal regulation of the freedom to provide services. The concept of service in accordance with the Treaty on the Functioning of the European Union. Content of the freedom to provide services. Freedom of individuals to provide and receive services. Rights granted to providers and recipients of services. Features that distinguish services from other objects of free movement. Distinguishing the freedom to provide services from other basic freedoms; delimiter value. Ways of providing services in the European Union. Access to economic activity. The nature of the freedom to provide services. The scope of the freedom to provide services: the subject scope, the territorial scope, the scope according to the circle of persons (the concept of the provider and recipient of services). Directive 2006/123 on services in the internal market. The evolution of the practice of the EU Court regarding prohibited restrictions.

Permissible restrictions on the freedom to provide services: Art. 52 of the Federal Law and the imperative requirements of the public interest. State procurement of services in EU law. Evolution of legal regulation of public procurement in the EU. Directives regulating the procedures for concluding state contracts for the provision of services. Concept of services of social importance and services of socio-economic importance. Peculiarities of concluding state contracts for the provision of services of public importance. Exceptions to the application of EU law restrictions in the sphere of procurement of public services.

# Module 4. Free movement of capital and payments, EU antimonopoly policy, economic cooperation and integration of Ukraine into the EU

Free movement of capital and payments. The history of the development of legal regulation of the freedom of movement of capital. Legal basis of freedom of movement of capital and payments. The legal nature of the freedom of movement of

capital and payments. The scope of the norms on the freedom of movement of capital and payments: subject, spatial and personal sphere of action. The concepts of "capital movement" and "payment movement". Content of freedom of movement of capital and payments between member states. Prohibition of restrictions on the freedom of movement of capital and freedom of movement of payments. The concept of "restrictions": measures of direct discrimination, covert discrimination and non-discriminatory measures. Permissible restrictions on the freedom of movement of capital and payments: on the basis of Article 65 of the Federal Law and on the basis of imperative requirements. The role and significance of the law enforcement practice of the EU Court in regulating the issues of freedom of capital movement and payments. Freedom of movement of capital and payments between member states and third countries: content and permissible restrictions. The limitations of the status quo. Restrictions related to the functioning of the Economic and Monetary Union. Financial embargo. The relationship between the freedom of movement of capital and payments and other freedoms of the EU internal market.

Antimonopoly policy of the EU and regulation of competition. Theories of competition. Goals, principles and features of competition policy. Entities to which competition rules apply. The concept of an enterprise. The EU Commission as the main institution responsible for the implementation of the EU's antimonopoly policy. Legal instruments of competition policy. Conditions of application of Article 101 of the Federal Law on Competition (freedom of competition), consequences of violation, exceptions (individual and group) from application. Secondary EU legislation on competition rules. Abuse of a dominant position: the concept of a dominant position and the concept of abuse of a dominant position. Control over mergers of enterprises in the EU. The concept of concentration. Conditions and criteria for determining concentrations that violate competition rules. Council Regulation (EC) No. 139/2004 of January 20, 2004 on concentration control of business entities (EU Merger Regulation). Rules of procedure relating to the regulation of competition in the EU. The public sector of the economy and competition law. State aid: control over its provision to enterprises. The relationship

between competition policy and other EU policies.

Economic cooperation and integration of Ukraine into the EU. Prospects of economic integration of Ukraine and the EU. Development of Ukraine's relations with the EU. Formation of Ukrainian identity in the context of integration processes. Association Agreement, Deep and Comprehensive Free Trade Area between Ukraine and the EU Economic cooperation and integration of Ukraine into the EU.

### Scope and structure of the academic discipline

### 4.1 For full-time students

№	Date of	Topics		Volun	ne in hours	
	the class	_	In		Includin	g
	(due to		total			
	schedule)			Lectures	Workshops, seminars, colloquia, etc.	Individual work
		Module 1. Legal principles of EU internal market			3	I
		regulation.				
		<i>Topic 1.</i> Formation of the internal market of the European Union	16	2	2	12
		<b>Topic 2.</b> General legal principles of functioning and development of the EU internal market	24	4	4	16
		<b>Topic 3.</b> Legal regulation of joint and sectoral policies of the EU	20	2	2	12
		Total	56	8	8	40
		<b>Module 2.</b> Freedom of movement of goods and persons in the EU internal market.				
		<i>Topic 4.</i> Free movement of goods. Fiscal measures: customs duties and internal taxation.	12	2	2	8
		<b>Topic</b> 5. Non-fiscal measures: Quantitative restrictions and measures having equivalent effect.	20	4	4	12
		<b>Topic 6.</b> Deviations from the provisions of Art. 34 and 35 of the Federal Treaty on the prohibition of quantitative restrictions on imports and exports and on all measures of equivalent effect between member states (Article 36 of the Federal Treaty).	12	2	2	8
		<i>Topic 7.</i> Concept and content of freedom of movement of persons.	20	4	4	12
		Total	64	12	12	40
		<b>Module 3.</b> Free movement of services and freedom of establishment in the EU internal market.				
		Topic 8. Legal basis of freedom of establishment.		4	4	16
		<b>Topic 9.</b> Concept and content of freedom to provide services.		4	6	16
		Total	60	10	10	40
		Module 4. Free movement of capital and payments,				

EU antimonopoly policy and economic cooperation				
and integration of Ukraine into the EU				
<i>Topic 10.</i> Free movement of capital and payments.	28	4	4	10
Topic 11. EU antimonopoly policy and competition	28	4	4	20
regulation.				
<i>Topic 12.</i> Economic cooperation and integration of	14	2	2	10
Ukraine into the EU.				
Total	60	10	10	40
Total hours / ECTS credits	240/8	40	40	160

## **4.2.** For part-time students

№	Date of	Topics	Volume in hours				
п/	the class	<u>-</u>	In total		Includin	ıg	
П	(due to schedule )			Lectures	Workshops, seminars, colloquia, etc.	Individual work	
		<b>Module 1.</b> Legal principles of EU internal market regulation.					
		<i>Topic 1.</i> Formation of the internal market of the European Union	20	-	-	20	
		<i>Topic 2.</i> General legal principles of functioning and development of the EU internal market	24	2	2	20	
		<i>Topic 3.</i> Legal regulation of joint and sectoral policies of the EU	12	-	-	12	
		Total	56	2	2	52	
		<b>Module 2.</b> Freedom of movement of goods and persons in the EU internal market.					
		<i>Topic 4.</i> Free movement of goods. Fiscal measures: customs duties and internal taxation.	18	1	1	16	
		<b>Topic 5.</b> Non-fiscal measures: Quantitative restrictions and measures having equivalent effect.	17	1	-	16	
		<i>Topic 6.</i> Derogations from the provisions of Article 36 of the Federal Treaty.	12	-	-	12	
		<i>Topic</i> 7. Concept and content of freedom of movement of persons.	15	2	1	12	
		Total	64	4	2	58	
		<b>Module 3.</b> Free movement of services and freedom of establishment in the EU internal market.					
		Topic 8. Legal basis of freedom of establishment.	24	1	1	20	
		<i>Topic 9.</i> Concept and content of freedom to provide services.	26	1	1	26	
		Total	60	2	2	46	
		<b>Module 4.</b> Free movement of capital and payments, EU antimonopoly policy and economic cooperation and integration of Ukraine into the EU					
		<i>Topic 10.</i> Free movement of capital and payments.	12	2	1	12	
		<i>Topic 11.</i> EU antimonopoly policy and competition regulation.	18	2	1	18	
		<i>Topic 12.</i> Economic cooperation and integration of Ukraine into the EU.	12			12	
		Total	60	4	2	42	

	Total hours / ECTS credits	240/8	12	8	220

# 5. Forms of pedagogical control and means of assessment of the learning outcomes

The assessment of results of studying the discipline "Legal Regulation of the EU Internal Market" involves current and final assessment and is based on the cumulative scoring and rating system.

Current assessment of student's knowledge includes:

- quality control of students' mastery of the programme material of the academic discipline during seminars using the following means: oral, written or express survey, performing test tasks, solving practical tasks or problems, participation in case development, defense of the EU Court of Justice portfolio, preparation and defense of essays or an essay on the initiative of the student, etc. The current assessment is aimed at checking the level of student preparation for studying the current material. During the seminars the student can be assessed on a five-point scale (1, 2, 3, 4, 5);

- quality control of students' mastery of the program material of the academic discipline, which is carried out at the end of the modules (colloquiums, tests, etc.).

Based on the results of seminars on each of the four modules, the number of points is calculated, and is included to the final assessment of knowledge.

During the semester, students perform tasks for *individual work* (preparation of a presentation, essay, abstract; processing of statistical data of EU institutions, decisions of the Court of the European Union; preparation of abstracts of reports for scientific and practical conferences and articles; conducting a research (project) on a narrow issue with its subsequent presentation, etc). The work is individual and independent, and therefore co-authorship of students and other forms of assistance to each other are not allowed. When performing individual work, the student is obliged to adhere to the rules of academic integrity and the direct prevention of plagiarism. The maximum number of points for independent work is 8.

The form of a benchmark assessment of students' knowledge of academic discipline is the assessment in the form of credit, carried out at the end of the first academic semester (by the teacher who conducts seminars). If during the period of

the first academic semester, a student scored less than ½ of the maximum number of points for the first semester (max. 20 points) based on the results of the current assessment, then he/she is not allowed to pass a credit. \*

An exam is a *form of final assessment of students' knowledge* of the academic discipline.

# 6. Distribution of points among the forms of the educational process organization and types of control measures:

The distribution of points among the forms of the educational process organization and types of control measures of the academic discipline "Legal Regulation of the EU Internal Market" for full-time students during the final assessment in the form of an exam:

				Curren	t asses	sment				Final	Final
Modu	le № 1	Modu	le № 2	k t	Mod	ule № 3	Mod	ule № 4	# 0 <b>X</b>	assessment	assessment
n/a	Test / colloquiu	n/a	Test / colloquiu	Benchmark assessment (credit)	n/a	Test / colloquiu	n/a	Test / colloquiu	Independent (individual) student work	(exam)	
max	max	max	max	max	max	max	max	max	max	max	max
5	3	5	3	100	5	3	5	3	8	60	100

#### Criteria for evaluating learning outcomes:

Type of assessment	Number of points	Criteria (for each point)
Current assessment	Max 5	Excellent mastery of educational material on the topic, some minor shortcomings are possible.
during a	4	Good mastery of the material on the topic, but there are some mistakes.
seminar	3	Satisfactory level of understanding the material, a significant number of errors.
	2	Minimum results sufficient to receive a positive evaluation.
	1	Insufficient level of mastery of the material, a significant number of significant errors.
	Min 0	Unsatisfactory level of mastery of the material.
Colloquium	Max 3	Deep knowledge of the problems related to the topic, fluency in the material, ability to think independently and creatively, find, generalize, analyze the material, draw independent theoretical and practical conclusions.

	2	The main provisions of the topic are revealed, but there are some inaccuracies in teaching the material, theoretical concepts are not sufficiently supported by actual data.
	1	The main provisions of the topic are disclosed, but some issues are incompletely covered. The student has a good command of the material, but lacks creativity and independence in research.
Individual work o students	f Max 8	The work is designed in accordance with the requirements of the department.  The work does not contain methodological errors, there are references to sources and own conclusions.  In the defense, in-depth knowledge of the topic is demonstrated, as well as proof of conclusions, positions, classifications, etc.
	6	The work is designed in accordance with the requirements of the department.  The work contains minor methodological errors, there are references to sources, there are own conclusions. During the defense, sufficient knowledge of the topic is demonstrated, as well as proof of conclusions, positions, classifications, etc.
	4	The work is designed in accordance with the requirements of the department, but with minor errors.  The work contains methodological and content errors, there are references to sources, there are own conclusions.  During the defense, sufficient knowledge of the topic was demonstrated, but there were problems with the argumentation of individual concepts and judgments in the work, the proof of conclusions.
	2	The work was prepared with errors and violations of cathedral requirements regarding the form of work.  The work contains methodological and substantive errors, an insufficient number of sources were used to substantiate the research and conclusions.  During the defense, there were difficulties in revealing the content of the topic, presenting arguments regarding individual provisions of the work and the validity and provenance of the conclusions.
	Min 0	The work is improperly designed, without references to sources, and contains methodological errors.  During the defense, the author of the work cannot demonstrate knowledge of the chosen topic, provide arguments for concepts and perform information analysis.  The work was performed in violation of the requirements of academic integrity.

## 7. Pedagogical control for full-time/part-time students

## The scale of final pedagogical control

Assessment on the ECTS scale	Description	Grade under the national system of assessmen t	Grade under 100- grades scale of the YMNLU
A	Excellent - excellent performance, with only a small number of errors	5	90 – 100
B C	Very good - above average with a few errors  Good - generally correct work with a	4	80 - 89
C	number of minor errors		75 - 79
D	<b>Satisfactory</b> - not bad, but with a significant number of shortcomings	3	70 - 74
E	<b>Sufficient</b> - performance meets the minimum criteria	3	60 - 69
FX	<b>Unsatisfactory</b> - you need to work on it before retaking it	2	35 – 59
F	<b>Unsatisfactory</b> - serious further work is required, a repeat course is mandatory	۷	0 – 34

#### 8. Educational, methodological and information support of the discipline

Legal acts and international agreements

- 1. Constitution of Ukraine. Information of the Verkhovna Rada of Ukraine. 1996. No. 30. Art. 141. URL: https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80
- 2. Economic Code of Ukraine dated January 16, 2003 No. 436-IV. Information of the Verkhovna Rada of Ukraine. 2003. No. 18-22. Art. 144. URL: https://zakon.rada.gov.ua/laws/show/436-15/card6
- 3. Civil Code of Ukraine dated January 16, 2003 No. 435-IV. Information of the Verkhovna Rada of Ukraine. 2003. Nos. 40-44. Art. 356. URL: https://zakon.rada.gov.ua/laws/show/435-15
- 4. Consolidated versions of the Treaty on the European Union and the Treaty on the Functioning of the European Union dated April 15, 2008. URL: http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%206655%202008%20INI T
- 5. Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states, on the other hand, 2014. URL: http://www.kmu.gov.ua/kmu/control/uk/publish/article?art\_id=248387631&cat\_id=223223535
- 6. On the National Program for the Adaptation of the Legislation of Ukraine to the Legislation of the European Union: Law of Ukraine No. 1629-IV of March 18, 2004. Verkhov. councils 2004. No. 29. Art. 367.
- 7. On the principles of domestic and foreign policy of Ukraine: Law of Ukraine No. 2411-VI dated 07/01/2010. Verkhov. Council of Ukraine. 2010. No. 40. Art. 527.
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- 9. About the Government Office for European and Euro-Atlantic Integration: Resolution of the Cabinet of Ministers of Ukraine dated August 13, 2014 No. 346. Official. release of Ukraine. 2014. No. 66. Art. 67.
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- 11. Agenda of the Ukraine-EU association for the preparation and promotion of the implementation of the Association Agreement / International document No. 994-990 dated 16.06.2009. URL: http://zakon2.rada.gov.ua/laws/show/994\_990
- 12. Agreement on free trade between Ukraine and EFTA states of June 24, 2010. Official. release of Ukraine. 2012. No. 1(54). Art. 227.
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- 15. Agreement on the establishment of the Energy Community of October 25, 2005. Official. release of Ukraine. 2011. No. 1. Art. 1.
- 16. Protocol to the Agreement on Partnership and Cooperation between Ukraine and the European Communities and their Member States on the Framework Agreement between Ukraine and the European Union on the General Principles of Ukraine's Participation in Union Programs dated November 22, 2010. Official. release of Ukraine. 2011. No. 92. Art. 3360.
- 17. Agreement between Ukraine and the European Police Office on strategic cooperation dated 04.12.2009. Officer. release of Ukraine. 2010. No. 96. Art. 3432. 18. Agreement between Ukraine and the European Community on simplification of visa processing dated June 18, 2007. Verkhov. Council of Ukraine. 2008. No. 10. Art. 97.

- 19. Agreement between Ukraine and the European Community on the readmission of persons dated June 18, 2007. Verkhov. Council of Ukraine. 2008. No. 9. Art. 86. 20. Agreement between Ukraine and the European Community on scientific and technological cooperation dated July 4, 2002. Official. release of Ukraine. 2004. No. 4 (February 13, 2004). Art. 214.
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- 22. On the approval of the strategy of Ukraine's integration into the European Union: Decree of the President of Ukraine No. 615/98 of June 11, 1998. Official. release of Ukraine. 1998. No. 24. Art. 870.
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- 27. Regulation (EC) No. 638/2004 of the European Parliament and of the Council of 31 March 2004 on Community statistics relating to the trading of goods between Member States and repealing Council Regulation (EEC) No. 3330/91. URL: https://eur-lex.europa.eu/legal-

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- 28. Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/ 365/EEC and 93/96/EEC. Official Journal L 158, 30.4.2004, p. 77-123.
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- 30. Decision of the Court of Justice of the European Union in case 7/68 Commission v Italy dated 10.12.1968 URL: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61968CJ0007
- 31. Decision of the Court of the EU in the case 24/68 Commission v Italy dated 01.07.1969. URL: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61968CJ0024

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- 33. Decision of the EC Court in case 8/74 Dassonville dated 11.07.1974 URL: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61974CJ0008
- 34. Decision of the Court of Justice of the European Union in case 120/78 Cassis de Dijon dated 20.02.1979 URL: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:61978CJ0120
- 35. On the main principles of the domestic and foreign policy of Ukraine: Law of Ukraine dated July 1, 2010. Verkhov. Council of Ukraine. 2010. No. 40. Art. 1452. 36. Plan of measures for the implementation of the Association Agreement between Ukraine, on the one hand, and the EU, the European Atomic Energy Community and their member states, on the other hand, approved by Resolution of the Cabinet of Ministers of Ukraine dated 10/25/2017 No. 1106. Official. release of Ukraine. 2018. No. 24. Art. 852.

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- 8. Smyrnova K. V. Foundations of competition law of the European Union and "Europeanization" of competition law of Ukraine: academic. manual K.: VOC "Kyiv University", 2021. 223 p.
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European Central Bank. URL: www.ecb.int

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