

**Syllabus**  
**EU Internal Market Law**  
**Spring 2023**



**Stockholm University**  
**Department of Law**

**Welcome to the advanced course in EU Internal Market Law!** In this Syllabus, you'll find information about the structure of the course, its learning activities, and about assessment and grading. Read it carefully and check the schedule and further information at the Athena course site. The site is continuously updated. If there are any queries please do not hesitate to contact us.

**OBS! Acquire the main book before the course starts: D. Chalmers, G. Davies, G. Monti: European Union Law, 4<sup>th</sup> ed. Cambridge University Press 2019.**

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**Important dates!**

January 16:  
February 22:  
March 2:  
March 16:  
March 22:  
(April 12:

Introduction  
Written examination  
Submission of the draft essay  
Submission of the final essay  
Submission of the peer review  
Re-exam)

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## Content

1. Literature
  2. Reading instructions
  3. Basic learning activities
  4. Assessment and grading
  5. The essay
  6. The examination seminar
  7. The written exam
- Appendixes 1-3: Grading criteria



## 1. Literature

### Books:

- D. Chalmers, G. Davies, G. Monti: *European Union Law*, 4<sup>th</sup> ed. Cambridge University Press 2019.
- *The Lisbon Treaty (Including the consolidated Treaty on European Union and the Treaty on the Functioning of the European Union)*, e.g. the Norstedts 2010 edition (ed. N. Wahl).

### Articles\*:

- M. P. Maduro, *Interpreting European Law: Judicial Adjudication in the Context of Constitutional Pluralism* (available at <http://cadmus.eui.eu/handle/1814/7707>)
- K. Lenaerts, *Interlocking Legal Orders in the European Union*, *The International and Comparative Law Quarterly* (ICLQ) 2003 Vol. 52 No. 4 (available at <http://www.jstor.org/stable/3663377>).
- C. Granmar, *Global applicability of the GDPR in context*, *Oxford Journals, International Data Privacy Law (IDPL)*, 2021, Vol 11, No 3.

### Legislative acts etc\*:

- Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act)
- Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market
- Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market
- Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising [2006] OJ L376/21.
- Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and the free movement of such data (GDPR).
- Proposal for a Regulation on a Single Market for Digital Services (DSA) COM/2020/825 final.
- Proposal for a Regulation on contestable and fair markets in the digital sector (DMA) COM/2020/842 final.

\*More articles, legal texts, and materials may be used as seminar materials and writing guidelines will be distributed.

## 2. Reading instructions

### Week 1: Introduction and constitutional starting points

- D. Chalmers et al, European Union Law, Chapters 1, 2 and 6
- D. Chalmers et al, European Union Law, Chapters 3, 4, 5 and 7(1-2)

### Week 2: Norm-making procedures

- D. Chalmers et al, European Union Law, Chapters 14, 16, 17 and 18
- M. P. Maduro, *Interpreting European Law: Judicial Adjudication in the Context of Constitutional Pluralism* (available at <http://cadmus.eui.eu/handle/1814/7707>)
- Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market
- Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising [2006] OJ L376/21.

### Week 3: Internal Market Law

- D. Chalmers et al, European Union Law, Chapter 20 and 21 (110 pages)
  - C. Granmar, *Global applicability of the GDPR in context*, Oxford Journals, International Data Privacy Law (IDPL), 2021, Vol 11, No 3.
  - Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and the free movement of such data (GDPR).
  - Proposal for a Regulation on a Single Market for Digital Services (DSA) COM/2020/825 final.
  - Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act)
- Week 4: Seminars
- Materials and assignments for the seminars will be made available online a week in advance.

### Weeks 5-6: Repetition and written examination

### Weeks 7-10: Essay and peer review

### **3. Learning activities**

The course consists of two basic learning activities; 1) lectures where the teacher provides the tools for studying an area of law, 2) seminars where you are expected to take active part in the discussions. You need to attend at least 80% of the learning activities (19 lectures and five seminars).

#### **Lectures**

Preferably, you read the texts and materials indicated in the reading instructions prior to the lecture. You are welcome to ask for clarifications and to raise additional questions at the lectures.

#### **Seminars**

Assignments and materials will be issued at the Course web at least one week before the seminar. You are expected to prepare the assignment together with the peers in your seminar group. The seminar groups will be formed during the first week of the course by the course management.

#### **Intended learning outcomes**

Lectures: Acquisition of an overview of the topic, identification of core questions, and ability to use the information when reasoning on the topic in a broader EU law context.

Seminars: Acquisition of deeper knowledge in the particular area of law. Ability to connect the detailed information with the overarching objectives and principles of EU law. Ability to shape own arguments and a consistent line of reasoning. Ability to present the ideas in class. Ability to work in group and develop a common ground.

#### **Examination**

Finally, the achievement of the ILOs is assessed on basis of three forms of examination: A written examination (open book exam), an individual essay; and a review of the essay of a

peer. Notably, the forms of examination are formative as they also constitute learning activities.

#### 4. Assessment and grading

There are three bases for assessment and grading of knowledge and skills at the Course; (i) The written examination; (ii) The essay; and (iii) The peer-review. The bases for assessment and grading are given different weight with respect to the establishment of a final grade at the Course:

The written examination: 50%	(February 22)
The essay: 30%	(March 19)
Peer review: 20%	(March 25)

The percentage corresponds to the maximum score that can be obtained for each ground for grading. Accordingly, you can obtain 0-50 points for the answers at the written exam, 0-30 points for the written essay, and 0-20 points for the peer-review. All in all, you can obtain 0-100 points. See appendixes 1-4 for an overview of how the learning outcomes translate into the scores.

The score obtained for each ground for assessment translates into a grade (A, B, C, D, E, Fx, or F). The final grade is based on the sum of all learning outcomes and is quantified in an overall score. Example: Written exam 48/50 points (Grade A); the essay: 21/30 points (Grade C); peer review: 17/20 points (Grade B): Total sum  $21 + 17 + 48 = 86/100$  (translating into final Grade B).

In order to obtain a final grade at the Course you need to pass all three grounds for assessment (A-E). If the result at the written exam is Fx you need to take the re-exam as it cannot be complemented. If the result at the essay or peer-review is Fx it can be remedied by a written assignment). All re-exams and additional work are graded from A-F on basis of the general criteria. If the result at the written exam is F (or not even handed in) you need to take the re-exam. If the result at the essay or peer-review is F it can be remedied by one or more additional essays.

An **attendance requirement** must be met to obtain the final grade. You need to attend all seminars and at least 8 lectures. Exemptions can be made only in exceptional cases (e.g. for

medical reasons if supported by a medical certificate). Attendance at the written exam is compulsory.

## **5. Written exam**

The written exam lasts for **five hours** and you are required to answer five questions which might be divided into sub-questions. There are four kinds of questions; those focusing on conceptual knowledge; given problems; open ended questions inviting you to write a shorter essay; and those focusing on critical thinking. Each question may give 0-10 points (max 50 points).

The written examination is a digital home exam. Hence, you will use an own terminal device such as a laptop in accordance with further instructions. It is also an open book exam and you are allowed to use all materials included in the literature list, the material distributed during the course, as well as your own notes from lectures and seminars. Those who have written notes on their computers are allowed to use them as well. You should also use relevant statutory law such as Treaties and secondary legislation, as well as case law. Remember to have a dictionary at hand! No online activities such as the use of search engines or communication with peers are allowed.

## 6. The essay

During the course, you will write an individual essay. The topic for the essay will be assigned to you (normally at the introduction) and it is not freely chosen. However, exemptions can be made upon approval. The supervisor will be indicated on the assignment. You are encouraged to contact the supervisor as soon as possible. Preferably you get started with the essay already at the beginning of the course. Your legal training changes gear from learning what others have said to research law and develop an independent legal analysis. In this process you will learn how to write law (methodology, sources, and structure) and a supervisor will provide individual feedback.

A **first draft** should be submitted by email to the supervisor *and* to the course administrator **no later than Friday, March 3, 23.59**. The supervisor will provide feedback on the first draft at individual tutorials. There is no sanction for not handing in the draft essay on time except for that no feed-back will be provided. There will be a seminar on how to write EU law. The **final essay** should be submitted by email to the supervisor *and* to the course administrator **no later than Friday March 17, at 23.59**. In case it is not handed in on time one point will be detracted from the score at the beginning of each new hour until the score does no longer measure up to E.

The paper should be written in font Times New Roman, size 12; with 1½ space; and 2,5 cm margins. The text shall be based on legal sources accepted in EU law and clearly stated in footnotes. As a formal requirement, the main text with footnotes shall neither be shorter than 15 pages, nor exceed 20 pages. Moreover, the paper should have a front page indicating the name of the author, the title of the assignment, and the name of the supervisor. Finally, a separate bibliography where all legal sources used in the paper are clearly stated shall be added to the text. Neither the front page nor any table of content or the bibliography is included in the scope of the paper (15-20 pages). For further info, see writing guidelines distributed during the course.



ILOs: Knowledge in the field of writing; understanding of the applied method; analytical skills; writing skills; skills to search for materials and to use sources of law; and skills to organise an independent work in terms of time frames and labour.

## 7. Peer review

You will have approximately five working days to read and comment on the essay written by a peer. The review should be emailed to the peer, the course director, *and* administrator **no later than Wednesday March 22, 23.59**. In case it is not handed in on time one point will be detracted from the score at the beginning of each new hour until the score does no longer measure up to E.

The comments should be written in font Times New Roman, size 12; with 1½ space; and 2,5 cm margins. The peer review (with footnotes) shall neither be shorter than two pages, nor exceed 5 pages. Moreover, the comments should have a front page indicating the names of the author and of the commentator, and the title of the commented essay.

The peer review shall address five aspects of the written essay:

- 1) Knowledge in the field of writing (the commentator is welcome to make own inquiries into the topic and criticise the analysis of the author and question the conclusions drawn in the work);
- 2) understanding of the applied method;
- 3) analytical skills;
- 4) writing skills; and
- 5) formalities.

The assessment and grading of the commenting on the peer's essay is based on the following criteria: Knowledge in the field concerned, relevance, accuracy, clarity, style, cogency, and consistency.

## Appendix 1: The written Exam

Grade	Criteria	Additional
A 44-50	In all, a set of very well-structured and exclusively relevant answers with a clear focus on the central aspects of the questions; extensive references to legal sources and correct use of all relevant facts; revealing great ability to engage in abstract reasoning and to make an independent assessment of problems, including critical reflection.	
B 40-44,5	In all, a set of well-structured and highly relevant answers with a clear focus on central aspects of the questions; convincing references to legal sources and correct use of relevant facts; revealing a high ability to engage in abstract reasoning and to make an independent assessment of problems, including critical reflection.	
C 35-39,5	In all, a set of well-structured and mainly relevant answers addressing most central aspects of the questions; convincing references to legal sources and correct use of relevant facts; revealing an ability to engage in abstract reasoning and to make an independent and balanced assessment of problems.	
D 30-34,5	In all, a set of structured and relevant answers addressing several central aspects of the questions; adequate reference to legal sources and correct use of relevant facts; revealing signs of ability to engage in abstract reasoning and to make an independent assessment of problems.	
E 25-29,5	In all, a set of transparent answers addressing some central aspects of the questions; some reference to legal sources and use of some relevant facts; revealing signs of ability to make an independent assessment of problems.	
Fx 12-24,5	In all, a set of answers which observe some aspects of the questions; insufficient use of legal sources and relevant facts and/or revealing no signs of ability to make an independent assessment of problems.	

F  0-11,5	Blank to a reproduction of disjointed facts with insufficient reasoning	
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## Appendix 2: The essay

The criteria are weighted but not absolute. Even if it is e.g. more important to show knowledge than to master the language, the text must be comprehensible for an initiated reader.

Grade	Criteria	Additional
A  27-30	Great knowledge in the field of writing and clear focus on central aspects; Complete understanding of the applied method; Great ability to engage in abstract reasoning and to make an independent assessment of problems; Excellent presentation in terms of structure, stringency, systematics, and language; Extensive references to legal sources and correct use of relevant facts; Keeps time frames and constructive use of feedback from supervisor.	
B  24-26,5	Much knowledge in the field of writing and clear focus on central aspects; Comprehensive understanding of the applied method; Good ability to engage in abstract reasoning and to make an independent assessment of problems; Good presentation in terms of structure, stringency, systematics, and language; Much reference to legal sources and correct use of relevant facts; Keeps time frames and uses most of the relevant feedback from supervisor.	
C  21-23.5	Convincing knowledge in the field of writing and focus on central aspects; Convincing understanding of the applied method; Adequate ability to engage in abstract reasoning and to make an independent assessment of problems; Good presentation in terms of structure, stringency, systematics, and language; Convincing references to legal sources and correct use of relevant facts; Keeps time frames and uses most of the relevant feedback from supervisor.	
D  18-20,5	Adequate knowledge in the field of writing and focus on some central aspects; Signs of understanding of the applied method; Signs of ability to engage in abstract reasoning and to make an independent assessment of problems; Adequate presentation in terms of structure, stringency, systematics, and language; Adequate reference to legal sources and correct use of relevant facts; Keeps time frames and uses some relevant feedback from supervisor.	
E  15-17,5	A transparent reasoning which observes some aspects that are relevant; Signs of understanding of the applied method; Some reference to legal sources and relevant facts; signs of ability to make an independent assessment of problems.	
Fx	A reasoning which observes aspects that are relevant to the questions posed but insufficient reference to legal sources and	

7-14,5	relevant facts and/or no signs of ability to make an independent assessment of problems.	
F 0-7	Nothing to a reproduction of disjointed facts with insufficient reasoning.	

### **Appendix 3: The peer review**

The criteria are weighted but not absolute. Moreover, there is a minimum level of quality for each element of the examination. If e.g. the presentation is outstanding the overall grade may still be Fx or F in the absence of intelligible comments even if the attendance requirements are met.

<b>Grade</b>	<b>Criteria</b>	<b>Additional</b>
A 18-20	Great knowledge in the field concerned; focus on all central aspects and an entirely accurate criticism or approval of the analysis on basis of very clear, cogent and consistent comments presented in an accessible and independent way without being rude.	
B 16-17,5	Significant knowledge in the field concerned; focus on most central aspects and an accurate criticism or approval of the analysis on basis of very clear, cogent and consistent comments presented in an accessible and independent way without being rude.	
C 14-15,5	Convincing knowledge in the field concerned; focus on most central aspects and a legitimate criticism or approval of the analysis on basis of clear, cogent and consistent comments presented in an accessible and independent way without being rude.	
D 12-13,5	Adequate knowledge in the field concerned; focus on some central aspects and a mainly legitimate criticism or approval of the analysis on basis of fairly clear, cogent and consistent comments presented in an intelligible and independent way without being rude.	
E 10-11,5	A transparent reasoning which observes some aspects that are relevant; criticism or approval of the analysis revealing signs of understanding of the analysis in the essay, by means of some fairly clear and cogent arguments which do not contradict one another, presented in an intelligible way in own words without being rude.	
Fx 5-9,5	A reasoning which observes aspects that are relevant to the comments; significant gaps in the criticism or approval of the analysis; on basis of unclear or scattered comments presented in a way that does not reveal an ability to make an independent assessment.	

F 0-4,5	Nothing to a reproduction of disjointed facts with insufficient reasoning.	

#### **Appendix 4: Final grade**

<b>Grade</b>	<b>Criteria</b>	<b>Additional</b>
A 90-100	Passes all grounds for assessment and grading with excellent praise.	
B 80-89,5	Passes all grounds for assessment and grading with praise, or passes some grounds for assessment and grading with excellent praise.	
C 70-79,5	Willingly accepted results not without praise at all examinations, or passes some grounds for assessment and grading with praise.	
D 60-69,5	Willingly accepted results at all examinations, or willingly accepted results not without praise at some of the examinations.	
E 50-59,5	Accepted results at all examinations, or willingly accepted results at some of the examinations.	
Fx 25-49,5	Not accepted result at any or some of the examinations but meets nevertheless the requirements for Fx indicated in appendix 1-3 with respect to the relevant ground(s) for assessment and grading.	

F 0-24,5	Not accepted result at any or some of the examinations and does not meet the requirements for Fx indicated in appendix 1-3 with respect to the relevant ground(s) for assessment and grading.	
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Good luck!