

Course syllabus

The Free Movement of Services and Capital within the EU

Title of course in Hungarian: A szolgáltatások és a tőke szabad áramlása az EU-ban

Language of instruction: English

Department: Department of International and European Law

Type of course: obligatory/elective

Level of programme: MA (LLM)

Number of lessons per week: 2 hours/week

Semester: I./II.

Credit point value: 3

Code of course:

Prior course(s) required: -

Course supervisor: Dr. András Osztovits, PhD, associate professor, head of department

Lecturer(s): Dr. András Osztovits, PhD, associate professor, head of department

Course description, purpose of the course:

The TFEU has two separate chapters on self-employed persons who move on a permanent or temporary basis between Member States. These are the chapters on freedom of establishment and freedom to provide services. The Treaty provisions are residual, in that they apply only in so far as the provisions concerning capital, persons, or goods do not apply.

The free movement of capital is one of the four freedoms enshrined in the original Rome Treaty. There is now a growing body of case law testing the scope of these provisions. This course will deal with all of these questions.

Course outline, description of acquired knowledge, skills and competences:

1. The concept and scope of the free movement of services in European law
2. The working of commonly known traditional obstacles in the free movement of services
3. The basis of Community competences and the available instruments to regulate the free movement of services. The residual nature of the regulations.
4. The connection between the concepts of the freedom of establishment and the freedom to provide services. Sectoral interests in the freedom of services.
5. Major European legal provisions in the free movement of services 1
6. Major European legal provisions in the free movement of services 2
7. The case law of the European Court relating to the free movement of services 1
8. The case law of the European Court relating to the free movement of services 2
9. Regulating services from third countries: competences and major provisions
10. A comparison of the regulatory system of the free movement of services and the system of the GATS
11. The concept and subject matters of the free movement of capital
12. The basis of Community competences and the available instruments to regulate the free movement of capital
13. Major European legal provisions in the free movement of capital 1
14. Major European legal provisions in the free movement of capital 2
15. The case law of the European Court relating to the free movement of capital

Interim course requirement(s): course attendance, presentation of the relevant practice of the EU Court of Justice

Type of evaluation: exam evaluation/course performance evaluation

Method of evaluation: written/oral exam

Obligatory course materials:

Course Compendium on the The Free Movement of Goods and Persons in the EU – A selection of study material (legal sources, court decisions, studies) designed for the course by the course lecturer(s). The Compendium is aimed at the use of the LL.M.program students solely and is not intended for commercial circulation. A copy of the Compendium is available to every student in the program.

Recommended additional sources:

- Gráinne de Búrca – Paul Craig: *EU law – text, cases, materials*, New York : Oxford University Press (5th edition), 2011 1304 pages ISBN 978-0199576999
- Barnard, Catherine: *The Substantive Law of the EU: The Four Freedom*, New York : Oxford University Press, 2010 (3rd ed.) 752 pages ISBN 978-0199562244
- Dahlberg, Mattias: *Direct Taxation in Relation to the Freedom of Establishment and the Free Movement of Capital*. The Hague : Kluwer Law International, 2005. 384 pages ISBN 978-9041123633