

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	
Course title:	European Union and Commercial Law

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Business Management - bachelor	/	1.	/

Vrsta predmeta / Course type

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
45	15	0	0	0	120	6

Nosilec predmeta / Lecturer:

Jeziki / Languages:

Predavanja / Lectures:	Slovene, Serbian, English, Croatian
Vaje / Tutorial:	Slovene, Serbian, English, Croatian

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:

Prerequisites:

- No special requirements

Vsebina:

Content (Syllabus outline):

- 1. Historical, Political and Institutional Development of the European Union**
 - Historical and political reasons for the establishment of the European Economic Community
 - Luxemburg Agreement
 - Single European Act
 - Treaty Establishing the European Union – the Maastricht Treaty
- 2. Institutions of the European Union**
 - Introduction, role, structure and competence
 - European Council

- Council of Ministers
- EC Commission
- European Parliament
- Court of Justice of the EC
- Court of first instance
- Other European Union bodies

3. European Union Legal Sources

- Division to primary and secondary sources
- Secondary sources of the European Union bodies
- Regulations
- Directives
- Decisions
- Recommendations

4. Nature of the European Union Law

- Trans-national nature as the main feature
- Direct applicability and direct effect
- Conditions for direct effect
- Responsibility of the state breaching the Community law

5. Judicial Review in the European Union

- Proceedings against the Member States
- Judicial control over the Community acts
- Suit for omission of acting
- Suit for the act invalidity
- Non-contractual responsibility of the EU
- Solving of previous issues

6. Four Fundamental Freedoms

- Role of freedoms in functioning of the Internal Market
- Mutual interaction of freedoms and delimitation among them

7. Free Movement of Goods

- Economic integration forms: Customs Union and Internal Market
- Levies holding equivalent effect
- Free movement of goods and quantitative restrictions
- Directive 70/50 and judge in the Dassonville Case
- Discriminatory barriers to trading and judicial decisions on the Cassis de Dijon and Keck
- Excuses for discriminatory barriers

8. Free Movement of Labour Force

- Introduction and analysis of Article 39 in the Treaty Establishing the EC

- Effect of Article 39 and definition of a worker
- Directive 68/360
- Right to stay and Regulation 1251/70
- Employees and their families
- Education (children and family members of employees, students)
- Restrictions to free movement of labour force pursuant to Article 39(3) [previously Article 48(3)]

9. Freedom of Establishment and Provision of Services

- Introduction and analysis of Articles 43 – 48 of the Treaty Establishing the EC
- Right to establishment of headquarters, a company
- Free movement of services and mutual recognition of qualifications
- Right to accept services and vocational training
- Restrictions to free provision of services

10. Free Movement of Capital

11. Competition Law

- Role of the competition law in the European Community
- Sources of the competition law
- Monopoly arrangements
- Definition of an enterprise, contract, resolutions, and harmonised actions
- Monopolistic intention or effect
- Impact on trading among the Member States
- Exceptions to inadmissibility of agreements, negative clearance and comfort letters
- Group exceptions
- Abuse of dominant position on the market
 - definition and general prohibition
- Existence of dominant position
- Existence of abusing

Cilji in kompetence:

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Objectives and competences:

- The students shall
- Learn about basic legal-organisational structure of the European Union, reasons for its establishment and its previous historical development;
 - Learn about the place of the European Union in international economic integrations;
 - Learn about basic institutions in the European Union and understand their mutual interaction and relations to the member States;
 - Understand the relation between the European Union law and the European Community law and national legal orders;
 - Learn about basic institutes of the European Union law protection before the national bodies and national courts;
 - Learn about and understand the most elementary rules on the internal market enabling functioning of this economic integration;
 - Thoroughly analyse the rights to free movement of goods, free provision of services, free establishment, free movement of capital and free movement of workers;
 - Learn about the rules of the European Union competition policy, anti-monopoly regulations, state aids and anti-dumping;
 - Learn about and know how to analyse the position of Slovenia in the European integrations, especially in the European Union during the period of the association membership and full membership in the EU;
 - Develop personal characteristics related to the European Union topics and fulfilment of individual needs related to the occupational profile in this field;
 - Develop their feeling for recognition and acceptance of diversity and understanding of inter-cultural diversities.
- The students will know how to apply and implement the theoretical knowledge on the European Union commercial law in business practice.

Predvideni študijski rezultati:

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Intended learning outcomes:

Students understand basic legal organizational structure of EU and are able to evaluate it from the historical and economic point of view.

Students will critically evaluate basic work of EU institutions on up to date case studies.

Students will evaluate pros and cons of free movement of goods, free provision of services, free establishment, free movement of capital and free movement of workers in EU.

Students will analyse position of Slovenia in the EU.

Trough understanding of system and functioning of EU students will recognize the importance of intercultural diversity.

Metode poučevanja in učenja:

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Learning and teaching methods:

- Lectures
- Seminar exercises
- Individual study work

Načini ocenjevanja:

Delež (v %) /

Weight (in %)

Assessment:

	90 10	Type (examination, oral, coursework, project): <ul style="list-style-type: none"> • Written examination • Successfully completed obligations determined in seminar exercises
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