Contents

| | List or tables | page XIII |
|---|--|-----------|
| | Table of cases | xv |
| | Table of legislation | xxviii |
| 1 | The internal market | 1 |
| | Introduction | 1 |
| | Short history of the internal market | 3 |
| | The historical context of the Treaty of Rome | 3 |
| | The Treaty of Rome | 5 |
| | The historical context of the White Paper | 7 |
| | The White Paper and the Single European Act | 9 |
| | Maastricht, Amsterdam, Nice and Lisbon | 10 |
| | The Treaty freedoms in their regulatory context | 11 |
| | Competences | 13 |
| | Secondary law measures | 14 |
| | The role of the European institutions in internal market law | 16 |
| | Further reading | 17 |
| 2 | Common framework of the Treaty freedoms | 18 |
| | Convergence and continued divergence of the Treaty freedoms | 18 |
| | Direct effect of the Treaty freedoms | 19 |
| | The addressees of the Treaty freedom provisions | 20 |
| | Host state | 20 |
| | Home state | 21 |
| | Non-state actors | 21 |
| | Personal scope (beneficiaries) | 22 |
| | Non-EU citizens with equal or comparable rights | 23 |

| Justifications | 65 |
|---|-----|
| Case groups | 73 |
| Important secondary law | 79 |
| Quantitative restrictions on exports and measures having equivalent | |
| effect (Article 35 TFEU) | 82 |
| Quantitative restrictions | 83 |
| Measures having equivalent effect | 83 |
| Justifications | 86 |
| Internal taxation (Article 110 TFEU) | 86 |
| Similar goods (Article 110(1) TFEU) | 88 |
| Competing goods (Article 110(2) TFEU) | 90 |
| Further reading | 92 |
| 4 Union citizenship (Articles 18–25 TFEU) | 93 |
| Introduction | 93 |
| Main Treaty provisions at a glance | 96 |
| Direct effect of Articles 18, 20 and 21 TFEU | 100 |
| Scope | 100 |
| Personal scope (beneficiaries) | 101 |
| Material scope | 103 |
| Addressees | 109 |
| Applying Articles 18, 20 and 21 TFEU: the prohibition of | |
| discrimination and of restrictions | 110 |
| Prohibition of discrimination | 110 |
| Prohibition of restrictions | 112 |
| Justifications | 114 |
| Limitations under the Citizenship Directive | 115 |
| Public policy and public security | 116 |
| Public health | 119 |
| Overriding reasons in the public interest | 120 |
| Rights of Union citizens: secondary law and case law | 121 |
| The Citizenship Directive | 121 |
| Right of entry | 122 |
| Right of exit | 123 |
| Right of residence and right of permanent residence | 123 |
| Right to equal treatment (Article 24 Citizenship Directive) | 126 |
| The rights of family members of Union citizens | 126 |

| | Protection against expulsion (Article 28 Citizenship Directive) | 128 |
|---|---|-----|
| | Equal access to universities and vocational training | 131 |
| | Entitlement to the social benefits of the host state | 133 |
| | Entitlement to social benefits of the home state | 137 |
| | Taxation | 138 |
| | Family names | 140 |
| | Other rights conferred by Part Two of the TFEU | 140 |
| | Prohibition of discrimination on other grounds (Article 19 TFEU) | 141 |
| | The right to vote and stand as a candidate in other Member States for | |
| | European and municipal elections (Article 22 TFEU) | 142 |
| | Right to diplomatic and consular protection (Article 23 TFEU) | 143 |
| | The Citizens' Initiative (Article 24 TFEU) | 143 |
| | Other political rights (Article 24 TFEU) | 143 |
| | Further reading | 144 |
| 5 | Free movement of workers (Articles 45–48 TFEU) | 145 |
| | Introduction | 145 |
| | Main Treaty provisions at a glance | 147 |
| | Direct effect of Article 45 TFEU | 148 |
| | Personal scope (beneficiaries) | 149 |
| | Union citizens and persons having comparable rights | 149 |
| | Who is a worker? | 151 |
| | Additional beneficiaries covered by Article 45 TFEU | 153 |
| | Material scope | 156 |
| | Cross-border element | 156 |
| | Addressees | 158 |
| | Member States | 158 |
| | Non-state actors | 158 |
| | Applying Article 45 TFEU: the prohibition of discrimination and of | |
| | restrictions | 161 |
| | Direct discrimination | 162 |
| | Indirect discrimination | 162 |
| | Prohibition of restrictions | 163 |
| | Justifications | 165 |
| | Public policy, public security and public health | 165 |
| | Public service exception | 165 |
| | Justification by overriding requirements of the general interest | 168 |

| Rights of workers: secondary law and case law | 169 |
|---|-----|
| The right to enter another Member State, to reside there and to leave | 169 |
| The right to leave the home state, and to return to the home state | 171 |
| Equal access to employment | 173 |
| Equal treatment in employment | 174 |
| Equal treatment with regard to social advantages | 176 |
| Equal treatment with regard to tax advantages | 184 |
| Educational rights | 189 |
| Rights after employment | 189 |
| Workers' families | 190 |
| Important secondary law | 191 |
| Coordination of social security systems | 191 |
| Works Council Directive | 193 |
| Work, health and safety regulation | 193 |
| Further reading | 195 |
| 6 Freedom of establishment (Articles 49–55 TFEU) | 196 |
| Introduction | 196 |
| Main Treaty provisions at a glance | 197 |
| Direct effect | 197 |
| Personal scope (beneficiaries) | 198 |
| Natural persons | 198 |
| Companies | 199 |
| Material scope | 200 |
| Self-employment | 200 |
| Cross-border element | 200 |
| The temporal criterion: permanent establishment | 201 |
| Addressees | 203 |
| Host state | 203 |
| Home state | 203 |
| Non-state actors | 204 |
| Applying Article 49 TFEU: prohibition of discrimination and of | |
| restrictions | 205 |
| Prohibition of discrimination | 205 |
| Prohibition of restrictions | 206 |
| Justifications | 208 |
| Public policy, public security and public health | 209 |

Cross-border element

Public services

Further reading

280

Index