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MASTER THESIS

“The European Single Market: Analyzing the Role of the Court of Justice of the EU Regarding the Freedom of Movement”

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Abbreviation

CFSP

CJEU

DSM

EC

ECJ

EEC

EMU

EU

GDPR

JHA

SEA

TEU

TFEU

Definition

Common Foreign and Security Policy

Court of Justice of the European Union

Digital Single Market

European Commission

European Court of Justice

European Economic Community

European Monetary Union

European Union

General Data Protection Regulation

Justice and Home Affairs

Single European Act

Treaty on European Union

Treaty on the Functioning of the European Union

ABSTRACT

The Single Market is a crucial cornerstone of the European Union's (EU) framework, established to guarantee the free movement of goods, services, capital, and labor across its member states. While its conceptual framework is rooted in EU treaties and legislation, the practical and dynamic evolution of the Single Market is significantly influenced by the jurisprudence of the Court of Justice of the European Union (CJEU). As a result, this thesis focuses on a critical research gap: understanding the extent to which the CJEU has contributed to improving and advancing the Single Market, thus shaping the economic integration of the EU.

Throughout history, the Single Market has faced difficulties originating from the diverse legal framework of the member states. Despite this, the Court of Justice of the European Union (CJEU) has had a crucial role in interpreting and upholding EU legislation, guaranteeing the achievement of the Single Market's goals while managing the complexity of national interests and regulations. Thus, the objective of this research is to examine the extent to which the Court's rulings have contributed to the advancement of the Single Market. The analysis will specifically concentrate on significant aspects, including the harmonization of standards, the elimination of trade barriers, and the enforcement of competition law.

Moreover, this research addresses a crucial gap by providing a detailed examination of the CJEU's function within the framework of the Single Market. This analysis enhances understanding of the Court's impact on the economic integration of the EU, providing important insights on the legal procedures that support and shape the development of the Single Market.

Beyond this introduction on the main topic, we will try to emphasize another research gap that has been very little substantially studied until now, or at least there has been a lack of clarity on it. We are talking about the freedom of movement of EU and non-EU countries that are geographically located in Europe, however, face some difficulties with this approach.

Therefore, this thesis addresses these key questions: What are the main legal and practical challenges associated with upholding the four freedoms in the European Union's evolving political and economic landscape? What is the role of the CJEU in the interpretation of the EU law on these main freedoms, especially freedom of movement? What are the major challenges facing the CJEU in providing judicial protection for these fundamental rights? By exploring these questions, the study aims to provide a detailed understanding of the CJEU's instrumental role in advancing the Single Market of the European

The four freedoms of the European Union

The fundamental idea of the Four Freedoms, which emphasizes unrestricted movement and cooperation between member states, serves as the foundation for the EU's single market. Listed is a detailed summary of the fundamental freedoms.

- Free Movement of Goods

This freedom covers the uninterrupted movement of goods between member states of the European Union, therefore eliminating taxes, quotas, and other obstacles to trade. It is also known as a focal point for achieving an open market that boosts economic growth, competitiveness, employment, and prosperity within the EU. 5

- Free Movement of Services

Just like goods, this freedom enables services to be provided and received across borders within the EU, fostering a competitive and unified market.

- Free Movement of Capital

The freedom of capital movement inside the EU allows for unrestricted flow of investments and commercial activities between member states.

- Free Movement of People

Lastly, one of the main freedoms is the ability for citizens to reside, work, study, or retire in any European Union nation, fostering both labor mobility and social integration.

More than 500 million EU citizens benefit in different ways from the implementation of these liberties within the EU's internal territory, including the elimination of internal borders and other administrative barriers between EU member states. However, years after the creation of the single market, trade continues to be obstructed by legal and technical obstacles.

This thesis analyzes the crucial role of the Court of Justice of the European Union (hereinafter: CJEU) in the development and maintenance of the European Union's Single Market. The Single Market, as a fundamental component of EU integration, aims to guarantee the free movement of goods, services, capital, and people among member states. But, if it weren't for the CJEU's oversight and rulings, these fundamental freedoms would likely only exist on paper and be frequently and wrongly exploited by member states for their own interests. Furthermore, in order to reveal how these fundamental freedoms have developed, we have included the historical background and obstacles that prevailed throughout the years. A method that shows the importance of the CJEU's jurisprudence and how it has influenced the Single Market's regulatory framework.

Through a comprehensive examination of landmark CJEU cases, this thesis emphasizes the Court's contribution to harmonizing and integrating the internal market. It particularly focuses on how the Court's decisions have addressed potential conflicts between national regulations and the Single Market's goals, therefore strengthening the principles of mutual recognition and non-discrimination. Moreover, the thesis delves into the CJEU's role in interpreting and enforcing EU legislation pertaining to the Single Market, illustrating how its judgments have shaped EU policy and member state compliance.

Nevertheless, we must mention beforehand that the focus falls within the freedom of movement, which in a way is a focal point among other freedoms since it has shown that it has a big impact on developing a more sophisticated Single Market of the European Union.

The conclusions of this thesis emphasize the crucial role of the CJEU in protecting the legal structure of the Single Market and promoting deeper economic integration among EU member states.

Keywords: Court of Justice of the European Union, Single Market, European Union, Jurisprudence, Economic Integration, EU Law.