

The Government of the European Union (EM165M35)

Program	PGE
Course set (UE) / Credits (ECTS) / Track / Specialization	Module :The Government of the European Union : 5 ECTS. <ul style="list-style-type: none">• Visitants• MGA
Discipline	Law
Year	2020
Semester	B
Open for visitors	yes (5 ECTS)
Available spots	30

Coordinator

Daria PLOTKINA

Lecturers

Aucun intervenant pour ce cours

Course format

Working language :	English
Volume of contact hours :	27 h
Workload to be expected by the student :	108 h

Course track

Track : Attendance

<p>Attendance track : Attendance at lectures/tutorials and intermediate/final assessments is mandatory. As in-class work constitutes an essential element of evaluation, any unjustified absence will be penalized (<i>see Study and Examination Regulations</i>) and factored into the final grade (<i>see Assessment</i>).</p> <p>Autonomous track : Attendance at intermediate/final assessments is mandatory, but students have the option of attending lectures/tutorials.</p> <p>Attendance at lectures/tutorials and intermediate/final assessments is mandatory for all degrees making up the Master's Program and all degrees involving co-op (<i>apprentissage</i>). Attendance track must therefore be selected.</p>

Contribution of the course to the educational objectives of the program

How the course contributes to the program :

Description

This course is an advanced program on the European integration process which is creating "an ever closer Union among the peoples of Europe". The course will focus on two questions: Who are the main European actors? How is the European Union working? In this perspective, the course will present the European Union compared to the Council of Europe and the Federal States. Then, the institutional system of the EU will be examined, that main: the interest of the treaty and the EU legal framework and the present decision-making process. Throughout the course, the Federal States and International Organizations (NAFTA, AFTA and OAS...) will be used as comparative referents.

Educational organisation

In class

Lectures

In groups

Oral presentations

Interaction

Discussions / debates

Learning outcomes

Upon completion of this course, students should be able to :

- **Define** the government of the European Union
- **Recognize** the key differences between the government of the European Union and the national governments
- **Discuss** the possible reforms of the government of the European Union
- **Appraise** the key interests of the EU institutional framework compared to the classical international organizations.

Outline

I - WHO ARE THE ACTORS OF THE EUROPEAN INTEGRATION PROCESS? THE COUNCIL OF EUROPE AND THE EUROPEAN UNION

1 - WHAT ARE THE COUNCIL OF EUROPE AND THE EUROPEAN COURT FOR HUMAN RIGHTS?

1. THE COUNCIL OF EUROPE

- 1.1 - General presentation
 - 1.1.1 - Origins and Key dates
 - 1.1.2 - Aims and Activities
 - 1.1.3 - Member States, Candidates and Observers
 - 1.1.4 - The European Symbols: Flag, Anthem and Prizes
- 1.2 - Institutional Framework
 - 1.2.1 - The Committee of Ministers
 - 1.2.2 - The Parliamentary Assembly
 - 1.2.3 - The Secretary General
 - 1.2.4 - The Congress of Local and Regional Authorities of Europe
- 1.3 - Decision Making Process
 - 1.3.1 - The Legislative Process
 - 1.3.2 - The Advisory and Consultative Processes

2 THE EUROPEAN COURT FOR HUMAN RIGHTS

- 2.1 - General Presentation
 - 2.1.1 - The European Convention on the Human Rights of 1950
 - 2.1.2 - Additional Protocols
 - 2.2 - The European Court of Human Rights
 - 2.2.1 - Organisation of the Court
 - 2.2.2 - Procedure before the Court
 - General presentation
 - Admissibility procedure
 - Procedure on the merits
 - Judgments
 - Advisory opinions
 - 3.3 The Other Protections of Human Rights
 - 3.1 - The European Social Charter
 - 3.2 - The Convention for the Protection of National Minorities
 - 3.3 - The Convention for the Prevention of Torture
 - 3.4 - Other Actions: the European Commission against Racism and Intolerance, the Commissioner for Human Rights...
- #### 2 - WHAT IS THE EUROPEAN UNION?

1. General Presentation

- 1.1 The Member States
- 1.2 Population
- 1.3 Trade and economy
- 1.4 Gross Domestic Product
- 1.5 Employment
- 1.6 Education and Research
- 1.7 EU Budget
- 1.8 European Public Opinion
- 2. Origin and Development of the European Union
 - 2.1 The treaty of Paris, the Treaties of Rome and the 3 Communities
 - 1950: French Foreign Minister Robert Schuman's Declaration
 - 1951: Signing of the Treaty of Paris
 - 1957: Signing of the Treaties of Rome
 - 1968: Abolition of the remaining duties in intra-Community trade
 - 1973, 1981, 1986: First Enlargements of the UE
 - 2.2 The Single European Act
 - 1987: The Single European Market
 - 1993: The Implementation of the Single market
 - 2.3 The European Union
 - 1993: Enforcement of the Treaty on the European Union, the Treaty of Maastricht
 - 1999: Enforcement of the Amsterdam Treaty
 - December 11, 2000: Adoption of the Nice Treaty - February 1st, 2003: Enforcement of the treaty of Nice
 - January 1st, 2002: Euro coins and notes come into circulation
 - October 29, 2004: Signing at Rome of the treaty establishing a Constitution for Europe
 - December 18, 2007: Signing at Lisbon of the treaty amending the Treaty on European Union and the Treaty establishing the European Community, entering into force December 1st, 2009
 - 2004, 2007 et 2013: New Enlargement of the European Union.

II - HOW IS THE EUROPEAN UNION WORKING?

THE INSTITUTIONAL FRAMEWORK OF THE EUROPEAN UNION

3 - WHAT IS THE PRESENT DECISION-MAKING PROCESS IN THE EU?

- 1. The Launch Pad Role of the European Council
 - Art 15 of the EU Treaty: "1. The European Council shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof. It shall not exercise legislative functions."
 - Art 288 of the TFEU: "To exercise the Union's competences, the institutions shall adopt regulations, directives, decisions, recommendations and opinions."
- 2. The Triangle of Decision-making
 - 2.1 The European Commission
 - 2.2 The Council of the European Union
 - 2.3 The European Parliament:
- 3. The Watchdog Role of Communitarian Acts by the Court of Justice and the Court of Auditors
 - 3.1 The jurisdictional control of the Court of Justice and of the General Court

- 3.2 The Financial control of the Court of Auditor
- 4. The other Institutions
- 4.1 The Advisory Bodies: The Economic and Social Committee and the Committee of the Regions
- 4.2 The Communitarian Financial Organs: The European Invest bank and the European Central Bank
- 5. THE CLARIFICATION OF THE EU'S COMPETENCES
- 5.1 The Exclusive competences
- 5.2 The Shared Competences
- 5.3 Supporting, Coordinating and Complementary Actions
- 5.4 Specific competences: Economic and Employment Policies, CFSP
- 6. THE EU'S LEGISLATIVE PROCESS
- 6.1 The Legislative Instruments
- The 15 Current Instruments
- The New Legislative Instruments
- 6.2 The Qualified Majority Voting
- The Current System
- The Reform
- 6.3 Involvement of National Parliament
- The Principle of Subsidiarity
- Reasoned Opinion
- Procedure before the Court of Justice

4 - WHAT IS THE LEGAL FRAMEWORK OF THE EU?

- 1. Fundamental Principles and Values of the EU
- 1.1 Guarantee of Peace and Security
- 1.2 Unity and Equality, Freedom and Solidarity, Respect of National Identity and Security
- 1.3 Protection of the Fundamental Rights in the EU
- 2. Legal Framework of the EU
- 2.1 The former "Three Pillars" of the EU
- First Pillar: the European Communities
- Second Pillar: Common Foreign and Security Policy
- Third Pillar: Police and Judicial Cooperation in Criminal Matters
- 2.2 The Lisbon Treaty and the Current Framework of EU
- 2.3 The different types of EU Legislation
- The Primary Legislation: treaties establishing the EU and General Principles of Law
- The UE's International Agreements
- Secondary Legislation: Regulations, Directives, General and Individual Decisions
- Non-Binding Measures: Resolutions Opinions, Declarations and Action programs...
- 2.4 Characteristics of the EU Legal Order
- Direct Applicability of Community Law
- Primacy of community Law
- 3. The EU's Legislative Procedures
- 3.1 How does the EU pass new Laws ?
- 3.2 The Lisbon Treaty and the Current Framework of EU
- 3.3 The different types of EU Legislation
- 4. The Legal Protection of the CJEU
- 4.1 Composition and Competencies of the CJEU
- The Court of Justice
- The General Court
- 4.2 Possibilities of Recourse
- Treaty Infringement proceedings (art. 258 TFEU)
- Actions for annulment (art. 263 TFEU)
- Complaints for failure to act (art. 265 TFEU)
- Action for Damages (art. 268 and 340 EC)
- Preliminary rulings (art. 267EC)
- 4.3 Procedure
- The Written Phase
- The Oral Phase

5 - WHAT IS THE CITIZENSHIP OF THE EU?

- 1. Fundamental Principles
- 1.1 The Principal of Non Discrimination
- 1.2 The Democratic Principal
- 1.3 The Charter of the Fundamental Rights
- 2. Obtaining the EU Citizenship
- 2.1 The Nationality of the EU Member
- 2.2 Obtaining the EU Citizenship
- 2.3 Consequences for the Foreigners
- 3. Civil Status of the EU Citizenship
- 3.1 The Right to Move & to Reside
- 3.2 Free Movement of Workers
- 3.3 Diplomatic Protection
- 3. Political Status of the EU Citizenship
- 3.1 Municipal Elections
- 3.2 European Elections
- 3.3 Petition & Ombudsman
- 3.4 Right of Initiative

6 - WHAT IS THE FUTURE OF THE EUROPEAN UNION?

- DEEPENING AND ENLARGING THE EUROPEAN UNION
- 1. The Enlargement Process
- 1.1 The Objectives
- 1.2 The Criteria
- 1.3 The Procedure
- 2. The Next Enlargements of the EU
- 2.1 The Situation
- 2.2 The Persistent Problems
- 2.3 The Future
- 3. Debate and General Conclusions...

Prerequisites

Key concepts to understand :

Knowledge of :

- knowledges on Constitutional and International Law
- Skills for team works

Teaching material

Recommended reading

Major works :

Buonanno, Laurie & Nugent, Neill, Policies and Policy Processes of the European Union, Palgrave Macmillan, 2013.
Mc Cormick, John, Understanding The European Union: a concise Introduction, 7th edition, Palgrave Macmillan, 2017.
Nugent, Neill, The Government and Politics of the European Union, 8th edition, Palgrave Macmillan, 2017.

Further reading :

<http://europa.eu>
<http://www.coe.int>

Research works by EM Strasbourg :

Assessment

Intermediate evaluation / continuous assessment 1 :

oral / in group / English / weighting : 40%

Intermediate evaluation / continuous assessment 2 :

written / in group / English / weighting : 40%

Intermediate evaluation / continuous assessment 3 :

written + oral / individual / English / weighting : 20%
additional information : Class attendance and participation

Grounds for expulsion from classes

Behaviors such as

arriving late, leaving early, or exiting the classroom at inopportune moments during class

ostentatiously eating or drinking in class

using smartphones or laptops for non-class-related purposes

reading texts unrelated to the course

discussing topics unrelated to the course

disrespecting the lecturer

may lead to expulsion from the class/course.