

**Government of the Russian Federation**

**State University - Higher School of Economics  
School of world economics and world politics**

**Programme**

**«EU Politics, Law and Institutions»**

*For master students of the programme  
“European Studies”*

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Moscow  
2015

## I. Programme Information

1. **Authors: Tatiana Romanova, Kirill Entin.**
2. **The goal:** to study the set-up and functioning of the European Union, its evolution as well as formal and informal ways of interaction between member states and institutions
3. **The novelty of the course** methodologically lies in the synthesis of political science and law approaches. Furthermore, the information is presented in such a way as to depict the EU as a dynamic mechanism, as a way of resolving problems among member states rather than a goal in itself. As a result the course suggests a complex and objective understanding of the way the EU functions and possibilities of the use of various methods and procedures. The focus of attention is not only on the formal aspects of the functioning but also informal practices and modalities of their work. Finally the course is meant to both equip students with theoretical knowledge and practical skills to work with institutions.
4. **Learning objectives:**
  - To introduce main institutions and bodies of the EU, their structures and modes of operation;
  - To examine the decision-making in the EU as well as ways of representing interests and influencing decision-making;
  - To study the judicial system of the EU;
  - To analyze the documents, related to the functioning of various EU institutions and bodies;
  - To apply neoinstitutional theoretical approaches to the study of the EU institutions, bodies and decision-making procedures;
  - To use constructivism and neorealism as fundamental paradigms;
  - To create a firm basis for further independent work of students with the EU's institutions, structures and decision-making processes.
5. **Special requirements:** students are to have basic knowledge of modern and contemporary history, political science and law.

## II. Content of the course

### Thematic plan

№ п/п	Titles of parts and topics	Overall number of hours	In class		Self- preparation (assessment )
			Lectures	Discussions	
<b>Part 1. Theories</b>					
1.1	Introduction. How does the EU work? A System Approach		2	1	
1.2	States and their interests: internal political preferences and their rationale		2	1	
1.3	Neoinstitutionalism in studying EU bodies and procedures.		1	1	

1.4	Problems of integration, europeanisation and transnationalisation of political process		1	1	
<b>Part 2 EU Institutions and Bodies</b>					
2.1	<i>The EU's nature and key competences. Principles regulating the relations between EU institutions and Member States</i>		2	1	
2.2	<i>Inter-Institutional Relations</i>		1	1	
2.3	European Council		1		
2.4	European Commission		2	2	
2.5	European Parliament		2	2	
2.6	Council of the European Union		2	2	
2.7	EU Judicial System		2	2	
2.8	Other Bodies of Control: Court of Auditors, OLAF, Ombudsman		1	1	
2.9	Economic and Social Committee. Committee of Regions. Multi-Level Governance		1	1	
2.10	European Investment Bank		1		
2.11	EU Agencies and Network Governance		1	1	
<b>Part 3. Decision-Making in the EU</b>					
3.1	EU law subject matter, essential qualities of EU Law (primacy, direct effect, direct applicability)		2	2	
3.2	Structure and sources of EU law. The significance of the Lisbon Treaty		1	1	
3.3	Law-Making in the EU and the Problem of Interest Representation		2	2	
3.4	Direct effect of directives		3	2	
3.5	EU Budget Procedure and Financial Planning. Inter-Institutional Agreements		2	2	
3.6	Economic and Monetary Union: Institutions and Decision-Making		1	1	
3.7	Macroeconomic Coordination and the Problem of Soft Integration		1	1	
3.8	EU External Relations: Decision-Making		2	1	
3.9	The Area of Freedom, Security and Justice: Decision-Making		1	1	
3.10	Delegated and Implementing Acts		1	1	

3.11	Direct challenge of EU acts		2	2	
3.12	Indirect challenge of EU acts. Preliminary reference procedure		3	2	
3.13	Flexible / Enhanced Integration: Advantages and Problems		4	4	
<b>Part. 4. Conclusion</b>					
4.1	The Future of the European Union		2	2	
	Overall		49	41	
Professor Romanova			55		
Professor Entin			29		
Classes conducted by both lecturers			6		

### Main textbooks

Craig, P., De Burca, G. EU Law: Text, Cases, and Materials, Fifth Edition, Oxford University Press, Oxford 2011

Chalmers, D., Davies, G., Monti, G. European Union Law. Cases and materials, Second Edition, Cambridge University Press, 2010

Peterson, J., Shackleton, M. (eds.) The Institutions of the European Union. Oxford: Oxford University Press, 2012.

Европейское право. Право Европейского Союза и правовое обеспечение защиты прав человека. Под ред. Л.М. Энтина. М.: НОРМА, ИНФРА-М, 2011.

Романова Т.А. Институты и учреждения Европейского союза. СПб: Издательство Санкт-Петербургского университета, 2009.

Этин К.В. Право Европейского Союза и практика Суда Европейского Союза. Учебное пособие. М.: Норма : ИНФРА-М, 2015.

### Forms of control

#### 1. Forms of current and final control

During the course the students:

1. Take part in the discussion of the presented topics, debates and simulation games;
2. Work on key reading and demonstrate their knowledge of it during in-class discussions;
3. Make a presentation on one of the topics selected by the professors. The student has to send the summary of the presentation as well as a bibliography and two questions to the audience based on key reading and the presentation. The duration of the presentation is 15 minutes. It is followed by a general discussion, moderated by the student doing the presentation. The presentations start on the 3<sup>rd</sup> class and follow a pre-defined timetable. Presentations should be made in time.
4. Write an essay of 3000-4000 words. The deadline for the essay is the 5<sup>th</sup> of June. The student has to demonstrate his knowledge of key reading and basic concepts, the ability to apply them as well as his own view on the matter.
5. The final control is in form of a test. The first part is composed of 25 multiple-choice questions. The second one is composed of 15 open questions. The third part is composed

of 5 open questions on key reading. The fourth part is a case on the application of EU law.

## 2. **Timetable and duration .**

The exact timetable for the presentations is made available to the student during the first class. Student have to prepare for each class.

The duration of the final exam is two hours (with a 30-minutes break).

## 3. **Final grade** складывается из следующих элементов:

The final grade ( $G_{\text{final}}$ ) is composed of the accumulated grade ( $G_{\text{acc}}$ ) and the grade received for the exam ( $G^{\text{exam}}$ ) in accordance with the following formula:

$$G_{\text{final}} = 0,4 * G_{\text{acc}} + 0,6 G_{\text{exam}}$$

The accumulated grade takes into account the work in class ( $G_{\text{class}}$ ), the presentation ( $G_{\text{pres}}$ ) and the essay  $G_{\text{essay}}$  in accordance with the following formula:

$$G_{\text{acc}} = 0,45 * G_{\text{class}} + 0,3 G_{\text{pres}} + 0,25 G_{\text{essay}}$$

## **III. Content of the program**

### **Part 1 Theories**

#### ***1.1. Introduction. How does the EU work? A System Approach***

Realism, neorealism, neoclassical realism. Constructivism.

Complex theory of interrelation between member states and EU institutions.

EU as a political system

#### *Key Reading:*

- CHRISTIANSEN, T., JORGENSEN, K.E., WIENER, A. The Social Construction of Europe // Journal of European Public Policy. 1999. Vol. 6. No. 4.
- HIX, S. The EU as a New Political System // Caramani (ed.) Comparative Politics. Oxford: Oxford University Press, 2008.
- HOFFMANN S. Obstinate of Obsolete? The Fate of the Nation State and the Case of Western Europe // NELSON, B.F., STUBB, A. (eds.) The European Union. Readings on the Theory and Practice of European Integration. Palgrave Macmillan, 2003.
- PETERSON, J., SHACKLETON, M. The EU Institutions: An Overview // // PETERSON, J., SHACKLETON, M. (eds.) The Institutions of the European Union. Oxford: Oxford University Press, 2012. Pp. 43-67.

#### ***1.2. States and their interests: internal political preferences and their rationale***

Internal preferences of EU member states and problems of their realization. The need for the EU context.

Political systems of EU member states. Ethnic and religious specificity, forms and dynamics of territorial set-up.

State policy of EU member states and their preferences. The problem of security (internal and external). Economics: the state and the market. Social state and taxation. The problems of innovation, information society and environment. External relations.

#### *Key Reading:*

- PUCHALA, D. Institutionalism, Intergovernmentalism and European Integration: A Review Article // *Journal of Common Market Studies*. 1999. Vol. 37. No. 2.
- WALLACE, H. Exercising Power and Influence in the European Union: the Roles of Member States // *The Member States of the European Union*. Oxford: Oxford University Press, 2005.

*Supplementary Reading:*

- *The Member States of the European Union*. Oxford: Oxford University Press, 2005. Pp. 77-284.

### ***1.3. Neoinstitutionalism in studying EU bodies and procedures***

Neoinstitutionalism as the key paradigm. The development of the theory and its evolution, types of neoinstitutionalism: rational choice, historical, sociological, discursive. The specificity of each type.

Institutions – structures and institutions – procedures.

The process of the institutionalization of the European Union.

*Key Reading:*

- ASPINWALL, M.D., SCHNEIDER, G. Same Menu, Separate Tables. The Institutional Turn in Political Science and the Study of European Integration. DurhamDurham, Konstanz, 2000.
- HALL, P.A., TAYLOR R.C. The Three New Institutionalisms // MPIFG Discussion Paper. 1996. No. 6.
- *The Institutionalisation of Europe*. Stone Sweet, A., Sandholz, W., Fligstein, N. Oxford, New York, 2001. Pp. 29-56.
- SCHMIDT, V. A. Discursive Institutionalism: The Explanatory Power of Ideas and Discourse // *Annual Review of Political Science*. 2008. Vol.11. Pp. 303-326.

*Supplementary Reading:*

- MARCH, J.G., OLSEN, J.P. Elaborating the “New Institutionalism” // ARENA Working Paper. 2005. No.11.
- SCHMIDT, V.A. Give Peace a Chance: Reconciling Four (not Three) “New Institutionalisms”. In: D. Béland and R.t H. Cox (eds.) *Ideas and Politics in Social Science Research*. Oxford, 2010.
- *Understanding European Union Institutions*. Ed. by Warleigh A. London, New York, 2002. Pp. 3-22.

### ***1.4. Problems of integration, europeanisation and transnationalisation of political process***

Europeanisation as a concept of change in the systems of EU member states and other countries, closely cooperating with the EU. The origin of the concept and plurality of its meaning.

The EU's political process as a transnationalised process

*Key Reading:*

- BULMER, S., RADAELLI, C. The Europeanization of National Policy // *The Member States of the European Union*. Oxford: Oxford University Press, 2005.
- KASSIM, H. The Europeanization of Member State Institutions // *The Member States of the European Union*. Oxford: Oxford University Press, 2005.
- LENSCHOW, A. Europeanisation of Public Policy. In: RICHARDSON, J. *European Union. Power and Policy-Making*. Routledge, 2006.
- LADRECH, R. The Europeanization of interest Groups and Political Partiers // *The Member States of the European Union*. Oxford: Oxford University Press, 2005.

## **Part 2. EU Institutions and Bodies**

### ***2.1. The EU's nature and key competences. Principles regulating the relations between EU institutions and member-states***

The European Union: not an international organization anymore, though not a state yet? The principle of conferral and its consequences for the day-to-day functioning of the EU. Flexibility clause: article 352 TFEU and its significance. Concept of implied powers.

The functional nature of EU competences. Three main types of competence: exclusive competences, shared competences and supporting competences. Special competences (coordination of economic and employment policies and the field of Common Foreign and Security Policy). The significance and consequences of the legal basis' choice.

The main principles regulating the exercise of the EU competences and the relations between the EU and its Member States. Subsidiarity principle: origins, meaning. Political control over subsidiarity by EU institutions and national parliaments (the yellow and orange cards procedure). Judicial control by the CJEU. The principle of proportionality and main elements of the proportionality test as applied by the CJEU. Principle of loyal cooperation. Principle of equality and respect of national identities. Solidarity principle.

The role of common values for the European integration and in the current functioning of the EU. Scope of the Charter of fundamental rights of the EU. Analysis of Articles 6 and 7 TEU.

#### *Key Reading:*

- Consolidated Version of the Treaty on European Union. Arts.1-5.
- Consolidated Version of the Treaty on the Functioning of the European Union. Arts. 2-6, 119, 352.
- Protocol on the application of the principles of subsidiarity and proportionality.
- CRAIG, P., DE BURCA, G. *EU Law: Text, Cases, and Materials*, Fourth Edition, Oxford University Press, Oxford 2007. Pp. 88-95, 100-107.
- TOTH, A. *Is Subsidiarity Justiciable?* // *European Law Review*. 1994. No. 19. Pp. 268-288.
- Энтин К.В. *Право Европейского Союза и практика Суда Европейского Союза*. Учебное пособие. М.: Норма : ИНФРА-М, 2015. Сс.28-43
- *Европейское право. Право Европейского Союза и правовое обеспечение защиты прав человека*. Под ред. Л.М. Энтина. М.: НОРМА, ИНФРА-М, 2011. Сс. 50-65, 58-62, 69-72.

#### *Supplementary Reading:*

- Case 293/83 *Gravier v. City of Liege* [1985] ECR 593.
- Case C-376/98 *Germany v. European Parliament and Council (Tobacco advertising case)* [2000] ECR I-8419.
- LENAERTS, K., VAN NUFFEL, P. *Constitutional law of the European Union* (London: Sweet & Maxwell, 2nd ed., 2005).
- CHALMERS ET AL., *European Union Law: text and materials* (Cambridge: CUP, 2006).

### ***2.2. Inter-Institutional Relations***

Why is the separation of powers concept not applicable to the EU? Principles governing the institutional structure: a "Community of law"; unity of institutions; balance between inter-governmental and supranational institutions.

Principle of autonomy of institutions. The problem of the seat of the European Parliament. Principle of sincere cooperation and its application.

Institutional balance: a legal principle or a simple description? Interinstitutional agreements: their role and legal status.

*Key Reading:*

- Consolidated Version of the Treaty on European Union. Art.13.2.
- Consolidated Version of the Treaty on the Functioning of the European Union. Art. 232.
- Case 294/83, *Partie ecologiste Les verts v. European Parliament* [1986] ECR 1339.
- Case 208/80, *Rt. Hon. Lord Bruce of Donington v Eric Gordon Aspden* [1981] ECR 2205
- ЭНТИН К.В. Право Европейского Союза и практика Суда Европейского Союза. Учебное пособие. М.: Норма : ИНФРА-М, 2015. Сс.44-48
- JACQUE, J.-P. *The Principle of Institutional Balance // Common Market Law Review* 41, 2004. Pp. 383–391.

*Supplementary Reading:*

- Case 5/85 *Akzo* [1986] ECR 2585.
- Case 302/87 *Parliament v. Council (Comitology case)* [1988] ECR 5615.
- Case C-70/88 *Parliament v. Council (Chernobyl case)* [1990] ECR I-2041.
- Case C-300/89 *Commission v. Council (Titanium dioxide case)* [1991] ECR I-2867.
- Lenaerts, K., Van Nuffel, P. *Constitutional law of the European Union*. London: Sweet & Maxwell, 2nd ed., 2005.
- Chalmers et al., *European Union Law: text and materials*. Cambridge: CUP, 2006.

### **2.3. European Council**

European council, summit of the Council of ministers? Clarification of the terminology.

The role of the European Council in the management of the EU: theory and practice. Historical background of the institution, and its legal basis from the past to the present. Competences and procedural aspects of operation.

Informal European councils. An effort to set up permanent contacts among heads of states and governments of EU member-states.

The problem of the political status of the decisions of the European council.

The problem of permanent overload of the agenda because of the tendency to push up the issues.

The role of the presidency in the management of the European Union. The evolution of the presidency.

*Key Reading:*

- Consolidated Version of the Treaty on European Union. Arts. 7, 10, 13, 15, 22
- Consolidated Version of the Treaty on the Functioning of the European Union. Arts. 235, 236.
- European Council Decision Adopting Its Rules of Procedure. December, 1 2009. 2009/882/EU.
- CRUM, B. *Accountability and Personalisation of the European Council Presidency // European Integration*. 2009. Vol. 31. No. 6.
- DE SHOUTHEETE, P. *The European Council // PETERSON, J., SHACKLETON, M. (eds.) The Institutions of the European Union*. Oxford: Oxford University Press, 2012. Pp. 43-67.
- HIERLEMANN, D. *Presidential Poker // Spotlight Europe*. 2008. No. 3. March
- TALLBERG, J. *Bargaining Power in the European Council*. Stockholm: Swedish Institute for European Policy Studies, 2007. No. 1.
- WESSELS, W. *The Maastricht Treaty and the European Council: The History of an Institutional Evolution // Journal of European Integration*. 2012. Vol.34. No 7.

*Supplementary Reading:*



- Meeting of the Heads of State or Government (Summit), Paris, 9-10 December 1974.
- KOLLMAN, K. The Rotating Presidency of the European Council as a Search for Good Policies // *European Union Politics*. 2003. No.1.
- QUAGLIA, L., MOXON-BROWNE, E. What Makes a Good EU Presidency? Italy and Ireland Compared // *Journal of Common Market Studies*. 2006. Vol. 44. No. 2.
- TALLBERG, J., JOHANSSON, K.M. Party politics in the European Council // *Journal of European Public Policy*. 2008. December 2008. Vol. 15. No. 8.

#### ***2.4. European Commission***

The composition and the way of formation of the European Commission. The college of the Commission and its size. The formation of the college and the possibility to retire it.

The principles of the operation of the European Commission. The division of responsibilities among commissioners and the work of the college. The responsibilities of the European Commission.

European public service. Jean Monnet as the author of the idea. The development of the public service. The main principles of eurocratia. Kinnock reform of the service.

The main functions of the Commission. Legislative. Management. Safeguarding the treaties. Control. Preparation and execution of the budget. Information. Representation. Search for compromise. Guarantee of the coherence of the EU. Increase or decrease in the competences of the Commission?

How does the Commission prepare its decisions?

The concept of good governance.

#### ***Key Reading:***

- Consolidated Version of the Treaty on European Union. Arts. 17, 18
- Consolidated Version of the Treaty on the Functioning of the European Union. Arts. 244-250
- Regulation No 31 (EEC), 11 (EAEC), Laying Down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community
- BAILER, S. An Agent Dependent on the EU Member States? The Determinants of the European Commission's Legislative Success in the European Union // *Journal of European Integration*. 2014. Vol. 36. No 1. Pp. 37-53,
- BÖHLING, K. Sidelined Member States: Commission-learning from Experts in the Face of Comitology // *Journal of European Integration*. 2014. Vol. 36. No 2. Pp. 117-134.
- DE SCHOUTHEETE, P. Making the institutions work better and more effectively together: Priorities for the New Commission. Brussels: CEPS, 1 October 2014. CEPS Commentary.
- EGEBERG, M., HESKESTAD, A. The Denationalisation of the Cabinets in the European Commission. A Research Note // *ARENA Working Paper*. 2008. No. 25.
- HAVERLAND, M., LIEFFERINK, D. Member State interest articulation in the Commission phase. Institutional pre-conditions for influencing 'Brussels' // *Journal of European Public Policy*. 2012. Vol. 19. No 2.
- HODSON, D. The Little Engine that Wouldn't: Supranational Entrepreneurship and the Barroso Commission // *Journal of European Integration*. 2012. Vol. 35. No 3. Pp. 301-314.
- HOOGE, L., KASSIM, H. The Commission's Services // PETERSON, J., SHACKLETON, M. (eds.) *The Institutions of the European Union*. Oxford: Oxford University Press, 2012. Pp. 173-198.
- PETERSON, J. The College of Commissioners // PETERSON, J., SHACKLETON, M. (eds.) *The Institutions of the European Union*. Oxford: Oxford University Press, 2012. Pp. 96-124.

#### ***Supplementary Reading:***

- BALINT, T., BAUER, M.W., KNILL, C. Bureaucratic change in the European administrative space: The case of the European commission // *West European Politics*. 2008. Vol. 31. No. 4. July.
- BROSCHEID, A., COEN, D. Insider and Outsider Lobbying of the European Commission. An Informational Model of Forum Politics // *European Union Politics*. 2003. No.2.
- BUNSE, S., MAGNETTE, P., NICOLAÏDIS, K. Is the Commission the Small Member States' Best Friend? Swedish Institute for European Policy Studies Report. 2005. November. No. 9.
- EGEBERG, M. Experiments In Supranational Institution-Building: the European Commission As a Laboratory // *Journal of European Public Policy*. 2012. Vol. 19. No 6.
- GORNITZKA, E., SVERDRUP, U. Who Consults? Expert Groups in the European Union // *ARENA Working Paper*. 2007. No.12.
- KASSIM, H., MENNON, A. European Integration since the 1990s: Member States and the European Commission // *ARENA Working Papers*. 2004. No. 6.
- SMITH, A. Why European Commissioners Matter // *Journal of Common Market Studies*. 2003. Vol. 41. No. 1
- STEPHENSON, P. The Role of Working Groups of Commissioners in Co-ordinating Policy Implementation: The Case of Trans-European Networks (TENs) // *Journal of Common Market Studies*. 2010. Vol. 48. No. 3.
- SUVARIEROL, S. Networking in Brussels: Nationality over a Glass of Wine // *Journal of Common MARKET Studies*. 2009. Vol. 47. No. 2.
- TOPAN, A. The Resignation of the Santer Commission; the Impact of Trust and Reputation // *European Integration Papers online*. 2002. Vol. 6. No. 14.
- Романова Т.А. Институты и учреждения Европейского союза. СПб: Издательство Санкт-Петербургского университета, 2009. Сс. 61-76.

## ***2.5. European Parliament***

From the Assembly to the European Parliament: the evolution of the representative institution of the EU. Elections to the European Parliament: the importance of direct elections. Plurality of electorate systems of member-states. The problem of harmonization of status of members of the EP.

Political groups and prospects of European political parties. Is a single list of MEPs possible for the pan-European elections?

Functions of the European Parliament. Legislative. Budgetary. Control (channels of control of the Commission, Council and European Council). The right to give consent to the enlargement. Constant growth of EP competences.

Internal organization of the EP. The President: functions and rotation. Roles of vice-presidents and quaestors. Bureau: composition and functions. Importance of sectoral committees. Conferences of presidents and committee chairs.

### *Key Reading:*

- Consolidated Version of the Treaty on European Union. Arts. 14.
- Consolidated Version of the Treaty on the Functioning of the European Union. Arts. 223-234.
- Rules of Procedure of the European Parliament. 2009.
- BRESSANELLI, E. Necessary deepening? How political groups in the European Parliament adapt to enlargement // *Journal of European Public Policy*. 2014. Vol. 21. No 5. Pp.776-792.
- CLARK, N. Explaining Low Turnout in European Elections: The Role of Issue Salience and Institutional Perceptions in Elections to the European Parliament // *Journal of European Integration*. 2014. Vol. 36. No 4. Pp. 339-356.

- COOPER, I. Bicameral or Tricameral? National Parliaments and Representative Democracy in the European Union // *Journal of European Integration*. 2013. Vol. 35. No 5. Pp. 531-546.
- COSTELLO, R., THOMSON, R. The nexus of bicameralism: Rapporteurs' impact on decision outcomes in the European Union // *European Union Politics*. 2011. Vol. 12. No 3.
- DUFF, A. *Post-national democracy and the reform of the European Parliament*. Paris: Notre Europe, 2010.
- EGEBERG, M., GORNITZKA, S., TRONDAL, J., JOHANNESSEN, M. Parliament staff: unpacking the behaviour of officials in the European Parliament // *Journal of European Public Policy*. 2013. Vol. 20. No. 4. Pp. 495-514.
- HIX, S., MARSH, M. Second-order effects plus pan-European political swings: An analysis of European Parliament elections across time // *Electoral Studies*. 2011. Vol 30. No. 1.
- RAUNIO, T. Political Interests // PETERSON, J., SHACKLETON, M. (eds.) *The Institutions of the European Union*. Oxford: Oxford University Press, 2012. Pp. 338-358.
- SETTEMBRI, P., NEUHOLD, C. Achieving Consensus Through Committees: Does the European Parliament Manage? // *Journal of Common Market Studies*. 2009. Vol. 47. No.1.
- SHACKLETON, M. The European Parliament // PETERSON, J., SHACKLETON, M. (eds.) *The Institutions of the European Union*. Oxford: Oxford University Press, 2012. Pp.124-147.
- VASILOPOULOU, S., GATTERMANN, K. Matching policy preferences: the linkage between voters and MEPs // *Journal of European Public Policy*. 2013. Vol. 20. No. 4. Pp. 606-625.

*Supplementary Reading:*

- BENEDETTO, G. Rapporteurs as legislative entrepreneurs: the dynamics of the codecision procedure in Europe's Parliament // *Journal of European Public Policy*. 2005. No. 1.
- BOUWEN, P. The Logic of Access to the European Parliament: Business Lobbying in the Committee on Economic and Monetary Affairs // *Journal of Common Market Studies*. 2004. No. 3.
- CARAMANI, D. *The Formation of a European Electorate. Evidence from Electorate Volatility Measures, 1970-2000s*. Mannheim, 2004. Working Paper No. 83.
- FARRELL, D., SCULLY, R. Electing the European Parliament: How Uniform are 'Uniform' Electoral Systems? // *Journal of Common Market Studies*. 2005. No. 5.
- FARRELL, D., SCULLY, R. The European Parliament: One Parliament, Several Modes of Political Representation on the Ground? // *Journal of European Public Policy*. 2010. January. Vol. 17. No. 1.
- HIX, S. *Possibilities for European Parties: 2004 and beyond*. Brussels: the EPC, 2004.
- KAEDING, M. Rapporteurship Allocation in the European Parliament Information or Distribution? // *European Union Politics*. 2004. No. 3.
- KÖNIG, T. Why do member states empower the European Parliament? // *Journal of European Public Policy*. 2008. Vol. 15. No. 2.
- KREPPEL, A. Moving Beyond Procedure. An Empirical Analysis of European Parliament Legislative Influence // *Comparative Political Studies*. 2002. No. 7.
- LINDBERG, B. Are political parties controlling legislative decision-making in the European Parliament? The case of the services directive // *Journal of European Public Policy*. 2008. Vol. 15. No. 8.
- NEUHOLD, C. "We are the employment team" Socialisation in European Parliament committees and possible effects on policy-making. 2007 Biennial Conference of the European Union Studies Association. Montreal, 2007.
- NEUNREITHER, K. Elected Legislators and their Unelected Assistants in the European Parliament // *Journal of Legislative Studies*. 2002. Vol. 8, No 4.
- Романова Т.А. *Институты и учреждения Европейского союза*. СПб: Издательство Санкт-Петербургского университета, 2009. Сс. 76-95.

## **2.6. Council of the European Union**

Evolution of the institution. Multiple compositions of the single Council. Advantages and disadvantages. Reforms of 1999, 2002 and 2010 and their importance for the efficiency of the Council. Dilemma of coordination and socialisation.

Voting procedures in the Council: unanimity, simple majority, qualified majority. Importance of voting procedures for the efficiency of the Council. Changes in the qualified majority voting.

Competences of the Council of Ministers. Legislative. Budgetary. Appointment of key officials. Search for understanding among member states. Accountability of the Council.

Decision-making process in the Council: working groups, COREPER, Council. Division of responsibilities. Specificity of working groups and COREPER. Specialised committees.

Secretariat General of the Council: role in the support and coordination of the Council.

### *Key Reading:*

- Consolidated Version of the Treaty on European Union. Arts. 16.
- Consolidated Version of the Treaty on the Functioning of the European Union. Arts. 237-243.
- Council Decision Determining the Order in Which the Office of President of the Council Shall Be Held. January 1, 2007. 2007/5/EC, Euratom.
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- GOLUB, J. How the European Union does not work: national bargaining success in the Council of Ministers // *Journal of European Public Policy*. 2012. Vol. 19. No 9.
- HÄGE, F.M. Who Decides in the Council of the European Union? // *Journal of Common Market Studies*. 2008. Vol. 46. No. 3.
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- LEWIS, J. National Interests: COREPER // PETERSON, J., SHACKLETON, M. (eds.) *The Institutions of the European Union*. Oxford: Oxford University Press, 2006. Pp. 272-292.
- TSEBELIS, G. Bridging qualified majority and unanimity decision-making in the EU // *Journal of European Public Policy*. 2013. Vol. 20. No. 8. Pp. 1083-1103

### *Supplementary Reading:*

- BALDWIN, R., WIDGREN, M. Council Voting in the Constitutional Treaty. Devil in the Details. Brussels, 2004. CEPS Policy Brief. No 53.
- BEACH, D. The Unseen Hand in Treaty Reform Negotiations: The Role and Influence of the Council Secretariat // *Journal of European Public Policy*. 2004. No.3.
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- FOUILLEUX, E., MAILLARD, J., SMITH, A. Technical or political? The working groups of the EU Council of Ministers // Journal of European Public Policy. 2005. No.4.
- HAGEMANN, S., HOYLAND, B. Parties in the Council? // Journal of European Public Policy. 2008. Vol. 15. No. 8.
- HAYES-RENSHAW, F., VAN AKEN, W., WALLACE, H. When and Why the EU Council of Ministers Votes Explicitly // Journal of Common Market Studies. 2006. No. 1.
- MAZZUCELLI, C. Leadership in the European Union: Assessing the Significance of the Trio Council Presidency // Jean Monnet/Robert Schuman Paper Series. 2008. Vol. 8 No. 17. August.
- PLECHANOVOVA, B. The EU Council enlarged: North–South–East or Core–periphery? // European Union Politics. 2011. Vol. 12. No. 1.
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- WARNTJEN, A. The Council Presidency. Power Broker or Burden? An Empirical Analysis // European Union Politics. 2008. Vol. 9. No. 3.
- Романова Т.А. Институты и учреждения Европейского союза. СПб: Издательство Санкт-Петербургского университета, 2009. Сс. 96-111.

## ***2.7. EU Judicial System***

The creation and evolution of the EU judicial system. The role of the CJEU in the history of European integration.

The Court of Justice: its mission, composition and competence. The status and selection procedure of judges. The functions of the Advocate Generals. Problems regarding the role of the Advocate Generals in the light of the ECHR. Internal functioning of the Court. The role of the President and Vice-president. Court formations and proceedings. Main types of actions: references for preliminary ruling; actions for annulment; actions for failure to act; actions for failure to fulfil obligations; EU liability; opinions on international agreements.

The General Court: composition and competence.

The Civil Service Tribunal.

### *Key Reading:*

- Consolidated Version of the Treaty on European Union. Art. 19.
- Consolidated Version of the Treaty on the Functioning of the European Union. Arts. 251-281.
- Rules of Procedure of the Court of Justice.
- Matthews v. The United Kingdom, ECHR, 18 February 1999.
- «Bosphorus Airways» v. Ireland, ECHR, 30 June 2005.
- Энтин К.В. Право Европейского Союза и практика Суда Европейского Союза. Учебное пособие. М.: Норма : ИНФРА-М, 2015. Сс.60-82
- Craig P., De Burca G. EU Law: Text, Cases, and Materials, Fourth Edition, Oxford University Press, Oxford 2007. Pp.66-76.
- SHAPIRO, M. The European Court of Justice.
- TRIDIMAS, T. The Court of Justice and Judicial Activism // European Law Review. 1996. No. 21. Pp.199-210.

### *Supplementary Reading:*

- Vermeulen v. Belgium, ECHR, 20 February 1996.
- Kress v. France, ECHR, 7 June 2001.
- Case C-17/98, Emesa Sugar NV v Aruba [2000] ECR I-00675.
- TRIDIMAS, T. Liability for Breach of Community Law: Growing up and Mellowing down // Common Market Law Review. 2001. No. 38 Pp.301-332.

### **2.8. Other Bodies of Control: Court of Auditors, OLAF, Ombudsman**

History of the Court of Auditors of the EU. Main functions. Mechanisms of investigations. Modalities of formation and internal organisation.

History of the EU's Anti-Fraud Office (OLAF). The role of OLAF in the control.

Ombudsman: history of the position. Main functions and appointment procedure. Ombudsman initiatives. Combination of legislative and judicial powers in the position of the ombudsman.

#### *Key Reading:*

- Consolidated Version of the Treaty on the Functioning of the European Union. Arts. 228.
- KARAKATSANIS, G., LAFFAN, B. Financial Control: the Court of Auditors and OLAF // PETERSEN, J., SHACKLETON, M. (eds.) The Institutions of the European Union. Oxford: Oxford University Press, 2012. Pp. 241-261.
- MAGNETTE, P. Between Parliamentary Control and the Rule of Law: the Political Role of the Ombudsman in the European Union // Journal of European Public Policy. 2003. Vol. 10. No. 5.
- PUJAS, V. The European Anti-Fraud Office (OLAF): a European policy to fight against economic and financial fraud? // Journal of European Public Policy. 2003. No. 5.

#### *Supplementary Reading:*

- LAFFAN, B. Auditing and Accountability in the European Union // Journal of European Public Policy. 2003. Vol. 10. No. 5.
- TSADIRAS, S. Unravelling Ariadne's Thread: the European Ombudsman's Investigative Powers // Common Market Law Review. 2005. Vol. 45: 757-770.
- Романова Т.А. Институты и учреждения Европейского союза. СПб: Издательство Санкт-Петербургского университета, 2009. Сс. 111-124.

### **2.9. Economic and Social Committee. Committee of Regions. Multi-Level Governance.**

History of the Economic and Social Committee. The character of representation. Mode of operation and key responsibilities. Insufficient influence of the Economic and Social Committee.

History of the Committee of Regions and its evolution. Committee of Regions as an indicator of the increase of activity of subnational entities of multilevel governance. Type of representation. Principles of operation. Key responsibilities. The importance of committees in the formation of the internal market and in the development of the regions.

Comparison of the two committees.

#### *Key Reading:*

- Consolidated Version of the Treaty on the Functioning of the European Union. Arts. 300-307.
- CHRISTIANSEN, T., LINTNER, P. The Committee of the Region after 10 Years^ Lessons from the Past and Challenges to the Future // EIPASCOPE. 2005. No. 1.
- HONNIGE, C., PANKE, D. The Committee of the Regions and the European Economic and Social Committee: How Influential are Consultative Committees in the European Union? // Journal of Common Market Studies. 2013. Vol. 51. No. 3. Pp. 452-471.
- JEFFERY, C., ROWE, C. Social and Regional Interests: the Economic and Social Committee and the Committee of the Regions // PETERSON, J., SHACKLETON, M. (eds.) The Institutions of the European Union. Oxford: Oxford University Press, 2012. Pp.359-381.

#### *Supplementary Reading:*

- MOORE, C. A Europe of the Regions vs. the Regions in Europe: reflections on regional engagement in Brussels. European Union Studies Association (EUSA) Annual Conference. Montreal, 17-19 May 2007.
- Романова Т.А. Институты и учреждения Европейского союза. СПб: Издательство Санкт-Петербургского университета, 2009. Сс. 125-136.

### **2.10. European Investment Bank**

Reasons for creation of the European Investment Bank. Organization and main functions.

Options for the use of the EIB sources for EU member states and third countries. EIB and Russia.

Duality of the EIB: a bank and a development agency.

Advantages of cooperation with the EIB.

#### *Key Reading:*

- Consolidated Version of the Treaty on the Functioning of the European Union. Arts. 308-309.
- Role and organisation of the EIB // <http://www.eib.europa.eu/about/>
- HACHEZ, N., WOUTERS, J. A Responsible Lender? The European Investment Bank's Environmental, Social and Human Rights Accountability // Common Market Law Review. 2012. Vol. 49. No.1.
- ROBINSON, N. The European Investment Bank: The EU's Neglected Institution // Journal of Common Market Studies. 2009. Vol. 47. No. 3.

### **2.11. EU Agencies and Network Governance**

Reasons and history of independent agencies in the world and in the EU. Typology of agencies and the reasons of their relative weakness in the EU. Common features of agencies. Importance of network structures for agencies

Agencies and a regulatory state.

Agencies and a new concept of joint administration in the EU.

#### *Key Reading:*

- ANDOURA, S., TIMMERMAN, P. Governance of the EU: the Reform Debate on European Agencies Reignited // EPIN Working Paper. 2008. No. 19.
- BORRÁS, S., PETERS, B.G. The Lisbon Strategy's empowerment of core executives: centralizing and politicizing EU national co-ordination // Journal of European Public Policy. 2011. Vol. 18. No 4.
- BUSS, M. European Union Agencies' Vertical Relationships with the Member States: Domestic Sources of Accountability? // Journal of European Integration. 2014. Vol. 36. No 5. Pp. 509-524.
- BUSUIOC, M. European agencies and their boards: promises and pitfalls of accountability beyond design // Journal of European Public Policy. 2012. Vol. 19. No 5.
- KELEMEN, R.D., MAJONE, G. Managing Europeanisation: European Agencies // PETERSON, J., SHACKLETON, M. (eds.) The Institutions of the European Union. Oxford: Oxford University Press, 2012. Pp. 219-240.
- MAGGETTI, M., GILARDI, F. The policy-making structure of European regulatory networks and the domestic adoption of standards // Journal of European Public Policy. 2011. Vol. 18. No 6.
- VAN BOETZELAER, K., PRINCEN, S. The Quest for Co-ordination in European Regulatory Networks // Journal of Common Market Studies. 2012. Vol. 50. No. 5. Pp. 819–836.

#### *Supplementary Reading:*

- BERGSTRÖM, C.F., ROTKIRCH, M. Decentralized Agencies and the IGC: a Question of Accountability. Stockholm: Publisher: Swedish Institute for European Policy Studies, 2003. Report No. 14.
- CHAMON, M. EU Agencies Between Meroni and Romano or the Devil and the Deep Blue Sea // Common Market Law Review. 2011. Vol. 48. Pp. 1055-1075.
- EGEBERG, M. MARTENS, M., TRONDAL, J. Building Executive Power at the European Level. On the role of EU-level agencies // ARENA Working Paper. 2009. June. No. 10
- GROENLEER, M., KAEDING, M., VERSLUIS, E. Regulatory governance through agencies of the European Union? The role of the European agencies for maritime and aviation safety in the implementation of European transport legislation // Journal of European Public Policy. 2010. Vol. 17. No. 8.
- KRAPOHL, S. Thalomide, BSE and the Single Market. A Historical Institutionalist Approach to Regulatory Regimes in the European Union. Florence: EUI, 2005. EUI Working Paper. LAW No. 3.
- MARTENS, M. Administrative Integration through the Back Door? The Role and Influence of the European Commission in Transgovernmental Networks within the Environmental Policy Field // European Integration. 2008. Vol. 30. No. 5. December.
- WONKA, A., RITTBERGER, B. Credibility, Complexity and Uncertainty: Explaining the Institutional Independence of 29 EU Agencies // West European Politics. 2010. Vol. 33. No. 4.

### **Part 3. Decision-Making in the EU**

#### ***3.1. EU law subject matter, essential qualities of EU Law (primacy, direct effect, direct applicability)***

EU law as a legal system sui generis. Differences from national law and public international law. Object and subject of regulation. Territorial and temporary scope of EU law.

Essential qualities of EU law. Direct effect: *Van Gend en Loos* judgment and subsequent development. The significance of Van Gend en Loos criteria. Direct effect of regulations and directives. Direct effect of international agreements. Direct applicability. Primacy: *Costa v ENEL* judgment analysis. From privacy to efficiency: *Internationale Handelsgesellschaft*; *Simmenthal*; *Factortame* and *Francovich* judgments. Primacy and the problem of kompetenz-kompetenz.

#### ***Key Reading:***

- Craig P., De Burca G. EU Law: Text, Cases, and Materials, Fourth Edition, Oxford University Press, Oxford 2007. Pp. 268-281, 344-353.
- ЭНТИН К.В. Право Европейского Союза и практика Суда Европейского Союза. Учебное пособие. М.: Норма : ИНФРА-М, 2015. Сс.16-28
- Consolidated Version of the Treaty on the Functioning of the European Union Art. 288.
- GROUSSOT, X. The Role of the National Courts in the European Union: A Future Perspective. Swedish Institute for European Policy Studies Report. 2005. No. 10.
- Case 26/62, Van Gend en Loos [1963] ECR 13.
- Case 6/64, Costa v ENEL [1964] ECR 585.
- Case 11/79, Internationale Handelsgesellschaft [1970] ECR 1125.
- Case 106/77, Simmenthal [1978] ECR 629.
- Case 213/89, Factortame [1990] ECR I-2433.

#### ***Supplementary Reading:***

- Lenaerts, K., Van Nuffel P., Constitutional law of the European Union. London: Sweet & Maxwell, 2nd ed., 2005.



- Chalmers et al., *European Union Law: text and materials*. Cambridge: CUP, 2010.
- Case 2/74, *Reyners v Belgium* [1974] ECR 631.
- Case 41/74, *Van Duyn* [1974] ECR 1337.
- Case C-6, 9/90 *Francovich and others* [1991] ECR I-5357.

### ***3.2. Structure and sources of EU Law. Significance of the Lisbon Treaty***

Structure of EU law. Classification into primary, secondary and supplementary law. Different methods of classification. Hierarchy between the sources of EU law.

Founding treaties as a constitutive basis of the EU. Does Europe have or need a constitution?

General principle of EU law: origins and significance. Human rights as general principles of EU law.

Legal effect of international agreements concluded by the EU. Control of the compatibility of the agreements with the founding treaties by the Court of Justice.

Acts of EU institutions. Regulations, directives and decisions. Non-typical acts. Interinstitutional agreements.

Role of the CJEU case-law.

#### *Key Reading:*

- Consolidated Version of the Treaty on the Functioning of the European Union. Arts. 288-289.
- Craig P., De Burca G. *EU Law: Text, Cases, and Materials*, Fourth Edition, Oxford University Press, Oxford 2007. Pp. 82-88.
- Dougan M. *The Treaty of Lisbon 2007: Winning Minds, Not Hearts* // *Common Market Law Review* (2008), Volume 45, Issue 3, Pp. 617-703.
- Энтин К.В. *Право Европейского Союза и практика Суда Европейского Союза*. Учебное пособие. М.: Норма : ИНФРА-М, 2015. Сс.49-59

#### *Supplementary Reading:*

- PIRIS J.C., *The Lisbon Treaty*, Cambridge University Press, 2010.
- HÖRETH, M., SONNICKSEN, J. *Making and Breaking Promises. The European Union under the Treaty of Lisbon* // *Zentrum für Europäische Integrationsforschung*, 2008. Discussion Paper C181.

### ***3.3. Law-Making in the EU and the Problem of Interest Representation***

Evolution of procedures: from consultation to ordinary legislative procedure. Specificity of each procedure and relative weight of the institutions in it. the importance of informal consultations for the efficiency of procedures.

Plurality of interests, affected by legislative changes of the European Union. An effort to influence the decision-making process. Key principles of lobbying institutions of the EU. The importance of time. Why are institutions interested in lobbying?

#### *Key Reading:*

- Consolidated Version of the Treaty on the Functioning of the European Union. Arts. 288, 289, 292-299.
- BAILER, S. *An Agent Dependent on the EU Member States? The Determinants of the European Commission's Legislative Success in the European Union* // *Journal of European Integration*. 2014. Vol. 36. No 1. Pp. 37-53.

- BOCQUILLON, P., DOBBELS, M. An elephant on the 13<sup>th</sup> floor of the Berlaymont? European Council and Commission relations in legislative agenda setting // Journal of European Public Policy. 2014. Vol. 21. No 1. Pp. 20-38.
- BURNS, C., RASMUSSEN, A., REH, C. Legislative codecision and its impact on the political system of the European Union // Journal of European Public Policy. 2013. Vol. 20. No. 7. Pp. 941-952.
- CHALMERS, A.W. Trading information for access: informational lobbying strategies and interest group access to the European Union // Journal of European Public Policy. 2013. Vol. 20. No 1. Pp. 39-58.
- COSTELLO, R., THOMSON, R. The distribution of power among EU institutions: who wins under codecision and why? // Journal of European Public Policy. 2013. Vol. 20. No. 7. Pp. 1025-1039.
- DE FRANCESCO, F., RADAELLI, C., TROEGER, V.E. Implementing regulatory innovations in Europe: the case of impact assessment // Journal of European Public Policy. 2012. Vol. 19. No 4.
- EGENHOFER, C., KURPAS, S., KACZYNSKI, P.M., VAN SCHAIL, L. The Ever-Changing Union. An introduction to the History, Institutions and Decision-Making Process of the European Union. Brussels: CEPS, 2011. Pp. 52-59, 79-83.
- MEERTS, P. European Union Negotiation. Chapter from a Book.
- PANKE, D. Lobbying Institutional Key Players: How States Seek to Influence the European Commission, the Council Presidency and the European Parliament // Journal of Common Market Studies. 2012. Vol. 50. No 1.
- SCHMIDT, S. Only an Agenda Setter? The European Commission's Power over the Council of Ministers // European Union Politics. 2001. Vol. 1. No.1.

*Supplementary Reading:*

- Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU) The Commission's Lobby Register One Year On: Success or Failure? Brussels, June 2009.
- HERITIER, A. Twenty years of legislative codecision in the European Union: experience and implications // Journal of European Public Policy. 2013. Vol. 20. No. 7. Pp. 1074-1082.
- KLOVER, H. Lobbying as a collective enterprise: winners and losers of policy formulation in the European Union // Journal of European Public Policy. 2013. Vol. 20. No. 1. Pp. 59-76.
- MARSHALL, D. Do rapporteurs receive independent expert policy advice? Indirect lobbying via the European Parliament's committee secretariat // Journal of European Public Policy. 2012. Vol. 19. No 9.
- MAZEY, S., RICHARDSON, J. Interest Groups and EU Policy-Making: Organisational Logic and Venue Shopping. // European Union Power and Policy-Making. J. Richardson (ed.). New York: Routledge, 2006. 3<sup>rd</sup> edition.
- RASMUSSEN, A., REH, C. The consequences of concluding codecision early: trilogues and intra-institutional bargaining success // Journal of European Public Policy. 2013. Vol. 20. No. 7. Pp. 1006-1024.
- Зуев В.Н. Механизм принятия решений в ЕС – универсальный инструмент примирения интересов // Вестник международных организаций. 2008. № 3(18).
- Романова Т.А. Институты и учреждения Европейского союза. СПб: Издательство Санкт-Петербургского университета, 2009. Сс. 149-165.

### **3.4. Direct effect of directives**

Directives as a source of EU law and its unique properties. *Van Duyn* judgment and the creation of vertical direct effect of directives. Definition of a state authority. *Faccini Dori* and *Marshall* - the prohibition of horizontal direct effect. Prohibition of reverse vertical direct effect.

The *Marleasing* principle of conform interpretation: its application and limits.

Consequences of the non-implementation of directives: *Francovich* judgment.

Effect of directives before the end of the transposition period: *Inter-Environnement Wallonie and Mangold*.

Mechanisms to circumvent the prohibition of horizontal direct effect. Incidental effect: *Delena Welth*. Use of the principle of conform interpretation: *Oceano Grupo*. Use of exclusion effect of directive: *CIA* and *Uniliver*. Differences between exclusion and substitution effect.

*Key Reading:*

- Craig, P., De Burca, G. *EU Law: Text, Cases, and Materials*, Fourth Edition, Oxford University Press, Oxford 2007. Pp. 279-300.
- Энтин К.В. *Право Европейского Союза и практика Суда Европейского Союза*. Учебное пособие. М.: Норма : ИНФРА-М, 2015. Сс.106-122
- TRIDIMAS, T. *Black White and Shades of Grey: Horizontality of Directives Revisited*. 21 Yearbook of European Law, 2002. Pp. 327-354.
- Case 293/83, *Van Duyn v Home Officer* [1974] ECR 1337.
- Case C-91/92 *Faccini Dori* [1994] ECR I-3325.
- Case C-194/94 *CIA Security International* [1996] ECR I-2201.
- Case C-443/98 *Unilever Italia SpA v Central Food SpA* [2000] ECR I-7535.
- Case C-106/89 *Marleasing* [1990] ECR I-4135.
- Case C-240 to 244/98, *Oceano Grupo* [2000] ECR I-4941.
- Case C-6 and 9/90 *Francovitch* [1991] ECR I-5357.
- Case C-129/06 *Inter-Environnement Wallonie* [1997] ECR I-7411.
- Case C-194/94 *CIA Security International v Signalson SA* [1996] ECR I-2201.

*Supplementary Reading:*

- Chalmers et al., *European Union Law: text and materials* (Cambridge: CUP, 2006)
- TC Hartley, "The foundations of EC law", 6th ed, 2007, Oxford University Press
- Case 9/70 *Frans Grad v Finanzamt Traunstein* [1971] 2 ECR 825.
- Case 148/78 *Ratti* [1979] ECR 1629.
- Case 8/81 *Becker* [1982] ECR 53.
- Case 80/86 *Kolpinghuis Nijmegen* [1987] ECR 3969.
- Case C-403/02 *Criminal proceedings against Silvio Berlusconi* [2005] ECR I-3565.
- Case 152/84 *Marshall v Southampton and South-West Hampshire area health Authority* [1986] ECR 723.
- Case C-188/89 *Foster v British Gas* [1990] ECR I-3313.
- Case 222/84 *Johnston v Chief Constable of the Royal Ulster Constabulary* [1986] ECR 1651.
- Case 14/83 *Von Colson v land Nordrhein-Westfalen* [1984] ECR 1891.
- Case C-144/04 *Werner Mangold v Rudiger Helm* [2005] ECR I-9981.
- Case C-397/01 *Pfeiffer* [2004] ECR I-8835.
- Case C-334/92 *Wagner Miret* [1993] ECR I-6911.
- Case C-456/98 *Centrosteeel* [2000] ECR I-06007.
- Case C-129/94 *Bernaldez* [1996] ECR I-1829.
- Case C-168/95 *Arcaro* [1996] ECR I-4705.
- Case 103/88 *Fratelli Constanzo v Commune di Milano* [1989] ECR 1839.
- Case C-212/04 *Konstantinos Adeneler* [2006] ECR I-6057.
- Case C-138/05 *Stichting Zuid-Hollandse Milieufederatie* [2006] ECR I-8339.
- Case C-201/02 *The Queen ex parte Delena Wells v Secretary of State for Transport* [2004] ECR I-723.
- Case C-441/93 *Pafitis* [1996] ECR I-1347.
- Case C-373/97 *Diamantis* [2000] ECR I-1705.

- Case C-226/97 Lemmens [1998] ECR I-3711.

### **3.5. EU Budget Procedure and Financial Planning. Inter-Institutional Agreements**

Evolution of the budgetary procedure: institutional aspects, from intergovernmental to communitarian type of decision-making.

Financial perspective: history and present practice. Current financial perspective.

Own resources of the EU: the essence and classification. Other sources of budget-financing in the EU.

Budget procedure. Principles of the budget and approval procedure. The responsibility of the Commission for the execution of the budget.

Interinstitutional agreements as a reply to white spots in the basic treaties. The essence and main principles. The legal nature of agreements and the way of their negotiations and approval.

#### *Key Reading:*

- Consolidated Version of the Treaty on the Functioning of the European Union. Arts. 310-319.
- European Commission One trillion euro to invest in Europe's future – the EU's budget framework 2014-2020. Brussels, 19 November 2013.
- European Council. Conclusions (Multiannual Financial Framework). Brussels, 7/8 February 2013. EUCO 37/13.
- BECKER, P. Lost in Stagnation. The EU's Next Multiannual Financial Framework (2014-2020) and the Power of the Status Quo. SWP Research Paper. No. 14. Berlin, 2012.
- EISELT, E., SLOMINSKI, P. Sub-Constitutional Engineering: Negotiation, Content, and Legal Value of Interinstitutional Agreements in the EU // European Law Journal. 2006. Vol. 12. No. 2.
- HEINEMANN, F., MOHL, P., OSTERLOH, S. Reforming the EU Budget: Reconciling Needs with Political-Economic Constraints // Journal of European Integration. 2010. Vol. 32. No. 1.
- NÚÑEZ FERRER, J., KATARIVAS, M. What are the effects of the EU budget: Driving force or drop in the ocean? Brussels: CEPS, 2014. CEPS Special Report No. 86. April.
- SANTOS, I., NEHEIDER, S. Reframing the EU Budget Decision-Making Process. Brugge: Bruegel Working Paper. 2009. No. 03.

#### *Supplementary Reading:*

- ACKRILL, R., KAY, A. Historical-Institutionalist Perspectives on the Development of the EU Budget System // Journal of European Public Policy. 2006. No.1.
- CATTOIR, P. Options for an EU Financing Reform // Paris: Notre Europe, 2010. Policy Paper 38.
- EISELT, I., SLOMINSKI, P., POLLAK, J., PUNTSCHER RIEKMANN, S. Fabric, Framework or Maze? Interinstitutional agreements in the EU. Paper presented at Connex Network RG1 Conference, ARENA, University of Oslo 27-28 May 2005.
- EU Budget Summit. Parts 1, 2, 3 // The Economist. 2012. November.
- HUMMER, W. From 'Interinstitutional Agreements' to 'Interinstitutional Agencies/Offices'? // European Law Journal. 2007. Vol. 13. No. 1.
- RANT, V., MRAK, M. The 2007–13 Financial Perspective: Domination of National Interests // Journal of Common Market Studies. 2010. Vol. 48. No. 2.
- SZEMLÉR, T., ERIKSSON, J. The EU Budget Review: Mapping the Positions of Member States. Stockholm: SIEP, 2008. No. 2

### **3.6. Economic and Monetary Union: Institutions and Decision-Making**

Monetary Union vs. Economic Union.

European system of central banks. Criteria for joining the euro and dynamics of enlargement of the euro-zone. Management of the euro-zone. The goal and tasks of the European system of central banks. Instruments of the ESCB.

European Central Bank. Internal set-up and functions. Contradictory nature of responsibilities. Independence of the ECB and its contestation.

Mister Euro. Ecofin. Committee on economic and social affairs. Euro-zone summits.

#### *Key Reading:*

- Consolidated Version of the Treaty on the Functioning of the European Union. Arts. 127-135.
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#### *Supplementary Reading:*

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### **3.7. Macroeconomic Coordination and the Problem of Soft Integration**

The need for economic coordination. Broad economic policy guidelines. Lisbon Process and open method of coordination.

Stability and growth pact and its evolution.

Changes in the management of the euro-zone after the financial crisis of 2008. Stabilization funds. Six-pact. European Semester. Pact euro-plus. Treaty on Stability, Coordination and Governance (Fiscal Pact).

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### **3.8. EU External Relations: Decision-Making**

Two-pillar structure of EU external relations. Traditional links (trade, economic cooperation, development, association, economic assistance): institutional balance and decision-making procedures. New links (foreign policy, security and defence): institutional balance and decision-making.

The EU's legal personality: history and current state. Mixed treaties.

Two-pillar structure: the problem of coordination. High Representative. European External Action Service.

Institutional aspects of military cooperation and creation of military and civilian potentials for crisis-management.

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- Consolidated Version of the Treaty on the Functioning of the European Union. Part V.
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- DUKE, S. The European External Action Service: Antidote against Incoherence // *European Foreign Affairs Review*. 2012. Vol. 17. No. 1.
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- WESSELS, W., BOPP, F. The Institutional Architecture of CFSP after the Lisbon Treaty – Constitutional breakthrough or challenges ahead? *Challenge. Liberty and Security*. Research Paper No. 10. June 2008.
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### ***3.9. The Area of Freedom, Security and Justice: Decision-Making***

Evolution of cooperation in the field of justice and home affairs.

Key institutions and their cooperation: the Council, Commission, European Parliament, Court. The role of agencies in this field of cooperation.

Tampere and 'Tampere Scoreboard'. The Hague action plan. The Stockholm Action plan.

The problem of reciprocal recognition and legal approximation in the construction of Area of Freedom, Security and Justice.

*Key Reading:*

- Consolidated Version of the Treaty on the Functioning of the European Union. Arts. 67-89.
- BUSUIOC, M., GROENLEER, M. Beyond Design: The Evolution of Europol and Eurojust // Perspectives on European Politics and Society. 2013. Vol. 14. No 3. Pp. 285-304.
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### **3.10. Delegated and Implementing Acts**

Execution: material and regulative. Material execution: member-states' obligation, control of the Commission and the Court. Implementation of control. Negotiations between the European Commission and member-states about implementation.

European Court of Justice and its role in the construction of the single legal system. The activity of the Court in the 1970s as a way to oppose the eurosclerosis. Current role of the Court.

The commission is a body, responsible for regulative implementation. History of the comitology procedure. Types of committees: historical and current. Delegated and implementing acts. The problem of democratic control of the comitology.

*Key Reading:*

- Consolidated Version of the Treaty on European Union. Arts. 16 §1, 17 §1
- Consolidated Version of the Treaty on the Functioning of the European Union. Arts. 290, 291.



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- ZHELYAZKOVA, A. Complying with EU directives' requirements: the link between EU decision-making and the correct transposition of EU provisions // *Journal of European Public Policy*. 2013. Vol. 20. No. 5. Pp. 702-721

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### **3.11. Direct challenge of EU acts**

Competence of the CJEU to assess the validity of EU acts. Direct and indirect challenge of EU acts. Which acts may be challenged? Grounds for challenging the validity of EU acts. Non-existent acts.

Who can challenge the validity of EU acts? Privileged and semi-privileged applicants. Locus standi of non-privileged applicants. The meaning of "direct concern" and "individual concern". *Plaumann* test and the evolution of the "individual concern" criterium. Attempts to liberalise

“individual concern”: *Jego-Quere* and *UPA*. Lisbon treaty and the locus standi of non-privileged applicants. Meaning of the term “regulatory act”.

Consequences of the annulment of EU acts.

*Key Reading:*

1. Consolidated Version of the Treaty on the Functioning of the European Union. Art. 263-266.
  2. Case 22/70 Commission v. Council (ERTA case) [1971] ECR 263.
  3. Case C-403/96 Glencore [1998] ECR I-2405.
  4. Case 11/82 Piraiki-Patraiki v. Commission [1985] 207.
  5. Case 52/62 Plaumann [1963] ECR 95.
  6. Case C-309/89 Codorniu SA v. Council [1994] ECR I-1853.
  7. Case C-50/00 P Union de Pequenos Agricultores v. Council [2002] ECR I-6677.
  8. Case T-177/01 Jego-Quere v. Commission [2002] ECR II-02365.
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- Case 314/85 Foto-Frost v. Hauptzollamt Lubeck-Ost [1987] ECR 4199.
- Case C-461/01 Gaston Schul Douane-expediteur [2005] ECR I-10513.
- Joined cases 143/88 and C-92/89 Zuckerfabrik [1991] ECR I-415.
- Case 60/81 IBM v. Commission [1981] ECR 2639.
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- Case C-327/91 France v. Commission [1994] ECR I-3641.
- Case 294/83 Partie Ecologiste “Les Verts” v. European Parliament [1986] ECR 1339
- Case 7/61 Commission v. Italy (Pigmeat case) [1961] ECR 317.
- Case C-131/03 P Philip Morris International v. Commission [2003] ECR II-1.
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- Case 302/87 Parliament v. Council (Comitology case) [1988] ECR 5615
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- Case C-180/97 Regione Toscana v. Commission [1997] I-5245.
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- Case 6/68 Zuckerfabrik Wastenstedt v. Council [1968] ECR 409.
- Case T-472/93 Campo Ebro v. Council [1995] ECR II-421.

**3.12. Indirect challenge of EU acts. Reference for preliminary ruling procedure.**

Indirect challenge vs. direct challenge. Preliminary rulings as a form of dialogue between national courts and EU courts. Significance and functions of the references for preliminary ruling procedure.

Who can address a reference to the Court of Justice? Meaning of the term “court or tribunal”. Right vs. obligation to make a reference.

Control of the admissibility of references by the Court of Justice.

*Key Reading:*

- Consolidated Version of the Treaty on the Functioning of the European Union. Art. 267, 272, 340.
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- Case 283/81 CILFIT and Lanificio di Gavardo SPA v Ministry of Health [1982] ECR 3415
- Case 104/79 Foglia v Novello I [1980] ECR 745.
- Case 5/71 Shoppenstadt v. Council [1971] ECR 975.
- Case C-352/98 P Laboratoires Pharmaceutiques Bergaderm and Goupil v. Commission [2000] ECR II-2193.

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- Case 322/88 Grimaldi [1989] ECR 4407.
- Case C-491/01 The Queen v. Secretary of State for Health ex parte British American Tobacco Ltd [2002] ECR I-11453.
- Case 267-269/81 SPI [1983] ECR 801.
- Case C-297/88 & C-197/89 Dzodzi v Belgian State [1990] ECR I-3763.
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- Case 28-30/62 Da Costa en Schaake NV, Jacob Meijer NV and Hoechst-Holland NV v. Nederlandse Belastingadministratie [1963] ECR 31.
- Case C-461/03 Gaston Schul [2005] I-10513.
- Case C-224/01 Kobler v. Austria [2003] I-10239.
- Bulmer v Bollinger SA [1974] 2 ALLER 1226.
- Case C-83/91 Meilicke [1992] ECR I-4871.
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- Case C-299/95 Kremzow v Republik Österreich [1997] ECR I-2629.
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- Case C-104/89 & 37/90 Mulder v Council and Commission (Mulder II) [1992] ECR I-3061.

### ***3.13. Flexible / Enhanced Integration: Advantages and Problems***

The reasons for flexible cooperation and its evolution, flexible cooperation as an instrument to overcome the dilemma deepening vs. enlargement. Is it a threat to European integration?

Institutional aspects of flexible cooperation. Classification of flexible cooperation.

The problems and perspectives of flexible cooperation and its application.

*Key Reading:*

- ADLER-NISSEN, R. Opting Out of an Ever Closer Union: The Integration Doxa and the Management of Sovereignty // *West European Politics*. 2011. Vol. 34. No 5.
- HOLZINGER, K., SCHIMMELFENNIG, F. Differentiated Integration In The European Union: Many Concepts, Sparse Theory, Few Data // *Journal of European Public Policy*. 2012. Vol. 19. No. 2.

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#### **Part 4. Conclusion:**

##### ***The Future of the European Union***

Democratic deficit in the EU and ways to solve it: strengthening of the European Parliament, recognition that the EU is a regulative state, demos-formation, strengthening of national parliaments.

The problem of deepening integration.

Ways of changing the basic treaties: from intergovernmental conferences to conventions.

Will the UK leave the European Union and what would be the consequences?

##### ***Key Reading:***

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#### **IV. Essay Topics**

1. Institutional Balance in the EU's Research Policy: Strengths and Weaknesses, Opportunities and Costs
2. Institutional Balance in the EU's Environmental Policy: Strengths and Weaknesses, Opportunities and Costs
3. Institutional Balance in the EU's Agricultural Policy: Strengths and Weaknesses, Opportunities and Costs
4. Institutional Balance in the EU's Fishery Policy: Strengths and Weaknesses, Opportunities and Costs
5. Institutional Balance in the EU's Trade Policy: Strengths and Weaknesses, Opportunities and Costs
6. Institutional Balance in the EU's Competition Policy: Strengths and Weaknesses, Opportunities and Costs
7. Institutional Balance in the EU's Monetary Policy: Strengths and Weaknesses, Opportunities and Costs
8. Institutional Balance in the EU's Policy of Macroeconomic Coordination: Strengths and Weaknesses, Opportunities and Costs
9. Institutional Balance in the EU's Budgetary Policy: Strengths and Weaknesses, Opportunities and Costs
10. Institutional Balance in the EU's Social Policy: Strengths and Weaknesses, Opportunities and Costs
11. Institutional Balance in the EU's Employment Policy: Strengths and Weaknesses, Opportunities and Costs
12. Institutional Balance in the EU's Internal Market Policy: Strengths and Weaknesses, Opportunities and Costs
13. Institutional Balance in the EU's Immigration Policy: Strengths and Weaknesses, Opportunities and Costs
14. Institutional Balance in the EU's Justice and Home Affairs: Strengths and Weaknesses, Opportunities and Costs
15. Institutional Balance in the EU's Foreign Policy: Strengths and Weaknesses, Opportunities and Costs

16. Institutional Balance in the EU's External Security Policy: Strengths and Weaknesses, Opportunities and Costs
17. Institutional Balance in the EU's Transport Policy: Strengths and Weaknesses, Opportunities and Costs
18. Institutional Balance in the EU's Cohesion Policy: Strengths and Weaknesses, Opportunities and Costs
19. Institutional Balance in the EU's Enlargement Policy: Strengths and Weaknesses, Opportunities and Costs

## **V. The list of questions for self-control**

1. What is the specificity of realist and constructivist approaches to international relations and European integration?
2. Describe the main differences between classical institutionalism and new institutionalism.
3. What is the difference among four neoinstitutional perspectives?
4. How can we integrate four neoinstitutional approaches?
5. What is similar / different in institutions, set up within the European Coal and Steel Community, Euroatom and European Economic Community?
6. What is the principle of conferral?
7. What are the types of EU competence?
8. What were the reasons for the European Council to appear?
9. What is the role of the European Council today?
10. What is the role of the President of the European Council?
11. Why do the competences of the European Council constantly grow?
12. How has the process of the formation of the College of the European Commission evolved over time?
13. What is the decision-making procedure in the Commission?
14. What are the functions of the European Commission?
15. What is European public service?
16. What happened to Santer Commission?
17. What is the role of cabinets in the Commission?
18. What are expert groups?
19. What are the main nodes of evolution of the European Parliament?
20. How is the Parliament formed?
21. What are political groups? What is their role in the Parliament?
22. Describe the functions of the Parliament?
23. How can the Parliament control the Commission / the Council?
24. What is the decision-making procedure in the Parliament? (including the role of committees and rapporteurs).
25. How had the Council evolved over time?
26. What were the reforms of the Council in 1999 and 2002 about?
27. Why is the Council described as being one but with multiple formations?
28. What are the competences of the Council?
29. What role does the Secretariat General play?
30. What is the decision-making procedure in the Council?

31. What is the composition of the Court of Justice?
32. What are the main types of action examined by the Court of Justice?
33. What is the role of the Advocate Generals?
34. How is the competence divided between the Court of Justice and the General Court?
35. What was the purpose for the creation of specialized courts?
36. Why did the Court of Auditors emerge?
37. What are the functions of the Court of Auditors?
38. What are the key points of criticism that the Court of Auditors voices?
39. What is the role of OLAF in the financial control of EU institutions?
40. What are the functions of the European Investment Bank?
41. Why was the Economic and Social Committee created?
42. Why was the Committee of Regions created?
43. How do Economic and Social Committee and Committee of Regions influence the process of European integration?
44. Why did the position of ombudsman appear?
45. What are the results of the activity of ombudsman?
46. What is the competence of ombudusman?
47. Why are own initiatives of ombudsman important?
48. What is the agency of the EU and how can we classify them?
49. What caused the emergence of agencies?
50. Why agencies of the EU are weaker than those of the US?
51. What is the difference between regulation and directive?
52. Describe the consultation procedure.
53. Describe the ordinary procedure.
54. Why did the lobbying activity emerge in the EU?
55. What types of lobby structures do you know?
56. What is financial perspective?
57. What is the link between the annual budget and financial perspective?
58. How is the budget of the EU formed? What are key expenditures?
59. What is interinstitutional agreement? What is its role in the political process and management of the EU?
60. What is the difference between material and regulative implementation?
61. How do the Commission and the Court facilitate material implementation in member-states?
62. What is comitology? Describe its history.
63. What are current modifications of the comitology?
64. What are the advantages and drawbacks of comitology?
65. Describe implementing acts and their decision-making procedure.
66. Describe delegated acts and their decision-making procedure.
67. Какова структура Европейской системы центральных банков?
68. What is the goal and tasks of the European system of central banks?
69. How does the Council take decisions on euro-zone?
70. What is Stability and Growth Pact?
71. What are soft methods of integration?

72. What are Broad Economic Policy Guidelines?
73. What is Lisbon Process
74. What is Open Method of coordination?
75. What reforms were introduced in the Economic and Monetary Union after the 2008 crisis?
76. What are traditional external links of the EU? What procedures are applied for them?
77. What is Common Foreign and Security Policy? What procedures are applied for it?
78. What types of decisions can be approved in the field of Common Foreign and Security Policy?
79. What is the procedure for accessing the EU?
80. How was the cooperation in the field of Justice and Home Affairs institutionalised?
81. What types of decisions can be approved in the field of Justice and Home Affairs?
82. What is the importance of the Tampere Milestones?
83. How do agencies facilitate the construction of the Area of Freedom, Security and Justice?
84. What institutional innovations did the Lisbon Treaty bring?
85. Compare two ways of basic treaties' reform: intergovernmental conference and convention.
86. What is democratic deficit? How can it be overcome?
87. What is flexible cooperation? What types of it do you know?
88. What is europeanisation? What types of europeanisation do you know?
89. What is the process of transnationalisation? What are its advantages and disadvantages?

Authors

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