

# The Government of the European union

EM165M35B1

## Semestre

B

## Discipline

Law

## Volume horaire

27 H

## Nombre de places

45

## Ouvert aux visitants

Oui

## Langue

EN

## Responsable



Patrick DOLLAT

## Liste des intervenants

| Intervenant(s) | Email  | Volume horaire CM |
|----------------|--|-------------------|
| Patrick DOLLAT | <a href="mailto:patrick.dollat@unistra.fr">patrick.dollat@unistra.fr</a> | 27 h              |

### **Contribution pédagogique du cours au programme**

Aucune contribution pédagogique associé à ce cours pour ce programme.

### **Descriptif**

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.

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## Organisation pédagogique

### Face-to-face

- Lectures
- Tutorials
- E-learning

### In group

- Exercises
- Oral presentations
- Projects
- Case studies/texts

### Interaction

- Discussions/debates
- Personal accounts

### Others

Aucun élément de cette liste n'a été coché.

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## Objectifs pédagogiques

### Cognitive domain

A l'issue du cours, l'étudiant(e) devrait être capable de / d'...

- - (niv. 4) Appraise the key interests of the EU institutional framework compared to the classical international organizations
  - - (niv. 5) interpret a document (legal, economic or social...)
  - - (niv. 5) argue to defend an legal or political opinion
  - - (niv. 5) verify an information or data
  - - (niv. 6) organize a collective work
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## Affective domain

A l'issue du cours, l'étudiant(e) devrait être capable de / d'...  
Aucun affective domain n'a pour le moment été associé à ce cours.

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## **Objectifs de développement durable abordés**

Aucun objectif de développement durable n'a été coché.

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## **Plan / Sommaire**

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 ON 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

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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

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### 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.

2017: Beginning of the Brexit

## 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

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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)
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  - 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

## **Prérequis nécessaires**

### **Connaissances en / Notions clés à maîtriser**

- knowledge on Constitutional and International Law
  - Team work skills
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## **Supports pédagogiques**

### **Mandatory tools for the course**

- Computer
- Reference manuals

### **Documents in all formats**

- Case studies/texts
- Syllabus

### **Moodle platform**

- Upload of class documents

### **Software**

- Pack Office (Word, Excel, PowerPoint, Access)
- Other : Google drive

### **Additional electronic platforms**

Aucun élément de cette liste n'a été coché.

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## **Bibliographie recommandée**

### **Ouvrages principaux**

Bibliography :

Mc Cormick, John, Understanding The European Union: a concise Introduction, Palgrave Macmillan, last edition.  
Nugent, Neill, The Government and Politics of the European Union, Palgrave Macmillan, last edition

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## Littérature complémentaire

Websites:

<http://europa.eu>

<http://www.coe.int>

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## Travaux de recherche de l'EM : Veillez à mobiliser au moins une ressource

Peuvent être renseignés les manuels coordonnés, les traductions de manuel, les études de cas traduites etc...

Aucun ouvrage n'a été renseigné.

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## **Modalités d'évaluation**

### Liste des modalités d'évaluation

#### **Evaluation intermédiaire / contrôle continu 1** Séance n° 4th class

Ecrite (50 min) / individuelle / Anglais / pondération : 40 %

Précisions : 1st written exam on the Council of Europe and the European Court on Human Rights

Cette évaluation sert à mesurer ILO4.1-PGE, ILO4.2-PGE

#### **Evaluation intermédiaire / contrôle continu 2** Séance n° 8th class

Ecrite (50 min) / individuelle / Anglais / pondération : 40 %

Précisions : 2nd written exam on the European Union

Cette évaluation sert à mesurer ILO1.1-PGE, ILO3.1-PGE, ILO4.1-PGE

#### **Evaluation intermédiaire / contrôle continu 3** Autre (date, contrôle surprise...) : all classes

Ecrite et orale (20 min) / en groupe / Anglais / pondération : 20 %

Précisions : Legal case studies prepared with an International team and regular attendance

Cette évaluation sert à mesurer ILO2.1-PGE, ILO2.3-PGE, ILO4.1-PGE