

GLOBAL LAW AND GOVERNANCE SUMMER SCHOOL, EPLO, SOUNIO, JULY 2013

Course: **Democracy in the Eurozone**

Professor: **Pavlos Eleftheriadis**

Timetable: Thursday, 25 July, 2013
11:30 - 13:30

Hours: 2

Course code: G1

Content

In December 2012 Four Presidents of the European Union (of the European Council, the Commission, the Central Bank and the Eurogroup) issued a paper outlining steps for a 'genuine monetary union' promising among others better democratic accountability for its institutions.

This seminar will asks if an entity like the European Union - and the Eurozone within it - can indeed become democratic. I shall distinguish between two approaches to democracy, first as collective self-government or, second, as set of egalitarian institutions. I will explore the argument that the German Federal Constitutional Court supports the first theory and for that reason is very cautious of the idea of bringing democracy to the European Union. The collective view believes that without a single people, there cannot be self-government. The second theory accepts the primacy of domestic democracy but allows, by contrast, for international institutions of democratic accountability that support domestic democracy. We shall discuss the arguments for this view and for the view the four Presidents are not actually mistaken in endorsing the ambition of democratic accountability for the Eurozone.

The thesis I shall defend - and which you will be encouraged to attack - is that the European Union is a union of peoples and that a union of this kind can become more democratic without seeking to become a democracy.

Essential Reading

- Pavlos Eleftheriadis 'Democracy in the Eurozone' in WG Ringe and P Huber (eds), *Legal Challenges Arising out of the Global Financial Crisis: Bail-outs, the Euro, and Regulation* (Oxford: Hart Publishing, forthcoming 2013), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2265379
- Four Presidents Report, 'Towards a Genuine Economic and Monetary Union', 5 December 2012, available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/134069.pdf
- *Re the ESM Treaty*, Federal Constitutional Court, June 19, 2012, <http://www.bundesverfassungsgericht.de/en/press/bvg12-067en.html>
- *Re EMU Measures*, Federal Constitutional Court, BVerfG, 2 BvR 987/10, 2 BvR 1485/10, 2 BvR 1099/10, Judgment of 9 September 2011, http://www.bundesverfassungsgericht.de/en/decisions/rs20110907_2bvr098710en.html
- Robert O. Keohane, Stephen Macedo, and Andrew Moravcsik, 'Democracy-Enhancing Multilateralism' 63 *International Organization* (2009) 1-31

Further Reading

- Andrew Moravcsik, 'In Defence of the "Democratic Deficit": Reassessing the Legitimacy of the European Union' 40 *Journal of Common Market Studies* (2002) 603-34
- Case C-370/12 *Thomas Pringle v Ireland*, 27 November 2012 (Court of Justice, Full Court), nyr
- Case T-590/10, *Thesing and Bloomberg Finance LP v European Central Bank*, General Court 29 November 2012, nyr.
- de Gregorio Merino, 'Legal Developments in the Economic and Monetary Union during the debt crisis: The mechanisms of financial assistance' 49 *Common Market Law Review* (2012) 1613
- Pavlos Eleftheriadis, 'The Moral Distinctiveness of the European Union' 9 *International Journal of Constitutional Law* (2011) 695
- Pavlos Eleftheriadis, 'The Euro and the German Courts' 128 *Law Quarterly Review* (2012) 216
- Andrea Sangiovanni in 'Solidarity in the European Union' 33 *Oxford Journal of Legal Studies* (2013) 1-29