

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

Course: **EU Governance**

Professor: **Dora Kostakopoulou**

Timetable: Wednesday, 24 July, 2013

09:30 – 11:30

11:30 – 13:30

14:30 – 16:30

Hours: 6

Course code: F1/2

Content

The course focuses on the possibilities, constraints and design options entailed by the establishment of a supranational legal framework for highly developed national legal orders and the problems and tensions generated by coupled systems. It highlights the role of law as a tool of European integration and examines the problem of integrating EU law within domestic jurisdictions and ensuring its effective implementation by the Member States.

The syllabus includes the following topics:

Introduction. The meanings of governance. What is so unique about European governance? European governance and debates in International Relations and Politics.

Part I: Theorising European Governance and its institutional development. Integration and disintegration before and after 1945, Building on Coal and Steel, the Common Market, from Rome to the Single European Act, the European Union in the 1990s and the building of a European polity, the Constitutional and Lisbon Treaties. Theorizing the establishment and development of the EU through the lenses of federalism, realism and liberal intergovernmentalism, neo-institutionalism, functionalism and neo-functionalism, multilevel governance and constructivism. This part will also examine the widening and deepening of the EU, sources and forms of Community law, law-making procedures and the evolving powers of the Union institutions.

Part II: The Black Box of European Governance. The relation between transfer of power, competence and supremacy. Governance and Legitimacy: Subsidiarity, Flexibility and the Open Method of Co-ordination.

Direct applicability, Direct Effect, Indirect Effect, State Liability.

Part III: Nested and Overlapping Governance: The EU and the Member States. The preliminary ruling reference procedure and its functions. The relation between the European and national courts. Preliminary references and the European judicial order. Enforcement Actions. Member States' responsibilities and sanctions.

Reading

M. Maduro, "Contrapunctual Law: Europe's Constitutional Pluralism in Action", in N. Walker, *Sovereignty in Transition*, Oxford, Hart, 2003, pp. 501-537

R. Schütze, 'Subsidiarity after Lisbon: Reinforcing the Safeguards of Federalism' (2009) 68 *Cambridge Law Journal* 525

P. Kiiver, 'The Early-Warning System for the Principle of Subsidiarity: the National Parliament as a Conseil d'Etat for Europe' (2011) 36 *ELRev* 98

A. Cygan, 'The Parliamentarisation of EU Decision-Making? The Impact of the Treaty of Lisbon on National Parliaments' (2011) 36 *ELRev* 480

Paul Craig, 'The legal effect of Directives: policy, rules and exceptions,' 34 *ELRev*. 349 (2009)

Broberg, M., 'Acte Clair Revisited: Adapting the Acte Clair Criteria to the Demands of the Times' (2008) 45 *CMLRev*, 1383.