

## Syllabus

### Course description

<b>Course title</b>	EUROPE AND THE REGIONS -POLITICAL AND LEGAL FRAMEWORK AND ISSUES
<b>Course code</b>	26503
<b>Scientific sector</b>	IUS/14 IUS/09 SPS/04
<b>Degree</b>	Euregio Executive Master in European Public Administration
<b>Semester and academic year</b>	2nd 2018/2019
<b>Year</b>	1
<b>Credits</b>	4
<b>Modular</b>	no

<b>Total lecturing hours</b>	28
<b>Total lab hours</b>	-
<b>Total exercise hours</b>	
<b>Attendance</b>	In the Euregio Master, attendance is required for 70% of the classes with the exception of language classes
<b>Prerequisites</b>	not foreseen

<b>Specific educational objectives</b>	<p>The course analyses the institutional architecture of the European Union (EU) with the aim to introduce Master students to the key structural features of the EU constitutional order. To this end, the course will overview the historical development of the EU, and will outline the allocation of legislative, executive and judicial powers in the EU. Moreover, given the prominence of the withdrawal of the United Kingdom from the EU, the course will discuss the causes, consequences and cures for Brexit and consider this jointly with other crises the EU has recently been facing, notably in the field of Economic &amp; Monetary Union.</p> <p>In the second part, the course gives an introduction to the role of Regions in the framework of the European Union, and to the legal principles relating to the EU funds (direct funds and indirect funds, such as ESF, Interreg, ERDF). The lectures are complemented by the presentation of external experts from the administrations of the Province of Trento, Bozen/Bolzano, and the Land Tirol who will speak about the implementing practices used in their own department.</p>
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<b>Lecturer</b>	<p>Prof. Dr Federico Fabbrini  <a href="mailto:Federico.fabbrini@gmail.com">Federico.fabbrini@gmail.com</a>  <a href="https://www.dcu.ie/law_and_government/people/federico-fabbrini.shtml">https://www.dcu.ie/law_and_government/people/federico-fabbrini.shtml</a></p> <p>Prof. Dr. Stefania Baroncelli  Professor of Public Law (Italian and European)  Free University of Bozen/Bolzano, Faculty of Economics and Management  <a href="mailto:Stefania.baroncelli@unibz.it">Stefania.baroncelli@unibz.it</a>  Room E506  Tel. 0471.013120</p>
<b>Scientific sector of the lecturers</b>	<p>IUS/14  IUS/09</p>
<b>Teaching language</b>	ENGLISH
<b>Lecturing assistant</b>	Not foreseen
<b>Teaching assistant</b>	<p><b>Orsolya Farkas</b>  <a href="mailto:Orsolya.farkas@unibz.it">Orsolya.farkas@unibz.it</a></p>
<b>Office hours</b>	Please refer to the unibz online timetable
<b>List of topics covered</b>	<p>Historical evolution of the EU, institutional structure and allocation of power, Brexit, Euro-crisis, EU and Regions, EU direct funds, EU indirect funds.</p>
<b>Teaching format</b>	<p>Fabbrini:  This course is based on <b>interactive lectures</b>, where the instructors present a topic and introduce students to the development of a particular area of law and to the substance of the law. It is advised that students read materials in preparation of the class. The methods of instruction for this course require students that are curious, motivated and willing to participate. Designing a course that uses such methods is more demanding for the lecturers but delivers much more to students and is generally more fun.</p> <p><b><u>It is essential in this course that students are willing to participate in creating a mutual learning environment.</u></b></p> <p>Baroncelli:  <ul style="list-style-type: none"> <li>- The classes on EU and Regions and direct funds are based on lectures and study groups</li> </ul> </p>

	<ul style="list-style-type: none"> <li>- The classes on indirect funds are based on presentations by the experts of the administration of the 2 provinces and the Land Tirol</li> </ul>
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<b>Learning outcomes</b>	<p>The objective of the course is to enable the students to:</p> <ul style="list-style-type: none"> <li>▪ understand key developments in the process of European integration;</li> <li>▪ critically assess and analyse the complex institutional structure of the EU;</li> <li>▪ understand the constitutional principles that underpin the EU legal order and govern the relation with the legal systems of the member states;</li> <li>▪ learn the role of Regions within the EU;</li> <li>▪ learn the principles governing the EU direct funds and apply them with the help of external experts;</li> <li>▪ learn the principles governing the EU indirect funds and apply them with the help of external experts.</li> </ul>
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<b>Assessment</b>	<p>Fabbrini: The examination will be based on a final, take home, essay which students will be asked to write after the end of the course. The essay will have to be written in English and be maximum 4000 words long.</p> <p>Baroncelli:</p> <ul style="list-style-type: none"> <li>- The assessment for direct funds will be based on group works organised during class. This requires research of relevant information, understanding of the conceptual instruments and tools presented in</li> </ul>
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	<p>class. Each group should make a final presentation (5 minutes).</p> <ul style="list-style-type: none"> <li>- The assessment for the presentations on indirect funds and prof. Baroncelli's lecture on Regions and EU will be based on a multiple choice questionnaire or a take-home group report. The modalities will be specified in the "Instructions" published in the Reserve Collection.</li> </ul>
<b>Assessment language</b>	English
<b>Evaluation criteria and criteria for awarding marks</b>	<p>Fabbrini: clarity of the answer, structure of the answer, ability to summarize, evaluate, and establish relationships between topics</p> <p>Baroncelli:</p> <ul style="list-style-type: none"> <li>- Direct funds: ability to understand the main concepts and apply to practical problems. Capacity to work in group and make clear and well-structured presentations</li> <li>- Indirect funds and EU and Regions: ability to understand the main principles underlying the different funds, capacity to apply them to practical problems and clarity of the answer, capacity to work in group.</li> </ul>
<b>Required readings</b>	<p>Fabbrini: The teaching of this course is based on 3 kinds of material</p> <p>a) <u>Reference readings</u> Students attending the class can use the following textbook as a reference for any issue being dealt with in the class:</p> <ul style="list-style-type: none"> <li>- <b>P. Craig &amp; G. De Burca, <i>EU Law: Texts &amp; Materials</i> (Oxford University Press, latest edition)</b></li> </ul> <p>b) <u>Required readings</u> Students attending the course must read the specific materials which are assigned for each Lecture (see below)</p>

	<p>c) <u>Recommended readings</u></p> <p>Students attending the course can also, if they want to, consult the specific materials which are indicated for each Lecture (see below)</p> <p>Baroncelli:</p> <ul style="list-style-type: none"> <li>- Direct funds: slides and teaching material inserted in the Reserve collection.</li> <li>- EU and Regions and indirect funds: slides and teaching material inserted in the Reserve Collection. More details will be given in the "Instructions" inserted in the Reserve Collection.</li> </ul>
<p><b>Detailed timetable with required and recommended readings</b></p>	<p>Fabbrini:</p> <p>Lecture 1: Thursday 10 January: <i>Introduction</i>  Lecture 2: Thursday 10 January: <i>Constitutional Principles</i>  Lecture 3: Thursday 10 January: <i>Executive Power</i>  Lecture 4: Thursday 10 January: <i>Legislative Power</i>  Lecture 5: Saturday 12 January, 8-10: <i>Brexit</i>  Lecture 6: Saturday 12 January, 10-12: <i>Euro-crisis</i></p> <p><b>Detailed program</b></p> <p><u>Lecture 1: <i>Introduction</i></u></p> <p>The first lecture will introduce the course and offer a broad overview of the evolution of the EU legal order, from the early days until today. The class will seek to discuss how law has served as an instrument of integration in the EU, but how this has slowly changed over-time, particularly since the emergence of forms of differentiated integration and – recently – the first case of disintegration with Brexit. The class will sketch the conceptual framework with subsequent sessions looking at the changing nature of the EU.</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> <li>- Joseph Weiler, "The Transformation of Europe" (1991) 100 Yale Law Journal 2403</li> <li>- Deirdre Curtin, "The Constitutional Structure of the Union: A Europe of Bits and Pieces" (1993) 30 Common Market Law Review 17</li> </ul> <p><i>Recommended Readings:</i></p>

- Federico Fabbrini (ed), *The Law & Politics of Brexit* (Oxford University Press 2017), READ CHAPTER 1

#### Lecture 2: Constitutional principles

The second lecture will focus on the key constitutional principles that govern the functioning of the EU, and the relations between EU law and national law: namely the principle of direct effect and the principle of supremacy. The class will thus also focus on the role of the Court of Justice in the jurisdictional system of the Union, including its relation with the national courts of the member states.

#### *Required Readings:*

- ECJ: Case 26/62 *Van Gend en Loos* EU:C:1963:1
- ECJ: Case 6/64 *Costa v ENEL* EU:C:1964:66

#### *Recommended Readings:*

- Bundesverfassungsgericht (Germany): Lissabon Urteil, BVerfG 123, 267
- Corte Costituzionale (Italy): sentenza Taricco, n° 24/2017

#### Lecture 3: Executive power

The third session will focus on the institutional system of the EU, examining the locus and accountability of executive power. This class will discuss the conflicting presidential and parliamentary developments taking place in the EU, with both the European Commission and the European Council claiming a role.

#### *Required Readings:*

- Federico Fabbrini, Ernst Hirsch Ballin & Han Somsen (eds), *What Form of Government for the European Union and the Eurozone?* (Hart, 2015): READ CHAPTERS 1, 12, 14 and 16

#### *Recommended readings:*

- Henri de Waele & Heko Broeksteeg, "The Semi-Permanent European Council Presidency: Some Reflections on the Law and the Early Practice" (2012) 49 *Common Market Law Review* 1039

#### Lecture 4: Legislative power

The fourth session will focus on the institutional system of the EU, examining the legislative power. In this context, the class will consider particularly whether the European

Parliament can be considered as a real legislature – discussing its representative function. At the same time, the class will also focus on the growing tendencies of the EU member states in the Council to act outside the EU legal order, using international treaties as opposed to EU legislation, and will question whether this is compatible with the institutional balance underpinning the EU constitutional system.

*Required Readings:*

- Federico Fabbrini, "Representation in the European Parliament: Of False Problems and Real Challenges" (2015) 75 Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht 823
- Federico Fabbrini, "The Euro-Crisis and the Principle of Institutional Balance" (2016) 50 Cahiers de droit européen 281

*Recommended Readings:*

- ECJ: Case C-370/12 *Pringle v. Ireland*, ECLI:EU:C:2012:756

Lecture 5: *Brexit*

Lecture 5 will examine Brexit, the decision of the UK to withdraw from the EU. In this class, in particular, we will discuss the origins of the Brexit referendum, the process of withdrawal, and the prospect in terms of relations between the EU and the UK also in light of the latest state of the negotiations.

*Required Reading:*

- Federico Fabbrini (ed), *The Law & Politics of Brexit* (Oxford University Press 2017) READ CHAPTERS 2, 3 AND 4

*Recommended Reading:*

- Withdrawal Agreement on the Withdrawal of the United Kingdom from the European Union, 14 November 2018
- Political Declaration on the Framework of Future Relations between the United Kingdom and the European Union, 25 November 2018

Lecture 6: *Euro-crisis*

Lecture 6 will turn to examine specific challenges to the institutional architecture of the EU resulting from the recent Euro-crisis. In particular, the session will focus on discussing the causes of the crisis and the responses that were adopted to tackle it, examining its implications on the overall EU institutional balance.

*Required Reading:*

- Federico Fabbrini, *Economic Governance in Europe* (Oxford University Press 2016) READ CHAPTERS 1, 2, 3

*Recommended Reading:*

- Treaty on Stability and Coordination in the Economic and Monetary Union (Fiscal Compact Treaty), 2 February 2012
- Treaty Establishing the European Stability Mechanism, 2 February 2012

Baroncelli:

- Direct funds: presentations by dott.ssa Giulia Chiarel, Euregio, Bruxelles

- Indirect Funds; EU and Regions: presentations by external experts:

- Mag. Michaela Kogler, Abteilung Gesellschaft und Arbeit, Innsbruck *Ripartizione società e lavoro, Innsbruck*
- DI Christian Stampfer, Abteilung Landesentwicklung und Zukunftsstrategie, Innsbruck
- dott. Michele Michelini, *Servizio Europa della Provincia autonoma di Trento*, Bereich Europa der Autonomen Provinz Trient
- dott. Andreas Kompatscher, dott.ssa Stephanie Stricker, Abteilung Landwirtschaft, Bozen *Ripartizione Agricoltura, Bolzano*





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