

## Part I

### 1.1 General Information

- Full course title: The European Union (EU) and its international relations
- Type of course: compulsory
- Level of course: second cycle degree programme
- Year of study: 1°
- Number of ECTS credits allocated: 3
- Name of lecturer: Sara Poli
- Office hours: upon appointment. Email address: sara.poli@unipi.it.

### 1.2 Course aims

The aim of the course is to enable students who have never studied EU law to have a basic understanding of the EU integration process, the EU Institutions, the EU legal order and judicial remedies available under the EU Treaties. The final part of the course is dedicated to the EU Common Foreign and Security Policy and to the EU international agreements.

### 1.3 Learning outcomes

The students who successfully complete the course will be able to know:

- How the EU is different from other International organizations (i.e. Council of Europe); what is the legal nature of the EU and what are its competences;
- what are the EU political institutions, what is their composition and what are their powers;
- what are the sources of EU law; what are the qualities of EU secondary acts and what are their effects in the domestic legal order; what is the principle of supremacy of EU law;
- what are the remedies that the Treaties make available to Member States, the EU institutions or private parties in order to ensure that EU law is respected;
- The way the EU exercises its powers in the area of common foreign and security policy and how the EU is represented in the EU external relations.
- The kind of international agreements that may be concluded by the EU.

## **1.4 Course requirements**

Students should have a basic understanding of international law.

Students are required to attend no less than 80% of the classes and to read in advance the reading material. The participation to the discussion in class, which is possible only if students read the material before coming to the class, is highly appreciated and is part of the student's assessment.

## **1.5 Grading plan**

- 10% participation to class's discussion;
- 90% oral exam.

## **Other information**

The syllabus and the compulsory reading material of the course (i.e. book chapters, Journal articles or documents of various nature published by the EU institutions) will be uploaded on the teaching platform of the department of political science.

Students should be aware that there are freely available slides covering the topics of the course on the web. See R. Schütze's slides: <https://introduction-to-european-law.schutze.eu/revisions/revision-slides/>.

This course is also recommended to students of the first year of the second cycle degree programme in International studies (LM 52) who have never studied EU law. This basic course of EU law will help students of the LM 52 to better follow the module EU external relations of the course "International and European law".

## **Part II**

### **2.1 Course content**

#### **List of topics**

Topic 1: international economic and political organizations in Europe

Topic 2: the Lisbon Treaty, the EU and Member States' competences

Topic 3: the sources of EU law and the qualities of EU secondary acts

Topic 4: the nature of the European Union and its membership

Topic 5: the political institutions

Topic 6: the Court of Justice, the Tribunal and legal remedies

Topic 7: the EU and its international relations

### **2.2 Course content and readings by topics**

#### **Topic 1**

**International economic and political organizations in Europe, the EU and its membership**

#### **Lecture 1**

## **Content of the lecture and questions to answer**

The first lecture will distinguish between the EU and other regional organizations that are currently operating in Europe. In addition, the lecture will examine how the European Economic Community (EEC) in 1957 has evolved to become the EU in 2009 through the Treaty changes (Maastricht, Amsterdam, Nice, Lisbon Treaties).

- What is the Council of Europe and how different is it from the EU?
- What is the EEC and how has it evolved from 1957 to 2009?
- What is the European Free Trade area?
- What is the European Economic Area?
- The accession to the EU (art. 49 TEU) and the withdrawal from the EU Treaties (art. 50 TEU)

## **Compulsory readings**

R. Schütze, *European Union law*, Cambridge University press, 2018, p. 3-39.

R. Wessel, J. Larik, *The external dimension of joining and leaving the EU*, Cambridge University press, p. 461-490 (chapter 14).

## **Internet sources**

- <https://www.efta.int/eea>
- <https://www.coe.int/en/web/portal>

## **Further readings**

1. House of Lords, EU Committee, *The future of EU enlargement*, Report, 2012, p. 7-39.

## **Topic 2**

### **The Lisbon Treaty, the EU and Member States' competences**

## **Lecture 2**

### **Content of the lecture and questions to answer**

The second lecture examines the structure of the Lisbon Treaty and focuses on the areas in which the EU may exercise its competences and on the different categories of a) exclusive, b) concurrent and c) supporting competences. In addition, and the way the EU manages its non-exclusive competences on the basis of the principle of subsidiarity will be explored.

- The organization of the Lisbon Treaty: the Treaty on the European Union (TEU) and Treaty on the Functioning of the European Union (TFEU); the Protocols.
- The principle of conferral of powers on the European Union (art. 5 (2) TEU).
- The implied powers of the European Union (art. 352 TFEU).
- Different categories of EU competence (art. 2-6 TFEU).
- The principle of subsidiarity (art. 5 (1) TEU).

### **Compulsory readings**

1. A. Reinisch, *Essentials of EU law*, Cambridge University press, 2012, Chapter 3: The making of Union law, p. 38-48 (except 3.5).

### **Further readings**

1. J.C. Piris, *The Lisbon Treaty: a legal and political analysis*, Cambridge, 2010.
2. P. Craig, *The Lisbon Treaty: Law, Politics, and Treaty Reform*, Oxford University Press, 2010.

### **Internet sources**

<https://eur-lex.europa.eu/summary/glossary/competences.html>

House of Lords, European Union Committee, 10th Report of Session 2007–08, *The Treaty of Lisbon: an impact assessment*, vol. I, 2008, available online.

## **Topic 3**

### **The sources of EU law and the qualities of EU secondary acts**

#### **Lecture 3**

#### **Content of the lecture and questions to answer**

The third lecture examines what are the different sources of EU law, the way conflicts between different sources of law are solved, the EU legislative procedures and the characteristics of legislative acts.

- The hierarchy of EU norms
- What are the general principles of EU law?
- What is the legal status of the EU Charter of fundamental rights?
- What kind of acts may be adopted by the EU and what are the qualities of these acts?
- When does an act have the quality of a legislative act?
- How does the ordinary legislative procedure work?
- How do the special legislative procedures work?
- The Treaty revision.

### **Compulsory readings**

1. M. Dougan, *The Treaty of Lisbon 2007: winning minds, not hearts*, in *Common Market Law review*, 2008, p. 637-661.
2. C. Bernard, S. Peers, *European Union law*, Cambridge University press, 2014, p. 133-136.

## **Topic 4**

### **The nature of the European Union**

#### **Lecture 4**

#### **Content of the lecture and questions to answer**

- What is the nature of the EU?
- The principle of supremacy of EU law over national law.

### **Compulsory readings**

1. R. Schütze, *European Union law*, Cambridge University press, 2018, p. 131-141.

## **Topic 5: The political institutions**

### **Lecture 5: the European Council, the Council**

#### **Content of the lecture and questions to answer**

The fifth lecture considers the intergovernmental institutions (the Council and the European Council).

- The European Council: composition and powers; evolution of these powers in the Treaties.
- The President of the European Council; the President of the EU.
- The Council of Ministers: composition and powers; how are the Council's activity and those of the COREPER organised? What are the voting procedures of the Council? How is the qualified majority procedure calculated after 2014?

### **Compulsory readings**

1. A. Reinisch, *Essentials of EU law*, Cambridge University press, 2012, Chapter 2: The institutional framework, p. 15-24 (except 2.13 and 2.19).

2. C. Bernard, S. Peers, *European Union law*, Cambridge University press, 2014, p. 40-69.

### **Further readings**

1. W. Wessels, *The European Council*, London, 2016.

2. P. de Schoutheete, *The European Council and the Community Method*, 2012, available online at: [https://www.cvce.eu/content/publication/2014/11/10/369a12eb-e276-46cb-beda-dd4c5bcb697e/publishable\\_en.pdf](https://www.cvce.eu/content/publication/2014/11/10/369a12eb-e276-46cb-beda-dd4c5bcb697e/publishable_en.pdf).

### **Lecture 6: the Commission and the European Parliament**

#### **Content of the lecture and questions to answer**

The sixth lecture considers the political institutions made of individuals (the Commission and the Parliament).

- The European Commission: composition, appointment procedure and powers.
- The European Parliament: composition, election rules and powers.

### **Compulsory readings**

A. Reinisch, *Essentials of EU law*, Cambridge University press, 2012, Chapter 2: The institutional framework, p. 25-37 (except 2.13 and 2.19).

### **Further readings**

1. M. Cini and N. Pérez-Solórzano Borragán, *European Union Politics* (5th edn), 2016.
2. N. Nugent and M. Rhinard, *The European Commission* (2<sup>nd</sup> edn), 2015.
3. Briefing document of the European Parliament: election of the President of the European Commission Understanding the “spitzenkandidaten” process.

### **Internet sources**

1. [https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS\\_IDA\(2019\)637942](https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_IDA(2019)637942)
2. <https://www.europarl.europa.eu/factsheets/en/sheet/19/the-european-parliament-powers>
3. [https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS\\_BRI\(2016\)580901](https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI(2016)580901)
4. <https://epthinktank.eu/2019/06/20/political-groups-in-the-european-parliament-a-historical-perspective/>
5. <https://epthinktank.eu/2019/07/05/plenary-round-up-strasbourg-july-i-2019/>

## **Topic 6: the Court of Justice, the Tribunal and legal remedies**

### **Lecture 7: the Court of Justice, the Tribunal and infringement action and the action for failure to act**

#### **Content of the lecture and questions to answer**

The seventh lecture considers the way the Court of Justice is organised and the division of competence between the Tribunal and the Court. The lecture will also examine two direct actions before the Court of Justice: the infringement action (258-260 TFEU) and the action for failure to act (265-266 TFEU).

- How are the General Court and the Court of Justice’s judges appointed?
- What is the jurisdiction of the General Court?
- How was the European court system reformed in 2016?
- The infringement procedure: who may start the action and what are the stages of the procedure laid down by art. 258 TFEU to bring a Member State’s failure to fulfil an obligation under the Treaties before the Court of Justice?
- Who may introduce an action for failure to act?
- Whose failures of action may be the object of an action for failure to act?
- What is the procedure to introduce an action for failure to act?

#### **Compulsory readings**

1. R. Schütze, *European Union law*, Cambridge University press, 2018, p. 203-213.
2. R. Schütze, *European Union law*, Cambridge University press, 2018, p. 379-386.

### **Lecture 8: the annulment action, the State liability principle and the EU’s extracontractual liability and the preliminary ruling procedure**

## Content of the lecture and questions to answer

The 8<sup>th</sup> lecture will examine the annulment action, the actions in damages that may be brought by individuals against Member States or the Union and the preliminary ruling procedure.

- Who may introduce an action for annulment (active standing), under art. 263 TFEU?
- What are the “reviewable acts” in the action for annulment and what are the grounds for reviewing an act?
- What are the effects of a judgment annulling an EU act?
- What is a preliminary ruling and what are the possible objects of a preliminary ruling procedure?
- Who has the exclusive right to invalidate an EU secondary act?
- What is a Tribunal for the purposes of article 267 TFEU and when is it obliged to refer to the Court of Justice?
- Under what conditions individuals may be compensated for the damages caused by a Member State’s failure to comply with an obligation stemming from EU law?
- Under what conditions may the EU be sued for the damages caused by its institutions or by its servants (art. 340 TFEU)?

## Compulsory readings

1. A. Reinisch, *Essentials of EU law*, Cambridge University press, 2012, Chapter 5: Judicial control within the Union p. 94-98.
2. R. Schütze, *European Union law*, Cambridge University press, 2018, p. 374-379; 421-430.
3. A. Reinisch, *Essentials of EU law*, Cambridge University press, 2012, Chapter 5: Judicial control within the Union (except 5.2 and 5.3), p. 81-92.

## Topic 7: the EU and its international relations

### Lecture 9: The Common Foreign and Security Policy

#### Content of the lecture and questions to answer

- The nature of the “CFSP”
- The EU institutions’ powers in the CFSP
  - The High Representative of the Union for Foreign Affairs and Security Policy (HR) and the European external Action Service.
- Member States’ obligations under the Common Foreign and Security Policy
- Legal instruments
- The EU representation within the UN

## Compulsory Readings

1. R. Wessel and J. Larik, *The external dimension of joining and leaving the EU*, Cambridge University press, p. 283-325 (chapter 9).

## Further readings

- [https://www.asser.nl/media/2847/cleer15-2\\_web.pdf](https://www.asser.nl/media/2847/cleer15-2_web.pdf)
- <https://www.asser.nl/media/1626/cleer-wp-2011-3-koutrakos.pdf>
- P. Van Elsuwege, M. Chamon, The meaning of 'association' under EU law - A study on the law and practice of EU association agreements, 2019, available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2019/608861/IPOL\\_STU\(2019\)608861\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2019/608861/IPOL_STU(2019)608861_EN.pdf)
- P. Eeckhout, EU external relations law, Oxford University press, 2011.
- P. Koutrakos, EU law of International relations, Hart publishing, 2006.

## Lecture 10: EU international agreements

- The procedure to conclude international agreements in non-CFSP matters and in CFSP.
- The mixed agreements.

## Compulsory readings

1. C. Bernard, S. Peers, *European Union law*, Cambridge University press, 2014, p. 731-739.

## Exam questions: a selection

- What are the main categories of EU competences?
- What is the principle of conferral?
- Provide a definition of the principle of subsidiarity
- Who ensures that the principle of subsidiarity is respected?
- When can an EU act be defined legislative in nature?
- What are the conditions for Directives to have direct effect?
- Why is the horizontal direct effect of Directives prohibited?
- What is the nature of the EU?
- Which countries may apply to become members of the EU and what conditions must they comply with? How can a Member State withdrawn from the EU?
- Describe the EU's intergovernmental institutions taking into consideration the composition and the decision-making process.
- The Commission's internal powers.
- What is the principle of supremacy of EU law and what legal consequences does it entail for national law/Member States' agreements conflicting with EU law? What are the limits to the principle of supremacy?
- What is the infringement procedure and what are the procedural steps leading to the Court's declaration that a Member State has breached EU law?
- What are the conditions for an action for a failure to act to be brought to the Court of Justice?
- Which kinds of acts can be annulled before the Courts and for what reasons?
- What are the possible objects of a preliminary ruling procedure?
- Which courts are obliged to refer to the Court of Justice in the context of a preliminary ruling procedure?
- What are the conditions for State liability to arise?



- What are the conditions for the EU's extracontractual liability to arise?
- Does the Court of Justice have jurisdiction over CFSP acts?
- Who represents the EU in the area of the CFSP?
- Who represents the EU in non- CFSP areas?
- What is the jurisdiction of the General Court?
- The procedure to conclude international agreements in the EU.
- The High Representative of the Union for foreign affairs and security policy.
- What are the Member States' obligations in the field of the CFSP?
- What legal acts may be adopted in the field of the CFSP and what are their effects?
- What are the restrictive measures?
- What kind of EU missions can the EU authorise and what missions were authorised in the practice?
- What is the solidarity clause?