

Stefaan DE RYNCK

Course: European Governance - The Politics of EU Policy-Making

Collegio Alberto, Masters in Public Policy and Social Change

1. Short course description

The course will analyze the institutions and policy-making processes of the European Union, with a focus on the governance of economic and social policies. It will study the role of the EU Institutions in agenda-setting, decision-making and implementation. The course will analyze the responsibilities of the main institutions in terms of legislative, executive and judicial powers, and study their internal functioning as well as their interaction with each other. It will address the influence of non-institutional players in the various stages of the policy cycle. The course will pay attention to the way in which the Treaty of Lisbon is changing the governance of the EU.

Case studies on EU policy-making are a significant part of the course. Students should prepare class discussions on the case studies by reading the case material, which will illustrate the exercise of powers in the EU.

Other reading material includes primary sources, such as Treaty articles and EU policy documents, as well as academic papers. In addition, each student will select and present one recent media article related to the contents of the course.

Students are expected to demonstrate improved understanding of EU governance as the course progresses. The course will guide students to develop their arguments to understand the way in which the EU works and analyze how EU governance conditions public policy. It will help them find relevant sources to gain knowledge on the governance of the EU.

2. Assessment

The assessment of students will be determined by:

- The presentation in class of one academic paper from the reading list, and students' contribution to the discussion of the various academic papers (30%);
- The presentation in class of one recent media article, which should be situated in the wider context of the state of the EU and its governance (10%);
- The contribution to the analysis of the case studies (35%);
- The quality of a short essay. The final exam will consist of the writing of this essay. Students will have a choice of four themes related to EU governance, from which they will need to select one and write an essay in a three hour session (25%).

Class participation is important for the assessment. Students are required to read all the material listed for each course topic, and help identify key questions to which the course should give the answers through dialogue, discussion, and exposés by the professor and designated students. Students are expected to come well prepared for the discussions on the case studies.

3. Syllabus

Course 1. What is the role of the EU institutions, and how do they operate?

Reading:

- Wallace (Helen), 'An Institutional Anatomy and Five Policy Modes', in: Wallace (Helen), Pollack (Mark A.) & Young (Alasdair R.) (eds), *Policy-Making in the European Union*, Oxford, Oxford University Press, 2010, 69-104.

Case study 1 on the role of the EU institutions: **the setting up of an integrated banking supervision system in the Euro area** (European Council, Council of Minister (Ecofin), European Parliament, European Commission, European Central Bank), as pre-condition for banking union

- Read case study file, with think tank contribution, official documents of European Council and European Commission, Draghi speech, and press coverage.
- De Rynck (Stefaan), 'Changing Banking Supervision in the Eurozone: the ECB as a Policy Entrepreneur', [Bruges Political Research Papers 38](#), December 2014 (revised version forthcoming in a Journal).

Guiding questions for the case study:

- *Where does the pressure come from to take action in this field?*
- *Who translates this pressure into a need to take action?*
- *Who decides on the substance of the new policy?*
- *What are the concerns expressed over the proposed new policy?*
- *Who has overall power in the negotiations on this matter?*
- *Where would you situate this case study amongst the five policy modes proposed by Helen Wallace?*

Course 2. Changing the Treaties: how does it work, and what is the impact for EU governance?

Reading:

- Kurpas (Sebastien), [The Treaty of Lisbon - How much Constitution is left? An overview of the main changes, CEPS Policy Briefs](#), December 2007.
- Kaczynski (Piotr), Kurpas (Sebastian) & ó Broin (Peadar), [Ratification of the Lisbon Treaty. Ireland is not the only problem](#), EPIN Working Paper 18, September 2008.

Primary source:

- [Treaty on European Union](#), article 48 (TEU).

Guiding questions for discussion based on reading and primary sources:

- What are the big shifts over time in terms of Treaty change and EU governance?
- What did the Convention change in terms of process and outcome, if anything?
- What does national ratification reveal about the nature of the EU?
- Do Member States control the process of Treaty change?

Course 3. Is the European Commission an independent agenda-setter, or an executor?

Primary sources

- Treaty articles on the European Commission (TEU articles 17-18; TFEU articles 244-250).
- The Juncker Priorities: [A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change. Political Guidelines for the next Commission](#), 15.07.2014.

Case study 2 on the Commission's powers: the anti-trust decision on Microsoft

- Read case study file with various decisions by the Commission on Microsoft (2000-2013), Court rulings, report by the Hearing Officer for competition policy, and press coverage.

Guiding questions for case study 2

- How would you describe the role of the European Commission in this case?
- What is the legal basis for the Commission to work on?
- Does this case provide a good demonstration of the way in which the Commission usually operates?
- Did Microsoft make mistakes in this case?
- Which other big American company that you use every day is currently being scrutinized by the Commission (hint: the answer is not in the case material)? How did that company behave differently from Microsoft?

Case study 3 on the changing role of the EU Institutions in the sovereign debt crisis since 2010, including the ECB

- Material based on a collective brainstorming on the question "which questions should we be able to answer to analyze the role of the different EU institutions" in the sovereign debt crisis. After this brainstorming, students will engage in an internet research during class (media, primary sources, papers etc.) and individually collect material on the dimensions of

the case that they choose to focus on for presentation and analysis during the course. Students should build on their knowledge gained in case study 1 on the banking union.

- Quick background reading to be done before class of two recent book chapters by journalists:
 - Chapter 17 ('The President of Europe') from the book by Neil Irwin, *The Alchemists: Three Central Bankers and a World on Fire*, The Penguin Press, 2013.
 - Chapter 2 ('Revelation – Five Minutes to Midnight') from the book by Crawford (Alan) & Czucka (Tony), *Angela Merkel: A Chancellorship Forged in Crisis*, Bloomberg Press, UK, 2013.

Course 4. The issue of "Free Movement of Workers": learning about negotiations on enlargement, legislative politics (working time directive), the role of the Court, and David Cameron's request for Treaty renegotiations before an exit referendum.

Reading:

On enlargement

- Grabbe (Heather), 'Free Movement of Persons in the Single Market', in: Grabbe (Heather), *The EU's Transformative Power. Europeanization through Conditionality in Central and Eastern Europe*, Basingstoke, Palgrave/MacMillan, 2006, 115-149.

Case study 4 on legislative politics: the working time directive (Commission 2004 proposal until breakdown of social dialogue early 2013)

- Read case study file with Commission proposal and its preparatory work; EP and Council positions at various stages of the process; current state of play; press coverage.
- See in addition: new [consultation document](#) by the Commission (pdf document on the website called "consultation document")

Guiding questions for case study 4:

- *What are the points of disagreements between the EU Institutions, and/or within EU institutions?*
- *Why was there no agreement in the end, and could things have happened differently?*
- *How do you judge the role of the rapporteurs and the EP more generally in both cases?*
- *Are there factors external to the negotiations that exert an influence on the process and the policy choice? What was the role of the Court?*
- *How would you assess the quality of the co-decision procedure ('Ordinary legislative procedure'), in particular in terms of the effectiveness and the legitimacy of the EU?*
- *What is the difference in the Council between a "general approach" and a "common position"?*

On the Court and free movement

- *Cursory reading only of:* Obermaier (Andreas J.), 'ECJ Jurisprudence on Patient Mobility', in: Obermaier (Andreas J.), *The End of Territoriality? The Impact of ECJ Rulings on British, German and French Social Policy*, Ashgate, Farnham 2009, 51-71 (+ page 40 of the same book on perspectives on EU legal system).
- BBC website, [EU 'benefit tourism' court ruling is common sense, says Cameron](#) (11.11.2014)
- [Press release](#) 164/14 of 11.11.2014 on the court ruling in the Dano case
- University College London, 2014 Study on economic impact in the UK of EU migrants (read summary at [UCL website](#), research done by Christian Dustmann and Tomasso Frattini)

On British exit referendum

- [David Cameron's immigration speech, as it happened](#) (on blog site of The Guardian with reactions; you can click on the link to the Conservative party website in case you want to read the full speech)

Course 5. Legislative politics: the Council and European Parliament at work

Reading

- Hix (Simon) & Hoyland (Bjorn), 'Legislative politics', in: Hix (Simon) & Hoyland (Bjorn,), *The Political System of the European Union*, Basingstoke, Palgrave/MacMillan, 2011, 49-74.

Case study 5 *on legislative politics: financial reporting by companies on payments to governments for exploitation of natural resources (country by country reporting by extractive, mining and forestry industry)*

- See case study file with summary of consultations held by the European Commission; impact assessment; Commission proposals on Transparency Directive and Accounting Directives (focus only on excerpts on country-by-country reporting); position papers by NGOs; reports of votes in the EP committees; Council's general approach; Memo on final result of the legislative process; press coverage, including of US decisions in the field of country-by-country reporting.

Guiding questions for case study 5:

- *What are the points of disagreements between the EU Institutions, and/or within EU institutions?*
- *How do you judge the role of the rapporteurs and the EP more generally in both cases?*
- *Are there factors external to the negotiations that exert an influence on the process and the policy choice?*
- *How would you assess the quality of the co-decision procedure ('Ordinary legislative procedure'), in particular in terms of the effectiveness and the legitimacy of the EU?*
- *What is the difference in the Council between a "general approach" and a "common position"?*
- *What steps does the Commission take before adopting a proposal?*

- *How many EP committees are involved in drafting amendments?*
- *What is the role of the EP rapporteurs?*
- *Under what conditions can the "trilogue" start?*
- *What is a "single reading"?*
- *What issues are left to a "delegated act" in the EC proposal? Do Council and EP agree on delegating powers to the Commission?*
- *What are the differences between the EU and US approaches in terms of policy substance?*
- *What factors led to a successful conclusion of the legislation for country by country reporting by the extractive industry?*
- *How long did the process of co-decision last? Is the legislation in force now?*

Course 6. Judicial activism by the European Court of Justice

Reading:

- Bache (Ian), George (Stephen) & Bulmer (Simon), 'The European Court of Justice', in: Bache (Ian), George (Stephen) & Bulmer (Simon), *Politics in the European Union*, Oxford, Oxford University Press, 314-330.

Course 7. The politics of spending EU money: the budget / Juncker Investment Plan

Reading

- Laffan (Brigid) & Lindner (Johannes), 'The Budget. Who Gets What, When, and How,' in: Wallace (Helen), Pollack (Mark A.) & Young (Alasdair R.) (eds), *Policy-Making in the European Union*, Oxford, Oxford University Press, 2010, 207-228.

Primary sources

- European Commission, Communication – [An Investment Plan for Europe](#), 26.11.2014.
- European Council Conclusions, December 2014 (to be added)

A critique

- Mazzucato (Mariana) & Penna (Caetano), '[Juncker's Investment Plan: how to radically transform it](#)', The Guardian Science Policy, Political Science, 27.11.2014.

Course 8. Open method of coordination: a new mode of governance?

Reading

- Büchs (Milena), 'Conceptualizing the OMC', in: Büchs (Milena), *New Governance in European Social Policy. The Open Method of Coordination*, Basingstoke, Palgrave/MacMillan, 2007, 19-38.

Primary sources:

- Treaty articles 145-149 (TFEU)

Case study 6 on *Open Method of Coordination, Europe 2020, the European Semester, strengthened surveillance of national policies, and socio-economic policy of Italy*

- Read case study file for European Semester applied to Italy
 - Case material includes Commission general communication; country recommendation for Italy; Council recommendation; Italian contribution to European Semester announcing reforms; Eurostat data (*update follows with the latest material in February*).

Guiding questions for case study 6

- *Which countries or regions show the biggest 'misfit' with EU 2020 goals? Which country shows the best 'goodness of fit'?*
- *What is the European Semester?*
- *How would you describe the role of the European Commission in the country specific recommendations?*
- *Are the country specific recommendations balanced in terms of economic and social policy?*
- *Which policy issues in EU 2020 and the European Semester are subject to hard law, which policy issues are subject to OMC soft law?*
- *Is Italy closing the gap with the EU 2020 goals? Which policy changes are needed as a matter of priority?*
- *Can one say that Italy takes action because of EU pressure, or do you think that Italy would in any case have implemented the policy measures as announced in its contribution?*

Course 9. EU policy-making and principles of good governance: legitimacy, transparency, effectiveness

Reading

- Pollack (Mark A.), Wallace (Helen) & Young (Alasdair R.), 'EU Policy-Making in Challenging Times', in: Wallace (Helen), Pollack (Mark A.) & Young (Alasdair R.) (eds), *Policy-Making in the European Union*, Oxford, Oxford University Press, 2010, 481-501.