



## STUDY PROGRAMME

**POL & MATA**

## ACADEMIC YEAR

**2021 - 2022**

## SEMESTER

**1<sup>st</sup>-2<sup>nd</sup>**

## COURSE TITLE

**Law and Politics in the EU: Public Policies, Law and Politics, Interest Groups, Norms, Hard Law/Soft Law, CJEU, Commission**

## COURSE PROFESSOR

**Sabine SAURUGGER**

## COURSE ASSISTANT

**Eva GERLAND**

## NATURE OF COURSE (COMPULSORY, OPTIONAL)

**RESEARCH SEMINAR**

## LANGUAGE OF INSTRUCTION

**ENGLISH**

## ECTS CREDITS

**15 ECTS**

## 1. COURSE OBJECTIVES

The aim of this research seminar is to **understand European public policies and policy making in studying the creation, implementation and effect of rules**. Its objective is **not to study EU law**, but to adopt a political science view of **law in its context**. European integration is often described as integration through law. EU law regulates economic, social and political relations between actors at the European and the domestic level since the creation of the European Coal and Steel Community. The establishment of the Court of Justice of the European Union (CJEU) in 1952 allowed one of the most powerful international Courts to arise, whose impact has been considered as crucial for the development of the European Union.

While EU law has been studied extensively by lawyers, this research seminar offers students to approach the core identity of the EU – integration through law – from a political science perspective.



The seminar concentrates on three specific aspects of the politics of law.

## I. THE CREATION OF LEGAL ACTS (HARD AND SOFT)

- Students can study the **creation of legal acts (hard and soft)**, in determining when and why member states, non-state actors, and institutions defend the establishment of which type of norm.
  - Do they prefer to use soft law rules? When and how do they create hard law?
  - Do we observe a softening of hard law since the end of the 1990s at the EU level, as member states seem to be less and less willing to transfer powers to the European level?

## II. THE IMPLEMENTATION AND THE USE OF LEGAL ACTS (HARD AND SOFT)

They can also study the **implementation of law**, in determining how law is empirically implemented, by administrations, agencies, street-level bureaucrats, both at the national and EU level – and this beyond the sole transposition.

Examples:

- When do member states, lower courts, interest groups, firms comply with/use EU law (Europeanisation of law)? When and why do they resist?
- To what extent is the EU legal framework influenced by the international, i.e. extra EU legal environment? Here students might work on the influence of EU norms at the international level (i.e. trade disputes with the US and China, EU's development policy, the influence of the EU in Asia, North-Africa, Africa ...). The '**normative power Europe**'-**debate** is of crucial interest here.
- Does the instrument of impact assessment change law-making procedures in the EU? At the level of member states?

## III. THE COURT OF JUSTICE OF THE EUROPEAN UNION: INFLUENCE, ROLE AND SOCIAL STRUCTURES

The seminar furthermore offers the possibility of studying the influence but also the role of the CJEU **in the European political system** from a historical and contemporary point of view.

- Did the recent 'intergovernmental turn' in European integration decrease the Court's influence or, on the contrary, strengthen it?
- Do interest groups "use" the CJEU? How and to what extent?
- Is the Court of Justice of the EU a political actor? What are the specificities of the CJEU compared to other Courts in regional organisations?
- How did Court rulings foster or, on the contrary hinder, the development of specific public policies at the EU level? (social policy, environmental policy, EMU, ....)

## **2. LEARNING OUTCOMES**

The research seminars are not content-related as such: they all offer similar methodological guidance and support to groups of students who focus on a common topic.

Every seminar is supervised by a professor, assisted by an academic assistant, and focuses on a research area. The seminars alternate plenary sessions, bringing together the professor and all the students of the seminar to discuss research methods, and individual meetings during which students present their research project and discuss the progress of their work with the professor and the academic assistant.



These course objectives therefore link up with the programme-specific learning outcomes applicable to the master's thesis.

### 3. COURSE CONTENTS

The seminar deals with a very broad law and politics approach, starting from the assumption that in every political system, the link between norms and politics is intimate:

- a) Decision-making leads to the establishment of rules, the basis of public policies and governance.
- b) Rules, once established, influence politics as well as policies and policy-making. In the context of the EU, this co-constitution is no exception. Law, in order to have an impact, must be used by actors: governments, administrations, Courts, interest groups, NGOs, or individuals.

The student's master's theses should concentrate on the **establishment** as well as the **use** of legal acts (**hard law and/or soft law**).

They could focus

- a) on the analysis of how member states, agencies, interest groups or NGOs influence the establishment of legal acts,
- b) on the use of legal acts by the European Commission (infringement procedures against the member states), on conflicts between European institutions ending up before the European Court of Justice, the role and influence of the Court of Justice on the change of public policy, and to the impact the Court rulings have at the domestic level. This can include **Europeanisation studies**, studies on **legal norms in the context of enlargement**, the **EU's neighbourhood policy**, the **EU in WTO conflicts regarding trade issues with the US or China**, etc.
- c) It is also possible to concentrate on a more sociological aspect of the Court: its judges, advocate generals, their training or the cognitive frame of their judgments. It is equally possible to study the position of the Court with regard to those of member state governments in different path-breaking Court rulings.

Students will learn to master how to analyse these relationships systematically, in **elaborating a rigorous research design in order to study one specific empirical question of their choice linked to the functioning of the EU**. The master's thesis will combine **sound theoretical frameworks with in-depth empirical research**.

### 4. TEACHING METHOD

A general presentation of the course in October will be followed by an individual skype exchange with each student in November and a plenary session in mid-January in which social science research methods will be presented and discussed, applied to the topic each student aims to analyze. The subsequent sessions are based on group interviews gathering three students working on similar topics, with the Professor and the Academic Assistant, on the basis of outlines sent to the Assistant one week in advance. The June session will again be a plenary session allowing for feedback from the professor on the submitted master's thesis.

### 5. FURTHER DETAILS ON THE TEACHING METHOD

On completion of the course, the student will be expected to be able to formulate a clear research question, develop hypotheses and provide first-hand empirical evidence to analyse and, if possible, test the developed hypotheses.



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Students will learn how to present their research questions clearly and convincingly and how to deal with constructive criticism in a collective environment. They will learn to reformulate and to apply conceptual frameworks to empirical puzzles

Ultimately, these skills will allow them to analyze a political/public policy problem when working in international/European institutions or national administrations, companies, interest groups or NGOs. They must be able to apply qualitative and, eventually, quantitative research methods which are of utmost importance in their later work.

## 6. COURSE MATERIAL

## 7. EVALUATION

Participation in the Research Seminar: **20%**

Final paper: **80%**. (Presentation, soundness of argument, research design, coherence of conceptual framework, richness of empirical data, clear conclusions)

Defence: Professor and Academic Assistant: 20 min presentation. Discussion.