



Funded by the
European Union

Bard College Berlin
A LIBERAL ARTS UNIVERSITY

PT 325

The European Union: Institutions, Policies, and Procedures

Seminar Leader: Dr. Berit Ebert
Email: b.ebert@berlin.bard.edu
Office Hours: by appointment
Seminar time: Thursday, 2:00–5:15 p.m.

Course Description

The institutions and political processes of the European Union (EU), namely the concept of supranationality, offer a unique construct of international collaboration that was developed with clear goals by founding members. However, Brexit, the war in Ukraine, the financial crises, and the rise of populist movements and the outcome of the 2024 European Parliament elections, among others, seem to challenge the very concept. At the same time, the political and legal framework of the EU provides its citizens with new opportunities for political participation, as the cases of Poland and Hungary vividly display.

The above underlines the dynamic development of the EU, which started with the establishment in 1951 of the European Coal and Steel Community (ECSC) geared towards securing peace and long-term economic growth. Today, the Union is much more than that. Article 2 of the Treaty of Lisbon specifies: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.” How is this done? How do the institutions work? Where do citizens come into play? What is the relationship between the nation state and the supranational institutions?

The course will analyze the institutions that have developed over this 70-plus year history: the European Council, the European Commission, the Council of the European Union, the European Parliament, the Court of Justice of the European Union, the European Central Bank, and the Committee of the Regions. It will also compare the institutions’ supranational characteristics with those of the nation-state and of international organizations with a focus on governance structures in the EU. Major cases tried in the European Court of Justice and key legal principles that have shaped the Union’s political advancements will be interpreted. Furthermore, we will discuss some of the European Union’s policies and current political developments, among them the European electoral-law reform, the reform of the judicial system in Poland and the rule-of-law mechanism, gender equality. Students will engage with original EU policy documents to acquire the skills of analyzing and interpreting them. At the end of the seminar, students will have a solid knowledge about the functioning of the Union’s institutions, and the evaluation of legal texts, treaty provisions, and policy approaches, enabling a clearer assessment of the future of the European project as well as a more astute understanding of broader political processes.

Requirements

Academic Integrity

Bard College Berlin maintains the highest standards of academic integrity and expects students to adhere to these standards at all times. Instances in which students fail to meet the expected standards of academic integrity will be dealt with under the Code of Student Conduct, Section 14.3 (Academic Misconduct) in the Student Handbook.

Accessibility

Bard College Berlin is committed to inclusion and providing equal access to all students; we uphold and maintain all aspects of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the ADA Amendments Act of 2008, and Section 3 of the German Disability Equality Act of April 27, 2002 (Federal Law Gazette I p. 1468). If you have a disability, or think you may have a disability, please contact the Disability Accommodation Coordinator, Atticus Kleen, (accommodations@berlin.bard.edu) to request an official accommodation.

Requests for longer-term accommodations should be made as early as possible to ensure adequate time for coordination and planning. Please note that accommodations are not retroactive and may require advance notice to implement. If you have already been approved for accommodations with the Disability Accommodation Coordinator, please arrange to meet with me outside of class so that we can develop an implementation plan.

Students may face extenuating circumstances related to various personal or external factors, which impact their academic performance. While these circumstances often do not fall within the legal framework of Disability Accommodations, Bard College Berlin is committed to supporting students experiencing such circumstances. A student needing a short extension or a replacement assignment because of an extenuating circumstance is encouraged to make arrangements directly with instructors if possible. If further support is needed, please visit the [Bard College Berlin Accessibility page](#). Questions about this process can be directed to James Harker (j.harker@berlin.bard.edu) or Maria Anderson-Long (m.andersonlong@berlin.bard.edu).

Attendance

Attendance at all classes is a crucial part of the education offered by Bard College Berlin. To account for minor circumstances, two absences from twice-per-week courses or the equivalent (e.g. one absence from a once-per-week course) should not affect the participation grade or require documentation.

Bard College Berlin may not offer credit for any course in which a student has missed more than 30% of classes, regardless of the reasons for the absences. The full Bard College Berlin attendance policy can be found in the Student Handbook, Section 2.8.

Assessment and Assignments

CLASS PARTICIPATION: Each week, students are required to participate in a discussion about the readings. We will engage in conversation, respond to each other, and add additional information or thoughts about the topic. Discussion and participation are a major emphasis in this course. It will be your responsibility to come to class ready, having read the texts assigned and willing to take part in group knowledge-building. Your participation grade for this class will be primarily based upon group work, which will be presented to the whole

class, as well as activities in class. This grade will reflect your level of investment in classroom discussion. (30% of grade)

MODEL COUNCIL OF THE EUROPEAN UNION DEBATE: Together with high schools located in Berlin, we will enact a model debate of the Council of the European Union, the institution that represents the Member States involved in the legislative process of the EU. On the one hand, the simulation conveys policy content. On the other hand, that substance is applied creatively and negotiation methods are learned. Thus, you will not only train your communication skills, but also intensify your understanding of the decision-making at the level of the EU. This involves communicating complex interrelationships and understanding how solutions to problems come into being. Thus, you will leave the purely observational perspective and experience the potential conflict constellations and solutions.

In the model debate, the participants take on predefined roles, which they develop independently in the preparation phase. The fictitious simulation is based on real issues, situations, and events; however, it exaggerates them and simplifies reality through restrictions.

Several sessions will be devoted to the preparation of the model debate. With your insights from the first classes that will familiarize you with the institutions and the legislative process, you will assume the role of a minister of one Member State. You will be tasked with drafting a written outline of the position of “your” Member State, which will serve as a basis for teamwork with the high school students. In our first session with our partnering high schools you will be paired with one or several high school students. Each group will work together on the position of “their” Member State on the legislative draft and jointly present it at the model debate that we will host in week 10. (50% of grade)

PRESENTATION IN CLASS: When we will work on the democracy deficit, you will be asked to present the key findings of one paper in the reading material. You will choose one text and present a short power point (2-6 slides) summarizing the key elements of the text/judgment. This presentation will serve as a basis for our discussion in class. The presentation should contain a final slide with a bibliography that evidences the works you consulted to prepare the presentation. The length of your presentation should be circa 10-15 minutes. (20% of grade)

Policy on Late Submission of Papers

Course work that are up to 24 hours late will be downgraded up to one full grade (from B+ to C+, for example). Works that are more than 24 hours late will not be accepted. Where a professor agrees to accept a late assignment, it should be submitted by the new deadline agreed upon by both parties. Thereafter, the student will receive a failing grade for the assignment. Grades and comments will be returned to students in a timely fashion. Students are also entitled to make an appointment to discuss essay assignments and feedback during instructors’ office hours.

Students receive mid- and end-of-semester grades for their seminar work. Students are entitled to make an appointment with an instructor to discuss seminar participation, or may be asked to meet with the instructor at any stage in the semester regarding class progress.

Grade Breakdown

Class participation: 30% of grade

Model Council of the EU debate and written position of Member State: 50% of grade

Presentation in class: 20% of grade

Schedule

The fall semester runs from Monday, September 2 until Friday, December 20, with the fall break planned from Monday, October 21, through Sunday, October 27, 2024. **Thursday, October 3 is a federal holiday (German Reunification). We will not have class on that day.** Normal course sessions end on Friday, December 13. Completion week is from Monday, December 16 through Friday, December 20.

WEEK 1 (September 5): Introduction of Topic and Discussion of Expectations

In the first session, students will get familiar with the aim of the seminar, the expectations and their assignments. In order to lay the groundwork for the detailed deliberations in class, students will receive an introduction to what we call the integration of the EU – the development of the treaties and expansion of policy areas over the course of time. We will get acquainted with theories of European Integration, namely Liberal Intergovernmentalism and Neo-Functionalism. While Liberal Intergovernmentalism (Andrew Moravcsik) puts the nation-state center stage, Neo-Functionalism (Philippe Schmitter, Leon Lindberg) explains the dynamics of regional integration, closely linked to Jean Monnet's strategy of "petits pas, grands effets." This will provide a first understanding of why and how an idea can develop into concrete policies and institutions. Readings are not required for this session.

WEEK 2 (September 12): European Union Institutions, Supranationality, and the European Commission

We will look at the factors that led to the concept and the rationale of Jean Monnet, who today is associated with the concept of supranationality (exemplified by the institution of the European Commission and the delegation of competencies). At the time, this constituted a new approach to international politics and now the reason for the Union's uniqueness in comparison with other international organizations. We will define the key features of supranationality and get an overview of what laid the groundwork for the respective political institutions. Which mandates and competencies do they have today? Our focus on the European Commission will allow us to look closer at the so-called Article 7 procedure that was used for the first two times to hold Poland and Hungary accountable to the values of the EU stipulated in Article 2 TEU.

Please make sure to bring your Treaty of Lisbon to this session.

Readings:

- The Schuman Declaration. (1950). https://european-union.europa.eu/principles-countries-history/history-eu/1945-59/schuman-declaration-may-1950_en
- Blauburger, M., & van Hüllen, V. (2021). Conditionality of EU funds: an instrument to enforce EU fundamental values?. *Journal of European Integration*, 43(1), 1–16.
- Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget, December 16, 2020 (signature). <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32020R2092>

Additional Information (reading is voluntary):

- European Coal and Steel Community (1951). *Treaty Establishing the European Coal and Steel Community*. https://www.cvce.eu/content/publication/1997/10/13/11a21305-941e-49d7-a171-ed5be548cd58/publishable_en.pdf

WEEK 3 (September 19): The European Court of Justice and the Effect of European Legal Acts

The European Court of Justice is an institution that is constantly debated: How does it work? Is it an activist institution? Has it advocated for an agenda of its own? Is it the source of an undemocratic development of the European Union? In addition to also learning about the various forms of EU law, we will look at two key CJEU judgments, namely *Costa v. E.N.E.L.*, in which the Court interpreted the supremacy of EC law and *Van Gend en Loos*, which dealt with the so-called direct effect of EC law. We will delve deeper into the legal principles that govern the EU to lay the foundation for later discussions about the democracy deficit and participatory channels in Europe.

Please make sure to bring your Treaty of Lisbon to this session.

Readings:

- Court of Justice of the European Union (1963). *NV Algemene Transport- en Expeditie Onderneming van Gend & Loos v Netherlands Inland Revenue Administration*, Reference for a preliminary ruling: *Tariefcommissie*, The Netherlands. 5 February 1963. C-26/62.
- Court of Justice of the European Union (1964). *Flaminio Costa v E.N.E.L.*, Reference for a preliminary ruling: *Giudice conciliatore di Milano*, Italy. 15 July 1964. C-6/64.
- Court of Justice of the European Union (1991). *Andrea Francovich and Danila Bonifaci and others v Italian Republic*, 19 November 1991. C-6/64
- Grimm, D. (2015). *The Democratic Costs of Constitutionalism: The European Case*. *European Law Journal*, (21) 4, 460–473.

Additional Voluntary Reading:

- Statute of the Court of Justice of the European Union.
https://curia.europa.eu/jcms/upload/docs/application/pdf/2016-08/tra-doc-en-div-c-0000-2016-201606984-05_00.pdf

WEEK 4 (September 26): The European Parliament and European Elections

Until 1979, the European Parliament was composed of members appointed by and from national parliaments. The first direct elections took place in 1979. However, the European Parliament is different from parliaments in nation states. You will learn how and why this is the case and evaluate the approach to reform the electoral law that began in 2015 and aims at a higher level of democratic participation in the Union. We work with original documents and identify the suggested components of the reform, which will serve as a basis for our joint analysis as to where to position these reforms in the context of democracy in the EU and the recent European election that took place in June 2024.

We will be joined by **attorney Thomas Lübbig (Freshfields Bruckhaus Deringer)** who will talk about the European Elections. Thomas Lübbig, born in 1967, completed his school education and commercial training (retail banking) in Berlin. He pursued his legal studies in Germany, Switzerland and France, and took his first job with Business Consultancy in South Africa. His doctorate (FU Berlin, 1996) is in export control enforcement (Germany and US). Since then, he is admitted as attorney-at-law in private practice with Freshfields Bruckhaus Deringer (and predecessor firm) in Berlin, secondments to Brussels and Vienna. Thomas is also a lecturer in EU Law at Europa-Universität Viadrina (since 2006), and was appointed Honorary Professor in 2011. His areas of practice include competition law, foreign

investment, EU subsidy control (state aid), litigation before European Union Courts and litigation in Germany, and EU Central Bank law.

Please make sure to bring your Treaty of Lisbon to this session.

Readings:

- European Parliament (2022, May 20). Proposal for a Council Regulation on the election of the members of the European Parliament by direct universal suffrage, repealing Council Decision (76/787/ECSC, EEC, Euratom) and the European Electoral Act, Interinstitutional File: 2022/0902(APP). https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:ST_9333_2022_INIT
- European Parliament (2024): Legislative Train. <https://www.europarl.europa.eu/legislative-train/carriage/reform-of-the-electoral-law-of-the-european-union/report?sid=8101>
- Fjørtoft, T. N./Sandven, H. (2023). Symmetry in the Delegation of Power as a Legitimacy Criterion, *Journal of Common Market Studies*, 61(4). <https://doi.org/10.1111/jcms.13429>

WEEK 5 (October 3): NO CLASS (FEDERAL HOLIDAY)

WEEK 6 (October 10): The Council of the European Union and the Legislative Process

This session will be devoted to the preparation of the model debate of the Council of the European Union. We will delve into the Council's Rules of Procedure and, in the context of the EU's law-making process, learn how debates are conducted and decisions taken. In addition, we will see how legislative acts of the EU are written.

Please make sure to bring your Treaty of Lisbon to this session.

Readings:

- European Union (2022). Comments on the Council's Rules of Procedure, https://www.consilium.europa.eu/media/63469/20213371_pdf_qc0221838enn_002.pdf

WEEK 7 (October 17): The Life of a Legislative Act – Towards the Creation of European Certificate of Parenthood?

Equal pay for men and women has a long history in the EU shaping its law until today, leading into various policy areas, including the access to work, social policy, parenthood, same-sex partnerships, human rights and LGBTIQ+ rights. One of the most recent legal initiatives of the European Commission concerns the introduction of European Certificate of Parenthood. This legislative act is currently being debated. This specific legislative proposal will also form the topic for our model Council of the EU debate with our partnering high schools. This session will be the first one in which you will work on identifying Member States' positions on the topic of parenthood and start to draft a written outline of the respective Member State's position. Before you do this, you will be provided with an introduction in the topic of gender equality regulation in the EU and its dynamics with national gender equality law.

At 7:00 p.m., you are required to attend the **public lecture** “Romance and Argument in Modern Liberalism: Jane Addams and the Long Campaign for Gender Freedom” by Harry Liebersohn, Center for Advanced Study Professor of History, Emeritus, University of Illinois Urbana-Champaign. The lecture will take place in the W15 Café.

Readings:

- Council regulation on jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments in matters of parenthood and on the creation of a European Certificate of Parenthood (COM(2022)695 final – C9-0002/2023 – 2022/0402(CNS)). https://eur-lex.europa.eu/resource.html?uri=cellar:01d08890-76e7-11ed-9887-01aa75ed71a1.0001.02/DOC_1&format=PDF
- European Parliament (2023). OPINION of the Committee on Women's Rights and Gender Equality for the Committee on Committee on Legal Affairs on the proposal for a Council regulation on jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments in matters of parenthood and on the creation of a European Certificate of Parenthood (COM(2022)695 final – C9-0002/2023 – 2022/0402(CNS)). https://www.europarl.europa.eu/doceo/document/FEMM-AD-749263_EN.pdf

WEEK 8 (October 31): Teaching the Institutions (Focus: Council of the EU)

As we will meet with the students of Bard College Berlin’s partner high schools to prepare for the model Council of the European Union, you will be tasked with introducing these high school students to the legislative process and the main institutions of the EU. You will put your focus on the Council of the EU. In this session, we will work jointly on how we plan to teach the topic and prepare the material that we will use to convey the key points to the high school students.

WEEK 9 (November 7): Visit of Bard College Berlin’s Partner High School Students: Preparatory Phase of the Model Council Debate

In this session you will meet with high school students from our partner schools to give them an introduction to the legislative process of the EU. You will also provide them with an understanding of the European Commission, the European Parliament, and the Council of the EU. This will serve as a basis for our model debate. You will be paired with high school students and, in these small groups, be allocated to one Member State of the EU per pair. Each pair will then work together to identify and represent the respective Member State in the model Council of the EU debate. Roughly one third of the class will be devoted to an introduction to the topic, another third will cover the rules of the model debate, and in the remaining third you will have time to discuss the legislative proposal in your Member State teams.

WEEK 10 (November 14): Model Debate of the Council of the European Union

On November 14, we will be hosting the Model Council of the EU debate at Bard College Berlin. Participants are expected to take on the roles as realistically as possible, regardless of their own professional and ethical beliefs. Understanding and acknowledging the perspectives of other roles is crucial for effective compromise and negotiation. Participants should clearly communicate interests, goals, and potential courses of action in the role profile of “your” Member State. There will be a 30-minute session at the beginning of the event to finalize your roles. The debate itself will last 90–100 minutes (depending on the number of Member States represented by Bard students and high school students participating). After the debate, 30 minutes will be devoted to reflect on what we have learned from the debate.

WEEK 11 (November 21): The Democracy Deficit (Part 1: Nation-State versus EU or a “Constitution” for the European Union?)

Theories focusing on the so-called “democracy deficit” of the EU institutions center on the lack of accountability to the people, amongst others. Together, we will explore their main arguments. These theoretical frameworks will prompt you to consider your own countries’ political systems and the different methods of addressing the will of the people within a political system. We will examine the distinctions between nation-states, international organizations, and the European Union. We will begin by identifying the various legitimacy-lending processes and sources that contribute to the multilevel-governance structure of the EU. This will allow us to allocate specific sources of legitimacy to different EU institutions.

- Habermas, J. (2005). Why Europe Needs A Constitution. In Eriksen, Erik Oddvar (et.al): *Developing a Constitution for Europe*, New York: Routledge, 9–34.
- Grimm, D. (2017). Sovereignty in Europe. In Grimm, D. *The Constitution of European Democracy*, Oxford: Oxford University Press, 39–56.
- Grimm, D. (2017). On the Status of the EU’s Democratic Legitimacy after Lisbon. In Grimm, D. *The Constitution of European Democracy*, Oxford: Oxford University Press, 57–80.
- Moravcsik, A. (1993). Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach. *Journal of Common Market Studies*, 31 (4), 473–525.

WEEK 12 (November 28): The Democracy Deficit? (Part 2: The Responsibility of National Governments)

This session will continue the debate about the democracy deficit of the EU.

- Bakke, E. & Sitter, N. (2020). The EU’s Enfants Terribles: Democratic Backsliding in Central Europe since 2010. *Perspectives on Politics*.
- Gustaffson, Y. (2022). The European Union and Its Democratic Deficit(s). Uppsala University. <https://www.diva-portal.org/smash/get/diva2:1662540/FULLTEXT01.pdf>
- Blatter, J., Schmid, S. D., & Blättler, A. C. (2017). Democratic Deficits in Europe: The Overlooked Exclusiveness of Nation-States and the Positive Role of the European Union. *Journal of Common Market Studies*, 55(3), 449–467.
- Garavoglia, M. (2011). Democracy in Europe: Politicizing Champions for the European Public Sphere. *Istituto Affari Internazionali (IAI)*. www.jstor.org/stable/resrep09693

WEEK 13 (December 5): Guest Lecture by Moritz Röttinger (European Commission)

Moritz Röttinger studied law at the University of Vienna, Ludwig-Maximilians University in Munich, and Université Libre de Bruxelles. He earned a doctorate in law, a certificate in German law, an LL.M. in European law, and an LL.M. in canon law. Specializing in European law, intellectual property law, and canon law, he began his career in Vienna, working in law firms for three years before joining the European Commission in 1990. Since then, he has held various positions, primarily as a legal and policy officer in the Single Market and enterprise policy areas. Moritz Röttinger has managed the *Your Europe Advice* service for 13 years and the Single Market Scoreboard for about four years. Additionally, he spent three years as a lobbyist for a European industry association. His extensive publications focus on EU law and intellectual property law.

WEEK 14 (December 12): Wrap Up

Library and Book Purchase Policies

Please make sure to either **purchase or download a copy of the Treaty of Lisbon:** Treaties of the European Union: Consolidated Versions of Treaty on European Union and Treaty on the Functioning of the European Union (Lisbon Treaty). The treaty of Lisbon is available on amazon. It can also be downloaded from the EU's official website:

- **Consolidated Version of the Treaty on European Union (TEU):** https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF
- **Consolidated Version of the Treaty on the Functioning of the European Union (TFEU):** https://eur-lex.europa.eu/resource.html?uri=cellar:9e8d52e1-2c70-11e6-b497-01aa75ed71a1.0006.01/DOC_3&format=PDF

Official EU documents (directives, regulations, cases) can be read online and downloaded under: <https://eur-lex.europa.eu/homepage.html?locale=en>