

# INSTITUTIONAL SYSTEM AND EUROPEAN INTEGRATION

Curso 2012/2013

(Código: 26602482)

## 1. PRESENTACIÓN

### INTRODUCTORY REMARKS

This course on the Institutions of the European Union is aimed at offering an specialized approach to the institutional system of this International Organization. The EU is an International Organization pursuing a high degree of integration among Member States. One of the goals of this course will be to highlight the specific traits of the EU in this regard, as opposed to the institutional traits usually present in States and International Organizations pursuing mere cooperation.

During the 2012-2013 academic year, emphasis will be placed on the novelties deriving from the entry into force of the Lisbon Treaty.

## 2. CONTEXTUALIZACIÓN

### THE COURSE IN ITS CONTEXT

Extensive knowledge of the EU institutional system is fundamental within the framework of the Official Master's Degree on the European Union (specialization in Law). It is a basic premise to understanding how EU law is created and how Member States, EU Institutions and EU citizens take part in that process. Knowledge of the EU institutional machinery helps to understand how and why EU policies are made. Mere knowledge of the content of EU policies does not suffice to capture the dynamics of the EU system. Familiarity with institutional issues is necessary in order to grasp the dynamics of policy-making and to predict the outcome of any given project.

The course will have a theoretical and a practical dimension. The study of the legal foundations of each Institution is to be supplemented with a view of its internal workings and of the influence of case-law in circumscribing its powers. Specific approaches to each Institution will be followed by a study of inter-institutional relations, which will result in an overview of the system operating as a whole. A stocktaking exercise of institutional issues will then be possible. The student will thus be ready to consider the convenience or viability of various projects of institutional reform.

On the other hand, a proper understanding of the EU Institutional system is the right avenue to capture the specific features of this International Organization. The EU system of political power does not conform to classic constitutional models (Centralism, Federalism, Regionalism, Confederation, etc). The balance of power among EU Institutions hardly fits into the traditional systems of division of powers adopted by Member States through their own Constitutional Law. Realization of this fact is key if one is to view the EU as it is, to expect what can be expected and to see the future of this organization from a realistic perspective.

This course is targeted to future professionals with a diversity of profiles: EU Law experts, International Law experts, EU civil servants, National or Regional civil servants dealing with EU issues, Diplomats. It can also be useful to managers and decision-makers working for political organizations and private or public companies. The course is also valuable to members of the legal profession, as lawyers and judges must deal with EU law on a daily basis. Finally, special regard will be paid to



students interested in conducting research on EU Law, EU policies and international relations from the EU perspective.

### 3. REQUISITOS PREVIOS RECOMENDABLES

#### RECOMMENDED PREVIOUS QUALIFICATIONS

It is assumed that the natural background of the students will be a Law Degree, a Political Science Degree or, more generally, a Degree in a Social Science-related area. Other Graduates are by no means excluded. Students holding a History Degree or a Degree in Journalism are a special target of this course. At any rate, any graduate truly interested in EU issues will fit into the course.

Previous knowledge of EU Law and International Law (the Law of International Organizations in particular), along with familiarity with EU affairs is an excellent starting point for the student to make the most of this course.

### 4. RESULTADOS DE APRENDIZAJE

#### INTENDED RESULTS

**Knowledge:** Students are expected to acquire extensive and advanced knowledge of the EU institutional system. Familiarity with the mandate and powers of each Institution, as well as with the basic system of inter-institutional relations, is intended to be the minimum result of the course. Learning will be based on the materials referred to or provided by the teaching staff. If required, academic guidance will be available on-line. In this regard, the teaching staff is committed to providing guidance that is tailored to the specific needs of individual students.

**Skills:** Students are expected to develop their ability to find their way through the complex EU institutional framework (which means being able to know which Institution is to do what, when and to what extent) when confronted with EU affairs. One of the crucial skills to be honed by students is the selection, usage and management of documentary sources and doctrinal materials. Writing about EU legal-institutional issues in a clear and concise manner is another skill this course is intended to reinforce.

**Attitudes:** Students are encouraged to have a positive attitude towards the inter-relation of the various aspects of the EU institutional organization. An intellectual attitude that is both open and critical will be required to examine the institutional dimension of the problems currently faced by the EU. A good disposition towards autonomous work is essential to maximize the results of the course.

This combination of knowledge, skills and attitudes will prepare students for the task of understanding the complexities of the EU institutional framework, providing them with the tools required to understand the challenges it faces and its possible evolution and development.

### 5. CONTENIDOS DE LA ASIGNATURA

#### SUMMARY OF CONTENTS

##### A) General Overview of the EU Institutions

This first part will introduce students to the legal foundations of the EU institutional system. It is a first approach to the EU institutional framework intended to emphasize its specific traits and raise awareness of the uniqueness of the EU solutions to the problem of the division of power within a political structure. Such a structure involves not one but 27 States, in a context where EU Institutions may create law that applies directly to the citizens of Member States. The EU institutional system is unprecedented in Constitutional Law and International Law, as the EU is the most developed International Organization pursuing a high degree of integration among Member States. Awareness of this singularity from the start is considered by the



teaching staff to be a significant, rewarding way to approach the EU institutional realities.

#### B) Detailed, in-depth study of individual Institutions

The focus will be on issues such as Membership, Functioning, Powers and the Nature and Mandate of each Institution, especially the European Council, the Council, the Commission, the European Parliament, the European Court of Justice and the European Central Bank. When studying the powers of each Institution, students are expected to realize to what extent Member States have limited their own sovereign powers in order to put them in common and create a supranational level of law-making and decision-making.

#### C) Institutional interplay

The third part of the course will provide students with a comprehensive view of how Institutions interact when fulfilling their respective mandates. Emphasis is to be placed on the system of checks and balances (or on the shortcomings in this regard) operating within the institutional framework when EU institutions appoint officials, make decisions, create and apply EU law and cooperate with each other.

## 6.EQUIPO DOCENTE

- [FERNANDO VAL GARIJO](#)

## 7.METODOLOGÍA

### METHODOLOGY

Teaching and learning are to take place through well-tested methods of distance education as understood in open universities. Learning materials will be referred or provided by the teaching staff through on-line channels. Acquisition of knowledge will take place through: 1) Reading the basic learning materials; 2) Research, guided by the teaching staff through on-line tutorials and 3) Use of information in situations and cases presented by the teaching staff.

### PROGRAMME OF WORK:

#### 1) GENERAL OVERVIEW OF THE INSTITUTIONS (40 HOURS)

Required readings will be indicated by the teaching staff.

TASK: On-line multiple-choice test on EU Institutional matters.

#### 2) DETAILED, IN-DEPTH STUDY OF INDIVIDUAL INSTITUTIONS (40 HOURS)

Materials will be referred to or provided by the teaching staff.

TASK: Selection of a subject on which to write a legal essay dealing with different theoretical and practical institutional issues. A list of specific subjects will be provided to guide the choice of students.

#### 3) INSTITUTIONAL INTERPLAY (45 HOURS)

Materials will be referred to or provided by the teaching staff.

TASK: A practical legal exercise based on specific material provided by the teaching staff.

## 8.BIBLIOGRAFÍA BÁSICA



ISBN(13): 9780199566754  
Título: THE FOUNDATIONS OF EUROPEAN UNION LAW (seventh)  
Autor/es: Tc Hartley ;  
Editorial: : OXFORD UNIVERSITY PRESS

Buscarlo en librería virtual UNED

Buscarlo en bibliotecas UNED

Buscarlo en la Biblioteca de Educación

Buscarlo en Catálogo del Patrimonio Bibliográfico

#### Comentarios y anexos:

- TC HARTLEY: *THE FOUNDATIONS OF EUROPEAN UNION LAW*, OXFORD UNIVERSITY PRESS, 7th EDITION, 2010. (Especially pages 3-77)

- ESCOBAR HERNÁNDEZ, CONCEPCIÓN (DIR.): *INSTITUCIONES DE DERECHO DE LA UNIÓN EUROPEA*, VALENCIA, TIRANT LO BLANCH, 2012 (currently in press)

- MARGOT HORSPOOL & MATTHEW HUMPHREYS: *EUROPEAN UNION LAW*, OXFORD UNIVERSITY PRESS, 2006

## 9.BIBLIOGRAFÍA COMPLEMENTARIA

#### Comentarios y anexos:

##### ACADEMIC JOURNALS:

Academic Journals are important tools for the students of this course. They will be necessary to enhance views and deepen knowledge. Familiarity with this type of academic, specialized literature is required if students are to move beyond handbooks and official documents towards high-quality doctrinal sources. All Journals recommended below are available via the UNED web page (Biblioteca, Revistas). Students are free to add to the list any academic journal in any language.

- *European Law Journal*, Blackwell Publishing. (available from 1995 to date)

- *Journal of Common Market Studies*, Wiley-Blackwell, (available from 1997 to date)

- *Common Market Law Review*, Kluwer Law International, (available from 2003 to date). This publication is useful for finding comments on EU case-law.

- *The Review of International Organizations*, Springer Science and Business Media M. V., (available from 2006 to date)

## 10.RECURSOS DE APOYO AL ESTUDIO



## ACADEMIC SUPPORT

On-line course: The course will be conducted on-line. On-line tutorials will be the basic form of interaction between students and the teaching staff. Access to learning materials, submission of essays and other documents, and communication between course actors will take place through the specific on-line channel designed and maintained for the course.

## 11.TUTORIZACIÓN Y SEGUIMIENTO

### TUTORIALS AND FOLLOW-UP

Although communication between students and the teaching staff will take place preferably on-line, an extra resource for tutorials and guidance will be provided by the traditional system of academic service practiced by UNED. In this regard, Dr. Fernando Val Garijo will be on duty on Mondays from 10 a.m. to 14 p.m.

## 12.EVALUACIÓN DE LOS APRENDIZAJES

### ASSESSMENT

Assessment of the work done and submitted by students will take place on-line, through a system of continuous assessment. The final grade will be the result of the marks obtained in the second (50%) and third task (50%). The first task is intended to give students an opportunity for self-assessment and will not influence the global numerical result.

## 13.COLABORADORES DOCENTES

Véase equipo docente.

