Purpose: The interdisciplinary seminar, linking the legal perspective with that of political science, focuses on the processes of deepening policy integration in the European Union which unfold outside the central political arena of the European Council, Council of Ministers, and the European Parliament. These invisible avenues of policy integration come in very different guises:

- through executive - non-legislative initiatives of the Commission which step-by-step seek to communitarize new policy areas over a longer period of time;
- the delegation of regulatory competences to independent authorities shifting policy making power out of the political arena;
- through the Commission applying horizontal competences (such as state-aid control) in policy areas in which there are no supranational competences;
- through the widening implementing activities of the Commission to apply European legislation;
- through the jurisdiction of the European Court of Justice; the European legal order has been developed and shaped by an active European Court of Justice which often stretches its jurisdiction to its limits and by a European Commission which tends to use and to instrumentalise these court rulings in order to further deepen integration.
- through attempts of proxy democratic legitimation unfolded by the Commission such as the promotion of transparency and consultation procedures.

The manifold processes of deepening European integration outside of the limelight beg the question: how do member governments react to these inroads of supranational power into their sovereignty? The ever stronger expansion of European law into the realms of national sovereignty has raised increasing concern on the part of national governments, citizens and national courts. Recently there have been strong reactions on the part of national constitutional courts to what is perceived as a transgression of power by the Commission and the European Court of Justice at the very time when external shocks, i.e. the financial crisis have triggered renewed pressure to communitarize additional areas of economic and fiscal policy making.

It is the plan of this seminar to discuss the different types of processes of deepening integration of European outside the limelight in general terms, but also by looking at
specific policy areas in which they unfold, as well as to discuss the reactions of member governments to various modes of hidden deepening integration. Participants are expected to present at least one of the texts indicated in the seminar syllabus. They also are invited to present their own research if focusing on one of the aspects of hidden deepening integration.

**Session One: October 4th 2010**

Introduction

Definition of concepts

Readings
K. Alter, Law, Political Science and EU Legal Studies, An Interdisciplinary Perspective? European Union Politics, 2002, 113

**Session Two: October 12th 2010 (HM)**

Widening Sectoral Competences Through Horizontal Powers

Empirical examples: Competition law and state aids

Guest Speakers: W. Kerber, University of Marburg and G. Monti, EUI

*Readings*


Blauberger Of Good and Bad Subsidies: European State Aid Control through Soft Law and Hard Law (2009) 32(4) West European Politics 719

Bartosch 'Is there a Need for a Rule of reason in European State Aid law?' (2010) 47 Common market Law Review 729

Davies 'Market Integration and Social Policy in the Court of Justice' (1995) 24 Industrial law Journal 49

**Session Three: October 19th 2010 (HM)**

Informal Commission Initiatives: Step-by-step policy building

Empirical example: Draft Common Framework of Reference in Private Law

*Readings* ([presenter Lécia Vincente]):
- Court Ruling: ECJ C-412/06 Hamilton 4.10.2008 and ECJ C-489/07 Messner 3.9.2009
**Session Four: October 25th 2010 (AH)**

Delegation to Independent Regulatory Authorities

Empirical example: Justice, Home Affairs and Financial Market Regulation/Lamfalussy System

Guest speaker, Ch. Kaunert, Marie-Curie Research Fellow

*Readings (to be completed):*
- Commission proposal

**Session Five: November 8th 2010 (HM)**

Creeping ECJ Competences: Referring Questions; Court interpretations and Advocate General

Empirical example: Transatlantic Civil Aviation Regulation

*Readings (to be completed):*

*Presenters: Juan Mayoral – own paper; Ricardo Garcia Antón on transatlantic civil aviation and Zdenek Novy on the Lugano Convention)*
- P. Menegozza, *The EC External Competences: From ERTA Case to the Opinion in the Lugano Convention*;
- P. Eeckhout, *Bold Constitutionalism and Beyond,* Ch. Hillon, ERTA, ECHR and Open Skies: Laying the Grounds of the EU System on External Relations,

**Session Six: November 15th 2010 (AH)**

ECJ Limits of Market Integration: Proportionality, Asymmetry between positive and negative integration
Empirical examples: Social policy, health policy, education

Guest speaker, Prof. Blauberger

Readings (to be completed):
- ECJ C-341/05 Laval vs Partneri Ltd 18.12.2007 (presenter Anna Södersten)
- ECJ C-372/04 Watts 16.5.2006 (presenter Danielle Da Costa)

Session Seven: November 22nd 2010 (AH/ HM)

Creeping Implementation/Enforcement Powers of the Commission

Empirical examples: Access to Information as an Instrument of Implementation Control

Readings (to be completed):
- Brussels, 9.2.2009; C(2009) 864 final COMMUNICATION FROM THE COMMISSION Guidance on the Commission’s enforcement priorities in applying Article 82 of the EC Treaty to abusive exclusionary conduct by dominant undertakings

Session Eight: November 29th 2010 (AH/ HM)

Revolt of Member States Against Creeping Commission and ECJ Competences?

Readings (to be completed):
- Cases: German Constitutional Court Ruling 30.6.2009 (presenter Markus Gasting, including Fischer et al)
- Latvia Constitutional Court Ruling (presenter Keiva Carr);
- Czech Constitutional Court Ruling (presenter ? Brogiin Keeton, US exchange);
- House of Lords Report; Cour de Cassation, Report on the Judgment of the German Constitutional Court (presenter Jakob Öberg)
- Andreas Fischer-Lescano/Christian Joerges/Arndt Wonka (eds) The German Constitutional Court’s Lisbon Ruling: Legal and Political-Science Perspectives, ZERP DP 2010/1

**Session Nine: December 6th 2010 (AH)**

Democratic Legitimation by Proxy

Empirical examples: Consultation, Citizens Initiative, Deliberative Democratic Fora, Transparency

Readings (to be completed):

- Glencross, A and A. Trechsel, First or Second Order Referendums? Understanding the Votes on the EU Constitutional Treaty in Four EU Member States, Forthcoming in WEP.

**Session Ten: December 13th 2010**

Exogenous shocks - deepening integration

Overall Assessment and Conclusions.