

The implementation of the democratic principle in the EU

Academic Year: (2019 / 2020)

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Department assigned to the subject: International Law, Ecclesiastical Law and Philosophy of Law Department

Coordinating teacher: MOREIRO GONZALEZ, CARLOS JAVIER

Type: Electives ECTS Credits : 4.0

Year : 1 Semester : 1

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Degree in Law or Degree in Political Sciences

OBJECTIVES

Basic Competences:

- CB6 Possess and understand knowledge that provides a basis or opportunity to be original in the development and/or application of ideas, often in a research context.
- CB7 That students know how to apply the knowledge acquired and their problem-solving ability in new or poorly known environments within broader (or multidisciplinary) contexts related to their area of study.
- CB8 That students are able to integrate knowledge and face the complexity of making judgments based on information that, being incomplete or limited, includes reflections on the social and ethical responsibilities linked to the application of their knowledge and judgments.
- CB9 That students know how to communicate their conclusions and the knowledge and ultimate reasons behind them to specialized and non-specialized audiences in a clear and unambiguous manner.
- CB10 That students possess the learning skills that will enable them to continue studying in a way that will be largely self-directed or autonomous.

General Competencies

- CG1 Ability to advise public and private social actors in the application of legal norms, seeking to warn about the production of conflicts before they have occurred.
- CG3 Ability to solve complex legal problems within Public Law
- CG2 Ability to identify legal questions by acquiring advanced, specialized and multidisciplinary training
- CG6 Ability to develop teamwork and autonomous work in an international and multidisciplinary context.
- CG7 Ability to understand the interrelationship between scientific research and the development of legal institutions.
- CG8 Ability to handle with ease the various legal sources and the relationships between them
- CG9 Ability to approach legal problems from a multidisciplinary scientific perspective
- CG10 Ability to operate in contexts where there is little information for the purpose of investigating legal problems

Specific Competences:

- CE1 Ability to identify legal institutions of Public Law that, as a consequence of the globalized environment, are under review.
- CE2 Ability to contrast legal institutions of Spanish public law with those of other countries
- CE3 Ability to identify differences in legal categories of public law with those of other branches of law
- CE4 Ability to investigate the historical root of current problematic legal issues, through examination of the origins and historical evolution of institutions
- EC5 Ability to identify incidence in criminal legal categories as a consequence of internationalization of criminal activities

CE6 Ability to identify and reflect on the dogmatic challenges arising from the approximation of administrative legal institutions in an internationalised context.

DESCRIPTION OF CONTENTS: PROGRAMME

The implementation of the democratic principle in the EU

An analysis of the key elements that articulate the legitimacy of the EU's institutional functioning shows that the resilience of the integration process is not due exclusively to economic, commercial and financial achievements, but also to a sui generis instrumentation of the representation, decision-making and control mechanisms of the democratic rule of law.

Consequently, the subject consists of a critical analysis of the principle of gradualism in its chronological development from the creation of the European Communities to its overcoming with the conclusion of the Maastricht Treaty. Once the relevant normative and jurisprudential frame of reference has been established, the main part of the course focuses on the action and interaction of the principles of equality, representative democracy and participatory democracy as paradigms of governance in the EU. This implies a thorough knowledge of this framework and the identification of its application in the present time.

1. The democratic deficit of the European Communities.
2. The legal-institutional solution to the rebellion of the Constitutional Courts of the Member States.
3. The Maastricht Treaty: the inspiration in the Democratic Rule of Law of certain democratic mechanisms of the EU.
4. Citizenship of the Union.
5. The phenomenon of the European Conventions: an innovation of the democratic mechanisms in the comparative system of OO.II.
6. The Treaty of Lisbon and the extension of the Union's legitimacy bases.
7. The specificity of the Principle of Participatory Democracy in the EU.
8. Conflicts between the judicial application of the principle of mutual recognition and the protection of fundamental rights.
9. The cooperative dialogue for the consolidation of democracy, between the Council of Europe and the EU.
10. The phenomenon of populism and the democratic values of the Union.

LEARNING ACTIVITIES AND METHODOLOGY

TRAINING ACTIVITIES IN THE SYLLABUS RELATING TO SUBJECTS

AF1 Theoretical class

AF2 Practical classes

AF6 Group work

AF7 Individual Student Work

AF8 Partial and final examinations

Code activity	Nº Total hours	Nº Hours Attendance	% Attendance Student
AF1	96	96	100%
AF2	48	48	100%
AF6	148	0	0
AF7	296	0	0
AF8	12	12	100%.
TOTAL MATERIAL	600	156	26%

ASSESSMENT SYSTEM

% end-of-term-examination/test: 60

% of continuous assessment (assignments, laboratory, practicals...): 40

Ordinary session.

Students will elaborate and individual dissertation as end-of-term examination, that will be defended in class. This work supposes the 60% of the final mark.

Remaining 40% will be referred to the participation and active intervention in class.

% end-of-term-examination/test:	60
% of continuous assessment (assignments, laboratory, practicals...):	40

Extra-ordinary session:

End-of-term exam, consisting in a practical case to solve individually: 60% of total mark.

Rest of the mark: permanent evaluation of participation, attitude and intervention of the student during presential classes (40% of the total mark).

BASIC BIBLIOGRAPHY

- D. Levi-Faur - F. Van Waarden Democratic Empowerment in the European Union, Elgar, 2018
- Honor Mahony EU Democracy tool hanging in the balance, euobserver.com, 2015
- Jonsson Cornell, A. and Goldoni, M. National and Regional Parliaments in the EU-Legislative Procedure Post-Lisbon, Hart, 2016
- MOREIRO GONZÁLEZ, CARLOS J. El Tratado de Niza: ¿una invitación al ¿intergubernamentalismo mágico", COLEX, 2002
- MOREIRO GONZÁLEZ, CARLOS J. El Principio de Democracia Participativa en el Proyecto de Tratado de Constitución Europea, Cuadernos Europeos de Deusto, 30, 2004
- Moreira González, Carlos J. El juez nacional de medidas cautelares y la tutela del orden público y el interés público de la UE, Revista de Derecho Comunitario Europeo, 2016
- S. Seubert [et al.] Reconsidering EU Citizenship, Elgar, 2018

BASIC ELECTRONIC RESOURCES

- Autoridad Partidos Políticos Europeos (DOUE) . Autorización Registro Partido Socialista Europeo: http://eur-lex.europa.eu/legal-content/ES/TXT/?uri=uriserv:OJ.C_.2017.230.01.0029.01.SPA&toc=OJ:C:2017:230:TOC
- Autoridad Partidos Políticos Europeos (DOUE) . Denegación Registro Partido "Identités y traditions Européennes": http://eur-lex.europa.eu/legal-content/ES/TXT/?uri=uriserv:OJ.C_.2018.106.01.0007.01.SPA&toc=OJ:C:2018:106:TOC
- Oficina de Publicaciones de la UE . Eur-lex. eu: <http://www.eur-lex.europa.eu>
- TGUE . Sentencia: Efler: http://http://curia.europa.eu/juris/liste.jsf?language=es&jur=C,T,F&num=T-754/14&td=ALL