



## STUDY PROGRAMME

1. POL  
2. MATA

## ACADEMIC YEAR

2022 - 2023

## SEMESTER

Second

## COURSE TITLE

Delegated and Implementing Acts

## COURSE PROFESSOR

Daniel Guéguen & Vicky Marissen

## COURSE ASSISTANT

Thibault Besnier

## NATURE OF COURSE (COMPULSORY, OPTIONAL)

1. Optional  
2. Optional

## LANGUAGE OF INSTRUCTION

English

## ECTS CREDITS

5

## 1. COURSE OBJECTIVES

Provide students with a practical understanding of the system of delegated and implementing acts (secondary legislation). What is the reason of being of the system, how do the procedures work, what is the balance of power, whilst insisting on the important impact such measures have in real life (use of case studies).

Having a practical understanding of the importance of secondary legislation in the EU context; a practical understanding of the processes and actors involved; be able to perform an analysis of a legislative text by assessing the secondary legislation procedures and measures.

## 2. LEARNING OUTCOMES

The learning outcomes link up with the following programme-specific learning outcomes:

- Students possess a pluri-disciplinary understanding of European integration, allowing them to understand fully the nature, dynamics and functioning of the EU system.
- Students have a general knowledge of the main components of the EU political system: institutions, actors, decision-making procedures, competences and policies.
- Students possess an in-depth knowledge of fundamental aspects of the EU political system (institutions, actors, policies etc.).
- Students develop a concrete understanding of the logics of policy-making and negotiations within the EU political system, thanks to simulation exercises and the drafting of policy papers.



- Students can recognize, contextualize, explain, and interpret political, societal and economic phenomena in European integration. They can assess events, governance problems and political crises.
- Students can analyse the process and actors of EU policy-making at different levels of governance and can reflect on potential developments.
- Students can flexibly apply theories and analytical frameworks from different disciplinary perspectives to the main issues of EU politics and policies.
- Students are able to analyse, in a limited amount of time, complex and new issues, by finding and investigating various sources of information and delivering an analytical and critical synthesis.
- Students can communicate clearly and effectively, through oral presentations or written documents, to different kinds of audiences.

For MATA students, the following MATA programme-specific learning outcomes are relevant:

- The graduate is capable of processing a large amount of information and appropriately analyse relevant sources depending on his or her disciplinary focus within a short period of time and of suggesting possible actions that contribute to problem-solving in a creative way.
- The graduate has the intellectual maturity and skills to take responsibilities and function autonomously in a professional environment at national or international level, and especially in a transatlantic context, and to work efficiently and effectively through planning, organizing, setting priorities, meeting deadlines, cooperating across cultural boundaries and networking.

### 3. COURSE CONTENTS

#### Introduction

Why is secondary legislation important?

- Programme of the course
- Student introductions
- General overview & terminology
- How does secondary legislation fit into the broader decision-making process?
- What do the commentators and experts say?

History of comitology

- Origin of comitology: CAP
- Single European Act
- 1999 reform
- Constitutional Treaty + 2006 reform
- Lisbon Treaty

Regulatory Procedure with Scrutiny

- Decision 1999/468
- EP and Council veto

#### 2 The post-Lisbon system: definitions and procedures

Delegated acts

- Article 290 TFEU
- Common Understanding
- Mandate
- Upstream drafting (expert groups)
- EP and Council veto/revocation



## Implementing acts

- Article 291 TFEU
- Regulation 182/2011
- Examination procedure
- Advisory procedure
- EP and Council non-binding right of scrutiny

## Alignment

- Concept (previous 2006-2009)
- Two approaches: case-by-case vs. automatic (omnibus)
- State of play

## **3 Inter-institutional dynamics & practical aspects**

### Delegated and implementing acts in EU legislation

- A political power struggle
- EP own-initiative report
- Amendments to the Common Understanding
- New inter-institutional agreement: can it resolve the issue?

### Financial services system

- Lamfalussy to Larosière
- Three European Supervisory authorities
- Overview of regulatory technical standards and implementing technical standards

### Growth of litigation on secondary legislation

- Past and pending cases
- Case study: Biocides

## **4 Day trip to Brussels**

### Meetings with 3-4 secondary legislation experts & practical aspects

### Secondary legislation: tools for practitioners

### Procedural analysis

- How to identify secondary legislation in a basic act
- Concrete examples - pre and post Lisbon legislative texts or proposals

### Monitoring

- General introduction
- Comitology Register
- TBT Register & Expert Group Register
- Roadmaps & Impact Assessments

## **5 Business dimension of secondary legislation**

### Practical dimension of secondary legislation:

- Business life and secondary legislation
- Secondary legislation: a career accelerator?

### Media, communication techniques and lobbying

- How to communicate on secondary legislation
- Importance of “story-telling” and adapting the message to your audience



## 4. TEACHING METHOD

Lecture, case studies, study trip.

## 5. COURSE MATERIAL

### Books & leaflets

- Comitology: hijacking European power?, Daniel Guéguen
- Handbook on EU secondary legislation, Daniel Guéguen and Vicky Marissen
- The New Practical Guide to the EU Labyrinth, Daniel Guéguen and Vicky Marissen
- The Orphacol saga, Daniel Guéguen
- Better regulation: 10 graphs to help you understand and act, PACT European Affairs
- Europolitics' special edition' Shedding light on new comitology', February 2012

### Articles

- "Concerns over the EU legal order", Daniel Guéguen
- "To veto or not to veto", Daniel Guéguen
- "Preparing Comitology in Commission Expert Groups: Reducing Duration or Minimizing Contestation?", Bart Van Ballaert and Tom Delreux

## 6. EVALUATION

2-hour written exam (100%)

During the second examination session the course is assessed 100% on the basis of a written resit exam.