



## STUDY PROGRAMME

1. POL  
2. MATA-POL

## ACADEMIC YEAR

2025-2026

## SEMESTER

First

## COURSE TITLE

**The Court of Justice of the European Union as a Policy Actor**

## COURSE PROFESSOR

**Fabien TERPAN**

## COURSE ASSISTANT

**Luís MATOS**

## NATURE OF COURSE (COMPULSORY, OPTIONAL)

1. Optional  
2. Optional

## LANGUAGE OF INSTRUCTION

**English**

## ECTS CREDITS

**4**

## 1. COURSE OBJECTIVE

This course is about the Court of Justice of the European Union (CJEU) -also known as the European Court of Justice- and its contribution to the European Union's politics, policies and polity. It is based on the results of the existing research, which studied the Court from a political science perspective, and it includes both a conceptual and a practical dimension.

While national courts are key actors in any democratic state system, international courts -established beyond the realm of the state- have traditionally played a lesser role. However, the CJEU, widely recognized as a political power (Alter 1996, 2009, Schmidt & Kelemen 2013, Martinsen 2015a), a political actor (Muir, Dawson, De Witte 2013), and even an activist (Rasmussen 1988, De Witte, Muir & Dawson 2013, Solanke 2011), is clearly an exception. The 'Integration through law' school of thought (Cappelletti, Seccombe, Weiler 1986) has created a narrative of legal integration being mainly driven by the Court. Specialists have sought to bring evidence of this influence while assessing its power within the EU system.

The Court is an embedded actor within the EU system. Looking inside the Court is necessary to better understand the institution, but it is clearly not enough. This is why this course also questions the way the Court interacts with other actors in the system, and analyses its participation to policymaking. The question of how the Court takes into consideration the context of polycrises affecting the EU as a whole and the EU more specifically, is also addressed.



## 2. LEARNING OUTCOMES

The main objective of this course is to equip students with the knowledge and the analytical tools that are necessary to understand the place of the Court in the EU system. At a more practical level, this should help the students to better understand why and how the Court matters so much for most European actors, including EU institutions, national administrations, NGOs, businesses and other private parties participating in EU governance and judicial politics.

By the end of the class, students will have:

- acquired knowledge of the CJEU within the EU system, including its organisation, composition, powers and interactions with other actors, as well as its contribution to EU policymaking.
- acquired the technical vocabulary related to the Court and its rulings.
- developed their ability to understand a court's decision from the perspective of political science, public policy or judicial politics.
- Improved their ability to engage in fruitful discussions and debates.
- Improved their ability to identify, analyse and potentially solve the problems an organisation is facing.
- Improved their capacity for teamwork.
- Developed their ability to define an organisation's strategic objectives and choose appropriate means to achieve them.

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

POL:

- 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 can communicate in both French and English in an academic or professional context.
- Students can analyse the process and actors of EU policy-making at different levels of governance and can reflect on potential developments.
- Students can transform a complex problem into a research question, mobilize theories, develop a research design, and conduct empirical work to provide solutions in an analytical and balanced way.
- Students can flexibly apply theories and analytical frameworks from different disciplinary perspectives to the main issues of EU politics and policies.
- Students can communicate clearly and effectively, through oral presentations or written documents, to different kinds of audiences.
- Students can evolve in a multi-cultural context and of taking into account the variety of political systems, institutional logics and cultural backgrounds.

MATA-POL

- The graduate demonstrates advanced and critical mastery of the principal theoretical approaches and analytical concepts in their disciplinary focus (International Relations and Diplomacy Studies, Political Science, Regional Studies) or interdisciplinary focus and can apply them to the analysis of transatlantic affairs.
- The graduate can identify, interpret and critically assess the current state of academic research on transatlantic affairs and can situate them within broader scholarly debates, in line with their



(inter-) disciplinary focus.

- The graduate possesses in depth and comparative knowledge of the political systems of the European Union and the United States, including their institutional structures, policy making processes, and core internal and external policies, and can analyse their interactions in a transatlantic context.
- The graduate can contextualise and interpret contemporary transatlantic developments by integrating historical, political, legal and economic perspectives, and can meaningfully explain how past dynamics shape current policy choices, debates and institutional frameworks.
- The graduate can synthesise and integrate insights from multiple disciplines relevant to transatlantic affairs (e.g., International Relations, Political Science, Regional Studies or an interdisciplinary focus) and can adopt and compare both European and U.S. perspectives in analysing and evaluating transatlantic issues
- The graduate can analyse developments within Europe and/or the US that impact their relative geopolitical standing, thereby influencing EU and/or US interests relevant to transatlantic affairs.
- The graduate acquires a nuanced perspective of internal political, economic, and/or social pressures and how they may impact, either directly or indirectly, the transatlantic relationship and the capacity of the transatlantic partners to act in accordance with the needs of the transatlantic partnership.
- The graduate can analyse transatlantic affairs in a broad and multidisciplinary manner, assessing challenges in this domain with intellectual openness, sensitivity to diversity of perspectives, and the ability to understand and navigate complex and ambiguous situations.
- The graduate is able to critically reflect on a wide range of issues in transatlantic affairs, to develop well informed and evidence based points of view, and to communicate these effectively, both orally and in writing, when working independently or collaboratively.
- The graduate can independently transform complex transatlantic issues into a clear and feasible research question, find and evaluate relevant sources in line with their (inter-) disciplinary focus, apply appropriate concepts and methods, and present research results in accordance with the ethical standards of the field.
- The graduate is capable of rapidly processing large volumes of information, critically analysing (inter-)discipline relevant sources, and proposing creative, feasible, and analytically grounded solutions to problems within the field of transatlantic affairs.
- The graduate has the intellectual maturity and professional skills to function autonomously and responsibly in national or international professional environments—particularly in transatlantic contexts—by planning and organising work effectively, setting priorities, meeting deadlines, cooperating across cultural and disciplinary boundaries, and building professional networks.

### 3. COURSE CONTENTS

The course is made of four blocks:

#### 1. What is the CJEU, and how should it be understood?

- What type of court is the CJEU?
  - How is it structured?
  - What is the composition (and sociology) of the judges
  - What are the powers of the CJEU?
  - Does it resemble other (national or international) court?



- How should the Court be defined?
  - What was the historical role of the Court in advancing European integration?
  - Is the CJEU a political actor? A policy actor?
  - Does it engage in judicial activism? Is the Court pro-integration?
  - Can the CJEU be explained by existing theories?
- How is the CJEU perceived by national governments and public opinions?
- 2. The CJEU in the EU System: How does the Court interact with other Actors?**
  - How does the Court interact with other EU Institutions?
    - Commission
    - Parliament
    - Council
    - European Central Bank
  - How does the Court interact with Member States' actors
    - Governments
    - Parliaments
    - Courts
  - How does the Court interact with interest groups?
    - Do interest groups "use" the CJEU? How, why and to what extent?
  - Is the Court responsive to public opinion?
- 3. How does the CJEU contribute to Policy Making?**
  - What impact does the CJEU have on the development of a specific public policy at EU and Member States levels?
    - social policy
    - human rights / non-discrimination
    - digital policy
    - external action
  - Is the Court biased towards supranational integration or biased towards the market?
- 4. The CJEU in a Context of Polycrises**
  - What is the position of the CJEU in areas affected by crises? Is the Court necessarily supportive of policy-makers in those areas?
  - Is the CJEU affected by a crisis?
    - Does the CJEU need legitimacy and does it possess legitimacy?
    - Is the CJEU perceived as a threat to democracy?
    - Should it change to gain more legitimacy?

#### 4. TEACHING METHOD(S)

This optional course is an interactive course made of short lectures by the professor, discussions / debates on the topic, short presentations by the students, group work inside and outside the class, practical exercises.

Each session will include a variety of activities, most of them requiring participation and in-class work.

#### 5. COURSE MATERIAL\*

Compulsory readings:

- Saurugger, S. & Terpan, F. (2019). 'European Court of Justice (ECJ)'. In Oxford Encyclopedia



- of European Union Politics. Oxford University Press, December.
- Malecki, M. (2012). 'Do ECJ judges all speak with the same voice? Evidence of divergent preferences from the Judgments of Chambers', *Journal of European Public Policy*, vol. 19, no. 1, 59–75.
  - Blauburger, M., Heindlmaier, A., Kramer, D., et al. (2018). 'ECJ Judges read the morning papers. Explaining the turnaround of European citizenship jurisprudence', *Journal of European Public Policy*, vol. 25, n°10, 1422-1441.
  - Blauburger, M., & Schmidt, S. K. (2017). 'The European Court of Justice and its political impact', *West European Politics*, 40(4), 907-918.
  - Kelemen, D. R. (2012). 'Eurolegalism and Democracy', *Journal of Common Market Studies*, vol. 50, no. s1, 55–71.
  - Zglinski J. (2023). 'The new judicial federalism: the evolving relationship between EU and Member State courts', *European Law Open*, vol. 2, no. 2, 345-371.

To help you prepare the sessions: students can also use:

#### BOOK:

- Saurugger, S. & Terpan F. (2017). *The Court of Justice of the European Union and the Politics of Law*, Palgrave Macmillan, The European Union Series.

#### ARTICLES / BOOK CHAPTERS:

- Saurugger, S. & Terpan, F. (2019). 'European Court of Justice (ECJ)'. In *Oxford Encyclopedia of European Union Politics*. Oxford University Press, December.
- Saurugger, S. & Terpan, F. (2021). 'The European Court of Justice: A Quiet Leader', in D. Hodson, U. Puetter, S. Saurugger (Eds.), *The Institutions of the European Union*, Oxford University Press.
- Terpan, F., Saurugger, S. (2020). *The Politics of the Court of Justice of the European Union*, in Paul James Cardwell & Marie-Pierre Granger (Eds.), *Research Handbook on The Politics of EU Law*, Edward Elgar, pp.31-49.
- Terpan, F., Saurugger, S. (2025 forthcoming). *The Court of justice of the European Union in EU politics*, in Natalia Chaban, Oriol Costa, Michèle Knodt, Patrick Müller, *Handbook on European Union Politics*, Routledge.
- Saurugger, S. & Terpan, F. (2025 forthcoming). 'The European Court of Justice and Public Policy', *Encyclopedia of Public Policy*, edited by Minna van Gerven, Christine Rothmayr Allison and Klaus Schubert, Springer.

## 6. EVALUATION

This optional course is an interactive course made of short lectures by the professor, discussions on the topic, presentations by the students, group work inside and outside the class, practical exercises.

Students are required to participate actively during the course, give an individual presentation, and take a written exam during the December session.

- **Active participation (10% of the final grade):** Students must prepare each session in advance: get knowledge on the content of the session; be able to engage in well-informed and fluid exchanges during the class.
- **Individual presentation (20% of the final grade):** 10-minute presentation per student, based on a PPT (to be sent at least one week before the presentation).



- **Final paper (written version of the presentation) (20% of the final grade)** – 2500 words max (footnotes included – annexes and bibliography excluded) + bibliography.  
Deadline for submission: 24 November 2025. Final papers need to be sent in pdf format.
- **Written examination (50% of the final grade)** - closed book / 2h.

Rules regarding referencing/plagiarism applying to the thesis also apply to the papers written in the context of this course.

**Plagiarism:** Pursuant to Articles 39a and subsequent provisions of the College of Europe Study Regulations 2025–2026, plagiarism, self-plagiarism, collusion, and the falsification of data are expressly prohibited and shall be deemed to constitute academic misconduct. All written work submitted by a student shall be subject to assessment with regard not only to its originality but also to the scope and rigor of the research undertaken. Any instance of plagiarism, self-plagiarism, collusion, or falsification of data, as defined in the aforementioned Study Regulation, shall give rise to the imposition of penalties in accordance with Article 40 thereof.

**Artificial Intelligence:** Pursuant to Articles 38 and subsequent provisions of the College of Europe Study Regulations 2025–2026, the category of permitted generative AI (genAI) use for the present course is **restricted use**. Students may employ genAI tools exclusively at the foundational stages of the work process, such as brainstorming on structure or approach, screening of literature, or the organisation of data. The use of genAI for advanced stages of the work process, including the analysis or interpretation of data, the generation of arguments, the drafting or writing of text, or translation and rewriting of content, is strictly prohibited.

The non-generative use of AI tools, such as for spell-checking, reference style management, or information searches, is by default permitted for all course work and the Master's thesis.

Any use of genAI, even within the restricted category, must be transparently acknowledged in accordance with the departments referencing guidelines. Students bear full responsibility for the entirety of the content they submit, irrespective of the tools used, and must ensure compliance with College regulations on academic integrity, data protection, and intellectual property. Violations of the permitted scope of AI use, or failures to acknowledge such use, shall constitute academic misconduct and will be sanctioned in line with Articles 39a, 39b, and 40 of the Academic Regulations on plagiarism, falsification of data, and related infringements.

## 7. Assessment at second attempt

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