Context

As an international organization, the European Union (EU) is founded upon and controlled by the treaties which brought it into existence. These treaties contain directly enforceable substantive norms and create political and legal institutions with which to ensure their compliance by EU Member States. But the EU is also a rule-making body with competences and capacities to elaborate binding legal norms through legislation and through delegated executive acts.
Seminar 1: Location – The European Governance of Harmonization

Aims and Objectives

The aim of this seminar is to provide an overview of the legal framework for harmonization in the EU. The objective is to highlight the legal and institutional capacities for, and constraints upon, harmonization as well as suggesting the key actors engaged in the harmonization process.

Structure

I. Competence – Capacities and Constraints
II. Strategies – Old and New Approaches to Harmonisation
III. Actors, Institutions and Processes

Core Reading


Key Legal Resources

Article 5 TEU

Article 46 TFEU
Article 50 TFEU
Article 59 TFEU
Article 67(3) TFEU
Article 81(1) TFEU

Article 84 TFEU
Article 113-115 TFEU
Article 149 TFEU
Article 153(2)(a)

Article 165(4) TFEU
Article 191 TFEU
Article 352(3) TFEU


Further Reading


**Seminar 2: Relocation – Harmonization in Multi-Level, Multi-Modal Space**

**Aims and Objectives**
The aim of this seminar is to explore the relationship between uniformity and diversity in rule-making. The objective is to highlight the enduring diversity of legal regimes and the need to consider how best to ensure their articulation in ways that seek to reconcile competing goals of market integration and market regulation.

**Structure**

I. Maximum and Minimum Harmonisation
II. Mutual Recognition
III. Regulatory Competition or Regulatory Coordination?

**Core Reading**


**Key Legal Resources**


**Further Reading**


**Seminar 3: Dislocation? – Post-Legislative Adjudication, Post-Legislative Rule-Making**

**Aims and Objectives**
The aim of this seminar is to analyse what happens after harmonization both in terms of the further elaboration of rules (through further rule-making and interpretative adjudication) and in respect of legal challenges to harmonized measures. The objective is to determine whether post-legislative adjudication and rule-making dislocates harmonization as an exercise in public, democratic rule-making.
Structure

I. Post-Legislative Adjudication – Rules as Incomplete Contracts
II. Post-Legislative Adjudication – Legal Challenges to Harmonisation
III. Post-Legislative Rule-Making – Ex Ante and Ex Post Controls

Core Reading


Key Legal Resources

Article 263 TFEU
Articles 290-291 TFEU

Guidance Document No. 7 on the application of the Toy Safety Directive to toys used on or in water:

Further Reading

