How is European regulation designed, and how do professionals play a role in shaping it and coping with it? This course provides practical experience in all stages of the process, covering all of the main ways that Europe regulates—from strong EU powers, to strong national powers with light coordination, to self-regulation by market participants that the EU tries to change by identifying and promoting best practice.

When dealing with the single market, most European legislation involves delegating the power to regulate to the European Commission, subject to oversight by national governments and the European Parliament, with the input of expert advisory bodies and the opinions of the regulated. This course provides basic reading and instruction on how that happens, and then expects students to study in groups how that works on a specific topic of regulation. Each week has a specific assignment that goes into a final report, ending in a policy presentation / poster session in the final week.

The course therefore trains you to be an expert in how Europe generates rules and how the regulated cope with them. You will learn a variety of different ways, and how to cope with each. The course requires you to apply your expertise, in a specific way, and how regulation is generated and dealt with there, such as financial conglomerates in financial market regulation, employee rights in a company bankruptcy in social policy, or medical devices and pharmaceuticals in the health sector. You will work in a group that works through weekly assignments that you discuss with other groups, to compare how things work in your different cases. By the end of the course, you should have expertise in designing regulation, participating in the process, dealing with the consequences, generating research reports, and presenting findings.

Students must choose one project, and a team in which to follow it, at the beginning of the course. The four project areas to be followed in this year’s course, with proposed specific topics are:

1. Financial market regulation
   a. Financial Conglomerates Directive: FICOD
   b. Capital Requirements Directive: CRD IV
2. Public administration (Regulation and Innovation)
European Regulatory Governance (194101160)


3. Social policy (Working conditions under employer insolvency).
a. Part-Time Work Directive (97/81/EC)

4. Health sciences
a. Medical Devices Directives: 90/385/EEC and/or 93/42/EEC
b. Pharmacovigilance: Regulation 1235/2010 and Directive 2010/84/EU

Literature

Core readings will be provided on the blackboard site in PDF format, which you can then download to read. This syllabus provides selected tips for further reading. Reading on the individual policy areas will start with primary documents from the various EU institutions, available through the Legislative Observatory of the European Parliament [http://www.europarl.europa.eu/oeil/home/home.do]. Students will be responsible for identifying and acquiring documents from the other key actors in the policy development process, ranging from national governments and parliaments to EU-level lobbies and NGOs (non-governmental organizations). Finally, students are expected to make diligent use of Google Scholar [http://scholar.google.com] to identify any key articles that apply to their case studies. Strategy sessions in class will help clarify what to target and how.

Preparation and Grading

The grade for the course consists of class participation (20%) combined with poster presentation in the last class session (15%) and a group project assignment (65%), to be handed in via Blackboard on Tuesday, 28 January 2014 at 08:00. The project assignment consists of parts that are to be prepared in groups and presented and discussed in the larger class each week before being submitted by the deadline.

Week 1: Regulatory choice, options and challenges in the EU


Further Reading:


**Week 2: Delegation to the European Commission**


Further Reading:


*Project Assignment (1):*

Making reference to a core piece of legislation that defines your project field, or a core policy area that is tied to several pieces of legislation, identify the type of delegation made to the European Commission (to monitor, to issue secondary legislation and regulations, to enforce) and the reasoning for the delegation. Beyond the technical reasons, what are the public policy reasonings, and the likely impact of delegation?

*Week 3: Comitology*


*Further Reading:*


Project Assignment (2):

Making reference to the delegation laid out in (1), identify the appropriate comitology committee, the voting procedure, and its application in at least one recent policy area. Document your findings with original documents. How would you best describe the relationship between the Commission and the comitology committee based on the evidence?

Week 4: Expert advisory committees and supervisory authorities: epistemic power


Further Reading:


Project Assignment (3):

Making reference to the same delegated power studied in (1) and (2), identify and describe the Agency, Authority or other official body that is involved in assisting the Commission determine what to do and how to do it as it carries out its delegated responsibilities. To what extent is there a close correspondence between the position of the expert body or authority and the position of the Commission? And the position of key member states? And the position of key private sector lobby groups, either in business or the public interest sector?
Week 5: Implementation: degrees of discretion in EU regulation and balancing EU goals with national difference


Further Reading:


**Project Assignment (4):**

Making reference to the legislation, documents observed so far, and where available, secondary literature, assess the degree of discretion that is retained by national legislators and competent authorities, or alternatively, self-regulation by private groups in the context of European legislation and delegation in the area you are studying. If possible, assess why this is so and whether it strengthens or weakens the public purpose intent of the European legislation.

**Week 6: Persuasion, Enforcement and Self-Regulation**

European Regulatory Governance (194101160)


Further Reading:


Project Assignment (5):

Policy areas vary by the degree to which they rely on direct regulation, supervision and enforcement at the European level or the national level. Depending on the degree of decentralization, the EU may rely on the open method of coordination, persuasion, policy learning and best practice rather than command and control regulation. Making reference to how regulation is governed in your project area, how would you characterize European policy and activity? Has it had any effect on the regulatory distinctiveness of individual countries, or the establishment of common standards, and what is the long-term prospect as a result?
Week 7:  

Policy Networks and Regulatory Outcomes in the Absence of Rules


Further Reading:


Project Assignment (6):

Networks fill in many of the gaps between countries where common laws, institutions and obligations are weak, and serve to supply certain kinds of cooperation, where these are desired. They also influence future legislation and regulation by engaging with lawmakers and delegated authorities. Is there an identifiable network of public and private actors in your project area? Describe membership, means of interaction, means of connecting with the policy-making process, and impact.
Week 8: Regulatory Impact Assessments and Regulatory Choice


C. Radaelli ’Diffusion without convergence: how political context shapes the adoption of regulatory impact assessment,’ *Journal of European Public Policy* 12:5 October 2005: 924–943

Further Reading:


Project Assignment (7):

All legislation and regulation in the EU requires a regulatory impact assessment. Consider the characteristics, advantages and disadvantages of an RIA in terms of efficiency, objectivity and fruitful contribution to the quality of regulation. Incorporate this into your final report, and present to the rest of the group as a poster presentation in the Atrium of the Ravelijn Building, that is open to the public.