EU Administrative Law and Administrative Procedure

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Professor Diana-Urania Galetta's CV and publications list is to be found at:
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Throughout the course's sessions (each lasting two hours), we will examine the subjects outlined below (1.–5). Students will need to download and read the materials listed in the syllabus.

Italian native speaker. The professor is fluent in English, French, German, and Spanish.
The course will be taught entirely in **English language**.

A) TOPICS PRESENTED AND DISCUSSED DURING CLASSES:

1. **General Introduction to the topic: The European Union: a new model of public power?**
    a. **Part I:Foundations, enlargement and membership**
    b. **Part II: Brexit, partnerships, crises and current developments**
2. **The European Union and the Member States: principle of conferral and allocation of powers**
3. **The European Union and federalism**
4. **The administrative implementation of European Union law**
5. **Administrative Procedure and Basic principles of Administrative Procedural Law:**
    a. **Part I:the right to a good administration in the jurisprudence of the European Courts**
    b. **Part II: Towards the adoption of a EU Regulation for an open, efficient and independent European Union administration? The role of ICT and AI**

A) ESSENTIAL REFERENCES:

1. Two fundamental ECJ decisions are still fundamental for the understanding of European Administrative Law today.:

    c. The Judgment of the Court of 12 July 1957, *Dinecke Algera, Giacomo Cicconardi, Simone Couturaud, Ignazio Genuardi, Félicie Steichen v Common Assembly of the European Coal and Steel* Community, Joined Cases 7/56 and 3/57 to 7/57 ECLI:EU:C:1957:7 and the opinion of Advocate general Lagange of 14 June 1957
    The texts are available in all EU languages at : http://curia.europa.eu/juris/liste.jsf?pro=&lgrec=en&nat=or&oqp=&dates=&lg=&language=fr&jur=C%2CT%2CF&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&num=7%252F56&td=%3BALL&pcs=Oor&avg=&page=1&mat=or&jge=&for=&cid=1103251
    d. The Judgment of the Court of 13 June 1958, *Meroni & Co., Industrie Metallurgiche, società in accomandita semplice v High Authority of the European Coal and Steel Community,*Case 10-56., ECLI:ECLI:EU:C:1958:8 and the opinion of Advocate general Roemer of 19 mars 1958
    The texts are available in all EU languages at : http://curia.europa.eu/juris/liste.jsf?pro=&lgrec=en&nat=or&oqp=&dates=&lg=&language=en&jur=C%2CT%2CF&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&num=10%252F56&td=%3BALL&pcs=Oor&avg=&page=1&mat=or&jge=&for=&cid=807784

2. The *Oleificio Borelli* case as an example of the difficulties due to a lack of coordination of the legal frameworks at the EU and Members' State level.

> Judgment of the Court (Fifth Chamber) of 3 December 1992. Oleificio Borelli SpA v Commission of the European Communities. Action for the annulment of the Commission's decision refusing to grant aid from the EAGGF under Council Regulation (EEC) N° 355/77 - Withdrawal of approval by the Member State concerned - Claim for damages. Case C-97/91. , available at: http://curia.europa.eu/juris/liste.jsf?oqp=&for=&mat=or&lgrec=it&jge=&td=%3BALL&jur=C%2CT%2CF&num=C-97%252F91&page=1&dates=&pcs=Oor&lg=&pro=&nat=or&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&language=en&avg=&cid=5903874

3. The *Berlusconi* case as an example of the difficulties due to the separation of jurisdiction between EU courts and Member State courts.

> Judgment of the Court (Grand Chamber) of 19 December 2018, Silvio Berlusconi and Finanziaria d'investimento Fininvest SpA (Fininvest) v Banca d'Italia and Istituto per la Vigilanza Sulle Assicurazioni (IVASS), available at: http://curia.europa.eu/juris/liste.jsf?language=en&num=C-219/17

4. According to Art. 5.1. TEU "the limits of Union competences are governed by the principle of conferral". In the Treaties, there is no legal basis for the adoption of EU law on procedural and organisational matters. The problem of what "procedural and organisational autonomy" concretely is and why and in how far it really exists is dealt with also in relevant case-law of the Court of Justice. See for example:

- The Rewe case. Judgment of the Court of 16 December 1976. - Rewe-Zentralfinanz eG et Rewe-Zentral AG v Landwirtschaftskammer für das Saarland. Reference for a preliminary ruling: Bundesverwaltungsgericht, Germany. Case 33-76, available at: https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:61976CJ0033&from=EN
- The *Lucchini* case. Judgment of the Court (Grand Chamber) of 18 July 2007.Ministero dell'Industria, del Commercio e dell'Artigianato v Lucchini SpA. Reference for a preliminary ruling: Consiglio di Stato - Italy. Case C-119/05, available at: http://curia.europa.eu/juris/liste.jsf?oqp=&for=&mat=or&lgrec=it&jge=&td=%3BALL&jur=C%2CT%2CF&num=C-119%252F05&page=1&dates=&pcs=Oor&lg=&pro=&nat=or&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&language=en&avg=&cid=7421805

- The *Pizzarotti* case. Judgment of the Court (Second Chamber), 10 July 2014. Impresa Pizzarotti & C. SpA v Comune di Bari and Others. Request for a preliminary ruling from the Consiglio di Stato. Case C-213/13, available at: http://curia.europa.eu/juris/liste.jsf?oqp=&for=&mat=or&lgrec=it&jge=&td=%3BALL&jur=C%2CT%2CF&num=C-213%252F13&page=1&dates=&pcs=Oor&lg=&pro=&nat=or&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&language=en&avg=&cid=7421805

5. Article 41 of the Charter of Fundamental Rights and correlated fundamental rights: contents, sources, and developments.
Students are advised to read Articles 41 and 51 of the Charter as well as the relevant official explanations (available at http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=OJ%3AC%3A2007%3A303%3ATOC in all EU).

As supplementary reading, the following is recommended: The General Principles of EU Administrative Procedural Law – In-depth Analysis for the European Parliament's Committee on legal affairs (available at http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/519224/IPOL_IDA%282015%29519224_EN.pdf)

As for the initiatives undertaken by the European Parliament as well as the ReNEUAL Model Rules on EU Administrative Procedure. See the texts of the European Parliament resolution of 9 June 2016 for an open, efficient, and independent European Union administration are available for download in all EU languages by students at: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0279+0+DOC+XML+V0//EN,

See the text of the ReNEUAL Model rules at http://www.reneual.eu/ , with 2026 updates

OVERALL BIBLIOGRAPHICAL REFERENCE:

Diana-Urania Galetta, Jacques Ziller, *EU Administrative Law*, Elgar European Law series, Edward Elgar Publishing, London, paperback edition, 2026, 300 pp., ISBN/EAN : 978-1-80037-574-1 , https://www.e-elgar.com/shop/gbp/eu-administrative-law-9781049415147.html?srsltid=AYCX9vL7vY6hvCuq2p17fwTZSgOAxjlzt9APCz1l1J3N0-PKoa9txBKy