



UNIVERSITÀ  
DEGLI STUDI DI MILANO-BICOCCA

## SYLLABUS DEL CORSO

### Integrazione Sovranazionale e Identità Nazionali

2021-4-A5810250

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#### Learning objectives

The European Union is facing new challenges within itself.

The emergence of nationalist and populist movements, the exaltation of sovereignty and the national dimensions are the representation of a common approach that questions the process of integration. The localist and secessionist pressures within some States, the denial of the rule of law and the common heritage of principles connected to it, are the manifestations of the current pathology of the EU institutions which affects the concept of European citizenship.

Each of the issues mentioned, at the heart of the process of European Union integration and public debate within the member countries will be deepened through a study conducted according to an interdisciplinary method that combines doctrinal, legal and political analysis, in addition to the study of institutions, their main provisions, the jurisprudence of the Court of Justice and the European Court of Human Rights, also through the support of an indispensable historical approach.

The ultimate aim is to deeply analyze the European instruments and strategies to face this contemporary issue.

#### Contents

1. The general framework of Supranational integration and national identities;
2. The sovereignty concept in the constitutionalism's history;
3. The idea of nation between political thought and constitutional law;

4. Sovereignty and Nation in the contemporary constitutions of the European states;
5. History of the European integration's process;
6. Community method" and intergovernmental method;
7. The principle of subsidiarity in the European and in the national law;
8. The general framework of Sub-nationals territorial Autonomies within European union;
9. The Poland case: breach of the rule of law and the activating of art. 7 TEU by the EU Commission;
10. The Hungarian case: breach of the rule of law and the activating of art. 7 TEU by the EU Parliament;
11. Brexit and EU institutions;
12. The Catalan and Scotland issues;
13. The political approach by EU Institutions and the jurisdictional approach by the ECJ;
14. The role of international and conventional institutions (Council of Europe, Venice Commission and European Court of Human Rights)

## **Detailed program**

The course consists of 42 contact hours (21 lessons) focusing on one of the most challenging issue at stake for European integration, i.e. the supranational integration bearing in mind the different trends on the issue across the Europe.

In order to address some highly debated issues – from nationals, European and ECHR perspective - the course has been designed to cover three main topics:

Part 1: Sovereignty and Nation such as an idea between historical approach and constitutional law;

Part 2: European integration and national identities;

Part 3: National sovereigntism and supranational policies of the European Union.

### **Part 1:**

#### **Sovereignty and Nation such as an idea between historical approach and constitutional law**

##### *Supranational integration and national identities: the general framework*

- The historical reasons of supranational integration in Europe
- Nation and democracy after World War II

### The sovereignty in the constitutionalism's history

- The sovereignty as a fundamental topic of national State
- The sovereignty in liberal thought and State
- The sovereignty in Authoritarian State

### The idea of nation between political thought and constitutional law

- The idea of a nation between Enlightenment and Romanticism
- National identity in Italian political thought
- The idea of nation in the nineteenth and in the Twentieth century Constitutions
- The idea of nation in European political thought

## **Part 2:**

### **European integration and national identities**

#### "Sovereignty" and "Nation" in the contemporary constitutions of the European states

- Popular sovereignty in contemporary democratic Constitutions
- Constitutional limits to popular sovereignty
- The constitutional discipline of the nation in contemporary democratic Constitutions
- The internationalist inspiration in contemporary democratic Constitutions

#### History of the European integration's process

- The Ventotene Manifesto
- From the CED to the European Communities
- History of the European Community up to Maastricht
- The European Union and the Euro

#### "Community" method" and "intergovernmental method"

- Structure and functions of the European institutions
- Decision-making procedures of the European institutions
- European institutions and national governments

#### The principle of subsidiarity in the European and in the national law

- Subsidiarity principle and constitutionalism
- Subsidiarity principle and European law

- Subsidiarity in the ECJ case law

#### Sub-nationals territorial Autonomies: General Frameworks

- Federalism and territorial autonomies
- Independentism and devolution processes

#### **Part 3:**

#### **National sovereignty and supranational policies of the European Union**

##### The Poland case: breach of the rule of law and the activating of art. 7 TEU by the EU Commission

- Poland and European Union
- Political address e Rule of law

##### The Hungarian case: breach of the rule of law and the activating of art. 7 TEU by the EU Parliament

- Hungary e European Union
- Political address and Rule of law
- The media role in political propaganda

##### Brexit and EU institutions

- UK and EU
- The Brexit issues: a general framework

##### The Catalan and Scotland issues

- Spain and Catalonia
- The Scottish Question in UK Devolution

##### The political approach by EU Institutions and the jurisdictional approach by the ECJ

- Holistic and preventive intervention versus sectorial and subsequent intervention
- Hypothesis of reform

##### The role of international and conventional institutions

- Venice Commission and the other international agencies
- ECHR and the ECtHR case law

#### **Prerequisites**

Basic knowledge of Italian Constitutional Law, Comparative Public Law as well as European Union Law.

## Teaching methods

The main feature that characterizes the 42-hour teaching module is the innovative multidisciplinary approach: lectures and discussions will be held by Italian and foreign experts comprising of jurists, comparative lawyers, political, economists, experts in the history of law, representatives of public and private Institutions.

## Assessment methods

Type of exam for all students:

Oral exam.

### Oral exam and until further notice through Webex

#### Operating Instructions:

For organizational reasons and to facilitate the management of the exams it **is essential that you register within 5 days from the closing of the appeal** (regardless of the formal closing date of the appeal) and that you proceed to cancel the registration if you decide not to participate.

It is also necessary to register for the exam through Segreteria online and also to register for the e-learning platform 2020/21 even if you have enrolled in platforms from previous years and have not yet taken the exam or have never been registered on any platform. **Failure to register or to the segreteriaonline or to the 20-21 e-learning platform prevents the exam from taking place.** Off-course students can contact [esamigiuris@unimib.it](mailto:esamigiuris@unimib.it) for any doubts.

The technical prescriptions for participation in the exam (useful links, possible subdivisions in parallel commissions or distribution over several days, unavoidable given the modalities of the exams remotely) will be communicated directly by the teacher via e-mail sent or by segreteriaonline or by Moodle.

## Textbooks and Reading Materials

### Reference texts for attending students only:

The preparation of the exam presupposes a solid knowledge of the contents of the lessons (the result of assiduous participation in the same), in addition to the study of the materials provided during the lectures (reports, documents, readings, sentences and case law)

### Reference texts for not attending students:

The preparation of the exam presupposes the study of the material (reports, documents, reading, sentences and case law) available on the e-learning.

