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Creation date: 23-02-2020
EU policies – Delivering for citizens: International trade and globalisation

Publication type: Briefing  
Date: 28-06-2019  
Author: Jana TITIEVSKAIA | RODERICK EDWARD NOEL HARTE

Policy area: International Trade  
Keyword: World Trade Organisation | summarising | EU strategy | dissemination of EU information | trade agreement (EU) | EU competence | trade policy | common foreign and security policy | international trade | globalisation

Summary: The European Community was founded on the belief that economic integration leads to peace and economic prosperity. Trade is therefore a fundamental part of the identity of the European Union (EU) today. Given the success of the internal market in fostering the longest period of European peace in modern history, the EU considers itself an example of the benefits of trade, globalisation and economic openness. International trade policy is an exclusive competence of the EU, and with the combined economic weight of its Member States behind it, the EU is one of the key players in global trade. Yet trade policy is about more than stability and growth for the EU, as it is also used to encourage poor countries to develop, foster international alliances and support fundamental values in the world. A strong partner in the World Trade Organization (WTO), the EU backs an international trading system based on rules rather than might. The benefits of globalisation and international trade have nevertheless been questioned in recent years, including within the EU. This has led it to reinvigorate its trade policy, in particular by presenting a new trade strategy and a reflection paper on harnessing globalisation. The EU's new 'trade for all' strategy addresses criticisms and focuses on making its trade policy more effective, transparent and value-based. In line with this strategy, the EU has pursued ongoing trade negotiations with renewed vigour and launched new trade and investment talks, resulting in state-of-the-art agreements with countries such as Canada and Japan. The EU faces uncertain times due to major shifts in international trade, coming from both the West and the East. In response, it seeks to promote economic openness, standing up for its values and protecting its interests. For example, the EU has retaliated against United States (US) steel tariffs and continues to defend the rules-based international trading order. Contentious trading practices on the part of third countries, including China, have led the EU to modernise its trade defence instruments, prepare a new foreign investment screening mechanism and seek a reform of the WTO. The EU is likely to continue this approach in the coming term, pursuing international cooperation and new agreements, possibly also at a continental level with Africa, and striving to protect its citizens and businesses from economic harm. This is an update of an earlier briefing issued in advance of the 2019 European elections.

Briefing DE, EN, FR
Multimedia EN

Single market information tool (SMIT)

Publication type: Briefing  
Date: 06-05-2019  
Author: Cemal KARAKAS

Policy area: Internal Market and Customs Union  
Keyword: single market | data collection | application of EU law | EU Member State | EU initiative | exchange of information | trade information | type of business | ordinary legislative procedure | administrative cooperation | cross-frontier data flow | EU competence | proposal (EU)

Summary: Competition and consumer protection in the single market are often undermined by price discrimination based on residency. While many market players do not cooperate with the Commission, for instance not disclosing their pricing structure, Member States often do not have the means or the tools to collect and deliver the required information to the Commission. The SMIT proposal would provide the Commission with powers such as to request business-related information (e.g. cost structure or product volumes sold), and to address market failures in a more efficient way. The SMIT, however, has raised some criticism in the Council and EP, inter alia, because of the Commission’s choice of the legal basis for the proposal. Parliament’s Legal Service stated in an opinion that the correct legal basis for the Commission proposal is Article 337 TFEU: a legal basis which gives no legislative role for the EP. On 12 July 2018, the IMCO committee adopted a report which would amend the proposal’s legal basis. The JURI committee subsequently adopted an opinion stating that the Commission proposal goes beyond the powers available under the proposed revised legal basis. The report was initially due to be voted in plenary in October 2018, but was taken off the agenda. As the parliamentary term has concluded, the report has now lapsed. Third edition. The ‘EU Legislation in Progress’ briefings are updated at key stages throughout the legislative procedure. Please note this document has been designed for on-line viewing.

Briefing EN

Source: © European Union, 2020 - EP
EU investment protection after the ECJ Opinion on Singapore: Questions of competence and coherence

Publication type: Study
Date: 25-03-2019

External author: Prof. Dr. Steffen HINDELANG, LL.M., Department of Law, University of Southern Denmark, and Dr. Jurgita BAUR, Germany; and Prof. Dr. Stephan SCHILL, LL.M., Amsterdam Center for International Law, University of Amsterdam, the Netherlands

Policy area: International Trade | Private international law and judicial cooperation in civil matters | EU Law: Legal System and Acts

Keyword: common commercial policy | World Trade Organisation | EU investment | dissemination of EU information | investment protection | Singapore | trade dispute | opinion of the Court of Justice (EU) | trade agreement (EU) | investment abroad | EU competence | International Centre for Settlement of Investment Disputes

Summary: Investment protection continues to be a controversial issue, as shown in particular during the negotiations on the EU-US Transatlantic Trade and Investment Partnership (TTIP) and the EU-Canada Comprehensive Economic and Trade Agreement (CETA). To address stakeholder concerns, the EU has moved from traditional investor-state dispute settlement arrangements towards introducing bilateral investment court systems in new agreements and pursuing the goal of establishing a permanent multilateral investment court. At the same time, the European Court of Justice defined the limits of the Union’s exclusive competence in its opinion of 16 May 2017 with regard to the EU-Singapore Free Trade Agreement (FTA), which has led to the splitting of new FTAs into two parts, treating investment protection separately. Adding to the complex picture, a plethora of EU Member States’ bilateral investment treaties also remain in place. The workshop held by the Committee on International Trade took stock of existing EU investment protection provisions and analysed the options for a coherent and predictable dispute settlement system in line with the EU Treaties.

Universal jurisdiction and international crimes: Constraints and best practices

Publication type: Study
Date: 17-09-2018

External author: Julia KREBS, Cedric RYNGAERT, Florian JEßBERGER

Policy area: Public international law | Global Governance | Economics and Monetary Issues | Human Rights

Keyword: crime against humanity | extradition | International Criminal Court | the EU's international role | multilateral agreement | competence of the Member States | extraterritorial jurisdiction | impunity | EU competence | judicial cooperation | international court | war crime

Summary: This report summarises the proceedings of a workshop organised by the European Parliament’s Subcommittee on Human Rights (DROI), in association with the Committee on Legal Affairs (JURI) and the Committee on Civil Liberties, Justice and Home Affairs (LIBE). Academics and practitioners discussed international trends as regards the concept of universal jurisdiction and the EU’s approach to promoting universal jurisdiction through its external relations, as well as practical experience in applying universal jurisdiction in the fight against impunity in Europe. The experts agreed that universal jurisdiction can play a role as part of a wider accountability strategy, complementary to international courts and prosecutions on other jurisdictional bases. They recommended more specialised training for investigators, prosecutors, judges and law enforcement staff for universal jurisdiction cases and more cooperation at EU and international level. Speakers supported the initiative for a multilateral treaty on mutual legal assistance and extradition. Special attention in universal jurisdiction cases must be given to victims seeking justice, including for sexual and gender-based crimes.

Conclusion of the Marrakesh Treaty

Publication type: At a Glance
Date: 10-01-2018

Author: Tambiama André MADIEGA


Keyword: reprography | ratification of an agreement | multilateral agreement | physically disabled | EU Member State | cross-frontier data flow | literary and artistic property | EU competence | facilities for the disabled | copyright | World Intellectual Property Organisation

Summary: The Marrakesh Treaty was adopted on 27 June 2013 to facilitate access to published works for people who are blind, visually impaired or otherwise print disabled. The European Parliament is due to vote on giving its consent to the Council for the conclusion of the treaty during its January plenary session.

At a Glance: ES, DE, EN, FR, IT, PL
Free and fair trade for all?
Publication type In-Depth Analysis
Date 21-11-2017
Author Mario DAMEN
Policy area International Trade | Evaluation of Law and Policy in Practice | Internal Market and Customs Union | Economics and Monetary Issues
Keyword common commercial policy | public contract | corporate social responsibility | free-trade agreement | investment protection | sustainable development | international competition | market access | China | human rights | Eastern Partnership | negotiation of an agreement (EU) | social clause | trade agreement (EU) | EU competence | association agreement (EU) | withdrawal from the EU
Summary With its strategy paper entitled ‘Trade for all’ in 2015, the Commission launched an EU trade policy that focussed on values such as human rights, workers’ rights, environmental protection and sustainable development. The idea was that free trade should be fair for both consumers in Europe and for citizens elsewhere. This approach was pursued in bilateral trade negotiations and in legislative proposals on, for example, conflict minerals, dual-use goods or the investment court system. But by the end of 2016 the tenor of the debate on international trade had changed, shifting the focus to national interests and fairness for consumers and producers at home. The UK’s decision to withdraw from the EU and the election of President Trump in the US, together with the expiry of the clause recognising China’s non-market economy status, contributed to this shift. The European Parliament has played a crucial role in shaping the direction of EU trade policy. While its 2015 resolution on the Transatlantic Trade and Investment Partnership (TTIP) set the values-based trade agenda, its resolutions in 2016 and 2017 on China’s market economy status and global value chains reflected the shift in values. The Commission is seeking to balance free and fair trade but new challenges lie ahead, notably in the EU’s neighbourhood: Russia, the Eastern Partnership, Turkey and the UK’s withdrawal from the EU.

Single Market Information Tool
Publication type Briefing
Date 05-10-2017
Author Vera VIKOLAINEN
Policy area Internal Market and Customs Union
Keyword trade information | single market | impact study | type of business | data collection | application of EU law | EU initiative | exchange of information | administrative cooperation | cross-frontier data flow | EU competence
Summary This note seeks to provide an initial analysis of the strengths and weaknesses of the European Commission’s impact assessment (IA) accompanying the above proposal, submitted on 2 May 2017 and referred to Parliament’s Committee on Internal Market and Consumer Protection. The creation of a deeper and fairer single market is one of the ten main priorities of the Juncker Commission. To this end, the Commission proposed a new single market strategy in 2015. One of the key areas of the single market strategy’s targeted actions is dedicated to a smart enforcement strategy and the culture of compliance and is entitled ‘Ensuring practical delivery’. Within this area, the strategy announced, among other actions, a regulatory initiative on a market information tool for the Single Market, enabling the Commission to collect information from selected market players’ (Single Market Strategy, p.16). It is this ‘Single Market Information Tool’ (SMIT) that is the subject of the Commission proposal. Two other initiatives were proposed by the Commission alongside the SMIT on 2 May 2017 as part of the compliance package: a regulation establishing a single digital gateway and an action plan on the reinforcement of the SOLVIT tool.

Common minimum standards of civil proceedings
Publication type At a Glance
Date 27-06-2017
Author Rafał MAŃKO
Policy area Area of Freedom, Security and Justice | Private international law and judicial cooperation in civil matters | EU Law: Legal System and Acts
Keyword judicial cooperation in civil matters in the EU | access to the courts | enforcement of ruling | jurisdiction | rights of the defence | EU competence | civil procedure
Summary Since 2015, Member States must accept most civil judgments from other EU countries without reviewing their content (abolition of exequatur). This has raised concerns about the need for ensuring that civil proceedings across the EU conform to common minimum standards. The European Parliament is due to vote in July on a report requesting the Commission table a proposal for a directive on such standards, which might be a first step towards a European Code of Civil Procedure.
National Options and Discretions (NODs) in EU Banking Regulation - Overview, SSM Action and Possible Next Steps

Publication type Briefing
Date 19-01-2017
Author ALIENOR ANNE CLAIRE DUVILLET-MARGERIT
Policy area Economics and Monetary Issues | Financial and Banking Issues
Keyword bank | financial solvency | competence of the Member States | law of banking | investment protection | risk management | public consultation | banking system | EU competence | euro area | banking supervision | financial requirements
Summary This briefing gives an overview of existing National options and discretions (NODs) in EU banking regulation, takes stock of the action undertaken by the Single Supervisory Mechanism so far to harmonize them - notably the publication on 24 March 2016 of an ECB Regulation and an ECB guide on options and discretions - and points to possible next steps. This briefing is regularly updated.

Cross-border recognition of adoptions

Publication type Study
Date 30-11-2016
Author Tatjana EVAS
Policy area European Added Value | Social Policy
Keyword judicial cooperation in civil matters in the EU | comparative law | parental responsibility | drafting of EU law | EU Member State | jurisdiction | child protection | international adoption | EU competence | civil procedure | private international law
Summary The European Added Value Assessment (EAVA) presents a qualitative analysis of possible policy options and quantitative estimates on the possible additional value of taking legislative action on the EU level related to cross-border recognition of adoptions. The EAVA identifies economic and social costs, and notably the costs related to the incomplete protection of rights of mobile EU citizens, which are born as a result of the absence of regulation on automatic recognition of adoption decisions at the EU level. The substantive scope of the EAVA is limited to the issues related to the recognition of adoptions in EU Member States. The substantive family law issues, as well as issues related to the recognition of convention adoptions, within the meaning of the 1993 Hague Convention on Intercountry adoptions, are not covered in this assessment.

Is CETA a mixed agreement?

Publication type At a Glance
Date 01-07-2016
Author Wilhelm SCHOELLMANN
Policy area International Trade | Foreign Affairs
Keyword free-trade agreement | competence of the Member States | investment protection | Canada | mixed agreement | foreign investment | interpretation of the law | preliminary ruling procedure | dissemination of EU information | signature of an agreement | trade agreement (EU) | EU competence | interim agreement (EU)
Summary The Comprehensive Economic and Trade Agreement (CETA) with Canada is currently being translated into the EU’s official languages. Once the translations are available, the European Commission can propose that the Council sign and conclude the agreement on behalf of the European Union. It is not yet decided whether the agreement in its entirety would fall under the exclusive competence of the European Union or would also touch upon Member States’ competences. In the latter case, ratification by the Member States would also be necessary for the agreement to come into force. The Commission’s proposal is expected on 5 July 2016. If the Commission presents a proposal for an ‘EU-only’ agreement, the Council would need unanimity to change this.

Public expectations and EU policies - Economic policy

Publication type Briefing
Date 30-06-2016
Author Magdalena SAPALA | Alina DOBREVA | CHRISTIAN SCHEINERT
Policy area Economics and Monetary Issues
Keyword structural adjustment | economic governance (EU) | competitiveness | opinion poll | coordination of EMU policies | budget policy | EU financing | EU budget | EU competence | European Stability Mechanism
Summary The EU’s economic policy is mainly geared towards coordinating national economic policies, with much attention given to macroeconomic imbalances, as well as managing the fiscal safeguards provided by the Stability and Growth Pact. However, compliance by Member States with the existing framework is weak. At the same time monetary policy is an exclusive EU competence for the euro area.
Public expectations and EU policies - Foreign policy

Publication type: Briefing
Date: 30-06-2016
Author: Eric PICHON | Raquel JUNCAL PASSOS ROCHA | Alina DOBREVA
Policy area: Global Governance
Keyword: European neighbourhood policy | humanitarian aid | opinion poll | EDF | development aid | EU situation | EU financing | EU budget | EU competence | legal basis | common foreign and security policy | High Representative of the Union for Foreign Affairs and Security Policy
Summary: Citizens who think EU engagement in foreign policy is sufficient are almost as numerous as those wishing the EU does more in this area – and nearly one fifth confess they are not able to evaluate EU action. This can be explained as the remit of EU foreign policy is not easy to identify, since it brings together missions for which the EU has full responsibility and competences shared with EU Member States, or even the UN or WTO. However, since its inception, EU foreign policy has adapted to an ever-changing global context: most international issues have multiple impacts – on climate, migration flows or security – and need to be comprehensively addressed. Building on the Treaties' provisions, the EU and its Member States are moving from 'silo' policies (trade, development, humanitarian aid) towards more integrated strategies.

Briefing EN

Public expectations and EU policies - The fight against unemployment

Publication type: Briefing
Date: 30-06-2016
Author: Monika KISS | Alina DOBREVA | Martin SVASEK
Policy area: Employment
Keyword: revision of financial perspectives | European Globalisation Adjustment Fund | European Social Fund | EU growth strategy | social integration | opinion poll | integration into employment | labour mobility | EU situation | fight against unemployment | EU budget | youth employment | EU competence | EU employment policy
Summary: Fighting unemployment is an important part of the Europe 2020 Strategy. The European Commission set a target of 75% of 20 to 64 year-olds being employed by 2020. Policies and programmes aimed at fighting unemployment follow various paths: reducing taxes on labour, supporting start-ups, encouraging labour mobility, tackling poverty and social exclusion, improving working conditions and investing in education, vocational training and lifelong learning. More recent initiatives seek to make better use of available skills and enable rapid recognition of qualifications, but also to assess individual needs. Despite all the initiatives, EU citizens still expect more EU intervention in the fight against unemployment or expect to see results from the initiatives that have already started.

Briefing EN

Public expectations and EU policies - Health and social security

Publication type: Briefing
Date: 30-06-2016
Author: Matthew PARRY | Nicole SCHOLZ | Alina DOBREVA | David EATOCK | Nora MILOTAY
Policy area: Social Policy | Public Health
Keyword: work-life balance | EU financing | EU programme | social security | social integration | European social policy | health legislation | equal treatment | opinion poll | patient’s rights | EU situation | EU budget | experiment on humans | EU competence | drug surveillance
Summary: Almost two thirds of EU citizens would like to see more EU engagement in the areas of health and social security. The EU's main role in these policies is to support and complement the activities of Member States, and it can encourage cooperation and best practice. EU health policy aims to foster good health, protect citizens from health threats and support dynamic health systems. Social policy promotes social cohesion equality as well as solidarity through adequate, accessible and financially sustainable social protection systems and social inclusion policies. The EU encourages national pension reforms to ensure they are both adequate and sustainable. In the EU budget, the Health Programme 2014-2020 is the only programme specifically created for this policy area, but other programmes contribute in part to health objectives. EU spending on social security is tied to labour market measures.

Briefing EN

Public expectations and EU policies - The issue of migration

Publication type: Briefing
Date: 30-06-2016
Author: Anita ORAV | Alina DOBREVA | Alessandro D'ALFONSO
Policy area: Area of Freedom, Security and Justice
Keyword: political asylum | aid to refugees | migration control | opinion poll | EU migration policy | EU situation | migratory movement | EU financing | EU budget | EU competence | external border of the EU
Summary: Migration and asylum are policy areas with one of the highest levels of public support for more EU involvement, but at the same time citizens do not see it as a priority for the EU budget. Post-Lisbon Treaty, the area is governed by fair sharing of responsibilities and financial implications between Member States. Faced with unprecedented migratory flows, the current migration management system has revealed serious shortcomings that arguably cannot be addressed without more EU support.

Briefing EN
Public expectations and EU policies - Environmental protection

Publication type: Briefing
Date: 30-06-2016
Author: Magdalena SAPALA | Alina DOBREVA | Didier BOURGUIGNON

Policy area: Environment
Keyword: EU environmental policy | climate change policy | opinion poll | environmental protection | sustainable development | EU financing | EU budget | EU programme | EU competence

Summary: Two thirds of EU citizens express support for increased EU action on environmental protection. EU policy aims to move towards a low-carbon, resource-efficient economy, to safeguard biodiversity and to protect human health through legislation on air, chemicals, climate, nature, waste and water. While the EU budget represents an important and growing source of investment, Member States are responsible for financing and implementing environmental protection measures, and some implementation gaps remain.

Briefing EN

Public expectations and EU policies - Promotion of democracy and peace in the world

Publication type: Briefing
Date: 30-06-2016
Author: Alina DOBREVA | Gianluca SGUEO | Ionel ZAMFIR

Policy area: Democracy
Keyword: European neighbourhood policy | the EU's international role | EDF | terms for aid | EU financing | conflict prevention | human rights | opinion poll | development aid | democracy | EU budget | EU competence | election monitoring | settlement of disputes

Summary: According to a new Eurobarometer survey, two thirds of European Union citizens would like to see even stronger EU involvement in the promotion of democracy and peace in the world. Democracy and peace are the fundamental values on which the EU is based and the guiding principles for its external action. The EU has at its disposal a vast array of tools to promote democracy and peace in the world, including its own diplomatic body, development aid and trade conditionality that it can leverage to this purpose. The EU finances a variety of actions that directly or indirectly promote democracy, such as support for governance, elections, civil society and free media, while a specific instrument is dedicated to peace and stability.

Briefing EN

Public expectations and EU policies - Energy supply and energy security

Publication type: Briefing
Date: 30-06-2016
Author: Alina DOBREVA | Gregor ERBACH | Martin SVASEK

Policy area: Energy
Keyword: security of supply | single market | energy supply | energy research | energy efficiency | liberalisation of the market | opinion poll | renewable energy | EU financing | EU budget | EU competence | self-sufficiency in energy

Summary: More than half of EU citizens would like to see the EU play a bigger role in energy supply and energy security. The EU was given competences in energy policy by the Lisbon Treaty in 2009. The main objectives of EU energy policy are sustainability, affordability and security of supply. The Energy Union strategy, adopted in 2015, provides a holistic framework for further integration of European energy markets. According to analysis carried out by the European Parliament, a more integrated single market for energy could result in annual efficiency gains worth €250 billion. Energy-related expenditure is spread across different parts of the EU budget. Energy is among the priorities of the European Fund for Strategic Investments (EFSI).

Briefing EN

Public expectations and EU policies - Fight against tax fraud

Publication type: Briefing
Date: 30-06-2016
Author: Cécile REMEUR | Alina DOBREVA | Gianluca SGUEO

Policy area: Economics and Monetary Issues | Financial and Banking Issues
Keyword: corporation tax | multinational enterprise | opinion poll | tax evasion | European tax cooperation | exchange of information | EU financing | EU budget | EU programme | EU competence | tax avoidance

Summary: Tax matters remain closely linked to Member States, and the EU's competences in tax are limited. Different forms of escaping tax obligations result in tax fraud, evasion or avoidance, dealing with which is a cross-border issue. The fight against fraud and evasion is a mix of national and EU actions. However, EU citizens express strong support for EU involvement in the fight against fraud and this creates a gap between citizens' expectations and the actual EU involvement in this policy area.

Briefing EN
Public expectations and EU policies - Protection of external borders

Publication type: Briefing
Date: 30-06-2016
Author: Alina DOBREVA | Alexandra GATTO | Alessandro D'ALFONSO
Policy area: Area of Freedom, Security and Justice
Keyword: border control | pre-accession aid | maritime surveillance | opinion poll | EU financing | EU budget | EU competence | external border of the EU | Frontex
Summary: An overwhelming majority of EU citizens expect the EU to intervene more in the protection of external borders than at present. An area without internal frontiers, in which the free movement of persons is ensured with appropriate measures with respect to external border controls is envisaged in the Lisbon Treaty. EU powers regarding border control are shared with the Member States, and based on solidarity between Member States, including financial implications. Steps towards further EU action in this area include: the recent revision of the Schengen Borders Code; the revised proposal for an entry-exit system; a draft regulation setting up a European Border and Coast Guard System with a 'right to intervene' in situations at the border requiring urgent action following a Council decision.

Public expectations and EU policies - Industrial policy

Publication type: Briefing
Date: 30-06-2016
Author: Alina DOBREVA | Marcin SZCZEPANSKI | Angelos DELIVORIAS
Policy area: Industry
Keyword: competitiveness | opinion poll | EU growth strategy | EU financing | EU budget | EU industrial policy | EU programme | EU competence | technological change | digital technology | capital market
Summary: Industrial policy has recently attracted the attention of EU policy-makers seeking sources of economic growth. It is a key element of the Europe 2020 strategy, and the Commission has set itself the target of increasing industry’s share of GDP to 20% by 2020. The policies and programmes contributing to the EU’s industrial policy are significant (amounting to almost €200 billion), and the policy coverage is wide in scope. On the other hand, it seems that European citizens still perceive industrial policy as predominantly national in character. The Commission is addressing the challenge of reindustrialisation of Europe with a number of horizontal tools such as the Investment Plan, the Digital Single Market Strategy and the Single Market Strategy.

Public expectations and EU policies - Identifying the gaps

Publication type: Briefing
Date: 30-06-2016
Author: Eva-Maria Alexandrova POPTCHEVA | Alina DOBREVA
Policy area: EU Democracy, Institutional and Parliamentary Law | Evaluation of Law and Policy in Practice
Keyword: public opinion | revision of the Treaty (EU) | EU policy | opinion poll | EU migration policy | EU situation | terrorism | EU competence | European Union
Summary: Citizens’ expectations of the European Union vary widely across policy areas. A Eurobarometer survey – Europeans in 2016: Perceptions and expectations, fight against terrorism and radicalisation – seeks to identify those areas in which EU citizens want to see the Union doing more. Having identified areas in which there is a gap between the EU’s current action and citizens’ expectations of the Union, the next step is to look at the potential – within the constraints of the EU legal foundations – for the EU to do more to meet citizens’ expectations.

Adoption of children in the European Union

Publication type: Briefing
Date: 16-06-2016
Author: Rosamund SHREEVES | Ulla JURVISTE | Giulio SABBATI | Anna DIMITROVA -STULL
Policy area: Area of Freedom, Security and Justice | Public international law | Private international law and judicial cooperation in civil matters | Gender Issues, Equality and Diversity
Keyword: comparative law | drafting of EU law | EU Member State | jurisdiction | child protection | UNO | international adoption | civil procedure | UN convention | parental responsibility | EU competence | data protection | EU statistics
Summary: Globally, there have been significant changes in the landscape of adoption over recent years, including fluctuations in the volume of adoptions, the countries involved and who is eligible to adopt. This paper aims to provide an overview of the adoption of children in the European Union (EU), focusing on trends in the number of domestic and intercountry adoptions and a comparison of the current adoption requirements in the individual Member States.
Cross Border Acquisitions of Residential Property in the EU: Problems Encountered by Citizens

Publication type Study
Date 05-04-2016

External author Peter Sparkes (University of Southampton), Dilsen Bulut (ZERP, University of Bremen), Magdalena Habdas (University of Silesia), Mark Jordan (Southampton Law School), Héctor Simón Moreno (University Rovira i Virgili, Tarragona), Sergio Nasarre Aznar (University Rovira i Virgili, Tarragona), Tommi Ralli (ZERP, University of Bremen) and Christoph Schmid (ZERP, University of Bremen)

Policy area EU Law: Legal System and Acts

Keyword residence | consumer protection | real estate credit | EU Member State | property market | comparative study | free movement of persons | local tax | acquisition of property | national law | administrative formalities | Community migration | real property | land and buildings | EU competence

Summary This study was commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the JURI Committee. It identifies and analyses the legal and practical difficulties that an EU citizen faces when buying properties abroad and investigates what can be done to assist an EU citizen when buying residential immovable property in another Member State, making ten recommendations to improve their lot.

Study DE, EN, FR

The Cost of Non-Europe in the area of Organised Crime and Corruption: Annex II - Corruption

Publication type Study
Date 10-03-2016

External author This study has been written by Marco Hafner, Jirka Taylor, Emma Disley, Sonja Thebes, Matteo Barberi and Martin Stepanek at RAND Europe and by Professor Mike Levi at the request of the European Added Value Unit of the Directorate for Impact Assessment and European Added Value within the Directorate General for Parliamentary Research Services (DG EPRS) of the General Secretariat of the European Parliament.

Policy area Area of Freedom, Security and Justice | European Added Value

Keyword social impact | public contract | economic consequence | political morality | fight against crime | judicial cooperation in criminal matters in the EU | application of EU law | EU competence | corruption

Summary Corruption is a phenomenon with significant negative consequences for the EU and its Member States. This research paper uses a mix of methodologies to quantify the overall costs of corruption in the EU in economic, social and political terms. The findings, based on new analysis, suggest that corruption costs the EU between €179bn and €990bn in GDP terms on an annual basis. Current anti-corruption measures relevant to Member States and the EU as a whole are described and their effectiveness in reducing the levels of, and opportunities for, corruption are assessed. Eight potential areas for EU action are identified that might address the barriers to the effectiveness of current measures. The costs of non-Europe are calculated in relation to two of these, as well as in relation to the implementation of recently created EU laws.

Study EN

Widespread doping in athletics

Publication type At a Glance
Date 17-11-2015

Author Vivienne HALLEUX

Policy area Culture

Keyword fight against crime | sports body | EU action | professional sport | supervisory body | Russia | performance drugs | EU competence | corruption | Olympic games

Summary On 9 November 2015, the Independent Commission set up by the World Anti-Doping Agency (WADA) released the findings of a near year-long investigation into allegations of extensive doping use and cover-up within Russian athletics.

At a Glance EN

Practices and Approaches in EU Member States to Prevent and End Statelessness

Publication type Study
Date 16-11-2015

External author Gerard-René DE GROOT (Maastricht University), Katja SWIDER (University of Amsterdam) and Olivier VONK (Maastricht University and University of Liège)

Policy area Area of Freedom, Security and Justice | Security and Defence

Keyword EU law - national law | UN convention | stateless person | legal status | the EU's international role | deprivation of rights | EU migration policy | EU Member State | immigration | international law - national law | EU competence | administrative procedure

Summary This study was commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee. It describes the practices and approaches in all EU Member States as regards the prevention and eradication of statelessness. For that purpose the different national practices are assessed in light of the relevant international and European standards. Since proper mechanisms to identify stateless populations are lacking in a majority of Member States, the study addresses the procedures used in determining statelessness and analyses the role of the EU in preventing and reducing statelessness.

Study EN
The Protection Role of the Committee on Petitions in the Context of the Implementation of the UN Convention on the Rights of Persons with Disabilities

Publication type Study
Date 09-10-2015

External author Mark PRIESTLEY (University of Leeds, the UK) and Meredith RALEY (National University of Ireland Galway, Ireland) with advice from Gauthier de BECCO, Eilionoir FLYNN and Anna LAWSON (all from the University of Leeds, the UK)


Keyword care of the disabled | UN convention | European social policy | EP Committee | citizens' Europe | petition | UN subsidiary body | appeal to the European Ombudsman | EU competence | facilities for the disabled | integration of the disabled

Summary This study was commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the PETI Committee. It explains the context of the UN Convention on the Rights of Persons with Disabilities (UN CRPD) with reference to the PETI Committee’s role in the EU Framework for its implementation. It considers the petitions received on disability issues and examples of CRPD protection mechanisms implemented at level of the UN, the EU and the Member States. Recommendations are made to assist the EP in deliberating on disability issues in its protection role.

Study ES, DE, EN, FR, IT

The Lisbon Treaty's Provisions on CFSP/CSDP - State of Implementation

Publication type In-Depth Analysis
Date 02-10-2015

Author Wanda TROSZCZYNSKA VAN GENDEREN

Policy area Foreign Affairs | Security and Defence

Keyword the EU's international role | powers of the EP | Treaty on European Union | EU Member State | mutual assistance | common foreign and security policy | agreement (EU) | external competence (EU) | European External Action Service | military cooperation | enhanced cooperation | EU competence | interinstitutional cooperation (EU) | Treaty of Lisbon

Summary Since the Treaty of Lisbon entered into force in December 2009, major efforts have been made to implement the new institutional set-up it created: the EU has acquired legal personality, the post of Vice-President of the Commission / High Representative for Foreign Affairs and Security Policy has been created, the European External Action Service has been operationalised, and the EU Delegations around the world have boosted the EU’s presence and increased diplomatic and policy outreach. The European Parliament has also acquired a greater role thanks to the Lisbon Treaty, particularly in the fields of foreign policy oversight and budgetary scrutiny. Nevertheless, many provisions of the Lisbon Treaty, designed to provide a boost to foreign, security and defence policies, remain non-implemented owing to a lack of political support stemming from the fears of some EU Member States of the creation of a ‘two-speed Europe’ and loss of control over these fields in favour of the EU institutions.

In-Depth Analysis EN

Tourism and the European Union: Recent trends and policy developments

Publication type In-Depth Analysis
Date 25-09-2015

Author Maria Niestadt

Policy area Tourism

Keyword travel | consumer protection | EU regional policy | economic statistics | admission of aliens | small and medium-sized enterprises | electronic commerce | economic consequence | tourist exchange | consumer behaviour | tourism policy | common transport policy | EU competence | Treaty of Lisbon

Summary Tourism is the third largest socio-economic activity in the European Union, making an important contribution to the EU economy and to job creation. Europe is the most visited region in the world. However, tourism in other regions is growing faster and Europe’s market share, in terms of international tourist arrivals and receipts, is shrinking.

Tourism businesses in the EU are confronted with a number of changes in tourist profile and behaviour, for example in terms of age, country of origin, how they plan and buy their travel, or which mode of transport they use.

Tourism policy remains a competence of the Member States. As the Treaties allow the EU only to support, coordinate or supplement the actions of the Member States, EU tourism policy has been rather limited, consisting mainly in providing financial support or legislating through other EU policies. The current framework for tourism policy is based upon a 2010 Communication; a revised strategy is expected to be adopted by the European Commission later in 2015.

In-Depth Analysis DE, EN, FR
**Contract law and the Digital Single Market: Towards a new EU online consumer sales law?**

**Publication type**  In-Depth Analysis  
**Date**  15-09-2015  
**Author**  Rafał MAŃKO  
**Policy area**  Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection  
**Keyword**  single market | electronic commerce | consumer protection | approximation of laws | commercial law | drafting of EU law | territorial jurisdiction | EU competence | contract  
**Summary**  In its Digital Single Market Strategy, unveiled in May 2015, the Commission has promised to come up with a revised proposal for a Common European Sales Law by the end of the year. More indications have been given the Commission in an Inception Impact Assessment, published in July 2015. The debate on the revamped proposal will have to address at least five crucial issues. Firstly, the legal form – whether the future online sales law will be a regulation or a directive? Secondly, if the legal form of a directive is chosen, whether total harmonisation or minimum harmonisation would be most appropriate, taking into account the principles of subsidiarity and proportionality? Thirdly, whether it would be sufficient for the instrument to regulate cross-border trade, or should it also extend to purely domestic online transactions? A fourth issue regards the ‘country of origin principle’ – should traders be allowed to rely on their domestic law when selling to consumers abroad? How would that fit with the current system of Rome I and Brussels la Regulations? Finally, the debate must focus on the content of the revamped proposal. Should it be copy-pasted from the original CESL, or perhaps tailor-made to online transactions specifically, where both consumers and traders have different interests and expectations than in offline transactions?

In-Depth Analysis  **DE, EN, FR**

**Major changes in European public opinion towards the EU since 1973**

**Publication type**  Study  
**Date**  08-07-2015  
**Author**  Jacques NANCY  
**Policy area**  Democracy  
**Keyword**  public awareness campaign | citizens' Europe | economic statistics | administrative transparency | European Union | public opinion | social dialogue (EU) | opinion poll | EU migration policy | democracy | political involvement | EU competence | European citizenship | EU statistics  
**Summary**  This desk research focusses on the major shifts in European public opinion towards the European Union since 1973, when Eurobarometer was created by Jacques-René Rabier. The results are presented in a timeline and illustrate the evolution of citizens' opinion in the key phases the Union's institutional, political, economic and social development. The main findings on the evolution of public opinion in the last 40 years - from 1973 to 2014 - show that it has gone up and down, notably in response to financial, economic and social crises. The major institutional and political staging-posts in the EU's development have generally improved the perception of the EU. This is particularly true of enlargements and elections to the European Parliament. This analysis shows the overriding influence of the economic and social context on public opinion. This is very well illustrated by the financial and economic crisis which began in 2008, prompting a sharp decline in indicators of support for the EU. However, even in this context of crisis, results show that Europeans remain committed to Europe when it comes to basic EU values.

Study  **EN, FR**

**Anti-corruption measures in EU sports policy**

**Publication type**  At a Glance  
**Date**  12-06-2015  
**Author**  Vivienne HALLEUX  
**Policy area**  Area of Freedom, Security and Justice | Culture | Education  
**Keyword**  sports body | institutional cooperation | professional sport | business morals | game of chance | EU financing | EU competence | sporting event | corruption | Treaty on the Functioning of the EU  
**Summary**  Corruption and good governance in sport have been a constant concern for the EU since the very beginning of its sport policy. Preserving the integrity of sport has been given top priority in the two EU Work Plans for Sport adopted by the Council in recent years.

At a Glance  **EN**
Europeanisation of civil procedure: Towards common minimum standards?

Publication type: In-Depth Analysis  
Date: 11-06-2015  
Author: Rafał MAŃKO

Policy area: Area of Freedom, Security and Justice | Public international law | Transposition and Implementation of Law | Private international law and judicial cooperation in civil matters | EU Law: Legal System and Acts | Human Rights

Keyword: judicial cooperation in civil matters in the EU | commercial law | consumer protection | access to the courts | civil law | drafting of EU law | rights of the defence | civil procedure | alternative dispute resolution | enforcement of ruling | European judicial area | EU Charter of Fundamental Rights | EU competence | deepening of the European Union

Summary: The free movement of judgments in the European Area of Justice presupposes a high level of mutual trust between the judiciaries of the Member States. From the citizens' perspective, the key issue is the balancing of the fundamental rights of claimants and defendants, i.e. the right of access to justice (to pursue a claim) and the rights of the defence. Mutual trust in judiciary can be built in various ways. First of all, through the creation of uniform European procedures in the form of his options, the enhanced energy policy and trade policy, the relevance of WTO provisions that may serve EU energy interests, the rules on export duties and those WTO+ provisions that affect EU energy related business. The study also analyses the relevance of bilateral trade treaties signed by the EU, with particular reference to the protection of investment following the Lisbon treaty. Finally, the study reviews the comprehensive agreements, which have been signed with the Republic of Moldova, Georgia and Ukraine.

In-Depth Analysis DE, EN, FR

Trade and Investments in Energy in the Context of the EU Common Commercial Policy

Publication type: Study  
Date: 11-05-2015  
Author: Matteo VERDA, Antonino ALÎ, Marco PERTILE, Nicolô ROSSETTO, Chiara SISLER and Paolo TURRINI

Policy area: International Trade | Energy

Keyword: energy supply | energy cooperation | free-trade agreement | energy law | investment protection | Ukraine | Western Balkans | discriminatory price | anti-dumping legislation | World Trade Organisation | security of supply | Georgia | Moldova | EU competence | international trade law | Treaty of Lisbon

Summary: The aim of this study is to provide a preliminary assessment of the EU legal framework for trade and investment in energy. The European economy is expected to increase its reliance on international supplies, enhancing the importance of stable and open international markets and trade relationships for its energy security. The study investigates the difference between energy policy and trade policy, the relevance of WTO provisions that may serve EU energy interests, the rules on export duties and those WTO+ provisions that affect EU energy related business. The study also analyses the relevance of bilateral trade treaties signed by the EU, with particular reference to the protection of investment following the Lisbon treaty. Finally, the study reviews the comprehensive agreements, which have been signed with the Republic of Moldova, Georgia and Ukraine.

Study EN

The Added Value of EU policy in Education: European Added Value in Action

Publication type: At a Glance  
Date: 18-03-2015  
Author: Eva CASALPRIM

Policy area: European Added Value | Education

Keyword: higher education | European identity | digital literacy | labour shortage | cooperation in the field of education | educational system | EU financing | school-working life relations | EU competence | EU programme | educational exchange | recognition of diplomas

Summary: In recent years, the EU has developed a European dimension to education, notably in the area of higher education, where it has stimulated mobility of students and teachers. In the last two decades, major progress has also been made in harmonizing university degree structures and increasing the compatibility of higher education systems. The benefits of the support given to education at a Union level derive from the cross-border character of the activities in the field, which are additional to those developed at national or regional levels. It is worth noting that only EU programmes guarantee that all Member States benefit from mobility and exchange of good practices in the area while ensuring optimal dissemination of results. Hence, EU action in the ground is a way of filling in the missing links, avoiding fragmentation and realizing the potential of a border-free Europe. In practical terms, the implementation of programmes by the EU offers better value for money and economies of scale - than a series of wholly bilateral relations between Member States in this field would allow- because externalities can be addressed, resources or expertise pooled, and action better coordinated. This ‘At a Glance’ publication is part of a series of summaries of the added value of existing EU policies in practice. Previous publications in this series include summaries of the benefits of the European single market and the added value of EU action in the field of mobile telephone roaming charges.
The Juncker Commission and New Institutional and Legitimacy Set Up. What Main Issues and Challenges?

Publication type In-Depth Analysis
Date 16-02-2015
External author Yves Bertoncini
Policy area EU Democracy, Institutional and Parliamentary Law | Forward Planning
Keyword EU law - national law | political group (EP) | Economic and Monetary Union | legitimacy | rules of procedure | European election | EU Member State | powers of the institutions (EU) | appointment of members | European Commission | EU competence | interinstitutional relations (EU)
Summary The Juncker Commission’s legitimacy and effectiveness in is being assessed connection with on the one side its composition, its organisation and functioning, and on the other side with its capacity to enhance legitimacy in the exercise of the EU’s competences and enhance and its input efficiency.

Cross-border parental child abduction

Publication type At a Glance
Date 30-01-2015
Author Anita ORAV
Policy area Area of Freedom, Security and Justice
Keyword parental responsibility | judicial cooperation in criminal matters in the EU | custody | illegal restraint | child protection | accession to an agreement | international convention | EU competence | judicial cooperation | private international law
Summary When families break down, some parents resort to unlawful child abduction, taking their child abroad without the consent of the other parent. Seeking legal remedy is often complex and frustrating because of the different jurisdictions involved. The 1980 Hague Convention is the main international instrument in this area, and now has 93 participating states, including all EU Member States.

EU competence in private law

Publication type In-Depth Analysis
Date 08-01-2015
Author Rafał MAŃKO
Policy area Public international law | Private international law and judicial cooperation in civil matters
Keyword Common Frame of Reference | single market | judicial cooperation in civil matters in the EU | labour law | approximation of laws | right of establishment | legal basis | principle of legal certainty | EU law - national law | civil code | EU competence | European private law | intellectual property | Treaty on the Functioning of the EU
Summary The notion of private law, as opposed to public law, has a long tradition and is of great importance in most EU Member States. National private law is seen as the constitution of civil society and enjoys a high degree of democratic legitimacy with regard to social justice. However, that distinction is not so important in EU law, where EU legislative competences in any given field of law are limited to those explicitly provided for in the Treaties. There is thus no general EU competence to regulate private law in its entirety, but a number of specific competences addressing selected aspects. The clash between coherent national systems of private law and the EU's functionalist approach leads inevitably to a fragmentation of EU legislation regarding private law. This poses a challenge to the coherence of national systems of private law, with adverse effects not only on consistency, but also transparency and legal security. Of potential options for restoring coherence to private law, the only feasible one is through spontaneous harmonisation. This can occur as a spill-over of EU law rules and principles, through national legislatures and judiciaries. But above all, it is likely to happen through the framing of national and EU private law within a common grid of concepts, principles and rules.

In-Depth Analysis EN

In-Depth Analysis DE, EN, FR

Cross-border parental child abduction

ES, DE, EN, FR, IT, PL

EU competence in private law

DE, EN, FR
Upcoming Issues of EU Law
Publication type In-Depth Analysis
Date 15-09-2014
External author: Wolfgang Heusel (Academy of European Law - ERA, Germany);
Contributors: Karine Caunes, Ramin Farinpour, Angelika Fuchs, Florence Hartmann-Vareilles (Academy of European Law - ERA, Germany);
Marta Ballestros (Milieu, Belgium);
Xandra Kramer (Erasmus University Rotterdam, The Netherlands);
Lionel Bently (thanks to Brad Sherman) (Centre for Intellectual Property and Information Law at the University of Cambridge, the UK);
Alfred Radauer (Technopolis Group, Austria);
Andrea Bertolini and Erica Palmerini (Scuola Superiore Sant'Anna, Pisa, Italy)
Keyword: European treaties | judicial cooperation in civil matters in the EU | judicial cooperation in criminal matters in the EU | powers of the EP | application of EU law | technological change | ethics | EU law - national law | robotics | bio-ethics | EU competence | European private law | intellectual property
Summary: Upon request by the JURI Committee, five specific topics have been chosen for the workshop "Upcoming issues of EU law" on the afternoon of 24 September 2014 as being representative of different avenues for the future development of the law and aiming at giving Members of the European Parliament an overview of the work of the Legal Affairs Committee in several of its areas of competence. The workshop focuses both on work that has been accomplished in the past and on challenges that may be expected to arise in the course of the legislature 2014-2019.

Employment and Social Affairs in the European Parliament
Publication type In-Depth Analysis
Date 15-05-2014
Author: Marion SCHMID-DRÜNER
Policy area: EU Democracy, Institutional and Parliamentary Law | Social Policy | Employment
Keyword: poverty | European social policy | EP Committee | fight against unemployment | working conditions | EU competence | free movement of workers | social security | social integration | EU employment policy | Treaty on the Functioning of the EU
Summary: The present paper gives an overview of the area of work covered by the Employment and Social Affairs Committee (EMPL) of the European Parliament. After setting out the legal basis of the Treaties, this expertise prepared by Policy Department A for the Committee on Employment and Social Affairs presents the legal and policy instruments available in this policy field, and explains the existing funds. The analysis concludes with an outlook on the challenges that the EMPL Committee will face in the coming legislature 2014-2019.

The German Constitutional Court's ruling on the ECB's bond buying decision
Publication type At a Glance
Date 10-02-2014
Author: Eva-Maria Alexandrova POPTCHEVA
Policy area: EU Democracy, Institutional and Parliamentary Law | Economics and Monetary Issues
Keyword: EU law - national law | Germany | preliminary ruling procedure | bond | competence of the Member States | ruling | constitutional court | single monetary policy | coordination of EMU policies | EU competence | European Central Bank
Summary: On 6 September 2012, the Governing Council of the European Central Bank (ECB) confirmed its President, Mario Draghi's announcement that the ECB would purchase government bonds on secondary markets, known as Outright Monetary Transactions (OMT). Germany's Federal Constitutional Court (BVerfG) was called upon to consider the legality of OMT within a case on the constitutionality of German ratification of the European Stability Mechanism (ESM).
Methods for unifying private law in the EU

Publication type: Briefing
Date: 23-01-2014
Author: Rafał MAŃKO

Policy area: Public international law | Private international law and judicial cooperation in civil matters | Contract Law, Commercial Law and Company Law | Consumer Protection

Keyword: regulation (EU) | interpretation of the law | approximation of laws | civil code | case law (EU) | directive (EU) | EU competence | European private law | Court of Justice of the European Union | private international law

Summary: Private law regulates relationships between private individuals, for example between a consumer and a business. The EU may legislate in this area only where specifically authorised by the Treaties, for instance to harmonise national private-law rules posing obstacles to the functioning of the internal market, or to promote judicial cooperation in civil matters.

The two types of legal instruments used by the EU legislature in the area of private law are directives and regulations. Some directives are based on minimum harmonisation, meaning that they allow Member States (MS) to retain higher consumer protection standards. Other directives are based on full harmonisation, allowing no deviation from their standard of protection. Regulations, directly applicable in the MS are used mainly in the field of civil procedure, private international law and intellectual property law.

Interest Representatives’ Obligation to Register in the Transparency Register: EU Competences and Commitments to Fundamental Rights

Publication type: In-Depth Analysis
Date: 15-11-2013
External author: Martin Nettesheim (University of Tübingen)

Policy area: EU Democracy, Institutional and Parliamentary Law
Keyword: legal status | freedom of expression | transparency in decision-making | business morals | interest group | rights of the individual | EU competence | EU Charter of Fundamental Rights | legal basis | directory | Treaty on the Functioning of the EU

Summary: The following study examines whether the EU is entitled to the powers to apply regulations that oblige interest representatives to register in the Transparency Register. The limitations that apply by virtue of fundamental rights to the application of such regulations will also be outlined. The study arrives at the conclusion that an obligation to register could only be established on the basis of Article 352 of the Treaty on the functioning of the European Union. Compliance with fundamental rights depends on the scope of application, the nature of the obligations and the sanctions.

The Triangular Relationship between Fundamental Rights, Democracy and Rule of Law in the EU - Towards an EU Copenhagen Mechanism

Publication type: Study
Date: 15-10-2013
External author: Sergio Carrera (Centre for European Policy Studies - CEPS, Brussels, Belgium), Elspeth Guild (CEPS, Radboud University Nijmegen, the Netherlands, Queen Mary University of London, the UK) and Nicholas Hernanz (CEPS), Thematic contributions by: Cinzia Alcidi (CEPS), Matthias Busse (CEPS), Roger Errera (former member of the Conseil d’Etat in France, Central European University, Budapest, Hungary), Ivanka Ivanova (Open Society Institute – OSI, Sofia, Bulgaria), Jeffrey Jowell (University College London, Bingham Centre for the Rule of Law, London, the UK) and Nikolaus Marsch (University of Freiburg, Breisgau, Germany)

Policy area: EU Democracy, Institutional and Parliamentary Law | EU Law: Legal System and Acts
Keyword: primacy of EU law | EU control | area of freedom, security and justice | European Convention on Human Rights | democracy | protection of freedoms | EU competence | EU Charter of Fundamental Rights | Treaty of Lisbon | rule of law

Summary: This study examines the triangular relationship between fundamental rights, democracy and the rule of law in the EU and the challenges that arise in reflecting on ways to strengthen EU competences in these terrains. It analyses the current 'state of play' and provides a map of EU-level mechanisms assessing respect for rule of law, democracy and fundamental rights, and Article 2 TEU general principles, by EU Member States. Special attention is paid to crosscutting dilemmas affecting the operability and effective implementation of these principles. The study thinks ahead and offers possible 'ways forward' in EU policy-making for ensuring a more optimal respect, protection and promotion of the Union’s principles by Member States and the EU. It proposes the creation of a new supervisory mechanism – the Copenhagen mechanism – to effectively address the current rule of law deficits facing the concept of 'democratic rule of law with fundamental rights' in the Union.

Source: © European Union, 2020 - EP
A Comparative Study on the Regime of Surrogacy in EU Member States

Publication type: Study
Date: 15-05-2013

External author: Laurence BRUNET (Lead - Université Paris I), Janeen CARRUTHERS (University of Glasgow), Konstantina DAVAKI (London School of Economics), Derek KING (London School of Economics), Claire MARZO (London School of Economics) and Julie MCCANDLESS (London School of Economics)


Keyword: legal status | case-law | descendant | surrogate mother | EU Member State | parental authority | comparative study | EU competence | children's rights | gender equality | private international law

Summary: This study provides a preliminary overview of the wide range of policy concerns relating to surrogacy as a practice at national, European and global level. It undertakes an extensive examination of national legal approaches to surrogacy. It also analyses existing European Union law and the law of the European Convention of Human Rights to determine what obligations and possibilities surround national and transnational surrogacy. The study concludes that it is impossible to indicate a particular legal trend across the EU, however all Member States appear to agree on the need for a child to have clearly defined legal parents and civil status.

Study EN

Executive summary: ES, DE, FR, IT

Current gaps and future perspectives in European private international law: towards a code on private international law?

Publication type: In-Depth Analysis
Date: 14-12-2012

External author: Prof. Dr. Xandra KRAMER, Erasmus University Rotterdam Erasmus School of Law

Policy area: Public international law | Private international law and judicial cooperation in civil matters | EU Law: Legal System and Acts

Keyword: EU law - national law | approximation of laws | family law | enhanced cooperation | EU competence | private international law | principle of legal certainty

Summary: Private international law is to a great extent regulated by EU rules. However, particular areas are still governed by national rules. This paper identifies the existing gaps in the EU regulatory framework, and discusses future perspectives. In the short and the mid term, the focus should be on filling gaps by using separate instruments, while preserving coherence. In the long term a more comprehensive framework or code would be an option.

In-Depth Analysis EN

Executive summary: XL

A Comparative Study on the Regime of Surrogacy in EU Member States

Publication type: Briefing
Date: 15-11-2012

External author: Laurence BRUNET (Lead - Université Paris I), Konstantina DAVAKI (London School of Economics), Claire MARZO (London School of Economics) and Julie MCCANDLESS (London School of Economics)

Policy area: Public international law | Private international law and judicial cooperation in civil matters | Public Health | EU Law: Legal System and Acts

Keyword: legal status | case-law | descendant | surrogate mother | EU Member State | parental authority | comparative study | EU competence | children's rights | private international law

Summary: Surrogacy is an increasingly common reproductive practice. Today, stories about surrogacy regularly appear in popular culture and news outlets, while the number of organisations offering surrogacy services is clearly on the rise, as is the number of cases involving surrogacy in courts across the EU. Surrogacy raises important legal issues, such as whether surrogacy contracts should be enforceable, as well as questions pertaining to the legal parenthood of a child born to a surrogate mother and his/her citizenship and nationality. There are also significant policy and regulatory concerns relating to: payment; autonomy; child welfare; gender, sexual orientation and socio-economic inequality; reproductive health; and globalisation.

Executive summary: XL, EN

Fight against Fraud to the Union's Financial Interest: Initial Appraisal of the European Commission's Impact Assessment

Publication type: Briefing
Date: 15-10-2012

Author: Helmut WERNER

Policy area: Area of Freedom, Security and Justice | Ex-ante Impact Assessment | Budgetary Control

Keyword: impact study | fight against crime | judicial cooperation in criminal matters in the EU | harmonisation law | EU competence | fraud against the EU

Summary: Initial appraisal of the strengths and weaknesses of the European Commission's Impact Assessment accompanying its proposal for a Directive on the fight against fraud to the Union's financial interests by means of criminal law.

Briefing DE, EN, FR

23-02-2020
Collective Redress in Antitrust

**Publication type** Study  
**Date** 12-06-2012  
**External author** Paolo BUCCIROSSI (Lear), Michele CARPAGNANO (University of Trento), Lorenzo CIARI (Lear), Massimo TOGNONI (Lear) and Cristina VITALE (Lear) with contributions by : Luca AGUZZONI, Marco BELLIA, Gaia BELLOMO and Riccardo ZECCHINELLI  
**Policy area** Consumer Protection | EU Law: Legal System and Acts  
**Keyword** consumer protection | approximation of laws | disclosure of information | control of restrictive practices | civil proceedings | jurisdiction | right of action | EU competence | legal basis | collective interest  
**Summary** Consumers regularly suffer harm in the form of higher prices, lower output, reduced quality and limited innovation as a result of antitrust infringements but they are rarely compensated due to legal and practical obstacles. Collective redress is a mechanism that may accomplish the termination or prevention of unlawful business practices which affect a multitude of claimants or the compensation for the harm caused by such illegal practices. This study analyses the systems of collective redress for breach of competition law in the area of antitrust in the EU. Starting with an overview of the relevant national and EU legislation in this area, it discusses the question of an EU-wide specific system for collective redress in antitrust and the legal basis for a legislative initiative at EU level. Finally, it assesses advantages and limits of different policy options in relation to several procedural rules both generally applying to collective actions and specifically relevant to collective redress in antitrust.

EU Framework of Law for Children’s Rights

**Publication type** Study  
**Date** 11-04-2012  
**External author** Emanuela Canetta, Nathalie Meurens, Paul McDonough and Roberta Ruggiero  
**Keyword** child protection | international convention | EU competence | Treaty of Lisbon | children’s rights  
**Summary** The briefing paper presents an overview of international and regional instruments for the rights of the child and of the European legal framework before and after the Lisbon Treaty. It provides an assessment of their impact for children’s rights and puts forward key recommendations to consolidate the EU legal framework in this field.

Victims of environmental crime

**Publication type** Briefing  
**Date** 24-02-2012  
**Author** Piotr BAKOWSKI  
**Policy area** Area of Freedom, Security and Justice | Environment  
**Keyword** environmental offence | European convention | restorative justice | environmental liability | right of action | victim | EU competence | collective interest  
**Summary** There is an international trend to accompany administrative and civil liability for environmental violations with criminal sanctions. This gradual criminalisation of environmental law highlights the need to take a closer look at those who suffer from environmental crime.

Division of Competences between the European Union and its Member States Concerning Immigration

**Publication type** In-Depth Analysis  
**Date** 09-05-2011  
**External author** Eleftheria Neframi (Université Paris 13, Chaire Jean Monnet)  
**Policy area** Area of Freedom, Security and Justice  
**Keyword** EU law - national law | migration policy | area of freedom, security and justice | EU competence  
**Summary** The European Union has a shared competence for developing a common immigration policy. This note examines the division of internal and external competences between the European Union and its Member States, the intensity of the Union’s intervention and the limits to it. The common immigration policy is developing, but is not leading to the loss by the Member States of their own competences. However, the Member States have a duty to exercise their competence in compliance with the acts and objectives of the Union's migration policy.
The Application of EU Law: Relevant Aspects of European Administrative Procedure

Publication type: Study
Date: 15-03-2011
External author: Luis Ángel BALLESTEROS MOFFA (University de León, Spain)

Policy area: EU Democracy, Institutional and Parliamentary Law | EU Law: Legal System and Acts
Keyword: EU law - national law | EU control | administration of the Institutions | EU competence | EU law | delegated legislation | administrative procedure

Summary: Administrative procedure continues to gain prominence within European administrative law, going even further than its own application measures, whether they are adopted by the European institutions, the Member States or at both levels by means of composite administration. With regard to indirect or integrated application, the Member States’ procedural autonomy has been unable to halt the increasing Europeanisation of procedures, to the point where there are highly ambitious plans to codify them. Meanwhile, European interventionism in procedural matters continues to take on indirect and direct, praetorian and regulatory characteristics, ranging from soft law to formal sources, and from the sectoral to the general.

Study: ES, EN

EU competencies affecting the Arctic

Publication type: Study
Date: 28-10-2010
External author: Timo KOIVUROVA
Kai KOKKO
Sébastien, DUYCK
Nikolas SELLHEIM
Adam STEPIEN

Policy area: EU Democracy, Institutional and Parliamentary Law | Foreign Affairs | EU Law: Legal System and Acts
Keyword: exploitation of the seas | Norway | joint competence | maritime transport | environmental protection | EU Member State | Iceland | Arctic | EU competence | legal basis

Summary: The study will examine the legal competences of the EU - after the entry into force of the Lisbon Treaty - to influence the development of the Arctic. The particular emphasis of the study will be on the role the European Parliament plays in decision-making in various Arctic-relevant policy areas. The report will address both internal and external competences as well as the consequences of the EEA Agreement for the implementation of EU legislations in Iceland and Norway. The study is structured into two parts. The first part looks into the various Arctic-relevant policy areas and the second part examines in more detail eleven sectoral policy areas: what legal competences the EU has in each, what are the legal consequences for Iceland and Norway via the EEA Agreement and what is the role of the European Parliament in EU’s decision-making over the development of these various policies in the Arctic.

Study: EN

The EU Approach to International Investment Policy after the Lisbon Treaty

Publication type: Study
Date: 21-10-2010
External author: WOOLCOCK Stephen (London School of Economics, UK and Overseas Development Institute, UK)

Policy area: EU Democracy, Institutional and Parliamentary Law | International Trade | Industry
Keyword: investment policy | foreign investment | investment protection | international negotiations | EU competence | Treaty of Lisbon

Summary: The Lisbon Treaty extends exclusive European Union competence to foreign direct investment (FDI). After a transition period this should enable the EU to conclude either international investment agreements or comprehensive trade and investment agreements with third parties. This extension of the EU’s competence offers the opportunity of promoting EU competitiveness in global markets through increased investment and better access to key third country markets. It also facilitates a greater European influence over international investment agreements a key instrument in any response to globalisation. The EU will need to develop a coherent and balanced approach to investment if it is to make the most of these opportunities. In this the EU needs to address four major issues. First, the treaty provides no definition of FDI and thus the scope of EU exclusive competence. The EU institutions must therefore work towards a consensus on the scope of competence or how to manage mixed competence negotiations. Second, there is a need to define the main elements of an EU investment policy. This will involve agreement on standards for investment protection, dispute settlement and arbitral procedures as well as what the EU aims should be in terms of promoting ‘sustainable investment.’ Third, it will be necessary to decide on the basis of clear and objective criteria, which third countries should be given priority when it comes to negotiating EU level investment agreements. Finally, agreement must be found on how to manage the transition from member state bilateral investment treaties (BITs) to EU level investment agreements. This study provides background on the nature of these challenges and discusses the options for EU policy.

Study: DE, EN, FR
What System of Burden-Sharing between Member States for the Reception of Asylum Seekers

Publication type Study
Date 15-01-2010
External author Eiko Thielemann, Richard Williams and Christina Boswell (Matrix Insight Ltd.)
Policy area Area of Freedom, Security and Justice
Keyword political asylum | competence of the Member States | EU Member State | political responsibility | EU competence
Summary In view of possible European mechanisms for sharing responsibilities in receiving asylum seekers, there is little information on the pressures of asylum reception borne by the Member States. This study looks at differences in asylum related costs and pressures between Member States, allowing for a discussion on which of these costs should be shared at European level. Finally, this study examines policy options for how these costs could be shared between Member States.
Study EN

The Impact of the Lisbon Treaty in the Field of Public Procurement

Publication type In-Depth Analysis
Date 12-01-2010
External author Annette Rösenkotter and Thorsten Wuerwig (FPS Rechtsanwälte & Notare)
Policy area Environment | Contract Law, Commercial Law and Company Law
Keyword public contract | environmental standard | environmental protection | administrative cooperation | regional and local authorities | EU competence | Treaty of Lisbon
Summary The purpose of this briefing paper is to assess the impact of the new regulations of the Lisbon Treaty in the field of public procurement. The paper focuses on the principles of self-governance and subsidiarity and the consequences thereof for the possibilities for inter-communal/interstate cooperation. It also provides an evaluation of the role of environmental and social aspects in public procurement.
In-Depth Analysis DE, EN, FR

The Collective Management of Rights in Europe - the Quest for Efficiency

Publication type Study
Date 01-07-2006
External author KEA - European Affairs
Policy area Culture | Intellectual Property Law
Keyword single market | artistic profession | competence of the Member States | audiovisual industry | music | literary and artistic property | EU competence | cultural promotion | competition | copyright
Study EN, FR

Fundamental Social Rights in Europe

Publication type Study
Date 01-02-2000
External author Mark Eric Butt, Julia Kuebert and Christiane Anne Schultz
Policy area EU Democracy, Institutional and Parliamentary Law | Social Policy | Employment
Keyword Community Charter of the Fundamental Social Rights of Workers | comparative law | constitution | social rights | European Social Charter | EU competence
Summary Fundamental social rights: in context of the elaboration of a Charter of Fundamental Rights, this study considers the fundamental social rights that already exist at European level and especially those included in the constitutions of the Member States of the European Union. The constitutions of some candidate countries are also examined.
Study DE, EN, FR

The Division of Competences in the European Union

Publication type Briefing
Date 01-03-1997
External author Professor J.H.H. Weiler
Policy area EU Democracy, Institutional and Parliamentary Law | EU Law: Legal System and Acts
Keyword EU law - national law | approximation of laws | EU competence | control of constitutionality | judicial review | Court of Justice of the European Union
Summary This study seeks to identify the policy and legal instruments enabling better transparency, democracy and division of powers to be achieved within the EU. After analysing the current relations between the Member States and the EU it proposes alternative solutions in particular on the balance of powers.
Briefing EN
Executive summary XL
Public Undertakings and Public Service Activities in the European Union

Publication type: Study
Date: 01-02-1997
Author: François-Xavier CAMENEN
Policy area: Economics and Monetary Issues | Industry
Keyword: single market | market economy | public service | services of general interest | privatisation | deregulation | public sector | EU competence | economic infrastructure | organisation
Summary: The current privatization trend means that the role of public enterprises in the Community is diminishing and the fulfilment of public service obligations is in question. The study examines the nature and scope of these obligations in the Member States to discover if there is any agreement on a minimal notion of public service.
Study: DE, EN, FR

Changes Made by the Treaty on European Union with Regard to Education, Vocational Training and Culture

Publication type: Study
Date: 01-04-1992
External author: College of Europe (Bruges, Belgium)
Policy area: Culture | Education
Keyword: education policy | vocational training | Treaty on European Union | cultural pluralism | cultural heritage | EU competence | EU employment policy
Summary: The Maastricht Treaty contains three different articles on education, vocational training and culture. Articles 126 and 127 for the first two aspects are included in Title VIII, Article 128 forms Title X (Culture). With these articles the Union gives itself certain powers to achieve specific tasks while providing a framework and very precise implementation provisions.
Study: ES, DA, DE, EN, FR, IT, NL, PT