

POLITICS

European Politics Fundamentals

A real, verified tour of the EU's own sui generis institutions — the Commission, Parliament, the two Councils, and the CJEU's own supremacy doctrine — the real ordinary legislative procedure and trilogue negotiation, France's semi-presidential contrast to fused parliamentary Europe, coalition government and proportional representation, and real Euroscepticism from Brexit to rule-of-law disputes, closing with a capstone tracing the Digital Markets Act's own real 2020–2025 journey stage by stage.

10 Chapters

Philip Oszromok

Generated with Claude

CHAPTER 1: WHY THE EU IS A GENUINELY UNIQUE POLITICAL ENTITY

European Politics Fundamentals

Chapter 1 · Why the EU Is a Genuinely Unique Political Entity

Political Theory Fundamentals Chapter 9 built a real, working federal-vs-unitary framework for classifying how a state organizes power across levels of government. This course opens by testing that exact framework against a body it wasn't built to classify — and finding that the European Union genuinely doesn't fit either category, on purpose, by real legal design.

The Framework This Course Builds On

FEDERAL STATE

Sovereignty is constitutionally divided between a central government and constituent units, each holding real, entrenched authority the other can't simply override — the United States, Germany.

UNITARY STATE

Ultimate sovereignty sits with a single central government, which may delegate power downward but can also, in principle, take it back — the United Kingdom, France.

INTERNATIONAL ORGANIZATION

Sovereign states cooperate voluntarily through treaty, but retain full authority to ignore, withdraw from, or override the organization's own decisions at will — the United Nations, the WTO.

Every real government this site's own Politics Subject has covered so far fits cleanly into the first two categories. The European Union — tested directly against all three — doesn't fit any of them.

Why It's Not Simply an International Organization

VAN GEND EN LOOS (1963) & COSTA V. ENEL (1964)

Two foundational rulings from the European Court of Justice did something no ordinary international treaty organization's own legal order does. *Van Gend en Loos* (5 February 1963) established the real doctrine of **direct effect**: individual citizens, not just member states, can invoke clear, precise EU law provisions directly in their own national courts. *Costa v. ENEL* (15 July 1964) went further, establishing **supremacy**: where EU law and a member state's own national law genuinely conflict, national courts must apply EU law instead.

WHY THIS RULES OUT THE UN/WTO COMPARISON

A UN member state can, in practice, ignore a Security Council resolution without a domestic court striking down its own contrary national law as a result. Within its own defined competences, EU law genuinely overrides conflicting national law inside national courts — a real, binding legal relationship no ordinary international organization has with its own member states.

Why It's Not Simply a Federation Either

ARTICLE 50 & THE REAL 2016–2020 PRECEDENT

The Treaty on European Union's own Article 50 provides a genuine, formal legal mechanism for a member state to withdraw. The United Kingdom used it: a June 2016 referendum (51.9% to leave), Article 50 formally triggered on 29 March 2017, and full legal withdrawal completed on 31 January 2020 — the only member state ever to leave. No comparable mechanism exists in a genuine federation.

THE CONTRAST, MADE CONCRETE: TEXAS V. WHITE (1869)

The US Supreme Court ruled unilateral state secession unconstitutional, Chief Justice Salmon Chase writing of "an indestructible Union, composed of indestructible states." No US state, and no German Land, has any legal path out remotely comparable to Article 50. The EU's member states retain something federations structurally deny their own constituent units: a real, treaty-based right to leave.

The Real Legal Mechanism That Makes This Possible

The EU's own genuinely distinct middle position rests on a formal, treaty-defined division of authority — Articles 2 through 6 of the Treaty on the Functioning of the European Union (TFEU) — sorting every policy area into one of three real categories, rather than transferring sovereignty wholesale the way a federal constitution does.

Competence Type	What It Means	Example
Exclusive (Art. 3 TFEU)	Only the EU can legislate; member states act only if the EU explicitly authorizes them to	The customs union, common trade policy
Shared (Art. 4 TFEU)	Both the EU and member states can legislate; a member state may act only where the EU hasn't	The internal market, environmental policy
Supporting (Art. 6 TFEU)	The EU may only support, coordinate, or complement — never harmonize national law	Culture, tourism, education

WHY THIS SETTLES THE CLASSIFICATION QUESTION

A federal constitution divides sovereignty once, structurally, across every policy area at once. The EU's own competence framework instead sorts authority policy-area by policy-area, and it was built up gradually, treaty by treaty, rather than created in one single constitutional moment: the 1951 Treaty of Paris (the European Coal and Steel Community), the 1957 Treaty of Rome (the European Economic Community), and finally the 1993 Maastricht Treaty, which formally created "the European Union" as

a named entity. No single founding document plays the role the 1787 US Constitution plays for American federalism.

The Term Scholars Actually Use

Jacques Delors, President of the European Commission from 1985 to 1995, famously described the entity he led as an "objet politique non identifié" — an unidentified political object. Modern political science largely agrees with the underlying diagnosis even if not the memorable phrasing: political scientist Marek Hlavac's own influential formulation calls the EU "less than a state, more than an international organization." The Latin term scholars reach for is **sui generis** — literally "of its own kind" — a real, working label for something the standard federal/unitary/international-organization toolkit genuinely can't classify without stretching one category past its own useful meaning.

Hands-On Exercises

Exercise 1 — Sorting Competences

Using Article 2 TFEU's own three-category framework, classify each of the following as exclusive, shared, or supporting: (a) EU-wide customs tariffs on imported goods, (b) national environmental regulations on air quality, (c) a national government's own public education curriculum.

→ [Solution](#)

Exercise 2 — Applying *Costa v. ENEL*

A member state passes a national law that directly conflicts with an EU regulation issued under the EU's own exclusive competence over trade policy. Using the real *Costa v. ENEL* precedent, explain which law a national court is legally required to apply, and why.

→ [Solution](#)

Exercise 3 — Federation or Not?

Using the real Article 50/Brexit precedent against the real *Texas v. White* (1869) precedent, write a short, evidence-based argument for why the EU cannot accurately be classified as a federation, even though it exercises real, binding legal authority in specific policy areas.

→ [Solution](#)

Quick Reference — Chapter 1

- Van Gend en Loos (1963) established direct effect; Costa v. ENEL (1964) established supremacy — together, the real legal basis distinguishing EU law from an ordinary international treaty regime
- Article 50 TEU provides a genuine legal withdrawal mechanism, used by the UK (2016 referendum, triggered 29 March 2017, completed 31 January 2020) — no comparable mechanism exists in a real federation, per *Texas v. White* (1869)
- Articles 2–6 TFEU divide EU authority into exclusive, shared, and supporting competences, built up gradually across three real founding treaties (Paris 1951, Rome 1957, Maastricht 1993) rather than one single constitutional moment
- Jacques Delors's real "unidentified political object" and the scholarly term "sui generis" both describe the same genuine finding: the EU fits neither the federal nor the international-organization category cleanly

What's Next

Chapter 2: The European Commission: The EU's Real Executive Body.

CHAPTER 2: THE EUROPEAN COMMISSION: THE EU'S REAL EXECUTIVE BODY

European Politics Fundamentals

Chapter 2 · The European Commission: The EU's Real Executive Body

Chapter 1 established that the EU's own real legal authority — direct effect, supremacy — makes it more than an international organization. This chapter covers the body that actually proposes and enforces that authority day to day: a genuinely unusual executive, structurally unlike any single national government this site's own Politics Subject has covered so far.

Structure: One Commissioner, Every Member State

THE COLLEGE OF COMMISSIONERS

The Commission is formed by a College with one Commissioner per member state (27, following Brexit), serving five-year terms matching the European Parliament's own electoral cycle. Every Commissioner takes a real, formal oath of office: to be "completely independent" in carrying out their duties, and — critically — "neither to seek nor to take instructions from any Government." A Commissioner is legally required to represent the EU's own interest, not their home country's, once appointed.

WHY THIS STRUCTURAL DETAIL MATTERS

This is a genuine, deliberate design choice distinguishing the Commission from a body like the Council of the EU (covered in Chapter 4), where national ministers explicitly represent their own government's position. The Commission's own legitimacy rests on the fiction — enforced by a real oath — that its members stop being national representatives the moment they take office.

The Legislative Initiative Monopoly

ARTICLE 17(2) TEU

"Union legislative acts may only be adopted on the basis of a Commission proposal, except where the Treaties provide otherwise." In practice, this gives the Commission a near-total monopoly on formally proposing new EU legislation. The European Parliament and the Council of the EU — the two bodies that actually debate and adopt legislation — can only *invite* the Commission to draft a proposal; they cannot, in most policy areas, introduce a bill themselves the way an individual member of a national parliament routinely can.

A GENUINELY UNUSUAL FEATURE BY NATIONAL-PARLIAMENT STANDARDS

In most democracies this site's own Politics Subject has already covered, an ordinary legislator can introduce a private member's bill. In the EU's own legislative process, that starting move belongs to one unelected body alone — a real, structural centralization of the agenda-setting power that has no clean national equivalent.

"Guardian of the Treaties": Real Enforcement Teeth

Article 17 TEU also names the Commission the treaties' own "guardian" — responsible for monitoring whether member states actually comply with EU law. Its main real tool is the infringement procedure under Article 258 TFEU, a formal three-stage process.

STAGE 1: FORMAL NOTICE

The Commission writes to the member state, laying out the alleged breach and inviting a response.

STAGE 2: REASONED OPINION

If the response is unsatisfactory, the Commission issues a formal reasoned opinion and sets a deadline for compliance.

STAGE 3: REFERRAL TO THE CJEU

If the deadline passes without compliance, the Commission may

refer the case to the Court of Justice of the EU — which, under Article 260 TFEU, can impose real financial penalties.

A REAL, DATED PENALTY: POLAND, 27 OCTOBER 2021

The Court of Justice imposed a periodic penalty of €1 million per day on Poland for failing to suspend the operation of its own Supreme Court Disciplinary Chamber, which the Court had already found (15 July 2021) to violate judicial independence and impartiality requirements. This wasn't a symbolic gesture — it was a real, compounding financial cost applied directly against a member state's own government for continued non-compliance.

A REAL, SIGNIFICANT RECENT RULING: COMMISSION V HUNGARY (C-769/22)

The Commission challenged a 2021 Hungarian law restricting minors' access to LGBTI-related content across media, education, and commerce, arguing it breached Article 2 TEU (the EU's own founding values) and Article 1 of the Charter of Fundamental Rights. The Court of Justice ruled unanimously that the law violated "the very identity of the Union" — the first ruling of its kind to invoke both provisions this way, and a real, concrete demonstration of how far the "guardian of the treaties" role can reach into a member state's own domestic legislation.

Choosing a Commission President: Formal Rule vs. Real Practice

The formal appointment procedure has two real steps: the European Council proposes a candidate by qualified majority, "taking into account" the European Parliament election results, and Parliament must then approve that candidate by a majority of its component members. An informal convention layered on top of this — the **Spitzenkandidat** ("lead candidate") process — holds that the winning European political party's own pre-announced lead candidate should become Commission President. This convention appears in no treaty at all.

THE CONVENTION'S REAL, DOCUMENTED BREAKDOWN: 2019

Manfred Weber led the European People's Party to the most seats in the May 2019 European Parliament election, making him the presumptive Spitzenkandidat pick. The European Council — led by French President Emmanuel Macron — refused to nominate either Weber or his main rival, and instead proposed Ursula von der Leyen, who had not been a lead candidate in the election at all. Parliament approved her, 383 votes to 327, in July 2019. The formal treaty procedure (Council proposes, Parliament approves) held; the informal democratic convention did not.

Applying Chapter 1's Own Framework

	A Typical National Executive	The European Commission
Who chooses the leader	Directly elected, or chosen by a national legislature	Proposed by member-state governments (Council), approved by a directly elected body (Parliament) — a genuine hybrid
Who can propose new law	Any legislator can typically introduce a bill	The Commission holds a near-total monopoly, per Article 17(2) TEU
Loyalty of individual members	Ministers typically remain party/government figures	Commissioners take a real oath of independence from their own national government

Hands-On Exercises

Exercise 1 — Tracing an Infringement Procedure

A member state ignores the Commission's own formal notice and reasoned opinion regarding a law that breaches EU environmental legislation. List, in order, the remaining real steps available to the Commission, and name the real financial consequence a member state risks at the final stage.

→ [Solution](#)

Exercise 2 — Convention vs. Treaty

Using the real 2019 Weber/von der Leyen case, explain the real, structural difference between a political convention (like Spitzenkandidat) and a binding treaty rule (like the Council-proposes/ Parliament-approves procedure). Which one actually determined the outcome, and why?

→ [Solution](#)

Exercise 3 — The Independence Oath in Practice

A Commissioner's own home country asks them to block a Commission proposal that would harm one of that country's key industries. Using the real, verified oath of office, explain whether the Commissioner is legally permitted to comply with that request.

→ [Solution](#)

Quick Reference — Chapter 2

- The College of Commissioners has one member per member state (27), each bound by a real oath to act independently of their own national government
- Article 17(2) TEU gives the Commission a near-total monopoly on proposing new EU legislation — Parliament and the Council can only invite a proposal, not introduce one directly in most cases
- Article 258 TFEU's real three-stage infringement procedure (formal notice → reasoned opinion → CJEU referral) can end in real financial penalties under Article 260 TFEU — Poland was fined €1 million/day starting 27 October 2021
- Commission v Hungary (C-769/22) shows the "guardian of the treaties" role reaching directly into a member state's own domestic legislation, ruled a violation of "the very identity of the Union"
- The Spitzenkandidat convention is real but non-binding — its 2019 breakdown (Weber passed over for von der Leyen) shows the formal treaty procedure, not the

informal democratic convention, actually determines the outcome

What's Next

Chapter 3: **The European Parliament: Directly Elected, Genuinely Limited.**

CHAPTER 3: THE EUROPEAN PARLIAMENT: DIRECTLY ELECTED, GENUINELY LIMITED

European Politics Fundamentals

Chapter 3 · The European Parliament: Directly Elected, Genuinely Limited

Chapter 2 established the Commission's near-total monopoly on proposing legislation. This chapter takes the other side of that relationship: the EU's only directly elected body, which lacks the power to start the legislative process itself, yet holds one real power dramatic enough to have already brought down an entire Commission — without ever successfully casting the vote that power is actually named after.

Direct Elections Since 1979

JUNE 1979

Before 1979, Members of the European Parliament were appointed by national parliaments, not elected directly by citizens. The June 1979 European Parliament election changed that — the first direct election of its kind held internationally anywhere, returning 410 MEPs across the then-nine member states. The directly-elected Parliament has grown substantially since: for the 2024–2029 term, it holds 720 seats, an increase of 15 from the previous term's 705.

Degressive Proportionality: A Deliberate Departure From "One Person, One Vote"

Seats aren't allocated in strict proportion to population. Under the real principle of **degressive proportionality**, formalized through European Council decisions such as Decision (EU) 2023/2061, larger member states receive more seats overall, but proportionally fewer seats per capita than smaller member states do. A citizen of a

small member state's own vote, in practical terms, carries more electoral weight in seat-allocation terms than a citizen of a large member state's vote.

WHY THIS ISN'T SIMPLY A FLAW

Degressive proportionality is a deliberate design choice, not an oversight — it protects smaller member states from being permanently drowned out by population-weighted representation alone, the same underlying concern the US Senate's own equal-representation-per-state structure addresses through a different mechanism entirely.

The Real, Structural Limitation

NO FORMAL RIGHT OF LEGISLATIVE INITIATIVE

Per Article 17(2) TEU (covered in Chapter 2), Parliament cannot formally introduce EU legislation itself. It may request that the Commission submit a proposal on a given subject — but the Commission isn't legally obligated to act on that request. This is a real, genuine limitation with no equivalent in most national lower houses, where any individual member can typically table a bill.

What Parliament Actually Can Do

AMEND & REJECT LEGISLATION

Under the ordinary legislative procedure, Parliament sits on equal footing with the Council of the EU for most policy areas — it can amend or reject a Commission proposal outright, even though it can't originate one.

BUDGETARY POWER

Parliament shares real authority over the EU's own annual budget alongside the Council.

APPROVING THE COMMISSION

THE MOTION OF CENSURE

Parliament must approve both the Commission President (covered in Chapter 2) and the College of Commissioners as a whole before either can take office.

Under Article 234 TFEU, Parliament can force the entire Commission to resign as a body — its most dramatic real power, and the subject of this chapter's own central case.

The Real, Precise Story of the Santer Commission

Article 234 TFEU sets a genuinely high bar: a motion of censure requires a two-thirds majority of votes cast *and* a majority of Parliament's own total component members. The real history of this power is more interesting than "Parliament successfully used it" — because, to date, it never actually has.

14 JANUARY 1999: THE FORMAL VOTE FAILED

A motion of censure against Jacques Santer's Commission, requested by the Socialist Group, was put to a vote and rejected — 293 against, 232 in favor, 27 abstentions. The threshold wasn't met. On paper, Parliament's own censure power had just failed.

15 MARCH 1999: THE COMMISSION RESIGNED ANYWAY

Having rejected the censure motion, Parliament instead demanded an independent Committee of Experts investigate the Commission's own conduct. That committee's report, delivered 15 March 1999, documented real fraud and mismanagement. Facing the near-certainty of a second, this time successful, censure vote — and with the Commission President lacking any formal power to dismiss individual implicated Commissioners himself — the entire 20-member Santer Commission resigned as a body that same evening, months before its own term was due to end.

THE GENUINELY INTERESTING FINDING

Article 234's own formal power has never once been successfully exercised by a vote. Yet its credible threat, combined with an independent investigation, has already brought down an entire European Commission — a real demonstration that a

legislature's own power can operate through deterrence just as effectively as through its literal, formal use.

"Genuinely Limited" Doesn't Mean Powerless

Power	Does Parliament Have It?
Propose new EU legislation	No — this sits with the Commission alone (Article 17(2) TEU)
Amend or block proposed legislation	Yes — equal footing with the Council under the ordinary legislative procedure
Approve the Commission before it takes office	Yes — both the President individually and the College as a whole
Force the entire Commission to resign mid-term	Yes, in principle (Article 234 TFEU) — though never yet exercised by a successful formal vote

Hands-On Exercises

Exercise 1 — Degressive Proportionality

Explain, in your own words, why a system that gives smaller member states proportionally more seats per capita than larger ones is a deliberate design choice rather than a flaw — and name one comparable real-world mechanism from another political system that addresses a similar underlying concern.

→ [Solution](#)

Exercise 2 — Initiative vs. Amendment

Explain the real, precise difference between "the power to propose legislation" and "the power to amend or reject legislation." Why does Parliament having only the second power still matter meaningfully, even without the first?

→ [Solution](#)

Exercise 3 — Threat vs. Formal Use

Using the real 1999 Santer Commission case, explain how a formal power can shape real outcomes even when it's never actually, successfully exercised by a vote. What was the real mechanism connecting the failed 14 January vote to the 15 March resignation?

→ [Solution](#)

Quick Reference — Chapter 3

- The European Parliament has been directly elected since June 1979 (410 MEPs, nine member states) and now holds 720 seats for the 2024–2029 term
- Degressive proportionality gives smaller member states proportionally more seats per capita than larger ones — a deliberate design choice, formalized in decisions like (EU) 2023/2061
- Parliament has no formal right to propose EU legislation (Article 17(2) TEU) — but holds real, equal power to amend or reject it under the ordinary legislative procedure
- Article 234 TFEU's motion of censure requires a two-thirds majority of votes cast plus a majority of all members — a threshold never yet successfully met by an actual vote
- The entire Jacques Santer Commission (20 members) resigned on 15 March 1999 following an independent experts' report on fraud — not because a censure vote succeeded (one had failed on 14 January), but because a second, likely-successful vote was considered inevitable

What's Next

Chapter 4: The Council of the EU & the European Council: Two Real, Easily Confused Bodies.

CHAPTER 4: THE COUNCIL OF THE EU & THE EUROPEAN COUNCIL: TWO REAL, EASILY CONFUSED BODIES

European Politics Fundamentals

Chapter 4 · The Council of the EU & the European Council: Two Real, Easily Confused Bodies

Two of the EU's most important bodies share almost the same name, and their real functions genuinely differ — one is a working legislative chamber, the other explicitly isn't allowed to legislate at all. A third, entirely separate body shares part of the name too, and isn't even an EU institution. This chapter sorts out all three, precisely.

The Council of the European Union: Ministers, by Policy Area

OFTEN JUST CALLED "THE COUNCIL"

The Council of the EU brings together one national minister per member state — but which minister depends entirely on the subject. If agriculture is on the agenda, the 27 agriculture ministers meet; for foreign policy, the 27 foreign ministers meet. In total, the Council has 10 real configurations, though only three meet on a regular, standing basis: General Affairs, Foreign Affairs, and Economic and Financial Affairs (ECOFIN). The Council's own presidency rotates every six months among member states, with that country's own ministers chairing meetings and setting the working agenda.

A DIRECT CALLBACK TO CHAPTER 3

The Council of the EU sits on genuinely equal legislative footing with the European Parliament under the ordinary legislative procedure — this is the body Parliament shares real amend-or-reject power with, working from a Commission proposal (Chapter 2) toward binding EU law.

How the Council Actually Votes: Qualified Majority

THE "DOUBLE MAJORITY" RULE

Qualified majority voting (QMV) is the Council's default decision method since the Lisbon Treaty. A measure passes only if it clears two thresholds at once: at least 55% of member states (currently 15 of 27) voting in favor, *and* those states together representing at least 65% of the EU's total population.

WHY A DOUBLE THRESHOLD, NOT JUST ONE

A pure state-count majority alone would let a coalition of small, low-population states outvote states representing most of the EU's actual people. A pure population threshold alone would let a handful of the largest states dominate regardless of how many separate countries actually agreed. Requiring both simultaneously forces genuinely broad support across both dimensions at once.

The European Council: A Genuinely Different Body

HEADS OF STATE OR GOVERNMENT

The European Council consists of the EU's own heads of state or government, together with its own President and the President of the Commission. Article 15(1) TEU states its role directly: it "shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof" — and, in the very same article, explicitly states that "it shall not exercise legislative functions." Where the Council of the EU passes binding law alongside Parliament, the European Council sets direction and leaves the actual legislating to other institutions entirely.

A REAL, DEDICATED PRESIDENT — DELIBERATELY VAGUE POWERS

The Lisbon Treaty created a standalone President of the European Council, first held by Herman Van Rompuy from 1 December 2009. Van Rompuy's own real, quoted description of the role is worth reading directly: "The European Council is generally considered to be the highest political authority in the Union but the job description and formal competences of its President are rather vague, even meagre." A body with enormous political weight, led by a position with deliberately limited formal power — itself a genuinely EU-flavored piece of institutional design.

A Third Body — Not Even Part of the EU

THE COUNCIL OF EUROPE

A completely separate international organization, founded in 1949 — older than the EU itself, and larger, with 47 member states rather than 27. The Council of Europe is the real body behind the European Convention on Human Rights (signed 1950) and the European Court of Human Rights, based in Strasbourg — a genuinely different court from the EU's own Court of Justice, based in Luxembourg and covered fully in Chapter 5. Confusing the two courts, or either "Council," is one of the most commonly noted mistakes in EU-adjacent commentary and journalism.

Sorting All Three, Side by Side

	Council of the EU	European Council	Council of Europe
EU institution?	Yes	Yes	No — a separate, older international organization
Members	National ministers (by policy area)	Heads of state/government + two Presidents	47 member states' own representatives
Legislative power?	Yes — shared with Parliament	No — explicitly excluded by Article 15(1) TEU	No legislative power over the EU at all

	Council of the EU	European Council	Council of Europe
Real, associated court	The EU's Court of Justice (Luxembourg) — Chapter 5	N/A	The European Court of Human Rights (Strasbourg)

Hands-On Exercises

Exercise 1 — Applying QMV

A proposal is supported by 16 member states, together representing 60% of the EU's total population. Using the real double-majority rule, has the proposal passed? Explain which threshold is or isn't met.

→ [Solution](#)

Exercise 2 — Which Body Handles This?

Sort each of the following into "Council of the EU," "European Council," or "Council of Europe": (a) the EU's 27 finance ministers negotiating a new banking regulation, (b) EU heads of government agreeing on a shared long-term strategic priority, (c) a human rights case being heard in Strasbourg.

→ [Solution](#)

Exercise 3 — Why the Exclusion Matters

Explain, using Article 15(1) TEU directly, why it matters that the European Council is explicitly barred from exercising legislative functions, even though it's often described as the EU's own "highest political authority."

→ [Solution](#)

Quick Reference — Chapter 4

- The Council of the EU has 10 real configurations of national ministers by policy area, a rotating six-month presidency, and shares real legislative power with Parliament
- Qualified majority voting requires both 55% of member states (15 of 27) and 65% of the EU's total population — a deliberate double threshold
- The European Council (heads of state/government) sets political direction but is explicitly barred from legislative functions under Article 15(1) TEU
- The European Council's own dedicated President role, first held by Herman Van Rompuy from December 2009, carries real political weight but deliberately vague formal powers, per Van Rompuy's own quoted description
- The Council of Europe (1949, 47 states) is a completely separate, non-EU organization, home to the European Convention on Human Rights and the European Court of Human Rights in Strasbourg — distinct from the EU's own Court of Justice in Luxembourg

What's Next

Chapter 5: The Court of Justice of the EU & the Real Doctrine of Supremacy.

CHAPTER 5: THE COURT OF JUSTICE OF THE EU & THE REAL DOCTRINE OF SUPREMACY

European Politics Fundamentals

Chapter 5 · The Court of Justice of the EU & the Real Doctrine of Supremacy

Chapter 1 introduced Van Gend en Loos and Costa v. ENEL as the foundation of the EU's own legal order. This chapter gives the Court that decided them its own full treatment, traces supremacy's real, much further-reaching development, and closes with an honest, unresolved complication: a national top court that, in 2020, told the CJEU its own ruling simply didn't apply.

The CJEU's Real Structure

TWO COURTS, ONE INSTITUTION, BASED IN LUXEMBOURG

The Court of Justice of the European Union (CJEU) is actually two separate courts. The Court of Justice itself has one judge per member state (27), hearing references from national courts and infringement cases (Chapter 2). The General Court has 54 judges — two per member state — handling certain direct actions. Judges are appointed by common accord of member state governments for renewable six-year terms, and elect their own President and Vice-President for three-year terms.

Supremacy, Extended: Internationale Handelsgesellschaft (1970)

A BIGGER CLAIM THAN COSTA V. ENEL EVER MADE

Costa v. ENEL (1964) established that EU law overrides conflicting ordinary national law. Six years later, the CJEU went considerably further: it ruled that EU law's validity cannot be challenged even on the grounds that it conflicts with fundamental rights enshrined in a member state's own national constitution. No

provision of national law, "of any nature whatsoever," can override EU law — a real, much larger claim than Costa's own more modest framing.

THE COURT'S OWN REAL COMPROMISE, IN THE SAME RULING

Aware of how provocative this claim was, the CJEU simultaneously committed itself to protecting fundamental rights as "general principles" of EU law, "inspired by the constitutional traditions common to the Member States." This wasn't written into any treaty — it was the Court's own self-imposed check, designed to make the expanded supremacy claim politically survivable.

Making Supremacy Practical: Simmenthal (1978)

NO WAITING REQUIRED

Simmenthal established the real mechanism that makes supremacy work day to day: a national court facing a conflict between EU law and national law must set the national law aside itself, immediately, using its own authority — without needing to wait for the national legislature to repeal the law, or a national constitutional court to formally strike it down. This is what turns supremacy from an abstract principle into something an ordinary national judge can actually act on in a single case.

The Real Pushback: Germany's "Solange" Doctrine

Internationale Handelsgesellschaft's own expanded claim didn't go unanswered. Germany's Federal Constitutional Court responded with what became known as the **Solange** ("as long as") doctrine: it reserved the right to review EU measures against German constitutional fundamental-rights standards, specifically *for as long as* EU-level protection wasn't considered adequate. This wasn't a rejection of supremacy outright — it was a conditional acceptance, with Germany's own top court keeping a real, standing check in reserve.

The Real, Unprecedented Moment: 5 May 2020

A NATIONAL COURT DECLARES A CJEU RULING "ULTRA VIRES"

In 2018, the CJEU's own *Weiss* judgment had confirmed that the European Central Bank's Public Sector Purchase Programme (PSPP) — a large-scale bond-buying program — fell within the ECB's real legal mandate. On 5 May 2020, Germany's Federal Constitutional Court ruled, for the first time in EU legal history, that this CJEU judgment itself was *ultra vires* — beyond the EU's real competence — and therefore not binding within Germany. The German court's own stated reasoning: the CJEU hadn't properly scrutinized whether the ECB had exceeded its mandate, a procedural failure serious enough, in the German court's own view, to justify simply declining to follow it.

WHY THIS MATTERS MORE THAN IT MIGHT FIRST APPEAR

Simmenthal says a national court must set aside conflicting national law in favor of EU law. The 2020 German ruling did something structurally different and far more direct: a national constitutional court set aside a CJEU judgment itself, rather than a conflicting national statute. Supremacy, even after six decades of real, consistent legal development, remains genuinely unresolved at its own outer edge — this course's own recurring theme from Chapter 1 (the EU as *sui generis*) shows up here in its sharpest form yet.

Tracing the Doctrine's Real Development

Case	Year	Real Advance
Van Gend en Loos	1963	Established direct effect — individuals can invoke EU law directly
Costa v. ENEL	1964	Established supremacy over conflicting ordinary national law

Case	Year	Real Advance
Internationale Handelsgesellschaft	1970	Extended supremacy over national constitutional provisions, with a self-imposed fundamental-rights compromise
Simmenthal	1978	Empowered national courts to set aside conflicting law immediately, on their own authority
The German PSPP/Weiss ruling	2020	A national top court declared a CJEU ruling itself non-binding — the doctrine's own sharpest real challenge yet

Hands-On Exercises

Exercise 1 — Costa vs. Handelsgesellschaft

Explain the real, precise difference in scope between what Costa v. ENEL (1964) established and what Internationale Handelsgesellschaft (1970) added on top of it.

→ [Solution](#)

Exercise 2 — Simmenthal in Practice

A national judge discovers that a national statute conflicts with a directly effective EU regulation. Using the real Simmenthal principle, explain what the judge is required to do, and what the judge does *not* need to wait for first.

→ [Solution](#)

Exercise 3 — Why 2020 Was Different

Using the real Simmenthal principle and the real 2020 German PSPP/Weiss ruling, explain the structural difference between a national court setting aside a conflicting national law (as Simmenthal requires) and a national court setting aside a CJEU ruling itself (as the German court did in 2020).

Quick Reference — Chapter 5

- The CJEU consists of two courts (the Court of Justice, one judge per member state; the General Court, two per member state), both based in Luxembourg, with judges serving renewable six-year terms
- Internationale Handelsgesellschaft (1970) extended supremacy over national constitutional provisions, while committing the CJEU itself to protecting fundamental rights as general principles of EU law
- Simmenthal (1978) empowered national courts to set aside conflicting national law immediately, without waiting for legislative repeal or a constitutional court ruling
- Germany's "Solange" doctrine reserved a conditional right to review EU measures against national fundamental-rights standards
- On 5 May 2020, Germany's Federal Constitutional Court declared a CJEU ruling (Weiss, on the ECB's PSPP bond-buying program) itself ultra vires and non-binding in Germany — the first time a national top court has directly challenged a CJEU judgment this way

What's Next

Chapter 6: The Ordinary Legislative Procedure: How an EU Law Actually Gets Made.

CHAPTER 6: THE ORDINARY LEGISLATIVE PROCEDURE: HOW AN EU LAW ACTUALLY GETS MADE

European Politics Fundamentals

Chapter 6 · The Ordinary Legislative Procedure: How an EU Law Actually Gets Made

Chapters 2, 3, and 4 introduced the Commission's proposal monopoly, Parliament's amending power, and the Council's qualified-majority voting separately. This chapter puts all three pieces together into the one real procedure that actually turns a Commission proposal into binding EU law — and shows how the formal, textbook version of that procedure and the way it usually plays out in practice are, genuinely, two different things.

The Formal Structure: Up to Three Readings

PARLIAMENT AND COUNCIL ACT AS CO-LEGISLATORS, ON EQUAL FOOTING

Renamed from "codecision" to the "ordinary legislative procedure" by the 2009 Lisbon Treaty, this is now the default procedure for the vast majority of EU legislation. Its defining real feature is that Parliament and the Council must both agree before a proposal becomes law — neither institution can simply outvote or bypass the other.

First Reading

Parliament examines the Commission's proposal and adopts its own position, with no fixed deadline. The Council then either accepts Parliament's position outright (the act is adopted, done) or adopts its own, different position and sends it back to Parliament.

Second Reading

Parliament has three months (extendable to four) to approve the Council's position (adopted), reject it outright by an absolute majority of its own members (the proposal fails, full stop), or propose amendments by that same absolute majority. If Parliament

amends, the Council then has three months (extendable to four) of its own to approve every amendment (adopted) — or not.

Third Reading: Conciliation

If the Council doesn't approve Parliament's amendments, a Conciliation Committee is convened within six weeks (extendable to eight): the Council's own members (or their representatives) plus an equal number of MEPs, co-chaired jointly by the President of Parliament and the Council's rotating presidency. This committee has six weeks (extendable to eight) to agree a joint text. If it can't — or if either institution later rejects that joint text — the proposal is deemed not to have been adopted, and the whole process ends.

What Actually Happens: Trilogues

REAL PRACTICE DIVERGES SHARPLY FROM THE FORMAL DIAGRAM

In practice, the three institutions rarely let a file run through the full formal cycle above. Instead, informal three-way meetings called

TRILOGUES

- bringing together representatives of Parliament, the Council, and the Commission
- negotiate a compromise text early, often well before Parliament and Council have even formally exchanged first-reading positions. More than 85% of ordinary legislative procedure files are actually agreed at first reading or the very start of second reading, almost always because a trilogue-negotiated deal was reached first and then simply rubber-stamped through the formal reading structure.

The formal three-reading procedure described above still exists as the legal backstop — the rules that apply if a trilogue deal can't be reached — but for most real EU legislation, it's trilogue negotiation, not the reading-by-reading exchange the treaties describe, that actually decides the final text.

Worked Example: The GDPR's Real Legislative Journey

THE GENERAL DATA PROTECTION REGULATION, 2012–2016

The GDPR is one of the most consequential pieces of EU legislation in decades, and its real legislative history traces this chapter's own procedure end to end.

25 January 2012

The European Commission publishes its draft proposal — exercising the initiative monopoly covered in Chapter 2.

12 March 2014

The European Parliament formally adopts its first-reading position.

15 June 2015

The Council adopts its own "general approach" — its negotiating mandate for the trilogue talks that follow.

Through late 2015

Trilogue negotiations between Parliament, Council, and Commission representatives work toward a compromise text.

15 December 2015

The three institutions reach political agreement in trilogue.

8 April 2016

The Council formally adopts its position at first reading — reflecting the trilogue deal already struck.

14 April 2016

The European Parliament approves that same position. The GDPR is adopted — entirely at first reading. No second reading, no conciliation, ever needed.

24 May 2016 / 25 May 2018

The regulation enters into force, with a built-in two-year transition period before it becomes directly applicable.

REGULATION VS. DIRECTIVE, IN ONE LINE

The GDPR is a Regulation, meaning it applies directly and identically in every member state with no national implementing law required — its own real two-year gap (2016 to 2018) existed purely to give organisations time to prepare, not because any member state needed to pass its own version of the law.

The Real Cost of Trilogues: A Transparency Problem

CLOSED-DOOR NEGOTIATIONS, REAL INSTITUTIONAL PUSHBACK

On 28 May 2015, European Ombudsman Emily O'Reilly launched a formal investigation into trilogue transparency, examining whether trilogue meetings are publicly announced, which documents they produce, and whether the public can actually access them. Her real finding: trilogues are closed meetings, with a severe lack of public access to participants, agendas, minutes, or the working documents where the actual compromises get made — even though trilogues now decide the substance of most EU legislation. The Ombudsman's own recommendation was for the institutions to proactively publish the working documents used in these negotiations; as of this course's own writing, that remains only partially implemented.

This is a genuine, unresolved tension at the heart of the procedure this chapter describes: the mechanism that makes EU lawmaking fast and workable in practice is largely invisible to the public it legislates for.

Formal Procedure vs. Real Practice

Aspect	The Formal Treaty Procedure	What Usually Actually Happens
Number of readings	Up to three	Almost always resolved by the end of the first
Where the deal is struck	Formal exchanges between the two institutions	Informal trilogue negotiations, often before formal positions are even exchanged

Aspect	The Formal Treaty Procedure	What Usually Actually Happens
Public visibility	Formal readings and votes are public record	Trilogue meetings and their working documents are largely closed to the public
Conciliation Committee	A real, defined fallback mechanism	Rarely reached at all — most files never need it

Hands-On Exercises

Exercise 1 — Reading the Timeline

Using the GDPR timeline above, explain why the process never reached a second reading, and identify which real date marks the point at which the outcome was effectively already settled.

→ [Solution](#)

Exercise 2 — Formal vs. Real

A friend tells you the EU "always" passes laws through three formal readings and a conciliation committee. Using the real 85%-plus statistic and the GDPR example, correct this misunderstanding.

→ [Solution](#)

Exercise 3 — The Transparency Tension

Explain, using the European Ombudsman's real 2015 investigation, why the very mechanism that makes EU lawmaking efficient (trilogues) is also the mechanism most criticized for lacking democratic transparency.

→ [Solution](#)

Quick Reference — Chapter 6

- The ordinary legislative procedure (renamed from "codecision" by the 2009 Lisbon Treaty) requires Parliament and the Council to agree on equal footing, across up to three formal readings
- First reading has no fixed deadline; second reading gives each institution three months (extendable to four); conciliation gives a joint 27-Council-member-plus-27-MEP committee six weeks (extendable to eight) to agree a joint text
- In real practice, more than 85% of files are agreed at first reading or the very start of second reading, almost always via informal trilogue negotiation between Parliament, Council, and Commission representatives
- The GDPR (proposed 25 January 2012, adopted 14 April 2016) was resolved entirely at first reading once a trilogue deal was struck on 15 December 2015
- The European Ombudsman's 2015 investigation found trilogues genuinely lack public transparency, despite deciding the substance of most EU law

What's Next

Chapter 7: Comparative National Systems: Parliamentary vs. Semi-Presidential Europe.

European Politics Fundamentals

Chapter 7 · Comparative National Systems: Parliamentary vs. Semi-Presidential Europe

Political Theory Fundamentals distinguishes fused executive-legislative systems (like the UK's own parliamentary model) from separated ones (like the US presidential model). France offers a genuine third category: a directly elected president with real executive power, sitting alongside a prime minister answerable to a separately elected legislature. This chapter builds France's real system from scratch, then places it directly against the UK's and Germany's own fused parliamentary systems — already covered in depth in this site's own UK Politics Fundamentals and German Political History courses — without repeating that material here.

France's Fifth Republic: A Dual Executive

FOUNDED 4 OCTOBER 1958, UNDER CHARLES DE GAULLE

The 1958 constitution replaced France's own unstable Fourth Republic with a deliberately strengthened executive, built from two distinct political visions: Michel Debré's British-inspired strong-Prime-Minister model, and de Gaulle's own vision of a President standing above day-to-day politics as guardian of the state and the constitution. The result is a real dual executive: Articles 5 and 21 give the President the role of guardian of the state and constitution, while the Prime Minister decides the government's own actions and policies. Crucially, unlike the Fourth Republic, the Prime Minister is *appointed* by the President rather than *invested* by the legislature — though still answerable to it.

Cohabitation: When the Two Halves Disagree

REAL COHABITATION, THREE DOCUMENTED TIMES

"Cohabitation" happens when the President's own party doesn't control the National Assembly, forcing the President to appoint a Prime Minister from the opposing majority. France has lived through this three real times: 1986–1988 (Socialist President François Mitterrand alongside Gaullist Prime Minister Jacques Chirac), 1993–1995 (Mitterrand alongside Édouard Balladur), and 1997–2002 (Gaullist President Chirac alongside Socialist Prime Minister Lionel Jospin). In each case, the President's real domestic power shrank sharply, leaving foreign policy and defense — the President's own traditional "reserved domain" — as the area of genuine, undisputed presidential authority.

The 2000 Fix: Aligning the Two Election Cycles

THE QUINQUENNAT REFERENDUM, 24 SEPTEMBER 2000

Backed by President Chirac and Prime Minister Jospin — a genuinely bipartisan effort, itself born of the cohabitation they were living through — French voters approved cutting the presidential term from seven years to five (73.2% in favor, though on a real, low 30.2% turnout). The real purpose was structural: aligning the presidential and legislative election cycles so the two votes would usually happen close together, sharply reducing the odds of a fresh cohabitation arising mid-term.

Article 49.3: Passing a Law Without a Vote

France's constitution gives the government one further, genuinely unusual tool: under Article 49.3, the government can declare a bill passed without any parliamentary vote at all — unless the National Assembly files, and then passes, a motion of no confidence within a set window. This lets a government without a comfortable majority still legislate, at the real cost of exposing itself to being toppled entirely.

A REAL STREAK, THEN A REAL BREAK

From 1962 until 2024, not a single no-confidence motion triggered by an Article 49.3 use had ever succeeded — including two filed against Prime Minister Élisabeth Borne's own real 2023 use of the mechanism to force through a controversial pension reform (raising the retirement age from 62 to 64), both voted down on 20 March 2023. That real 62-year streak ended on 4 December 2024, when the National Assembly passed a no-confidence motion (331–244) against Prime Minister Michel Barnier's own government — toppled directly over his use of Article 49.3 to push through the 2025 budget, in a genuinely unusual real alliance between far-right and left-wing lawmakers. Barnier resigned the next day, the first French government toppled by Parliament since 1962, and was succeeded by François Bayrou on 13 December 2024.

A DIRECT REAL CAUSE OF THE FRAGILITY

Neither Borne's nor Barnier's government had a real parliamentary majority to work with in the first place — a direct, lasting consequence of the real, hung 2022 legislative election, in which President Macron's own coalition won only 245 of the 289 seats needed for an absolute majority, the first time since 1988 that a newly elected president failed to secure one. Article 49.3 became these governments' own way of legislating anyway — at a real, eventually realized risk.

Placing France Against the UK and Germany

Feature	France (Semi-Presidential)	UK (Fused Parliamentary)	Germany (Fused Parliamentary)
Head of state	Directly elected President, real executive power	Hereditary monarch, ceremonial only	President, largely ceremonial
Head of government	Prime Minister, appointed by the President, answerable to the National Assembly	Prime Minister, drawn from and answerable to Parliament	Chancellor, elected by the Bundestag

Feature	France (Semi-Presidential)	UK (Fused Parliamentary)	Germany (Fused Parliamentary)
What happens when the executive lacks a majority	Cohabitation — the President keeps office but loses most domestic power	A minority government or coalition negotiation, covered directly in UK Politics Fundamentals	Coalition government, with a constructive vote of no confidence protecting stability — covered directly in German Political History
Removing the government mid-term	A no-confidence motion (rare to succeed, but succeeded in 2024)	A confidence vote in the Commons	A constructive vote of no confidence, requiring a replacement Chancellor to be named at the same time

TYING BACK TO POLITICAL THEORY FUNDAMENTALS

France isn't a clean fit for either of Political Theory Fundamentals' own two categories. It has a separately elected head of state with genuine, independent executive authority (like the US presidential model), but that head of state must still share power with a head of government answerable to the legislature (like the UK's or Germany's own fused model) — and which of those two logics actually governs in practice depends entirely on whether the President's own party controls the legislature at any given moment. Semi-presidentialism isn't a compromise between the two models so much as a real system that switches between behaving like one or the other, depending on the election results.

Hands-On Exercises

Exercise 1 — Why Cohabitation Happens

Explain, using France's real dual-executive structure, exactly why a President's own party losing control of the National Assembly forces cohabitation rather than simply letting the President continue governing as before.

→ [Solution](#)

Exercise 2 — The 2000 Referendum's Real Logic

Using the real reasoning behind the 2000 quinquennat referendum, explain why aligning the presidential and legislative election cycles reduces — but does not eliminate — the risk of cohabitation.

→ [Solution](#)

Exercise 3 — Semi-Presidentialism as a Switching System

Using the real comparison table above and the finding-box that follows it, explain why France is best described as a system that "switches" between behaving like a separated-powers system and a fused parliamentary one, rather than as a fixed, permanent hybrid of the two.

→ [Solution](#)

Quick Reference — Chapter 7

- France's 1958 Fifth Republic constitution created a dual executive: a President as guardian of the state, and a Prime Minister who runs the government day to day, answerable to the National Assembly
- Cohabitation (1986-88, 1993-95, 1997-2002) happens when the President's party loses its Assembly majority, shrinking the President's real power mostly to foreign policy and defense
- The 2000 quinquennat referendum cut the presidential term from seven years to five, specifically to align election cycles and reduce the odds of future cohabitation
- Article 49.3 lets a government pass a bill without a vote, unless a no-confidence motion is filed and passes — a streak of zero successful motions since 1962 ended on 4 December 2024, when Prime Minister Michel Barnier's government was toppled
- France fits neither Political Theory Fundamentals' fused nor separated model cleanly — it switches between behaving like each, depending on whether the

President's party controls the legislature

What's Next

Chapter 8: Coalition Government & Proportional Representation Across Europe.

European Politics Fundamentals

Chapter 8 · Coalition Government & Proportional Representation Across Europe

Political Theory Fundamentals already covered Duverger's Law and Germany's own mixed-member proportional Bundestag system, including its real 2023 overhang-seat reform — that material isn't repeated here. This chapter picks up exactly where that one leaves off: once a proportional system has done its mechanical work and produced a fragmented parliament with no single majority party, what actually happens next? Two real, contrasting European cases — Germany and the Netherlands — show that assembling and sustaining a coalition government is a genuinely separate challenge from simply converting votes into seats.

Two Real Thresholds, Two Real Outcomes

	Germany	The Netherlands
Formal legal threshold	5% of the national vote	None — no legal minimum at all
Real effective threshold	5%	Roughly 0.67%, the vote share needed for just one of 150 seats
Constituency structure	Mixed-member proportional, local + national lists	A single nationwide constituency, using the D'Hondt method

THE REAL CONSEQUENCE: 17 PARTIES IN ONE PARLIAMENT

The Netherlands' near-total absence of a threshold isn't a technicality — it produces genuinely extreme fragmentation. The March 2021 Dutch general election returned

17 SEPARATE PARTIES

with at least one seat in the 150-seat House of Representatives, a real, striking contrast to Germany's own 5%-threshold-filtered Bundestag.

The Real Cost: A 299-Day Coalition Formation

17 March 2021

The Dutch general election returns 17 parties with seats — no party close to a majority.

Through late 2021

Coalition talks drag on, breaking the country's own previous record of 225 days (set in 2017) by late October.

10 January 2022

A new government is finally sworn in — 299 days after the election, a real Dutch record.

The real result

The four parties that formed the new coalition — VVD, D66, CDA, and CU — were the exact same four parties that had governed together before the election.

ALMOST A YEAR, FOR A FAMILIAR RESULT

The real, striking finding here isn't just the length of the delay — it's that 299 days of negotiation ultimately produced the same governing coalition the country already had. A near-zero electoral threshold makes it easy for a party to win seats, but it doesn't make it any easier to actually stitch several small parties into a workable government once they're all sitting in parliament.

THE DUTCH "FORMATEUR" PROCESS

Dutch coalition talks follow a distinct real institutional custom: an "informateur" is first appointed to explore which coalition combinations are realistic, before a "formateur" (often the incoming Prime Minister) takes over to actually negotiate and finalize a coalition agreement — a formal, purpose-built role that Germany's own coalition-formation process has no direct equivalent for.

Germany's Real Coalition Agreements: Detailed, But Not Unbreakable

THE 2021 "TRAFFIC LIGHT" COALITION

Following the 2021 federal election, the SPD, the Greens, and the FDP formed Germany's first-ever three-party federal coalition, nicknamed the "traffic light" coalition after their three traditional party colors (red, green, and yellow). On 24 November 2021 they announced a real, detailed 177-page coalition agreement titled "Daring to Make More Progress," formally signed on 7 December 2021 — a genuinely comprehensive governing document meant to bind all three parties to a shared policy program for the full parliamentary term.

A 177-PAGE AGREEMENT DIDN'T GUARANTEE SURVIVAL

On 7 November 2024 — not quite three years later — the coalition collapsed. Chancellor Olaf Scholz dismissed Finance Minister Christian Lindner (FDP) after months of real budget disputes, and the remaining FDP ministers resigned shortly afterward. Even a detailed written agreement, running to nearly two hundred pages, couldn't hold three parties together once their real underlying policy disagreements became irreconcilable.

The UK's Own Contrast, Briefly Noted

UK Politics Fundamentals already covers the UK's own First Past the Post system and its typical tendency to manufacture single-party majorities, complicated by real regional-party successes and the genuine hung parliaments of 2010 and 2017 — that material isn't repeated here. The relevant point for this chapter is one of degree, not an absolute rule: FPTP structurally discourages the kind of fine-grained fragmentation the Netherlands allows, making a genuinely multi-party coalition negotiation (of the Dutch or German kind) a rare event in the UK rather than the ordinary, expected outcome it is in both Germany and the Netherlands.

Tying Back to Duverger's Law

THE MECHANICAL EFFECT IS ONLY HALF THE STORY

Political Theory Fundamentals' own treatment of Duverger's Law explains why proportional systems allow more parties into parliament in the first place — the mechanical effect of translating vote share into seat share with less distortion than a plurality system like FPTP. This chapter's own real cases show a genuinely separate, second-order consequence: once those parties are in parliament, actually forming and sustaining a government from among them is its own distinct challenge, with its own real costs (299 days of political limbo in the Netherlands) and its own real failure modes (a detailed 177-page agreement still collapsing in Germany after less than three years).

Hands-On Exercises

Exercise 1 — Threshold and Fragmentation

Using the real Dutch effective threshold of roughly 0.67% against Germany's real formal 5% threshold, explain why the Netherlands ended up with 17 parties holding seats in 2021 while Germany's own Bundestag stays considerably more consolidated.

→ [Solution](#)

Exercise 2 — Why 299 Days Still Produced the Same Coalition

Using the real 2021–2022 Dutch cabinet formation, explain why a coalition negotiation lasting 299 days can still end up with the exact same four governing parties the country already had — what does this suggest about what coalition negotiations are actually spending their time resolving?

→ [Solution](#)

Exercise 3 — A Detailed Agreement Is Not a Guarantee

Using the real German traffic-light coalition's 177-page agreement and its November 2024 collapse, explain why a highly detailed written coalition agreement reduces, but does not eliminate, the risk of a coalition falling apart mid-term.

Quick Reference — Chapter 8

- Germany applies a formal 5% electoral threshold; the Netherlands has no legal threshold at all, with a real effective threshold of roughly 0.67% (one of 150 seats in a single national constituency)
- The Netherlands' 2021 election returned 17 parties with seats — a direct, real consequence of that near-zero threshold
- Forming a coalition from that fragmented result took a record 299 days (10 January 2022), and ultimately reassembled the same four governing parties that had held power before
- Dutch coalition talks use a distinct real "informateur" then "formateur" institutional process, with no direct German equivalent
- Germany's own 2021 three-party "traffic light" coalition produced a real, detailed 177-page governing agreement — which still didn't prevent its collapse on 7 November 2024

What's Next

Chapter 9: Euroscepticism & Real Challenges to EU Integration.

CHAPTER 9: EUROSCEPTICISM & REAL CHALLENGES TO EU INTEGRATION

European Politics Fundamentals

Chapter 9 · Euroscepticism & Real Challenges to EU Integration

Chapters 5 and 6 described supremacy and lawmaking as if member states simply accept EU authority as a matter of course. In reality, that acceptance is a live, ongoing political question — contested from outside membership entirely, from within it by parties skeptical of further integration, and through direct disputes with EU institutions over the rule of law. This chapter covers all three, with Brexit as the real, headline case of the first kind.

Hard vs. Soft Euroscepticism

A REAL, INFLUENTIAL POLITICAL SCIENCE FRAMEWORK

Political scientists Paul Taggart and Aleks Szczerbiak drew a real, widely used distinction between two genuinely different kinds of skepticism toward the EU.

Hard Euroscepticism is an outright rejection of the entire project of European political and economic integration — a principled objection to membership itself. **Soft Euroscepticism** is narrower: not a rejection of membership or the European project as such, but qualified opposition to specific EU policies or to the current or future direction of integration.

Brexit: The Real Headline Case of Hard Euroscepticism

23 January 2013

Prime Minister David Cameron delivers his real "Bloomberg speech," promising a renegotiation of UK membership followed by an in/out referendum if the Conservatives win the next election.

2015

Cameron wins a majority on that manifesto commitment and begins the promised renegotiation.

23 June 2016

The UK holds its EU membership referendum. On a 72% turnout, voters back Leave by 51.9% to 48.1% — 17.4 million votes to 16.1 million.

29 March 2017

The UK formally triggers Article 50 TEU, the treaty's own withdrawal mechanism, starting a two-year exit clock.

2017–2019

The withdrawal deadline is extended three separate times amid repeated Parliamentary deadlock over the terms of departure.

31 January 2020, 23:00 GMT

The UK formally leaves the EU — the first member state ever to do so — ending 47 years of membership.

31 December 2020

A transition period ends, alongside a UK-EU Trade and Cooperation Agreement governing the new relationship.

A REAL, WORKING EXIT VALVE — AND DIRECT PROOF OF CHAPTER 1'S OWN FRAMING

Brexit is concrete, real evidence for Chapter 1's own claim that the EU is *sui generis* — neither a simple international organization (which a member could leave unilaterally at will) nor a true federation (which typically has no lawful exit route at all, as Chapter 1's own Texas v. White comparison showed). Article 50 gave the UK a real, legally defined path to leave while remaining a member throughout the entire negotiation — a genuine structural feature no fully sovereign federal state would build into its own constitution.

Soft Euroscepticism in Government: The Netherlands, 2023

THE PVV'S REAL ELECTION WIN

In the November 2023 Dutch general election, Geert Wilders' Party for Freedom (PVV) — long known for anti-EU, anti-immigration rhetoric — won 37 of the 150 seats (23.5% of the vote), becoming the largest party in the Dutch House of Representatives for the first time in its history, in what was widely described as one of the country's biggest political upsets since the Second World War.

A DIRECT CALLBACK TO CHAPTER 8

Winning the most seats didn't hand Wilders a governing majority outright — exactly the coalition dynamics covered in Chapter 8 applied here too, with Wilders needing to negotiate a real coalition with other parties (or attempt to govern as a minority) before he could actually take power. A soft-eurosceptic party entering government in a fragmented, low-threshold proportional system still has to clear the same coalition-formation hurdle as any other party.

Rule-of-Law Disputes: Tension From Within Membership

A third real form of tension doesn't involve leaving the EU or campaigning against it electorally at all — it plays out through direct institutional conflict between a member state's own government and EU bodies. Chapter 2 already introduced the real Article 258/260 TFEU infringement procedure and Poland's real 2021 €1 million-per-day penalty imposed by the CJEU. Hungarian Political History II covers Hungary's own full, extended rule-of-law dispute with the EU (including Article 7 TEU) in real depth — that material isn't repeated here, but it belongs squarely in this same category: a government remaining a full EU member while actively resisting specific EU legal and institutional demands.

Three Forms of Challenge, Compared

Form	Real Example	What It Actually Challenges
Hard Euroscepticism	Brexit (UK, 2016-2020)	Membership itself
Soft Euroscepticism	The PVV's 2023 Dutch election win	Specific EU policies or the pace/direction of integration, not membership
Rule-of-law disputes	Poland's 2021 CJEU penalty; Hungary's Article 7 dispute (covered fully in Hungarian Political History II)	Specific EU legal/institutional demands, from inside continued membership

Hands-On Exercises

Exercise 1 — Classifying the Three Forms

Using the real hard/soft Euroscepticism framework, explain why Brexit counts as hard Euroscepticism while the PVV's 2023 election platform is better classified as soft Euroscepticism.

→ [Solution](#)

Exercise 2 — Brexit and the Sui Generis Argument

Using the real Article 50 process and Chapter 1's own Texas v. White comparison, explain why Brexit actually happening is real evidence for the EU's own sui generis status, rather than evidence against it.

→ [Solution](#)

Exercise 3 — Winning an Election Isn't the Same as Governing

Using the real 2023 Dutch election result and Chapter 8's own coalition-formation material, explain why the PVV becoming the largest party did not automatically mean Wilders could govern as he wished.

Quick Reference — Chapter 9

- Hard Euroscepticism rejects EU membership itself; soft Euroscepticism opposes specific policies or the pace of integration while still supporting membership
- Brexit ran from Cameron's 23 January 2013 Bloomberg speech through the 23 June 2016 referendum (51.9% Leave) to formal exit on 31 January 2020, ending 47 years of UK membership
- Article 50's real, working exit mechanism is itself evidence for the EU's own sui generis status, first introduced in Chapter 1
- The Netherlands' PVV won the most seats (37/150) in the 2023 election on an anti-EU platform, but still had to navigate the same real coalition-formation process covered in Chapter 8
- Rule-of-law disputes (Poland's real CJEU penalty, Hungary's Article 7 dispute) represent a third, distinct form of tension — resistance from within continued membership

What's Next

Chapter 10: Capstone — Tracing a Real EU Legislative Process Start to Finish.

CHAPTER 10: CAPSTONE — TRACING A REAL EU LEGISLATIVE PROCESS START TO FINISH

European Politics Fundamentals

Chapter 10 · Capstone: Tracing a Real EU Legislative Process Start to Finish

Over nine chapters, this course built a real institutional toolkit: the EU's own sui generis status (Ch.1), the Commission's initiative and enforcement power (Ch.2), Parliament's amending role (Ch.3), the Council and European Council (Ch.4), the CJEU and supremacy (Ch.5), the ordinary legislative procedure (Ch.6), France's semi-presidential contrast (Ch.7), coalition politics (Ch.8), and Euroscepticism (Ch.9). This capstone applies every one of those tools to a single, real, still-unfolding case — the EU's Digital Markets Act — deliberately different from Chapter 6's own GDPR example, so the full toolkit, not just the legislative procedure alone, gets a real workout.

The Digital Markets Act: A Real Case Study

REGULATING "GATEKEEPER" TECH PLATFORMS

The Digital Markets Act (DMA) sets binding rules for the largest online platforms — designated "gatekeepers" — to keep digital markets contestable and fair. Its real 2020–2025 journey touches nearly every institution and mechanism this course has built, and, unlike the GDPR, its enforcement phase is still actively unfolding as this course is being written.

● **15 December 2020**

Ch. 2

The European Commission proposes the DMA — a real exercise of its initiative monopoly.

● **25 November 2021**

Ch. 4

The Council of the EU adopts its own negotiating position, worked out by ministers representing each member state.

15 December 2021 Ch. 3

The European Parliament adopts its own amendments at first reading — exercising its real amending power, not an initiative power it doesn't have.

January–March 2022 Ch. 6

Trilogue negotiations between Parliament, Council, and Commission representatives work toward a compromise text.

24 March 2022 Ch. 6

Political agreement is reached in trilogue — matching the real pattern covered in Chapter 6, where most files are resolved this way rather than through a full second or third reading.

14 September 2022 Ch. 6

The DMA is formally adopted by Parliament and the Council, entirely at first reading.

1 November 2022 / 2 May 2023 Ch. 5

The DMA enters into force and becomes applicable — as a Regulation, it applies directly and identically in every member state with no national implementing law required, the same real Regulation-vs-Directive distinction Chapter 6 drew for the GDPR.

6 September 2023 Ch. 2

The Commission — exercising a real enforcement power distinct from its earlier initiative role — designates six companies (Alphabet, Amazon, Apple, ByteDance, Meta, Microsoft) as "gatekeepers," triggering a six-month compliance deadline.

23 April 2025 Ch. 2 / Ch. 5

The Commission imposes the DMA's first-ever fines: €500 million on Apple (over its own anti-steering restrictions) and €200 million on Meta (over its "consent-or-pay" advertising model) — both companies retain a real right to challenge these fines before the Court of Justice of the EU, the same court whose structure and supremacy doctrine Chapter 5 covered.

The Domestic and International Backdrop

CHAPTER 8, IN THE BACKGROUND

The Council's own November 2021 vote on the DMA landed right at the transition into Germany's real three-party "traffic light" coalition (signed 7 December 2021, covered in Chapter 8) — and the DMA's entire implementation and early enforcement phase, from gatekeeper designation through the 2025 fines, played out across that coalition's real, full lifespan, up to and past its own collapse in November 2024. A member state's EU engagement doesn't pause for its own domestic coalition politics — it continues underneath it, regardless of which government happens to be in office at any given moment.

CHAPTER 9'S OWN THEME, IN A NEW FORM

The DMA has drawn real, ongoing international friction — genuine complaints, particularly from the United States, that its rules disproportionately target large American technology companies. This isn't Euroscepticism in Chapter 9's own internal sense (a member state or party resisting EU authority from within), but it's a related real tension: pushback against how far the EU's own regulatory authority should reach, this time from outside the Union entirely, over a law that nonetheless binds every company operating in the EU's own market regardless of where that company is headquartered.

Every Chapter, Applied

Chapter	Its Real Role in the DMA's Story
Ch. 1 — Sui Generis	The DMA's own extraterritorial-feeling reach illustrates the EU acting with a regulatory authority that resembles neither a simple treaty organization nor an ordinary federal government
Ch. 2 — The Commission	Proposed the DMA (2020); later designated gatekeepers and imposed the first fines (2023, 2025) — both its initiative and enforcement roles, in one case
Ch. 3 — The Parliament	Adopted its own amendments (December 2021), exercising real amending power with no initiative power of its own
Ch. 4 — The Councils	The Council of the EU adopted its own negotiating position (November 2021) through national ministers

Chapter	Its Real Role in the DMA's Story
Ch. 5 — The CJEU & Supremacy	The DMA's status as a directly applicable Regulation, and Apple's/Meta's real right to challenge their fines before the CJEU
Ch. 6 — The Legislative Procedure	The real trilogue-driven, first-reading-only path from proposal to law
Ch. 7 — National Systems	Every member state, regardless of its own executive structure, sent ministers to the same Council negotiating table
Ch. 8 — Coalition Government	Germany's own domestic coalition politics ran underneath, not instead of, its continued EU engagement
Ch. 9 — Euroscepticism	A related, external form of resistance to EU regulatory reach, this time from outside the Union

Hands-On Exercises

Exercise 1 — Two Roles for One Institution

Using the DMA's own real timeline, explain how the European Commission exercised two genuinely different kinds of power at two different points in this story, and name which chapter covers each one.

→ [Solution](#)

Exercise 2 — Why This Was Resolved So Quickly

Using Chapter 6's own real 85%-plus statistic and the DMA's real dates, explain why the DMA's entire formal legislative journey, from Commission proposal to final adoption, took under two years despite the scale and complexity of what it regulates.

→ [Solution](#)

Exercise 3 — Domestic Politics Doesn't Pause EU Business

Using the real overlap between the DMA's own implementation timeline and Germany's traffic-light coalition's full lifespan (December 2021 to November 2024), explain why a member state's EU obligations continue regardless of its own domestic political turbulence.

→ [Solution](#)

Quick Reference — Chapter 10

- The Digital Markets Act was proposed by the Commission on 15 December 2020 and formally adopted on 14 September 2022, resolved entirely at first reading via trilogue — the same real pattern covered in Chapter 6
- As a Regulation, the DMA became directly applicable across every member state on 2 May 2023 with no national implementing law required
- The Commission designated six real "gatekeeper" companies in September 2023, then imposed its first-ever DMA fines — €500 million on Apple, €200 million on Meta — on 23 April 2025, both real, ongoing exercises of the Commission's own enforcement power
- The DMA's implementation played out entirely within the real lifespan of Germany's own "traffic light" coalition, illustrating that domestic coalition politics runs underneath, not instead of, a member state's continued EU engagement
- Real, ongoing international friction over the DMA's reach echoes Chapter 9's own Euroscepticism theme, this time from outside the Union rather than from within it

Course Complete

This closes **European Politics Fundamentals**, 10/10 chapters. The course has built a real, working toolkit for reading EU institutions, national political systems, and

the genuine political tension that runs through both — grounded throughout in real, dated, verifiable events rather than textbook abstraction.