

EU IN PRACTICE: LEGISLATING TECH (DRAFT)

1-credit

Instructor: Peter Brown

Course Description

This course is part of the University of Florida's Jean Monnet Center of Excellence "EU in Practice" course series. These are 1-credit courses designed and taught in collaboration with practitioners working with or for the European Union. This iteration of the course will be largely taught online (with two in-person sessions - see syllabus for details). Meetings are one period weekly. The focus is on the policy-making process from the perspective of the European Parliament with a focus on two influential recent cases - the General Data Protection Regulation (GDPR) and the new AI Act. Students will first be introduced to the general legislative process, types of legislation and key actors and then will look at these two critical cases to gain insight into the nuances of the process in practice. Lectures will be delivered by a practitioner who has worked with and in the European Parliament for more than two decades.

Required Materials

- Various articles and book chapters assigned in syllabus.

Assignments

- Attendance & Participation - 15%
- Weekly discussion Posts - 20%
- Strategy Paper - 25%
- Simulation - 40%

COURSE SYLLABUS (VIRTUAL)

EU in Practice – Legislating technology in the EU

Introduction to the European Union

Introductions, to each other and to the course; some basics: the Treaties, subsidiarity, legal bases, right of legislative initiative, and “institutional geometry” (European Council, Council of the EU, Commission, Parliament, Court), walk-through of the Legislative Observatory and the Legislative Train Schedule.

Reading:

1. *EU Publications Office “The European Union – what it is and what it does,”* (pp. 7-11, pp. 57-68, and skim pp. 14-54)
2. *Corbett et al, Annex I, Table 1.1*

Parliament’s political profile

The European Parliament’s election, composition, and its Political Groups (“caucuses”), the emergence of European political parties, the resurgence of national parties on the European stage, the end of the two-group majority.

Reading:

1. *EPRS “The European Parliament – An Explainer.”*,
2. *Corbett et. al., Chapters 2, 4 and 5 plus Annex 1 and Tables 2.2, 4.1, 4.2, 4.3, 5.5. and 5.6*

Evolution of the EU legislative process since 1979

The Single Market, co-decision, ordinary legislative procedure, the “Better Law-Making” agreement, Commission’s Annual Legislative Programme, national vs European dynamics in Council and Parliament

Reading:

1. Corbett et. al., Chapters 12 and 13 Tables 12.1 to 12.5, 13.1, Annex II and Figures 12.1 to 12.5
2. European Commission
 - “Strategy documents”
 - “New Legislative Framework”
3. European Council “Better Law-Making Agreement”

Legislative Mechanics in Parliament

Legislative planning and legal bases, committee assignments and competences, role of committee leadership (Chair, Coordinators), Rapporteurs and “Shadows”, committee and Political Group staffs, policy research

Reading:

1. Corbett, Chapters 7, 9, and 11 plus Annex I, Tables 5.3, 9.3 and 11.1

European Parliament and non-legislative actors

Lobbying (Commission and Parliament), the European and US tech sectors in Brussels, role of NGOs and advocacy groups

Reading:

1. Corbett, Chapter 16, Annex I Table 10.1

European Parliament and the US Congress – a comparison

Executive oversight, partisanship, leadership roles and responsibilities, legislative initiative and legislative power, planning and scheduling.

Reading:

1. Parker and Alemmano, “Towards Effective Regulatory Cooperation under TTIP: A Comparative Overview of the EU and US Legislative and Regulatory Systems” read executive summary, pp. 2-9 and Annex,
2. Stevens-Finlayson, “EU vs US: Comparing the EU and US Federal Systems.”

Flagship legislation #1: GDPR

A Regulation (not a Directive...but), compliance and enforcement, the “Brussels effect”, (un)foreseen and (un)foreseeable consequences (Schrems CJEU cases, Data Privacy Framework, role of Data Protection Authorities and EDPS)

Reading:

European Parliament Legislative Observatory.

1. “Personal data protection: processing and free movement of data (General Data Protection Regulation)” 2012/0011(COD).
2. GDPR.eu “What is GDPR, the EU’s new data protection law?”
3. EDPS “The History of the General Data Protection Regulation.”



Videos

1. What is GDPR?.
2. Basic Definitions of GDPR.
3. Six Principles of GDPR.

Flagship legislation #2: The AI Act

Legislating technology (“The Digital Decade”, 2020-2030), role of the “new legislative framework”, compliance and enforcement, the 2019 AI White Paper and pressure to legislate, scope of proposed legislation, disputes over legal basis. The appearance of Generative AI, Parliament committee stage, sticking points (in Parliament and with Council), trilogue and inter-institutional negotiation.

Reading:

European Commission

1. *“Europe’s Digital Decade*
2. *Legislative Observatory and Train Schedule*
3. *procedure files - “the AI Act”, 2021/0106(COD).*
4. *The Future of Life Institute “AI Act Explorer.”*
5. *OECD “What is AI?”*
6. *EU Observer “The AI Act — a breach of EU fundamental rights charter?”*
7. *Politico “Inside the shadowy global battle to tame the world’s most dangerous technology.”*
8. *Euractiv “Commission’s DG for technology restructures to realise AI Office”*
9. *European Parliament “Artificial intelligence: MEPs want the EU to be a global standard-setter.”*

Implementation of legislation

Delegated and implementing acts, role of conformity assessment, compliance, and mutual recognition agreements (MRAs), the European Standardization System, trade issues (role of the WTO and dispute resolution), European Parliament on the international stage

Reading:

1. *European Commission “Standards in EuropeLinks to an external site.”*
2. *Euractiv “How to define high-risk products”, IAPP “Will the EU AI Act work?”*
3. *ITIF “Hope for the best but prepare for the worst”*
4. *Mashable “Microsoft says EU rules made CrowdStrike outage possible*
5. *ECIPE “ICT Beyond Borders: The Integral Role of US Tech in Europe’s Digital Economy.”*

Simulation Assignment – Part 1

Getting to a plenary vote, building consensus, role of Political Groups

Reading:

1. *Materials from the political groups and regarding process (TBD)*

Simulation Assignment – Part 2

Simulation exercise

Debrief and conclusions

