

SYLLABUS

EU PUBLIC FINANCE LAW: A LEGAL FRAMEWORK TO SECURE PROSPERITY AND ECONOMIC RESILIENCE IN THE EU

1. BASIC COURSE INFORMATION

- **Title:** EU Public Finance Law: A legal framework to secure prosperity and economic resilience in the EU
- **Codi:** ----
- **Study:** Ll. M. in European Global Law
- **Center:** UPF Law Department
- **Academic course:** 2025 - 2026
- **Term:** 3rd
- **Type:** Elective
- **ETCS:** 4
- **Language:** English
- **Professors:** Ana Belén Macho, Rodolfo Salassa and Montserrat Ballarín

2. PRESENTATION

The course aims to provide students with a comprehensive understanding of the European Union's Public Finance Law, with a particular focus on the transformations taking place after the implementation of the Next Generation EU plan. Students will gain a solid understanding of the main EU financial legal institutions, both in terms of public spending (such as the Multiannual Financial Framework and the EU Budget) and in terms of public income (such as the Own Resources Decision, the EU tax policy and common debt).

A particular focus will be dedicated to analyzing the EU financial instruments adopted in response to the Covid-19 pandemic and the war in Ukraine. The course explains how the instruments developed during these consecutive global crises led to the consolidation of an EU fiscal capacity, but it also highlights the challenges that remain outstanding. We will analyze how the EU is developing a new legal framework to ensure prosperity and economic resilience in the EU. Additionally, the course will stimulate reflection on the future challenges that the EU will face in managing public finances, such as debt sustainability, tax fairness, strategic autonomy and the transition towards a green and digital economy.

3. CONTENTS

In terms of structure, the course is organized in four parts.

Part 1 explains the context and general features of the post-Covid EU fiscal policy. This part will delve into the approval of Next Generation EU, in particular the Recovery and Resilience Facility (RRF), and the new EU fiscal rules.

Part 2 provides an overview of the EU financial legal framework. We will analyze the main EU financial legal institutions, both in terms of expenditures and revenues.

Part 3 focuses on the legal, economic and social impact of Next Generation EU, examining the funding mechanisms, conditionalities imposed on Member States, and the required structural reforms.

Finally, Part 4 examines the future challenges for EU public finances, in particular, public debt sustainability, tax fairness and tax measures for the green and digital transition.

Throughout the course, the decisions of the Court of Justice of the EU on public finances and the reports of the European Court of Auditors will also be analyzed. Additionally, the course aims to provide students with practical skills for analyzing financial data, drafting legal opinions, and participating in public debates on EU financial policies.

The four parts comprise the following 13 sessions:

Part I. "The context and general features of the Post-Covid EU Fiscal Policy"

1. Crises and EU Public Finances (fiscal capacity)
2. The approval of Next Generation EU: the Recovery and Resilience Facility (RRF) and its funding
3. The Transformation of EU's Public Finances in terms of Public Spending and Public Income

Part II. "The EU Financial Legal Framework"

4. The Multiannual Financial Framework (MFF): Objectives, priorities, political negotiation, flexibility instruments
5. The EU Budget: Structure, functions, fundamental principles, adoption and control procedures
6. EU Own Resources: Types, historical evolution, debate on new own resources

Part III. "Next Generation EU and the Impact on Economic Governance"

7. Next Generation EU (NGEU): Origin, objectives, instruments (Recovery and Resilience Facility, REACT-EU, other programs), governance.
8. NGEU Conditionality: National Recovery and Resilience Plans (NRRPs), structural reforms, investments, monitoring, and evaluation.
9. The Impact of NGEU on Economic Governance: Revision of the Stability and Growth Pact, the European Semester, and state aid rules.

Part IV. "Future Challenges for EU Public Finances"

10. Public Debt Sustainability: Debt rules, general escape clause, debate on fiscal rule reform.
11. Tax Fairness: Combating tax evasion and avoidance, taxation of multinationals, tax harmonization.
12. Tax Measures for the Green Transition in the EU
13. Digital Transition: Digitalization of public administration, development of digital skills.

4. BIBLIOGRAPHY

Basic bibliography is indicated here. The complementary bibliography and specific study materials recommended for each session shall be distributed during the classes.

AGULLÓ AGÜERO, Antonia, "Europa, crisis y Derecho. Notas para la construcción de un nuevo Derecho del gasto público", *Civitas. Revista Española de Derecho Financiero*, núm. 170, 2016, pp. 39-62.

BEGG, Iain; BENEDETTO, Giacomo; BELICKA, Daina; CORTI, Francesco; NUÑEZ FERRER, Jorge; RUBIO, Eulalia, "The Next Revision of the Financial Regulation and the EU Budget Galaxy: How to safeguard and strengthen budgetary principles and parliamentary oversight", European Parliament, Brussels, marzo de 2022.

BEGG, Iain, "Dilemmas and challenges around the EU Budget", Centre for European Reform, *CER Insight*, 8 de abril de 2024.

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DE ANGELIS, Gabriele, "A New Role for the European Stability Mechanism in Post-COVID-19 EMU? Explaining the Failure of the Pandemic Crisis Support and Assessing Ways Forward", *International Journal of Political Economy*, 51, 2022, pp. 18-32.

DE WITTE, Bruno. "Integration through Funding. The Union's Finances as Policy Instrument", en Weber, Ruth (Ed.), *The Financial Constitution of European Integration: Follow the Money?*, Hart Publishing, 2023, pp. 221-236.

DERMINE, Paul, "The EU's Response to the COVID-19 Crisis and the Trajectory of Fiscal Integration in Europe: Between Continuity and Rupture", *Legal Issues of Economic Integration*, 47, nº 4, 2020, pp. 337-358.

DOBREVA, Alina, *System of own resources of the European Union*, European Parliamentary Research Service, 2023, p. 2.

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FABBRINI, Federico, *EU Fiscal Capacity: Legal Integration after Covid-19 and the War in Ukraine*, Oxford: Oxford University Press, 2022.

FAMÀ, Rosalba, "The REPowerEU Regulation", en FABBRINI, Federico; PETIT, Christy (ed.), *Research Handbook on Post-Pandemic Economic Governance & NGEU Law*, Edward Elgar, 2024, pp. 128-145.

GREGGI, Marco, and MIOTTO, Anna. 2024. "Windfall Profit Taxation in Europe (and Beyond)" *Laws* 13, no. 1: 1. <https://doi.org/10.3390/laws13010001>

MACHO PÉREZ, Ana Belén, "The Own Resources Decision (ORD) and EU public finances", en Federico FABBRINI & Christy Ann PETIT (eds.), *Research Handbook on Post-Pandemic EU Economic Governance and NGEU Law*, Edward Elgar, 2024, pp. 256-272.

MARCO PEÑAS, Ester, "Derecho "en" y "tras" la pandemia. Los mecanismos de apoyo de la UE para hacer frente a la crisis de la COVID-19: el alcance de la solidaridad entre los Estados miembros de la UE", *Anuario de la Facultad de Derecho de la Universidad Autónoma de Madrid*, núm. extra 1, 2021, págs. 353-371.

MATHIS, Alexandre, "Next Generation EU. Where are assigned revenue? Which impact in 2021?", *Policy Department for Budgetary Affairs*, European Parliament, 2020.

MEGLIANI, Mauro, "The ESM Pandemic Crisis Support Facility: A Changing Conditionality?", *European Business Law Review*, 33, Issue 2, 2022, pp. 227-242.

NEUMEIER, Christian, "Political Own Resources: Towards a Legal Framework", *Common Market Law Review*, n. 60, 2023, pp. 319-344.

SALASSA BOIX, Rodolfo Rubén, "Environmental tax studies for the ecological transition. Comparative analysis addressing urban concentration and increasing transport challenges", *Crónica tributaria*, nº 178, 2021, págs. 201-208.

STRASSER, David, *The finances of Europe*, Publications Office, 7ª ed., 1991.

VAN MIDDELAAR, Luuk, "Investment Politics: A New Capacity to Project Union Action into the Future?", en WEBER, Ruth (Ed.), *The Financial Constitution of European Integration: Follow the Money?*, Hart Publishing, 2023, pp. 237-258.

5. BASIC LEGISLATION

- Treaty on the Functioning of the European Union: [Articles 310 a 324 TFEU](#)
- [EU Financial Regulation](#): Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast)
- [MFF 2021-2027 Regulation](#): Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021-2027.
- [EURI \(NGEU\) Regulation](#): Council Regulation (EU) 2020/2094 of 14 December 2020 establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 crisis. Legal basis: Art. 122 del TFEU
- [RRF Regulation](#): EU Regulation (EU) 2021/241 of the European Parliament and of the Council dated 12th February 2021, which establishes the Recovery and Resilience Facility. Legal basis: Art. 175 (3) TFEU
- [EU Own Resources Decision 2020](#): Council Decision (EU, Euratom) 2020/2053 of 14 December 2020 on the system of own resources of the European Union and repealing Decision 2014/335/EU, Euratom
- [Interinstitutional Agreement of 16 December 2020](#) between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources.

6. SUSTAINABLE DEVELOPMENT GOALS

SDG 1. End poverty in all its forms everywhere

SDG 3. Ensure healthy lives and promote well-being for all at all ages

SDG 6. Ensure availability and sustainable management of water and sanitation for all

SDG 7. Ensure access to affordable, reliable, sustainable and modern energy for all

SDG 9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation

SDG 11. Make cities and human settlements inclusive, safe, resilient and sustainable

SDG 12. Ensure sustainable consumption and production patterns

SDG 17. Strengthen the means of implementation and revitalize the global partnership for sustainable development

7. EVALUATION AND GRADING SYSTEM

The evaluation of the course will always include an in-person exam scheduled according to the Pompeu Fabra University exam calendar. The annual learning plan will specify the exam's weight and percentage in relation to the final grade, as well as its characteristics and nature.