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Essays and Articles

War and Energy Crisis. For Europe the Exams Never End (p. 19)

Ida Angela Nicotra

The Russian aggression against Ukraine has intense repercussions on the EU. Like all wars, the one against Ukraine also constitutes a dangerous intimidation for the liberal democratic systems. The fundamental European principles are a target of this war which has made the need for a common European defense even more urgent. Common defense has always been an aspiration of the founding fathers of the Union. Yet the jealousy of the member states for their sovereignty has hindered its realization. The Global Strategy aims to build a common defense, which can be achieved by providing flexibility in the action of the CSDP. The war crisis carries with it the danger of an energy crisis on a global scale. Finding a common solution to the gas crisis is a top priority. This will be possible by putting into practice the solidarity dimension of European integration.

The EU Common Security and Defence Policy: Towards “Strategic Autonomy” or “Strategies in Autonomy”? (p. 45)

Maria Eugenia Bartoloni

Strategic autonomy in CSDP is conceived as the Union’s ability to consolidate its security and defence dimension through the use of the full range of mechanisms and instruments provided by the EU legal order, thus through an integrated approach. However, in EU law, the integrated approach model tends to clash with a deeply fragmented institutional and decision-making reality. Against this background, the process of

acquiring strategic autonomy appears hindered by the constitutional setup itself, which prevents EU from being conceived as a unitary entity. This article will focus on the legal “knots” that make strategic autonomy in the CSDP context difficult to realise. The thesis argued is that the multiple instruments aimed at strengthening common security and defence are, in reality, individual strategies that move autonomously.

European Integration at the Test of the Russian-Ukrainian Conflict (p. 65)
Chiara Sagone

The essay proposes a reflection on the position, emerging from the Constitution, of Italy towards war and international organizations, and then focuses on the role that NATO and the European Union have assumed following the war emergency that broke out in Ukraine.

The work of the EU organization is marked by a deep sense of solidarity, but some critical issues underline the aspects of weakness that were already found in the past in the defense sector. For this reason, it is necessary to intervene on the matter so that the European Union can propose itself as the center of gravity of a new balance between East and West.

Public Security in the Fight against International Terrorism: Between National Responses and Multilevel Interaction (p. 99)
Chiara Graziani

This work analyses how several levels of government (international, supranational, domestic) have interacted in the past twenty years to tackle the threat posed by international terrorism.

In particular, after shedding light on the main measures enacted by each level and on their tangled relationships, this Article points out the major legal issues (both in procedural and substantive terms) that arise from this complex framework.

The conclusion of this work presents some considerations on how the future of counter-terrorism law could be framed, taking into account that the multilevel dimension will be increasingly essential to ensure an effective counter-terrorism action.

The Maastricht Order and the “War Economy”. The Gordian Knot of Debt (p. 117)

Federico Losurdo

In the horizon of the “end of history”, the founding fathers of the Maastricht order thought that the monetary union would spontaneously generate the conditions for the fiscal union. Thirty years later, it should be noted that the supranational fiscal policy has mainly been declined in exceptional and experimental forms and outside the treaties: first during the sovereign debt crisis (Fiscal compact, ESM Treaty), then during the pandemic crisis (Next Generation, Recovery fund). The European Union, having arrived institutionally unprepared for the acceleration of history impressed by the Russian-Ukrainian war, can no longer evade the Gordian knot of a common debt, if it wants to seriously affirm its strategic autonomy.

Europe Today, Nothing Under the Dress? The “Case” of the Climate and Energy Policy (p. 139)

Antonio Cantaro

There is no identity without autonomy: autonomy from the opaque forces that govern the markets, autonomy from the (supposed) rationality and transparency of the markets. This is the dark evil from which some of the most important European policies have been suffering for some time. Firstly, fiscal policy and social policy, but also climate and energy policy. The field in which the maximum of identity rhetoric corresponds to the maximum of practical impotence.

“Beyond” the Financial Management of Emergency: From Post-pandemic Interventions to “Sustainable” States for the Future of Europe (p. 151)

Francesca Leotta

This paper proposes an examination of the connection between sustainable development, the inspiring principle of the interventions adopted by the European Union for the post-pandemic recovery, and fundamental organizational choices of the Member States, indicated as essential

conditions to be able to benefit from the huge resources allocated with the MFF 2021-2027 and the Next Generation EU.

The Union at War: From Constitutional Tolerance to a Europe “Super-power of Values”? (p. 175)

Giuliano Vosa

The war threatening the Union East-border seems to reinforce the constitutional patriotism that infuses judicial arguments protecting the rule of law, Union law's hermeneutics abandoning legal positivism for pure moral-teleological reasoning. This work argues that such evolution was implicit in previous case-law on primacy, as moral-teleological arguments took over to further ever-closer integration. Rule of law has potential to reach Union law's full uniformity; yet, national constitutions being set aside, law's certainty would rely less on objective readings of written texts than on subjective moral consonance with the judges. Whether this effect, yet initially intended to defend the *État de droit*, leads to both the demise of the *État* and the decline of the *droit*, remains an open issue

Head of State, Prime Minister and Coalition Agreement in the Context of European Integration and Parliamentary Democracy. Developments in the Practices of the Formation of the Government (p. 217)

Luca Dell'Atti

The essay analyzes the impact of the process of European integration on the process of government formation regulated by laconic provisions and flexible conventions, with reference to the powers of the President of the Republic and the Prime Minister and the inter-party government agreement: we observe the expansion of the former and the retraction of the latter, with particular evidence in the technical governments of this century. Notwithstanding Articles 92 and 94 of the Constitution have never been infringed, the evolving practices on the formation of the government ask scholars a pregnant question with regard to the future of the Italian parliamentary system, to resolve which we propose to read the procedure under study in the light of the constitutional principles provided by Articles 1 and 49 of the Constitution.

The Conference on the Future of Europe Between Representative, Participatory and Territorial Democracy (p. 241)

Alfonso Maria Cecere, Barbara Guastaferrro

The Conference on the Future of Europe confirms that the democratic principle at the supranational level cannot be solely identified with representation, but considers the participation of citizens a further and pivotal source of legitimization of the integration process. After analyzing the institutional architecture of the Conference, highlighting democracy within the Conference, the contribution examines the democracy proposed by the Conference, reviewing the main recommendations emerging from the Plenary and regarding institutional issues, decision-making procedures, and the involvement of territorial autonomies. Finally, the contribution focuses on the potential outcomes of the Conference, highlighting how its future prospects are hampered by an inter-institutional conflict between the advocates of a revision of EU treaties and the supporters of a pragmatic approach implementing the proposals of the Conference within the framework of the existing treaties.

Towards a New Order of Values for the Future Europe (p. 271)

Olivia Pini

The recent crises Europe has gone through seem to show an evolution in the order of values the Union acts upon; while in the context of the financial crisis 2007-2008 the granting of support measures, assuming a distinction between “virtuous” and “non virtuous” States, was strictly conditioned by the maintenance of a merely monetary stability, even at the cost of the most affected States’ default, the transitions among the latest crises, and mostly the recent pandemic and war emergencies, have enlightened with increasing strength the attention paid by Institutions to the Union’s social stability, in the pursuit of an authentic socio-economic solidarity and of a full integration among European States and peoples.