

CERIDAP

RIVISTA INTERDISCIPLINARE SUL
DIRITTO DELLE
AMMINISTRAZIONI PUBBLICHE

Estratto

FASCICOLO

4 / 2022

OTTOBRE - DICEMBRE

Challenges and opportunities for the European Union: a step forward

Giancarlo Vilella

DOI: 10.13130/2723-9195/2022-4-4

L'articolo analizza l'evoluzione recente degli interventi dell'UE che costituiscono a un tempo delle sfide e delle opportunità: futuro dell'Europa, Stato di diritto, economia, digitalizzazione. L'analisi è condotta alla luce delle conseguenze della guerra in Ucraina che hanno influenzato quegli interventi: infatti, le conseguenze della guerra si aggiungono alle sollecitazioni della Conferenza per quanto riguarda il futuro dell'Europa, si aggiungono alle azioni anti-Covid per quanto riguarda la crescita dell'economia, e rendono più urgente il processo di sovranità digitale dell'Unione. In chiusura l'articolo propone alcune riflessioni derivanti dall'analisi, in particolare si chiede se nel nuovo contesto l'UE stia emergendo come soggetto politico, se ha le ambizioni adeguate al suo sviluppo, se riesce a governare i cambiamenti sociali profondi imposti dalla digitalizzazione e, infine, se continua a costituire un baluardo a difesa della democrazia.

This paper analyses how interventions of the EU represent both challenges and opportunities: on the future of Europe, the rule of law, the economy, digitalisation. The appraisal takes account of the consequences of the war in Ukraine, which have influenced those interventions: indeed, the consequences of the war come on top of the demands of the Conference as far as the future of Europe is concerned, are superadded to the anti-Covid actions as far as the growth of the economy is concerned, and make the process of securing the digital sovereignty of the Union more urgent. In closing, the article puts forward a number of reflections, in particular it is asked whether in this new context the EU is emerging as a political actor, whether it has the ambitions consonant with its development, whether it can succeed in governing the profound social changes necessitated by digitalisation and, lastly, whether it continues to be a bulwark for the defence of democracy.

In September 2021, CERIDAP published an article of mine in which I analysed the challenges the EU had to take up in the second part of the ninth legislature, and also how those challenges in fact embodied great opportunities^[1]. Now, one year later, I would like to carry out a first review of how the things I dealt with in that article have evolved, taking into account the fact that an event that was unimaginable at that time has meanwhile taken centre stage, by which I mean of course the war in Ukraine. In the article in question, I examined, in order, the topics of the Conference on the Future of Europe, the problems in defending the rule of law, the interventions in the economy through Next Generation EU, the Brexit situation, the consequences of Covid for free movement, and the strategy for the digitisation of the continent. In undertaking this review, I shall endeavour to follow the same order, so as to stick closely to my original inquiry, although some adjustments will be necessary in order to take account of the new context^[2].

1. The future of Europe

The proceedings of the Plenary of the Conference on the Future of Europe (CoFE) closed in Strasbourg on the last weekend of April 2022, and also in Strasbourg the Executive Board presented its conclusions on 9 May, Europe Day^[3]. The closing words of the Board's report present a short, clear summary and a (self-)evaluation, so it is best to quote them verbatim:

«The overarching purpose of the Conference on the Future of Europe was to make the European Union fit for present and future challenges by providing an opportunity for citizens to articulate their concerns and ambitions and, together with representatives of the three Institutions, national parliaments and other stakeholders, to provide guidance for the future. To achieve this objective, the Conference had to be a citizens-focused, bottom-up exercise, creating a new space to debate Europe's challenges and priorities and to develop an overview of what citizens expect from the European Union. The Conference has indeed played this role. European citizens from all walks of life and corners of the Union participated in the Conference and produced Citizens' Panels' recommendations as well as, together with the subsequent Plenary including members from the European Parliament, the Council, and the European Commission, as well as representatives from all national parliaments, the Committee of the Regions, regional and local

elected representatives, the European Economic and Social Committee, social partners, civil society and other key stakeholders, proposals for the future of Europe. The tools and methodology developed for this process provided a unique set of resources that could form the basis for future exercises in citizen engagement and deliberative democracy at EU level. Through a multitude of events and debates organised across the Union, the interactive multilingual digital platform, the European and National Citizens' Panels, and the Conference Plenary, the Conference has now delivered a final report, including an overview of this year-long intensive work, as well as the proposals formulated by the Plenary for the future of Europe. These proposals make very clear that the EU must act to achieve the green and digital transitions, strengthen Europe's resilience and its social contract, while addressing inequalities and ensuring that the European Union is a fair, sustainable, innovative and competitive economy that leaves no one behind. The geopolitical developments during the Conference, and especially the Russian war of aggression against Ukraine, have also shown that the EU needs to be more assertive, taking a leading global role in promoting its values and standards in a world increasingly in turmoil. The Conference has provided a clear direction in these areas and the three EU Institutions now need to examine how to follow up on the concerns, ambitions, and ideas expressed. The next step in this process is to come up with concrete EU action building on the outcome of the Conference, contained in this final report. EU institutions will now therefore examine this report and its follow-up, each within the framework of their competences and in accordance with the Treaties. A feedback event will take place to update citizens in autumn 2022 on how the Institutions will live up to their commitment to ensure that European citizens are listened to and hold, in their hands, the future of Europe»⁽⁴⁾.

On that occasion, the French President Macron, in his capacity as President-in-Office of the Council of the European Union, made a particularly significant speech, in which he emphasised the need for the EU to make substantial progress, also by amending the Treaties, and suggested convening a Convention to examine the proposals. But what was even more significant was what he said about the need to create a European political community more extensive than the European Union of countries sharing the values of democracy and participating in various aspects of community life⁽⁵⁾: the EU would remain as such, with the possibility of enlargement only when a construction is found that makes it

effective in its policies and decisions^[6]. Macron had just been re-elected president of France, an unexpected development^[7], which has been authoritatively described (A. Touraine) as writing a new page in the history books: the previous years had been very complicated and the extreme right had largely succeeded in gaining acceptance for its antagonistic, anti-European vision. Yet Macron was re-elected President even with his clear objective of making Europe stronger and more independent: just a few days after his re-election, on 9 May in Strasbourg, he relaunched the debate on these lines. But the road ahead is far from easy, the countries opposed to this are not a few: 13 Member States signed a document immediately after Macron's speech, arguing that treaty change is not on the agenda and was never on the agenda of the CoFE. But those countries (as well as other critics of all sorts) forget that between the initial idea of the CoFE and Macron's speech, first the Covid-19 pandemic broke out and then the war in Ukraine, both of which put the focus back on the essential need for a stronger EU. The European Parliament, on the other hand, immediately (already at its May session in Brussels) backed the idea of a Convention to amend the Treaties on the basis of the work of the CoFE.

It is plain that the future of Europe depends on many factors. In particular, in the new context, the war in Ukraine weighs heavily on the future of Europe, raising big, new questions: the war broke out at a time when Europe was having to face major issues such as the drift away from the rule of law in some eastern countries, the high levels of public debt in some southern countries, the accentuation of social inequalities almost everywhere, and populism in politics. According to many observers, the war in Ukraine is an outpost of the clash between democracies and authoritarian regimes: among others, for example, there was Francis Fukuyama, who argued in an interview that *«the world is no longer divided between left and right but between democracies and authoritarian regimes, of which China and Russia are the driving force. Putin has been at the centre of this anti-democratic network for years and sends troops everywhere. Now he is trying to crush Ukraine. I am convinced that the decisive battle between free countries and authoritarian regimes is being fought here»*^[8]. He went on to add that this is the opportunity for liberal democracies to awaken from their torpor and rediscover unity and a sense of common identity: the importance of these values and the importance of defending them against dictators is being

rediscovered^[9]. Other observers add that the war in Ukraine is a terrible tool alongside others used by authoritarian regimes, such as cyber-sabotage, disinformation, financing of anti-system forces, and terrorism, not forgetting the use of migrants as “human bombs”^[10]. Before the war in Ukraine, Belarus had been strongly criticised by Europe for using Afghan refugees as a weapon against the EU and Poland in particular: the latter reacted by building a barbed wire fence and a state of emergency zone with repressive action by the army and the police^[11].

Democratic regimes are therefore vulnerable not only to war, which they do not regard as a problem-solving tool, but also to all other pitfalls. According to Putin, the West’s vulnerability is structural on account of the decline of traditional values^[12], such as the family, and, as for Paul Krugman^[13], he thought that decadent democracies were unable to put up viable resistance: an error of judgement, although the challenge remains open. Russia thought in terms of a blitzkrieg and a positive reception, but instead met with Ukrainian resistance and NATO drawing back closer together: Putin’s various declarations of defiance to the West, such as *«in Ukraine we haven’t even begun»*, or *«try to beat us on the ground»*, or *«there is a risk of atomic conflict»*, are according to many observers an indication of surprise. The fact remains – as I have already argued – that Russia’s aspiration to take up leadership of the authoritarian^[14] anti-Western countries is self-evident and accompanied by an expansionist drive aimed at recovering lost territories: as to whether this is feasible in a strategic future in which *«for Moscow there will be more Asia, more China and much less West»*, I, as a non-specialist^[15], would have many doubts. Indeed, when I read, for example, admittedly without being an expert in this field, the news that the supply of gas from Russia to China has increased by 63.4% and that of oil by 55%, I can see a kind of solidarity between “friendly” countries, but above all I can see that, as a result, Russia has made itself economically dependent on China. However, what the IMF stated at the end of July 2022 must be borne in mind: according to the IMF, the Russian economy is expected to suffer much less of an adverse impact as a result of the sanctions of “only” a 6% contraction of GDP in 2022 (and 3.5% in 2023) thanks not only to the level of exports, but also to the resilience of the domestic financial sector and the domestic labour market^[16]. On the other hand, – again according to the IMF – the impact of the war on the

main European economies is worse than expected, with a major reduction in growth forecasts on account of energy prices, the slowdown in production owing to supply disruptions and also the drop in consumer confidence. Nevertheless, I believe in fact that Russia has drawn itself into a tunnel from which it will emerge reduced in size internationally, even weaker than before economically, and dependent strategically on other powers such as China. Furthermore, from a geopolitical point of view, the war in Ukraine brings about the end of a project designed to bring Russia and Western Europe closer together, a project from which (as Massimo Cacciari points out^[17]) both sides could and should have drawn great advantages both in terms of their own strengthening and in terms of world balances: the invasion of Ukraine re-establishes a fracture which weakens both sides (for Russia, it also exposes that country's deep-rooted failures^[18]) and creates a wall that destroys the development of critical thought: perhaps, as sociologist Edgar Morin says^[19], for Western Europe, this shock has made us realise that we are in a sort of "general somnambulism" which has developed over the years and that the advances made by democracy are not irreversible^[20].

In truth, what happened in Afghanistan had already created a great sense of impotence and paralysis for the West, while the reaction to the Russian invasion of Ukraine was strong and united^[21]. After the US unilaterally withdrew from Afghanistan, without agreeing this with the European countries, the EU stressed as early as September 2021 the need to make its voice heard in international relations. The decision to supply arms to Ukraine and the decision to increase defence spending, also in countries such as Germany, are new, highly innovative components of the European Union approach. For example, the decision to create a joint fund of €500 million to purchase arms and munitions to replenish the stocks run down as a result of the war in Ukraine was most important, as was the joint procurement of anti-Covid vaccines: the aim is to create a single purchasing centre. The EU has also earmarked a total of €2.5 billion in 2022 to send weapons to the Ukrainian army. First Afghanistan, then Ukraine gave a boost to the development of a real European foreign policy supported by a common security and defence policy. As Macron said, in his role as President-in-Office of the Council of the Union, this is a new era, and we must continue along this path. Macron made it clear that the European Union cannot depend on others for its defence on land, on and under the sea, and in the air, but also in

space and cyberspace: European defence, Macron said in March 2022, must move to a more advanced stage^[22]. It is therefore a matter of overcoming a handicap denounced by Ece Temekuran: «*Europe does not have the kind of power that can be exercised with weapons. That is why it is perceived as naïve by leaders such as Erdogan and Putin*»^[23]. Next came NATO's enlargement to include new countries, Finland and Sweden, an enlargement northward on the borders with Russia. One observer, however, has given a sharp warning that the recent NATO enlargement interrupts the process of European defence construction that had already (re)started in 2021, after Afghanistan but before the Ukrainian war: from this point of view, the enlargement «*seems to be a merger of the Union with NATO (which) traces the strategic profile*» and undermines the idea of European defence, which is a mistake «*because European defence is a constitutive element of the EU*» (G. Tremonti)^[24].

2. Rule of law

The affair concerning the defence of the rule of law in the Union, which can be regarded as one of the determining factors of our future, has been going on with a high degree of conflict and shows no sign of being resolved positively.

Already in September 2021, the radical conflict between Poland and the EU emerged violently, when the Court of Justice of the EU (CJEU) fined Poland €500,000 per day if it did not close a lignite mine it was illegally exploiting: this case that pitted Poland against the Czech Republic (on whose borders the mine is located) and the CJEU had ruled in favour of the latter: «*You will not get a single cent*», the Polish deputy minister of justice declared. And it was just a straw in the wind. Indeed, in October 2021, the Polish Constitutional Court, prompted by the Polish government, held that domestic law took precedence over the European Treaties: there had already been cases in other countries^[25], but they were always rulings on specific, sectoral issues. In the case of Poland, however, the issue concerned the independence of judges, that is to say, a cornerstone of the principle of the rule of law which is a founding value of the EU. For some, this foreshadowed “Polexit”, all the more so since the reactions of the Polish Prime Minister at the time raised the level of verbal confrontation to unprecedented heights after the CJEU decided to impose a fine of €1 million per

day until the reform of the judiciary was corrected, in particular the part concerning the disciplinary section of the Supreme Court: the CJEU order was dated 14 July 2021, the imposition of the fine the following October.

In the meantime, the EU had adopted a regulation at the end of 2020 imposing the condition of respecting the rule of law for the disbursement of European funds (both regional policy and NextGen funds): the regulation was challenged by Poland and Hungary and the European Commission reserved the right to implement the regulation only after it had been reviewed by the CJEU, despite the European Parliament's very strong pressure for immediate application. In the end, the CJEU validated the conditionality mechanism in a judgment of February 2022 and the Commission was called upon to act "immediately", which it did by adopting guidelines for the application of conditionality. Soon afterwards, however, war broke out in Ukraine, leading to a huge flow of refugees in particular to Poland: the reaction of Poland and its people was very positive and generous in welcoming the Ukrainian refugees, which led to a suspension of the Commission's actions until the crisis, owing to which Poland needed financial aid, had been overcome. Moreover, at the end of May 2022, the European Commission approved Poland's national recovery and resilience plan (NRRP), a significant signal which took some of the pressure off, but without abandoning the basic question of respect for the rule of law: in fact, this approval was not unanimous, two vice-presidents voted against it, and many commentators, while acknowledging Poland's merits with regard to the reception of Ukrainian refugees, argued that the two plans should be kept separate. Unfortunately a serious escalation has been again recorded in August 2022: «*If the European Commission tries to push us against the wall, we will have no choice but to pull out all the cannons in our arsenal and open fire,*» Krzysztof Sobolewski, PiS' secretary-general, warned in an interview Monday with Polish state radio. He said Warsaw would adopt a "tooth for a tooth" strategy by vetoing EU initiatives, building a coalition seeking to fire von der Leyen and dismiss her whole College, as well as take legal action against Brussels to get the recovery fund money»^[26].

The same problem of conditionality for the use of European funds arose for Hungary, against which the Commission intentionally refrained from acting until the close of the parliamentary elections in that country, which returned Orbán to the head of government with an overwhelming majority. But

immediately after the elections, at the beginning of April 2022, the European Commission informed both Hungary and the European Parliament that the procedure would be opened, which indeed was done three weeks later with the sending of formal notice. It should be pointed out that, for Hungary, in addition to the problems concerning respect for the rule of law, there is a copious dossier concerning possible irregularities in the use of European funds, including related allegations of fraud and corruption.

3. The economy

As is well known, one of the highly innovative elements (of the EU's own constituent features) of Next-Generation is borrowing on the financial markets by the European Commission. Well: the interest of investors in subscribing to the market financing bonds offered by the European Commission under the Next-Generation scheme has been extremely high: in 2021, demand was 7 to 14 times higher than supply. This is particularly important for future prospects because it shows a high level of market confidence in EU debt securities, something which needs to be carefully monitored and assessed. But in addition to collecting resources on the market, what is crucial, of course, is the implementation of action programmes to revive the economy.

From this point of view, the case of Italy remains very important in the European context, indeed it can be said to occupy a central place having regard to the volume of resources allocated to that country. Let us recall the figures in order to understand the phenomenon: the Recovery Fund^[27] is worth a total of €723.8 billion (€386 billion in subsidised loans and €338 billion in non-repayable grants). Italy is the recipient of 26% of the total (a huge amount), that is, €191.5 billion (€122.6 in loans and €68.9 in grants), representing 10.7% of Italian GDP: these figures show the enormity of the intervention in favour of Italy. Clearly, a transfer of this magnitude requires a high guarantee of success for the European partners. Politically, a broad coalition government headed by a personality such as Draghi turned out to be the best solution in the Italian circumstances: yet a year after the launch of the initiative in Italy, the first difficulties in implementation were recorded. A first instalment of EUR 24.9 billion had been disbursed in August 2021 as pre-financing on the basis of the approval of the

Italian NRRP, while a first instalment properly so-called of EUR 21 billion (net of the partial recovery of the pre-financing) was paid following the achievement of the targets as at 31 December 2021. The instalment for the first half of 2022 (€20 billion, net of the partial recovery of pre-financing) was conditional on the achievement of the targets agreed on 30 June 2022: shortly before the deadline, however, there were internal arguments and difficulties, with Prime Minister Draghi constantly pressing the political parties and Parliament to accelerate the implementation of the NRRP, but also ministers for the aspects falling within their spheres of responsibility for their part. The government was intent on respecting the agreements and the plan, not least because (as explicitly stated) it was (and is) a great opportunity for Italy, not only to guarantee economic growth, which had been much impaired, but also to proceed with the structural reforms necessary for the country^[28].

This is about important reforms and interventions, of both major and medium impact. Just to mention a few key reforms to be carried out under the NRRP in order to get an idea of the what is involved, it is worth mentioning the reform of the competition regime, the tax reform and the reform of the public procurement code^[29]: as far as tax is concerned, in May 2022 the European Commission pointed out in its report on Italy that it was necessary to reduce the complexity of the tax code and specifically to rationalise tax concessions, eliminate environmentally harmful subsidies, adapt cadastral values to market values and more; as regards public procurement, on the other hand, it was necessary to reduce the number of contracting stations, reduce the duration of the award phase and carry out the digitalisation of procedures^[30]. As far as infrastructure interventions are concerned, let us recall the major investments in broadband, overcoming fossil energy dependence and investments in hydrogen, but also other interventions such as the first territorial health care, the valorisation of parks and gardens, the rules on university researchers, etc. On 30 June 2022, the government nevertheless requested the payment of the second instalment, claiming that it had reached the targets set for that date^[31]. However, proving that the difficulties just mentioned were not secondary, it happened that Prime Minister Draghi was forced to tender his resignation owing to the lack of a vote of confidence by three majority parties: the reaction of the European partners was not long in coming, the need to ensure the success of the Next-

Generation operations being absolutely primordial for the entire continent. The third phase, expiring on 31 December 2022, was indeed crucial both for the achievement of important new reform goals^[32] and for the implementation of those achieved so far. The 55 targets to be met by the end of 2022 in order to obtain a further instalment of €19 billion has been a focus of the concerns about the effects of the government crisis, particularly for the future of the major reforms: but this is another chapter to be written only after the Italian elections (25 September 2022) and the formation of the new government, while the Draghi government, although operating in a caretaker role handling on-going business, has continued (with the support of the President of the Republic) to do everything possible to make progress with the attainment of the NRRP.

Now, into this picture comes the growing and rather serious concern that Italy is the country with the highest debt in the whole of the EU^[33]: despite the suspension of the Stability Pact also for 2023, Italy is under “code red” observation, because the need to reduce its debt is a matter of absolute urgency owing to its negative potential for the entire European economic system. The Stability Pact was suspended in 2020 due to the Covid emergency with the intention of re-discussing it when the suspension expired, but the war in Ukraine has led to a postponement and the old rules are not expected to come back into force even in 2023 (as was planned). While waiting to see what the consequences of the sanctions on Russia and other measures are, apart from the damage caused by the war, no excessive deficit procedure will be opened in 2022 and the 2023 budgets will not be subject to the 20 per cent debt reduction rule. However, the debate on a possible reform of the Stability Pact has begun and the discussion ranges over many aspects:

- whether to adapt the criteria to individual States or simply raise the ceiling (e.g., to 100% of the debt, as proposed by some);
- whether investments for the environment and the digital transition should be taken into account when calculating the debt;
- whether the rules need to be simplified;
- how to make the enforcement of the corrective measures imposed by the Union more effective, so as to avoid sanctions;
- lastly, there remains the problem of how to make the change, if amending the Treaties is ruled out a priori.

In the meantime, however, the world's public debt has risen dramatically: in 2021 the capitalisation of global bonds reached 70 trillion dollars, i.e., 75% of the world's GDP^[34], while inflation has resumed running from the United States to Europe and elsewhere as it has not for more than thirty years. The European Central Bank has failed (because of serious uncertainties, according to critics) to govern the very sharp rise in inflation, which began before the war in Ukraine and then further escalated because of it, while it has begun to close all facilities with a subsidised interest rate for Member States^[35]. There are those who argue that the ECB moved too late: it was not until June 2022 that it announced a stop to national bond purchases together with the (deferred) increase in rates from the following July: it had previously bet on inflation being temporary. The reasons for inflation include not only first the pandemic and then the war, but also the massive increase in money supply by the FED, the ECB and the other central banks: which would suggest that there is a structural feature. At the end of July 2022, eleven years after the previous last time, the ECB raised its three key interest rates, by more than was planned (by 50 basis points), and at the same time announced that the next interest rate changes will be made on a meeting-by-meeting approach, that is say, without frontloading. In parallel with the raising of rates, the ECB adopted an instrument called the "Transmission Protection Instrument" (TPI), which will allow it to intervene "unrestrictedly" in favour of countries coming under unwarranted, disorderly pressure from the financial markets. However, the activation of the instrument is subject to certain conditions which respond to the principle of the coexistence of (European) solidarity with (State) responsibility: respect for the Community budgetary framework, absence of serious macroeconomic imbalances, programme of public expenditure restraint, respect for the commitments entered into with the Recovery Plan. I would be surprised if the situation of Italy did not spring to (anyone's) mind: in fact, as I have already said, it is the biggest concern. But there are those who defend the wait-and-see attitude by ECB on account of the risks to European economic growth, which should not be blocked. It must be clear that the "fear" of blocking the economic recovery after the pandemic times problems has good economic theoretical foundations, at the same time the "fear" (above all by Germany, but not only) of an uncontrolled inflation is very strong: the balance is not simple to be found. The war in Ukraine added to inflation: by

mid-2022, there were those who were beginning to speak of a “war economy” and the need to adapt economic policies to the new situation before the positive trend reversed.

In fact, the first positive effects of Next-Generation could already be seen on the labour market^[36]: in Europe, the rate of unemployment in the eurozone in December 2021 had reached its lowest level in 24 years, at 7% of the active population: between December 2020 and December 2021, unemployment fell by 1.83 million, and at the same time a shortage of labour in certain trades has become a serious problem^[37]. Also in Italy^[38], ISTAT had detected a sort of economic boom in June 2021 compared with June 2020, with 28.4% growth in manufacturing turnover and a net increase (hirings-disposals) of more than 600,000 more jobs, which rose further between January 2021 and January 2022 to 729,000 more jobs while unemployment fell to 8.8%, a good result for Italy, albeit with large differences between the North and the South of the country. However, in Italy, three quarters of the newly employed have a fixed-term contract and the problem of the working poor remains a large one on account of both low wages^[39] and insufficient working hours (hours and weeks of paid work^[40]): in Italy the percentage is 11.8%^[41] while in Europe as a whole the average is 9.2%. According to ISTAT, in Italy, one in three workers has a gross annual wage of less than EUR 12,000 and almost 10% of workers have an hourly wage of less than EUR 8.41. As we know, an agreement was reached in the EU in July 2022 on the need for a minimum wage in individual Member States which would guarantee dignity and sufficient wages for workers: it should be made clear that the objective is the adoption of a directive (not a regulation) and that this approach applies to countries that do not have at least 80 per cent of workers covered by collective bargaining. Germany immediately made a qualitative leap and adopted by law a minimum wage of EUR 12 per hour, starting in October 2022.

4. Digitalisation

The process of digitalisation of the economy and society has continued its course and there are numerous topics related to it. However, in the context of our survey of the great challenges in Europe, the digital market and digital services,

cybersecurity and smart working (or teleworking) have certainly come to the fore in the period under review.

As will be recalled, both the Digital Market Act (DMA) and the Digital Service Act (DSA) were proposed by the European Commission in mid-December 2020^[42], with political agreement being reached between the Council of the EU and the European Parliament in May and April 2022 respectively: this agreement is to be followed by the conclusion of the legislative procedure in a few months. The DMA aims to impose an obligation on the digital giants to interact with smaller operators, the blocking of anti-competitive practices, and the possibility of multi-million-euro fines for non-compliance with the rules. The DSA enables more responsibility to be imposed on the BigTechs for the content they publish, while requiring products sold there to be traceable, disinformation to be controlled and harmful (even if not illegal) content combated, and targeting practices regulated^[43]: again, the fines envisaged are large. The legislation was proposed after the possibility of self-regulation by large companies had been found to be a failure.^[44] The DSA and the DMA significantly reinforce the global regulatory role of the EU and its emergence as a global player in this area.

As far as cybersecurity is concerned, in his opening report for CyberTechEurope 2022, Alessandro Profumo, CEO of Leonardo, stated that *«in 2021 the global cost of cybercrime exceeded USD 6 trillion. One fifth of the attacks were directed at Europe»*^[45], while on the Italian side, Adolfo Urso, President of Copasir, said that *«a large-scale hacker attack must be viewed as a terrorist act»*^[46] and therefore the necessary measures must be taken^[47]. He also stated that hackers and the disinformation machine are aspects of a hybrid war which authoritarian regimes such as Russia and China use to penetrate Western democracies. If one then considers the information provided by Microsoft on the war in Ukraine, that is to say that several hacker groups of Russian origin had already carried out cyber-attacks against Ukrainian targets a year before the military invasion and that 37 destructive attacks were observed in the first two months of the war, often linked to operations on the ground, it can be understood why cybersecurity is now an essential strategic factor for States and international organisations, as well as for companies. However, at EU level, a real common strategy has yet to take off, although there is no lack of collaborative initiatives.

Lastly, we turn to smart working (or teleworking). According to a European

study^[48], hybrid working will affect 80 per cent of workers in the near future: however, there is concern about the ability of management to manage remote staff well. According to the study, the skills that should be developed are the ability to create team spirit, to strengthen communication, to be a good listener, even remotely, and to develop empathy, and lastly to keep the organisation on a sound footing. It may sound strange (not to me, however) but the pandemic has imposed a greater focus than in the past on how to ensure or achieve well-being in the workplace: it is a goal that is much more important for managers today than in the past, a priority with major consequences. According to some observers, the smart-working creates a reduction of the team spirit and in the long term could install in the worker a sort of “addiction” impacting the quality of the performance. Indeed, a company or an organisation evolves if each of its employees evolves, and, for this to be possible, it is necessary to create the necessary conditions.

Hybrid work has many advantages: it develops the worker’s sense of autonomy and affords the possibility of organising one’s working time; it allows much more concentration, because the distractions of the shared workplace are eliminated (it has been shown that, if distracted, it takes twenty-three minutes to recover one’s concentration fully); not to mention the gain in time due to the elimination of the home/work round trip. But, of course, it brings disadvantages that could be described as equal and opposite to the advantages, as for example on the subject of concentration: in fact, staying at home for some can mean excessive distraction if you do not know how to control your attention. To this must be added the problem of isolation and the risk, real or imagined, of not being able to communicate progress in one’s work well. Then there is the serious problem of health, because home workers are unlikely to be able to establish the right level of ergonomics in their equipment: in some countries a telework allowance has been introduced which in some cases is very significant^[49]. Finally, it has also been found that in many cases there is a risk of permanent work, that is to say, work that is not organised in well-distributed time slots. In short, it is now well understood that hybrid work cannot be left to individual initiative but must be the subject of in-depth team reflection, not only to analyse point by point the advantages and disadvantages enumerated above, but also to ensure that inequalities do not exist and that individual difficulties are eliminated.

In Italy in early December 2021, an agreement was reached between the government and social partners on so-called “agile work”^[50]. This agreement is the result of long-term discussion and consultation. In a nutshell, joining the agile work scheme is voluntary, subject to an individual agreement with a right of withdrawal. People are completely free not to join in. Working hours cannot be established, but there are time slots that must be identified, also with reference to disconnection times. Leave, overtime, holidays, and sickness are also taken into account in the agreement. In the months preceding the agreement, the Minister for Public Administration, R. Brunetta, had conducted a very substantial campaign on the need for civil servants to return to work at their pre-established workplaces: in the end, a 15% quota for possible hybrid (or agile) work was provided for the Italian public administration and the new provisions started to be applied as early as October 2021. In Italy, as from 1st September 2022 the use of the smart working is submitted to individual agreements, given that all special regulations lapsed.

5. Some reflections

Many reflections can be put forward in the light of this monitoring of events in 2021-22 from the perspective of a European Union which is facing great challenges and taking up the ensuing opportunities. From this point of view, the first reflection in order of importance that can be put forward is to ask whether the EU is emerging as a political actor. It seems to me that, despite the difficulties and contradictions, the EU has proved to be assertive, characterised by solidarity, and ambitious^[51], as it has shown with Covid and Climate, but also compact, responsive, and decisive, as it has shown with the war in Ukraine. Indeed, you can wonder if the exceptional external circumstances are determining this assertive EU attitude, rather than the real willingness of members to go in this direction: nevertheless, you can say that the present exceptional situation shows at least that it is possible and useful for all.

Of course, there is no shortage of problems: there have been and always will be differing points of view and problems in assessing the vital interests of the (numerous) individual Member States, which creates enormous difficulties for decision-making. We need very much to stress that the contradictions and the

difficulties are not few, the willingness to reach agreements for the common shared interests does not prevent Member States from adopting unilateral actions in conflict with the search of agreements: in this direction, the event (still in progress) concerning the price cap in the energy sector is the most paradigmatic, as well as the one abovementioned concerning the reform of the Stability Pact (still under discussion). It even goes as far as the extreme confrontational attitude of Hungary, which has used its veto on several occasions, resulting in essential changes in the EU's plans. For example, when I read newspaper headlines such as "EU already quarrelling over consumption cuts. European governments divided over plan to save 12 billion cubic metres" of gas, I immediately wonder what was driving the author of such a headline. We are talking about huge strategic issues, with 27 different countries discussing them: what do you expect? That they all agree in five minutes? It is truly astonishing and disheartening! It is as if we were talking about sharing a packet of peanuts among friends at the cinema. Instead, these are decisions of great emergency ("war economy" decisions, according to some observers) on account of Europe's dependence on Russian gas. The fact that there are (have been) even major differences between the Member States is true and – I repeat – normal, just as it is normal that discussions are held to find a common solution, on the basis of a Commission proposal: the EU Member States discuss, face up to each other, and jointly seek a solution: this is the right message, this is precisely what Europe is for. And in fact, agreement was subsequently reached in the shape of a differentiation of objectives, except in the event of a state of alert decreed by the EU Council by qualified majority, when the reduction of gas consumption would be mandatory for all (this was another file which Orbán's Hungary declared itself to be against).

But overall, there is no lack of unity: as witness, in my opinion, the fact that there is increasing discussion about the need to abandon unanimity voting, but also the widespread conviction that without a new method of decision-making, enlargements cannot take place, however much the EU is increasingly a pole of attraction (indeed, precisely because of this). New hypotheses are also being put forward based on the old idea of concentric circles, but little or nothing on the use of the enhanced cooperation provided for in the Treaties, while the need for a common defence is being seriously discussed for the first time for decades. The war in Ukraine shows, on the one hand, that it was reasonable to open the

Union's doors to the eastern countries that had thrown off the Russian yoke, whilst Hungarian obstructionism (with other serious conflicts in other countries) shows, on the other hand, that that opening was premature for those countries which were not in favour of a united Europe and which lacked a culture of rights: a great contradiction that justifies a return to the idea of a Europe of two concentric circles (with Macron's European Political Community, for example) and pushes towards more advanced solutions for the Union (abolition of unanimous voting in particular) even at the cost of losing pieces. Or, in my opinion, making a step forward by the countries that are willing to take it, whether through enhanced cooperation or other solutions. In short, the impetus for major changes is here and it would be a grave mistake to let it die.

On the contrary, it seems to me that the changes that are being discussed (this is the second reflection) are, paradoxically, much more advanced and ambitious than the results of the CoFE, pace all those critics who claim that the CoFE went beyond its terms of reference: it is a criticism which, in my opinion, is no longer relevant in these circumstances of change and great expectations for the future. In any event, leaving aside the content of the proposals (this is not the place to discuss them), it can be asked whether the CoFE was a success from a methodological point of view: and here my judgement is more tempered. The primary and experimental objective of the CoFE was to create an opportunity for citizens to express concerns and ambitions, to work together with representatives of the European institutions and national parliaments, to ensure that the reflection exercise was bottom-up. There is no doubt that the effort made to this end was great and the mobilisation significant; those who deny this are in bad faith: between participation on the online platform, European panels, national events, events organised by European bodies or institutions and so on, the mobilisation seen in itself is considerable^[52]. Moreover, what is equally considerable is the synthesis that has been achieved with the proposals put forward by the Conference Plenary. Why do I say that, nevertheless, my judgement is tempered? It is because, on the one hand, this great mobilisation has not left its mark on society, it has not created a widespread feeling that we are all dealing with Europe together, it has not convinced the media to support the discussion. On the other hand, with regard to the proposals (again: not discussed here) the reception has not created great enthusiasm, but rather questions such as

“Will they yield concrete results? Do they lead somewhere?” For the time being, negative criticism or, at best, silence, disregard prevails: although I can understand the fear of those who say that these proposals will create confusion, I personally believe that it would be good to give them a chance and do everything possible to have them taken into consideration.

My third reflection concerns the process of digitalisation, of which we have mentioned the measures with regard to the digital market and digital services, the problems of cybersecurity and the prospects of smart working: in fact, the advance of information technology is, according to recent analyses, profoundly shaping the character of our society. Ours is now defined as the era of the individual, succeeding the era of individualism: a large number of people no longer expect what is general but always something special, dedicated to them individually, such as in education, healthcare, products, events and other personal services^[53], it is an era which focuses on the individual and his or her personal, unique, individual needs. Digitalisation is said to have strongly favoured this process of “singularisation”: online experiences reflect and amplify a singularist stance with the spread of apps that provide personalised services such as diets, car routing, soul mates, or even choices based on previous ones, and so on^[54]. This must be added to the fundamental phenomenon of “disintermediation” (which strengthens the “singular” approach, encourages an auto-referential attitude, if not of auto-segregation, while in politics it supports the so-called knowledge short cut (and populism as consequence)^[55]). And there are those who go even further and argue that digitalisation has an important role to play in fostering the slide of the “multitudes” into an isolation that no longer includes respect for others but adopts a violent and intolerant attitude where “others” are not to be trusted, they are the enemy to be distrusted and fought^[56]: it is digitalisation that has fragmented human relationships, isolated people, made them angry and thus fostered a sense of omnipotence and of self-sufficiency in dealing with problems. This attitude is fuelled by unlimited access to information, often rambling and unreliable, which feeds conspiracy theories, revisionism, and denialism^[57].

These suggestions are certainly relevant in the sense that they denounce and systematise phenomena that are clearly visible in the behaviours of our societies. Perhaps they need to be counterbalanced by highlighting the opposite

phenomena favoured by digitalisation, such as participation, a new way of socialising, creativity, and so on. However, it is true, as has been authoritatively shown recently ^[58], that our age lacks a philosophical overarching vision of what is happening: the central point of all the reflections that have determined the history of mankind is precisely the relationship with “the other”, living in society with other human beings: it is the heart of the humanities, but it is precisely the concept of society (which is also recent) which most needs defining ^[59]. In his masterly work, Meyer shows us the way of reflection: there is how social life is perceived by individuals, based on culture, cohesion and coherence; then there are the venues of social life (village, city, State) and the units of social life (family, tribe, nation, people). But the real pillars of the concept of society, according to Meyer, are probably distance and belonging: religion and identity show themselves to be the foundations of belonging, while the economy reveals itself as the factor that determines distance. Belonging and distance are thus the crux of the problem, and this is where politics intervenes as the mediation of both, with the State as the organiser. The power of politics is nourished by negotiation, authority and force, which are related to (or in conflict with) consensus, that means democracy.

And so we come to my last reflection, which is indeed about democracy. Freedom House says that democracy is under siege, having been in decline for 15 years: from 2018 to date, the percentage of the world population which is considered to live in a democratic system has fallen from 50.2% to 32.2%, a significant and worrying decline. As I have already extensively shown elsewhere ^[60], analyses tending to show the difficulties of democracies have multiplied in recent years, an indication of widespread concern, but these are flanked by numerous interventions in the Western world which repudiate its own model and consider it an evil ^[61] together with the “flood” of the cancel culture that should be blocked, of course not for preventing the critics (which is a value) rather for making the most of the positive elements determining the role of the West in humanity development ^[62]: it is on these lines of radical criticism of the Western model of democracy and values that the exponents of authoritarian and dictatorial countries express themselves, adopting a widespread propaganda method in our media, without of course there being reciprocity in theirs, where there is only repression. Let me give a very concrete example: I found myself with an issue of

La Lettura (10 October 2021) which I had put aside to read, but then forgotten. I opened it and there was a long reportage on the European Strega Prize with the finalists presented at the Turin Book Fair. Here is the title: «*Lack of leadership, an uncertain present, difficulty in imagining the future, an uneven past: the authors of the European Strega Prize reflect on the continent and its prospects*»^[63]. Rather shocking, if not ridiculous. But does reflection about our continent really deserve these themes and only these themes being enlarged upon? Are the authors selected really only those who see everything as negative and catastrophic? It is a culturally destructive folly, which contributes nothing (perhaps apart from some people's personal gain) and makes our civilisation weak vis-à-vis the external actors who have declared a strategic war against it, the same external actors who grasp the arguments of our internal critics with both hands, often word for word. Sometimes it is surprising to see how the reasoning and language of the attacks by authoritarian countries coincide with those of our domestic critics. Now, if a close look is taken at the statements accompanying the Russian invasion of Ukraine, it is immediately noticeable that a permanent attack is being directed against the Western democracies: this actually suggests that beyond the geopolitical objectives in Ukraine, the war is a tool that seeks to undermine the resilience of democratic regimes^[64], with visible results. According to Maria Zakharova, Sergei Lavrov's spokeswoman, «*It is obvious to everyone that liberal regimes are in the deepest political, ideological and economic crisis, there is chaos, loss of control, it is free fall*»^[65]: a statement made following B. Johnson's resignation and reiterated by Medvedev after Draghi's resignation. The impression that is sought to be given is that Western leaders are "fragile", with Johnson being ousted, Macron losing his parliamentary majority, Scholz and Biden facing internal difficulties and Draghi forced to resign, but what is forgotten is that this is due to democracy, which allows confrontation, dialectics, and conflict and does not solve problems by resorting to individual or mass arrests, unexplained deaths, closure of the media, and liquidation of opponents even when they belong to the same political party. D. Quirico is right, solid democracies are not afraid of political crises, even if there is war, they question themselves, «*It is tyrannies, if anything, that invoke unanimity*»^[66]. It is mind-boggling, truly astounding to see the question being asked, even indirectly or in good faith, whether authoritarian and dictatorial regimes are more stable than

democracies: it is an absurd comparison, they are two opposing worlds in the concept and practice of freedom, even if it is true, however, that an intrinsic weakness of the Western democracies in the face of political aggression from countries like Russia, China, Iran and, in a different way, Turkey seems to be confirmed, also because the Western democracies leave room internally for even radical critics and, in the political arena, also for parties who oppose the system. And it is also true that even today it is the Western model that appears “weird”^[67] compared with a large part of the world: the substantial difference lies in the fact that in the West we reason more analytically, we believe in individual responsibility and freedom of will, we are individualists and universalists, while in large parts of the world the ties to the clan and the family remain strong, they think holistically and they have a communitarian feeling^[68]: this calls for serious reflection.

All this means that the debate on democracy and liberal values should now take on a general dimension^[69], with contributions which transcend academia and look to the future of our societies.

1. The article, entitled G. Vilella, *Second half of ninth legislature: challenges and potential opportunities for the European Union* was later published in CERIDAP, 2021, 3, pp. 113 ss. Once again I wish to thank my colleague and friend Robert Bray, who has been instrumental in helping me to make my English worthy of its subject-matter: the responsibility for the remaining errors and infelicities is mine and mine alone.
2. The article in question lacked a paragraph dedicated to the great challenge of Climate Change, an omission which will be repeated in this contribution: this challenge is a major priority, but I have neither the skills nor the knowledge to deal with it adequately. As a great teacher of mine used to say: «*I am not prepared enough to be brief*». I can only remind you of what is known to all, namely the adoption in 2021 of the *Green Pact for Europe*, which paved the way for numerous initiatives, including the goal of reducing greenhouse gas emissions by at least 50 per cent by 2030 and reaching carbon neutrality in 2050, as well as the decision not to build any more fossil-fuel cars from 2035. Furthermore, a Social Climate Fund is expected to come to life soon, to mitigate the impact of these decisions on certain sectors of the population.
3. Conference on the Future of Europe, *Report on the Final Outcome*, Strasbourg, May 2022 (<https://www.europarl.europa.eu/resources/library/media/20220509RES29121/20220509RES29121.pdf>). The Conference was officially opened in Strasbourg on 9 May 2021, exactly one year before.
4. Conference on the Future of Europe, *Report on the Final Outcome*, op. cit., p. 93.

5. Apart from the other candidates, It is true, in fact, that Ukraine is a “democracy in transition” with many problems to be resolved: possibly the present situation could (and maybe does) contribute to accelerate the process.
6. Already in his opening speech at the Conference, a year earlier, Macron had spoken of the need for the EU to decide rapidly and decisively.
7. And indeed, in the general election the following month Macron lost his absolute majority in the National Assembly. For a wide-ranging, in-depth and very acute analysis of these French elections and their significance not only for the electoral system but for the entire French political system, see the two articles by J. Ziller, *Dopo l'elezione del 24 aprile: il presidenzialismo francese in bilico tra governabilità e rappresentatività*, in *Federalismi.it*, 13, 2022, and subsequently *Dopo le elezioni legislative di giugno 2022: il parlamentarismo francese in bilico tra rappresentatività e governabilità*, in *Federalismi.it*, 18, 2022.
8. Interview with *Corriere della Sera*, 22 March 2022.
9. The author explores and expands on this subject in his recent book F. Fukuyama, *Liberalism and its Discontents*, Macmillan, London, 2022: according to him, liberal democracies today are under external pressure from an increasing number of countries which are illiberal democracies (India, Hungary) or non-democratic liberalisms (Hong Kong, Singapore), not counting of course authoritarian or dictatorial States. But even within our democracies there is pressure from right-wing and left-wing populisms that undermine justice and the rule of law. A great responsibility lies, according to the author, with the so-called “neo-liberalism” of recent years which has distorted classical liberalism. The union or the fusion of (classical) liberalism and democracy remains the best system for solving national and international problems and conflicts.
10. The phenomenon has been well known ever since the precise analysis of K. Greenhill, *Weapons of Mass Migration: Forced Displacement, Coercion, and Foreign Policy*, Cornell University Press, Ithaca, New York, 2010.
11. But it is not the only anti-immigrant fence to have been built in Europe: such fences exist in the Baltic countries, in Austria, Hungary and Slovenia and also in Greece, but we must not forget Ceuta, Melilla and Calais. To all this must be added the sea blockade system, a sort of maritime wall created by the sea operations of warships equipped for this purpose.
12. Allow me to refer to G. Vilella, *E-Democracy. Dove ci porta la democrazia digitale*, Pendragon, Bologna, 2020, where at pp. 34-35 I pointed out (recalling an interview of Putin with the Financial Times of 28 June 2019) that for Putin the liberal values of the West are obsolete and at odds with the interests of the vast majority of the population, that there is resentment towards these values, and in essence (I said) Putin is advocating to the world the illiberal authoritarian model as the model of the future: at the time it was not very fashionable to say this sort of thing about Putin, but today we have finally (re)discovered the problem.
13. *La Stampa*, 1 April 2022.
14. In reality, according the in-depth analysis contained in Memorial Italia, *Russia. Anatomia di un regime* (coordinamento di M. Flores), Milano, 2022, more than an authoritarian

- country Russia should today be compared to the Fascist regime.
15. For a well-rounded analysis of the Russian context in which the attack on Ukraine arose, see O. Moscatelli, *Putin e il putinismo in guerra*, Salerno Editrice, Rome, 2022: the analysis is that of a specialist who has been closely following the Kremlin's political and ideological evolution for years and has lived and worked in Moscow.
 16. In fact, according to some observers, there would seem to be (I use the conditional tense advisedly) a specific factor of concern, namely that sanctions are being circumvented using the "triangulation" method: more precisely, there would seem to be at least twenty countries in the world which enable companies wishing to export to Russia to do so by allowing the exports to go through them. It appears that this can be seen from a huge increase in those countries' exports to Russia which cannot be justified on the basis of their production. We will be seen whether this hypothesis is true and what the consequences will be.
 17. *La Stampa*, 12 April 2022.
 18. According to some analysts, it was precisely Russia's inherent weakness in the globalised world that prompted Moscow to return to military confrontation. This will in any case have an impact on the globalised approach to the world economy and will bring about new contexts and probably new alliances: whether this will take place predominantly on the basis of economic interests or also on ideological grounds (opposing autarchies against democracies) remains to be seen.
 19. *Le Soir*, 8 March 2022.
 20. The author expands and deepens the theme in his latest book, E. Morin, *Réveillons-nous!*, Édition Denoël, Paris, 2022: the title is very significant. Although the focus is largely on France, in fact the book's analysis is universal and leads us along the paths of «*a new anthropological era*» and the intrinsic link between «*crisis thinking and crisis of thought*».
 21. In this context (and this is the only reference I will make to the subject) the post-Brexit period is ever more conflicted if the news circulating unofficially (but without official proposals) about a British plan to create a new system of agreements between countries distrustful of the EU and intransigent towards Russia is true: these would be political, economic and military agreements, alternative to the EU, thanks to which the United Kingdom would regain a visible role in Europe, from where it had essentially disappeared after Brexit. The war in Ukraine created this opportunity, it seems: it has not been discussed since Boris Johnson's resignation.
 22. On the same wavelength, S. Romano, *La scommessa di Putin*, Longanesi, Milan, 2022, examines the necessary prospect of a united EU as an effective political subject, prior to further enlargements, as well as an EU autonomous from other powers, including the US and NATO, while the war in Ukraine has brought the US and NATO imperiously back into Europe.
 23. *Tuttolibri*, 9 October 2021.
 24. The debate is also fuelled by other hypotheses, such as that of A. Battaglia, S. Silvestri, *Guerra in Europa*, Castelvechi, Rome, 2022, who suggest the creation of a European

- Security and Defence Council, closely linked to NATO and the EU but external to and independent of both.
25. On the subject of the primacy of European law, see recently the excellent text by J. Ziller, *La primauté du droit de l'Union européenne*, Brussels, PE 732.474, May 2022 (responsible administrator Giorgio Mussa): the author wonders in closing whether we should not now move on to introduce this principle explicitly in the Treaties.
 26. As reported, word by word, in POLITICO Brussels Playbook, 9 August 2022 (<https://www.politico.eu/newsletter/brussels-playbook/mitsotakis-under-pressure-poland-threatens-vdl-dont-forget-belarus/>).
 27. For a precise, detailed recent analysis of this instrument see F. Fabbrini, *Next Generation EU*, il Mulino, Bologna, 2022: the author considers NGEU to be a watershed that introduces for the first-time elements of common economic policy alongside the single currency.
 28. For Italy's structural weakness in implementing plans and programmes, see recently A. Saravalle, C. Stagnaro, *Molte riforme per nulla. Una contro storia economica della Seconda Repubblica*, Marsilio, Venice, 2022.
 29. As will be recalled, the competition law was blocked for a long time because of the tendering for beach concessions and the regulation of taxis (later effectively scrapped), while the tax reform was blocked by the problem of updating the land register.
 30. As for public procurement, I would like to mention the excellent book by S. D'ancona, *Contributo allo studio della progettazione in materia di appalti e concessioni. Una prospettiva dalle scienze comportamentali e cognitive*, Giappichelli, Turin, 2022. The author turns his attention to the design of public contracts along two lines: the legal-administrative reference framework and the behavioural and cognitive sciences, in order to investigate and verify the existence of a relationship between design errors and inadequacies and rationality constrained by administrative behaviour.
 31. In fact, with the conversion into law of the d.l. n. 79/2022 (Decree NRRP 2), with many amendments by Parliament, the objectives were formally achieved on the last day: the final text was published in Gazzetta Ufficiale n. 150 of 29 June 2022 as l. n. 79/2022, converting d.l. n. 36/2022.
 32. At the time of the crisis, competition law, civil and criminal justice, tax justice, and some aspects of schools and universities, not to mention the implementation of the initiatives launched for digital Italy and the ecological transition, still had to be finalised.
 33. In August 2022 the Bank of Italy informed that the debt reached the highest level of ever with 2766 billion euros. In addition, The ECB helped once again Italy in July 2022 by buying 9.8 billion of national bonds and stopped the spread: at the same time purchase of German bond were reduced of 14.3 billion.
 34. In Summer 2022 there were at least 20 poor countries in the World that had a concrete risk of default, it means the double than the previous year.
 35. In 2021, the ECB recorded a "monstrous" increase in its balance sheet to €8,566 billion, but also an equally "monstrous" reduction in profits from €1.6 billion to €192 million

CERIDAP

- (!): a serious anomaly.
36. In truth, the EU has prepared and implemented a wide-ranging intervention plan on the labour market, broader than NextGen: I analysed this in detail in G. Vilella, *Lavoro e tecnologie informatiche. Note a margine della fiducia al governo Draghi*, in CERIDAP, 2, 2021, pp. 168 ss.
 37. One example, in Brussels in the first months of 2022, a survey found 113 trades lacked sufficient labour(!).
 38. In Italy, €4.9 billion in EU resources (€4.4 from the NRRP and €0.5 from React-EU) have been earmarked for a programme (GOL) aimed at helping at least 3 million people (unemployed persons, people in receipt of money from the Cassa Integrazione redundancy fund, young Neets – Not in Employment, Education or Training) in their search for employment: the initiative was launched in September 2021.
 39. As we know, an agreement was reached in the EU in July 2022 on the need for a minimum wage in individual Member States which would guarantee dignity and sufficient wages for workers: it should be made clear that the objective is the adoption of a directive (not a regulation) and that this approach applies to countries that do not have at least 80 per cent of workers covered by collective bargaining. Germany immediately made a qualitative leap and adopted by law a minimum wage of EUR 12 per hour, starting in October 2022.
 40. In some sectors, such as tourism and catering, only one contract in a hundred lasts more than 12 months, which fuels precariousness.
 41. To this we must add that at the end of 2020 there were 3 million Neets (15-34 age group) in Italy (of which 1.7 were women), which is a worrying figure because it is full of negative potential (in 2021 there were 23% of Neets in Italy).
 42. Proposal for a Regulation of the European Parliament and of the Council on contestable and fair markets in the digital sector (Digital Markets Act), Brussels, 15.12.2020, COM(2020) 842 final, 2020/0374(COD) and Proposal for a Regulation of the European Parliament and of the Council on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC, Brussels, 15.12.2020, COM(2020) 825 final, 2020/0361(COD).
 43. For the risks of citizens exposed to the power of platforms in the various activities of mediation between producers and customers, or service providers, or even social network managers, see recently P. Stanzone (edited by), *I “poteri privati” delle piattaforme e le nuove frontiere della privacy*, Giappichelli, Turin, 2022. The essays in this book analyse the collection and use of personal data, user profiling, the circulation of fake news and more.
 44. To complete the information, it is important to mention that in October 2021 at OECD level 136 countries reached an agreement setting a minimum tax rate of 15% for multinationals in order to limit tax competition: Big Tech is included in this package, which is strongly supported and encouraged by the European Commission. To get an idea of what “Big” means, suffice it to say that in early January 2022 Apple reached an all-time high of a USD3 trillion capitalisation on Wall Street.
 45. *Relazione di apertura del CyberTechEurope 2022*, Rome, 10-11 May 2022.

46. Interview with *Corriere della Sera*, 13 May 2022.
47. Italy is particularly sensitive: 90 per cent of Italian public administration servers are considered vulnerable to hacker attacks and Italy is the second most affected country in Europe after Spain.
48. GOODHABITZ, *Rapport d'étude: L'état des lieux du talent management*, February 2022 (<https://www.goodhabitiz.com/fr-be/ressources/publications/rapport-d-etude-l-etat-des-li eux-du-talent-management/>).
49. For example, particularly in Belgium.
50. PROTOCOLLO-NAZIONALE-LAVORO-AGILE-07122021-RV.pdf
51. Already in the February 2022 Eurobarometer, those in favour of European integration reached 75%, compared with 21% of critics but not opponents, and 4% of anti-Europeans. The most interesting piece of information among many in the Eurobarometer survey is that European citizens consider that the Union guarantees stability and democracy in an increasingly turbulent world and opens up prospects for young people.
52. See Conference on the Future of Europe, *Report on the Final Outcome*, op. cit., which gives the details: for example for online participation “By 20 April 2022 close to 5 million unique visitors had visited the Multilingual Digital Platform and there were over 50,000 active participants, 17,000 ideas debated, and over 6,000 events registered on the platform”, for the European Panels, 800 citizens were directly involved, for EYE 10,000 young people, and several tens of thousands of participants in various events.
53. F. Rigotti, *L'era del singolo*, Einaudi, Turin, 2021.
54. *Ibid.*
55. I have widely analysed the aspect of the “disintermediation” in my *E-Democracy etc. cit.*, especially pag. 153 et seq. and 263 et seq., so that here I just mentioned it.
56. É. Sadin, *Io tiranno. La società digitale e la fine del mondo comune*, Luiss University Press, Rome, 2022.
57. *Ibid.*
58. I refer to M. Meyer, *Principia Politica*, Vrin, Paris, 2022.
59. *Ibid.*
60. In particular (but not only) in G. Vilella, *E-Democracy. Dove ci porta la democrazia digitale*, cit., pp. 19-51, with an extensive bibliography.
61. This is analysed very well by F. Rampini, *Suicidio occidentale*, Mondadori, Milano, 2022, which makes a precise recognition of how people try to erase their values, how our social, cultural, economic, institutional, political system is being shaken, how so-called “wokeness” is leading to the conviction that the white man must be penalised and re-educated. In order to avoid misunderstandings, it should be stressed that the author analyses this phenomenon with a critical eye, considering the process under way to be a destructive phenomenon which creates antagonism.
62. According A. Schiavone, *L'Occidente e la nascita di una civiltà planetaria*, il Mulino, Bologna, 2022, they are above all democracy, law, technique and capital.
63. *La Lettura*, 10 October 2021.

64. The President of Turkey, a NATO ally and candidate for EU membership, has unexpectedly inserted himself into this game. He is said to have declared that “The system created by the West in order to ensure its own security and prosperity is collapsing”: see *Corriere della Sera*, 6 June 2022. According to many observers, Erdogan is playing a double game and the war in Ukraine has favoured a key mediation role for him: perhaps there is a “double game”, the fact is that the results are visible in that Turkey is the country which, together with the UN, has enabled an agreement to be reached to unblock Ukrainian grain exports.
65. See :
<https://www.sb.by/en/zakharova-said-that-johnson-s-resignation-indicates-deep-crisis-in-uk.html>.
67. I refer with this term to the book by J. Heinrich, *The WEIRDest People in the World: How the West Became Psychologically Peculiar and Particularly Prosperous*, Farrar, Straus and Giroux, New York, 2020, which uses the acronym Western, Educated, Industrialised, Rich, Democratic, to play with the word WEIRD, meaning strange, bizarre.
68. The summary is by J. Heinrich, op. cit., but I do not go beyond this and do not refer to the analyses that support his thesis.
69. The publisher *il Mulino* has indeed launched a new collection focused on the future of the West: the analysis will concern the National State model, the fundamental role of technique, the genders relations and so on.