

CERIDAP

RIVISTA INTERDISCIPLINARE SUL
DIRITTO DELLE
AMMINISTRAZIONI PUBBLICHE

Estratto

FASCICOLO

3 / 2023

LUGLIO - SETTEMBRE

European Election 2024: the legacy of the ninth European legislature

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DOI: 10.13130/2723-9195/2023-3-2

A un anno dalle elezioni europee del 2024, è utile cercare di comprendere quale sia l'eredità che lascia la IX legislatura, la quale a ben guardare appare davvero eccezionale. Durante la legislatura in corso si è determinato un mutamento dell'Unione europea che ha messo in luce le sue capacità di adottare decisioni forti, coraggiose e fortemente innovative. E anche la sua capacità d'imporsi come legislatore determinato. L'articolo esamina alcuni aspetti importanti in questo senso e indica nuovi percorsi di ricerca.

With one year remaining before the 2024 European elections, it is useful to try to appreciate what legacy will be left by the ninth legislature, which on close inspection appears to be truly exceptional. During the current legislature there has been a change in the European Union which has cast light on its capacity to take strong, courageous and highly innovative decisions. Also its ability to impose itself as a determined legislator. The article examines some important aspects in this respect and points to new avenues of research.

Summary: 1. Introduction.- 2. War.- 3. Pandemia and Economy.- 4. Digitalisation.- 5. CoFE and Rule of Law.- 6. Corruption (Qatargate).- 7. The legacy for the next legislature.

1. Introduction

This is the last year of the ninth European legislature: in spring 2024 (9th June in Italy) we will be voting for the European Parliament and then the new European

Commission will be appointed. What has this legislature taught us as it draws to a close? What legacy does it pass on to the next legislature? With what actual outlook will voters participate in the next European elections?^[1]

The Covid-19 pandemic and the war in Ukraine are, of course, the two emergencies which have triggered significant dynamics of change and for some observers can even be categorised (perhaps justifiably) as “epoch changing”. In truth, the pandemic and the Ukrainian crisis arrived after years - more precisely the two decades of the 21st century - during which we experienced several major crises: the century began with the appearance of international terrorism whose violent attacks lasted for years on a global scale; continued with an economic crisis unprecedented in its scale and intensity; faced an unboundedly immigration crisis; was invaded by a violently infectious virus that spread everywhere and lastly was confronted by aggressive Russian bellicism. Not bad for two decades!

The European Union has played its part in addressing these crises with good results. Looking back over these two decades, we cannot but marvel at the responsiveness and resilience shown by the Union. Response and resilience not without difficulties, problems, contradictions and conflicts, but substantially generating good and solid results.

2. War

With respect to the war, the Union was courageous and decided not to be neutral. It was a very clear decision: to side clearly and actively with Ukraine and against Russia. It was also a quick and risky decision to align ourselves against a State on which we were heavily dependent.

The war in Ukraine has certainly caused a shock, or rather a sort of geopolitical and military “re-awakening”, not only in Europe, with war returning to its soil, but also in America and the West in general. Not least because the war has called back in question the parameters on which the world order is based (according to some, weakening them, according to others, eliminating them): non-recourse to war as a means of conflict resolution and respect for international law and territorial sovereignty, but also the assumption that in future the Western liberal model would be the one to be imitated. Today, moreover, that model is also

under pressure from within in various ways^[2]. Yet it is also true that on the other side Russia finds itself severely weakened, dependent on its “allies” and now without the rank of a great power (for some, its leadership is even reduced to playing the role of an international pariah)^[3]: the EU and NATO have consolidated their cooperation in their commitment to help Ukraine. However, it is correct and appropriate to point out that the war in Ukraine has prompted reactions around the world with positions adopted by various States that have become impatient with the “dominant” attitude of the West. One should not hide the fact that the concept of the Global South has emerged to designate this phenomenon, and Western countries, grappling with the aggression of authoritarianism, are now trying to recover degraded relations^[4].

The philosopher Biagio de Giovanni has focused on the problem - very acutely in my view - as follows: «*war marks the end of globalisation, understood as the capacity of economic and commercial interdependence to move towards the formation of a more unified, more peaceful world order*»^[5]. And this, again according to de Giovanni, is made all the more serious by the fact that there is an ongoing clash between Eastern power and Western power, where the former is based on the deep-rooted idea that freedom cannot be embraced and must be repressed, while the latter makes freedom its essence. In this context, de Giovanni concludes, Europe is decisive in the defence of the civilisation of freedom, which is why its commitment to Ukraine is not only necessary but its duty.

3. Pandemia and Economy

And now we come to the pandemic. The European Commissioner responsible for the economy, Paolo Gentiloni, has claimed that «*the resilience of the European economy is impressive, considering how it has reacted to two successive crises, war and the pandemic*»^[6].

The Union succeeded in intervening instantaneously in the areas in which it had competence: it blocked the Stability Pact, it created a new fund (SURE) to help the unemployed because of Covid-19, it strengthened existing funds, such as the Solidarity Fund and the Youth Initiative Fund, and it even proposed a new Social Fund^[7]. In a very short period of time, the Union also decided to adopt a new instrument in order to restore the losses caused by the pandemic: I am referring

to so-called *Next Generation EU*, approved by the European Council as long ago as July 2020. It was an important intervention not only from the point of view of its effectiveness, but also on account of its revolutionary nature: in fact, borrowing, the means by which the fund is financed, is a form of financing prohibited by the Treaties. It was therefore a groundbreaking decision taken even contrary to the Union's legal framework.

In May 2023, the discussion on easing the criteria for a healthy budget balance was advancing with great seriousness, the debate on the Stability Pact had made significant progress, subject to the rules being blocked until the end of 2023: the European Commission's proposal on the new Stability Pact was presented at the end of April 2023^[8]. The underlying philosophy has two objectives: to make the debt reduction path gradual (and hence credible) and to make it possible to increase investments. The criteria (3%, 60%) do not change, but the obligation to reduce the debt ratio by 1/20th per year is eliminated, investments are taken into account, and there is great flexibility for debt reduction, with programmes (of 4 or 7 years' duration) negotiated with the European Commission and approved by the Council.

4. Digitalisation

Now, I would like to mention digitalisation, focusing only on the developments in the EU that we have experienced in the last three years. In the strategic context of *Shaping Europe's Digital Future*, we have had: the *Digital Service Act*, a Regulation requiring providers to control what appears in their networks, the *Digital Market Act*, in which monopoly is to be eliminated, the *Data Protection Regulation*, and a *Code on Artificial Intelligence* which is likely to become a Regulation in the near future. These are all legislative measures that do not exist anywhere else in the world. Therefore, one can only recognise the Union's strength and speed in taking these important and courageous decisions in a sector dominated by powerful corporations^[9].

In 2023, the discussion on Artificial Intelligence burst forth worldwide, triggered by statements by well-known personalities from the worlds of both industry and technology on whether there is a real and immediate possibility that AI will take over and disrupt the world of humans, namely our existence. This fear has taken

hold, as in a collective psychosis, notwithstanding the moderate reaction of many: the theologian Paolo Benanti, a scholar of the ethics of technology, has declared «*I am not scared of artificial intelligence but of natural stupidity*»^[10], Paul Krugman considers that «*artificial intelligence will disappoint us like the Internet*»^[11] and Gerd Gigerenzer notes that AI has many limitations and does not have the adaptability of the human mind.^[12] There are those who have proposed a “Manifesto” on AI^[13] with the aim of demonstrating that AI is not an enemy and that it is enough to learn to work with it: AI technology is pervasive but not nomic, on the contrary, it has great potential, freeing up energies and creativity: not only will AI not replace us but, on the contrary, it will help human beings to do better and do new things. According to the authors of the Manifesto, techno-optimism is needed vis-à-vis AI: it is us who decide how we want to be, because how we act is how we become. Others, on the other hand, emphasise the importance of addressing the issue of ethics, liability, and intellectual property, things that require the adoption of a legal framework going beyond a simple code of conduct (which, moreover, is what the European Commission intends to do)^[14].

More in general, ours is now defined as the era of the “singularisation”^[15], 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, 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. There are also those^[16] who believe that the promise of a cooperative society that was supposed to arise from the Internet has been largely displaced in favour of another phenomenon: the Internet has pushed us towards a society of competition, both in the economy and in the field of intellectual endeavour. In the economy, digitisation has favoured the pursuit of efficiency^[17], of increased productivity. In the field of intellectual endeavour, the Internet has favoured more the search for confirmation for one’s own tribe of thought, rather than debate and dialectic. What is common in both cases is the reduction of human relations, i.e.,

minimising the time humans have to meet^[18] .

The European Union is well aware that this is a structural problem that needs to be framed in an overall strategic vision, which is why at the end of 2022 the presidents of the three political institutions of the EU jointly signed a “European Declaration on Digital Rights and Principles for the Digital Decade”^[19] , a fundamental document designed to inspire the development of the ongoing technological revolution. After the preamble, which provides a theoretical and practical framework for the initiative, the Declaration devotes 24 paragraphs to the following themes: Chapter I: Putting people at the centre of the digital transformation; Chapter II: Solidarity and inclusion: Connectivity, digital education, training and skills, Fair and just working conditions, Digital public services online; Chapter III: Freedom of choice: Interactions with algorithms and artificial intelligence systems, A fair digital environment; Chapter IV: Participation in the digital public space; Chapter V: Safety, security and empowerment: A protected, safe and secure digital environment, Privacy and individual control over data, Protection and empowerment of children and young people in the digital environment; Chapter VI: Sustainability.

5. CoFE and Rule of Law

As for the Conference on the Future of Europe: with respect to this experiment, the entire Union, and not just the Commission, took what I consider to be a courageous decisions. It was decided to make a new experiment by taking a huge risk in asking the citizens of the Member States to express their opinions directly^[20] . With regard to the rule of law – which is one of the founding values of the Union – important decisions were taken. The first was to adopt a clear-cut regulation on conditionality, i.e., to make access to European funds conditional on respect for the rule of law. On this basis, the Commission intervened, in spite of the difficult situation, by adopting a series of measures to counteract what Hungary and Poland were doing which was not in compliance with the treaties^[21] . Specifically, the Commission proposed to cut their European funds, under the aforementioned regulation, and to take action against those countries under Article 7 TEU for violation of the rule of law.

6. Corruption (Qatargate)

On top of all this, there has recently (since the end of 2022) been an episode of corruption which has greatly influenced the course of events: but here too we must take note of a swift and decisive reaction. “Qatargate”, as it has become known, certainly constituted a blow to the credibility of the European institutions, but because, generally speaking, no distinction is made between a “small club” (Jourová) of accused and the system as a whole. When the scandal broke, or rather when it emerged that an investigation was being carried out, there were all kinds of reactions: some spoke of a storm threatening to engulf the Union, some of uncontrollable bureaucratic governance, some of an attack on European democracy whilst others drew cartoons with the EU acronym made up of rolls of money, not to mention the politicians who used irony as a weapon of self-defence. Instead, calmly and absolutely correctly, the Italian Foreign Minister Antonio Tajani, a former President of the European Parliament, pointed out that *«the responsibility lies with individuals and not with the institution»*.

Be that as it may, the President currently in office of the European Parliament felt it her duty to react immediately and decisively by launching, with the support of the Bureau, twelve wide-ranging measures: a ban on lobbying by former MEPs during the period when they are receiving the transitional allowance; registration of meetings of active MEPs; registration in the Transparency Register of anyone wishing to follow parliamentary activities (e.g., hearings, etc.); a ban on setting up “friendship groups” with non-EU countries; increased checks on entering EP premises; restrictions on former members’ badges; strengthening rules on conflicts of interest, tax returns, whistleblowers, and so on. There are those who judge these measures to be heading in the right direction, for instance the European Ombudsman (who, however, points to other problems, such as business trips of European officials paid for by third countries), and those who judge them to be excessive and not in line with the reality on the ground that there is no “gangrene” of corruption in the European Parliament^[23].

For its part, in early May 2023 the European Commission adopted a package of anti-corruption legislative proposals^[23] in a strategy designed to defend European democracies not only against external threats but also against the *«vices that corrode them from within»* (von der Leyen). One aspect considered is to aim at

harmonising the anti-corruption policies of the Member States, which are now very disparate, not only in terms of prosecuting corruption, but also in terms of how they actually define it: this would help cross-border cooperation by creating obstacles for the corrupt and the corrupters. The other aspect considered in the European Commission's proposals is to allow the Union, using an appropriate legal basis, to be able to identify external bribers and put them on a list so as to enable their assets to be frozen in Europe and to enable them to be prohibited from entering European territory and taking part in any kind of financial transaction. In addition to this package, there is a proposal to set up an ethics body within the EU institutions. In truth, the European Commission already had the aim of creating such a body in its programme, but it took Qatargate to put it back on track, after two years of consultations that had gone nowhere. The idea is to create a joint body, based on an interinstitutional agreement, with representatives of the institutions and external experts, with the task of finding a common denominator and harmonising the rules.

7. The legacy for the next legislature

The current situation, which has been persisting for a few years now, calls for rapid reactions, whilst the EU's decision-making system is not really adequate to cope with it as it is not very agile. And this is precisely the point: there are objective and normative limits to the Union's capacity to respond. Nevertheless, objectively we need to place it on record that there has been a good performance in the face of crises. From this perspective, it is important to recognise the responsiveness of the European Commission and the European Parliament. This is a decisive quality for the resilience of the system; fortunately, this characteristic does not only characterise the Commission and the Parliament, but also other institutions, such as the European Central Bank, but not only that institution.

Obviously, problems exist and the long timeframe and divergent interests of the twenty-seven States are among the main ones. However, we have seen that it is possible to take important decisions and at the same time to take them quickly. On the other hand, the procedure laid down in the Treaties based on unanimous consent is undoubtedly an obstacle^[24], but it seems difficult to take significant decisions while excluding some parties: however, let us remember that, as we have

seen above, it can be possible to find a point of agreement between all the Member States, which indeed happens.

As things stand, it seems to me that, during the ninth legislature, the European Union has proved resilient and assertive. Whilst being aware that there are many problems, I believe that we should adopt a method aimed at *accentuating the potential* of the European Union^[25]. The crises of recent years have indeed opened up new challenges, but at the same time they have shown great opportunities that can be developed on the basis of *real* potential demonstrated using concrete facts and data.

Finally, without the European Union the general situation and that of the individual countries composing it would simply be catastrophic in this historical phase of high risks: in a world under pressure the European Union is essential. Then, it seems clear to me that we are now beyond the old paradigms of functionalism, federalism, and democratic deficit, which helped to understand the phenomenon but are now insufficient: it is now in the deep humus of the *common European culture*^[26] that the elaboration and maturation of what are the deep values of Europe are born, all together and not as an alternative.

I believe that European voters in 2024 should and certainly will have all this in mind.

1. This paper concludes a triptych made up together with two of my earlier articles: G. Vilella, *Second half of the ninth legislature: challenges and potential opportunities for the European Union*, in *CERIDAP*, 3, 2021, pp. 140-159, and G. Vilella, *Challenges and opportunities for the European Union: a step forward*, in *CERIDAP*, 4, 2022, pp. 115-142. Those two articles then gave rise to a broader reflection, in Italian, in the book G. Vilella, *L'Unione europea di fronte alle crisi: sfide e opportunità*, Pendragon, Bologna, 2022. Numerous debates, seminars and reviews followed, leading me to the synthesis put forward herein (with some updates).
2. The assaults on the US Congress (after Trump's defeat) and the Brazilian parliament (after Bolsonaro's defeat) are the most striking examples and in terms of their destructive potential the most worrying, but they are not the only ones. I put forward an in-depth analysis of the internal and external pressures bearing on the liberal democracies in G. Vilella, *E-Democracy. Dove ci porta la democrazia digitale*, Pendragon, Bologna, 2020, pp. 19-51.
3. China, for its part, with the November 2022 CCP Congress, has further confirmed and accentuated its system of absolute power, while maintaining its antagonism towards the West, and increasingly appears to be a country totally under the control of an

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unchallengeable power: see to this effect Zhang Zhulin, *La société de surveillance made in China*, L'Aube, La Tour-d'Aigues, 2023. In the wake of the recent upheavals, Europe has raised the issue of excessive economic and trade dependence on China (followed by the G7 countries in Hiroshima in May 2023).

4. For this topic, see in particular L. Ishmael (ed.), *Aftermath of War in Europe: The West VS. the Global South?*, Policy Center for the New South, Rabat, 2023. But see also the letter by the Boston University Professor, J. Heine, *Global south takes divergent path from great western powers*, in *Financial Time*, 26 May 2023; *Letter: Global south takes divergent path from great western powers* | *Financial Times* (*ft.com*).
5. B. De Giovanni, *Questo scontro è carico di filosofia*, in *Corriere della Sera*, 8 February 2023.
6. See the interview in *Le Soir* of 16 May 2023.
7. Moreover, as we well remember, in the very first weeks of the pandemic many States had blocked their borders! The Union, and in particular the Commission, succeeded in inducing States to eliminate these unilateral interventions, effectively restoring freedom of movement. Again, with a view to facilitating the exercise of this fundamental right, the Union took care to introduce the *Green Pass*, an instrument that proved to be of considerable use.
8. See *New economic governance rules fit for the future* (*europa.eu*) and in particular *COM_COM(2023)0240_EN.pdf* (*europa.eu*).
9. According to M. Cartabia and M. Ruotolo (eds), *Potere e Costituzione*, Giuffrè Francis Lefebvre, Milan, 2023, power has undergone a shift in that it no longer resides only in grand public buildings and State offices but chooses less recognisable, elusive modes of action such as the large technological platforms: we are witnessing a multiplication of subjects that exercise power also under the impetus of technological transformation (see in particular, but not only, the contribution of M.R. Ferrarese).
10. Login, *Corriere della Sera* of 24 April 2023.
11. *La Stampa* of 6 April 2023.
12. G. Gigerenzer, *Perché l'intelligenza umana batte ancora gli algoritmi*, Raffaello Cortina Editore, Milan, 2023.
13. Domenica, *Il Sole 24 Ore* of 22 May 2022 published the “Manifesto” signed by M. Chiriatti, N. Intini, C. La Forgia and P. Liberace.
14. I would like to remind the far-seeing EP position in *European Parliament resolution of 16 February 2017 with recommendations to the Commission on Civil Law Rules on Robotics*, *P8_TA(2017)0051*.
15. See F. Rigotti, *L'era del singolo*, Einaudi, Torino, 2021. I go more in depth on this item in G. Vilella, *L'Unione europea di fronte alle crisi, etc. cit.*, pp. 88-90.
16. D. Cohen, *Homo Numericus*, Albin Michel, Paris, 2022.
17. In fact, in 2022, all the big tech companies saw their stocks plummet by between 30 and 40%, with Meta (formerly Facebook) declining as much as 69 per cent, resulting in 11 thousand employees being laid off. Overall, according to some calculations (*The Economist*) in 2022 the big tech companies lost around 3 trillion dollars, while 150

thousand jobs are estimated to have been lost in technology companies worldwide. All this is even more impressive when it is considered that at the beginning of January 2022 Apple had reached an all-time high of \$3 trillion in capitalisation on Wall Street, but lost \$1 trillion by the end of the year. At the end of the first quarter of 2023, the layoff figures in the top 10 big tech companies were as follows: Amazon, 18000; Google 12000; Meta 11000; Microsoft 10000; Ericsson 8500; Salesforce 8000; Dell 6650; Philips 6000; Micron 4800; Cisco Systems 4100. The absence of Apple from the top ten is significant.

18. Also D. Cohen, *Homo Numericus, etc., op. cit.*
19. *European Declaration on Digital Rights and Principles | Shaping Europe's digital future (europa.eu)*
20. In December 2022, the three institutions, EP-EC-Council, organised an event to show how the follow-up would be organised to consider the CoFE proposals: since then, the topic has become less urgent. See, however, *Conference on the Future of Europe (europa.eu)* to follow how it develops.
21. On 15 September 2022, the European Parliament stated that Hungary cannot be considered a full democracy. For more details see: *MEPs: Hungary can no longer be considered a full democracy | News | European Parliament (europa.eu)*.
22. The expression is of B. Guetta Mep, who considers Qatargate a grotesque and limited affair which produces distorted effects: Guetta is the author of the book *La nation européenne. Comment Poutine, Trump et le Covid ont transformé l'Union européenne*, Flammarion, Paris, 2023.
23. *Stronger rules to fight corruption (europa.eu)* and *EUR-Lex - 52023PC0234 - EN - EUR-Lex (europa.eu)*.
24. There is increasing discussion about the need to abandon unanimity voting, but also the widespread conviction that without a new method of decision-making, new enlargements cannot take place, despite the fact that the EU is increasingly a pole of attraction. In May 2023, nine Member States (including Italy) formally raised the issue of a reform of voting by unanimity.
25. In order better to understand my reasoning, it is right and proper to clarify my methodological approach, namely to gather all the elements that can be positive and/or have a potential for developing in a positive manner in the present context. This does not mean denying the existence of negativities and criticalities, but rather it means not focusing only on them, as we tend to do both in academic circles and at the cultural level in general. Although understandable, since it is part of the main aspect of our liberal democracy, this merely critical approach risks overshadowing the positive elements on which, instead, we should work to discover their potential and see how far they can go.
26. Recently President Mattarella said that for a relaunch of the European Union, «*for a European Renaissance*» as he defined it, we must start from the common culture of the continent. Mattarella's interview with *Corriere della Sera* of 21 April 2023, issued on the occasion of the announcement that Italy would be "Guest of Honour" both at the Festival du Livre in Paris and at the Buchmesse in Frankfurt.