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The Preamble of the Treaty on the European Union (TEU) rules that the Member States draw inspiration from “*the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law*”.

The value-driven foundations from which the European identity was created – fundamental evolution of the EU integration project – goes through, in the current historical context, undeniable critical issues. Over the past years, indeed, both a progressive distancing of the citizens from the EU Institutions and a simultaneous lack of faith towards the traditional mechanisms of representative democracy on a European level were registered.

The approach and the procedures adopted through the economic crisis, as well as the difficulties faced in managing migration flows, have outlined how the heterogeneous nature of the interpretation of the values have determined a deep identity crisis in Europe.

The European Union which, compared to the national systems, better takes shape as a network of protection for human rights against special interests, is now facing global challenges that need cooperation among the Member States. This kind of cooperation, based on the fundamental values, is compelling in order to prevent national individualisms from causing disintegration. Such a goal needs to be achieved not only through economic and market policies, but also with the essential support of social policies that can serve as a lead for a political integration and the finalisation of the Monetary and Economic Union.

Europe now stands at a crossroads: the initial project – based exclusively on an economic union that was meant to become a driving force for a European process of social integration and “vector of political integration” (J. Fischer) – is now unsuitable for the challenges brought by the current socio-economic phenomena, the prompt advances in technology and the widespread anti-European sentiment.

In view of such premises, the study and research conducted by the members of the Observatory Germany-Italy-Europe (OGIE), during the academic year 2017/2018, developed on three different contexts of analysis – *Europe of Values; the relations between the European Union and Africa; Social Europe* – bringing forward proposals on specific matters. These can represent an answer to the populist demagogy, in order to relaunch the fundamental values within the integration process. With the purpose of achieving such a goal, OGIE brings forwards the following remarks:

Europe of Values

Introduction

The various reforms of the Treaties through time tried to identify a solution to the EU “democratic deficit” problem by strengthening the European Parliament (EP) powers, as the representative body of the EU citizens. Despite this strategy of “*democratisation through parliamentarisation*”, an increasing detachment of the citizens from the EU Institutions and a general disaffection towards the traditional mechanisms of representative democracy on a European level were evident.

In this regard, doctrine has questioned the suitability of the EP to grant an adequate representation of such a vast and heterogeneous community, highlighting, however, how the European elections do not allow the citizens to express their own choice over the government of the Union.

Throughout Europe, the economic crisis, with its social repercussions, and the crisis of legitimacy of traditional political groups, which play the role of interim entities with their ability to sponsor participation, collective reflections and planning, end up favouring abstention and the affirmation of populist forms of complaint. The success achieved by the right wings represented by *Alternative fuer Deutschland* (AfD) in Germany, as well as *Lega* led by Matteo Salvini in Italy, or *Front National* with Marine Le Pen in France, the Polish *Law and Justice* with Jaroslaw Kaczynski or the Austrian nationalists of the *Party for Freedom* with Norbert Hofer, are just the outcomes of a political movement – different from the communist populism with international connotations – characterised by a massive nationalistic inspiration.

Legal synopsis

Art. 11, par. 4 TEU, by attributing the right of initiative to the citizens, provides a range of limits, specified in Reg. 211/2011:

The first limit concerns the number of citizens required to exercise the mentioned right, which needs to be at least a million;

A second limit concerns the object of the right. The literal content of art. 11, par. 4, TEU rules out the possibility of the citizens' initiative to cover acts that can only be adopted by the Commission, such as, for instance, the measures listed in art. 105 TEU;

A third limit concerns the content of the right, which ends up attributing the Commission a wide margin of discretion;

A fourth limit derives from the fact that art. 11, par 4, TEU does not require the Commission to present proposals to the competent bodies; it is evident, however, that there can be no guarantee on the effective approval of the proposal.

Proposals

The reform Treaty, besides recognising the role of the national Parliaments, empowered the European Parliament significantly, in particular with regard to legislative and budget matters, in order to limit the so-called “democratic deficit” and bring the citizens closer to the EU Institutions. The Treaty of Lisbon, in fact, inserted art. 12 in TEU, which, specifically addressing national Parliaments, represents the development of a process, which started with acts characterised by a purely programme-based nature: the two declarations attached at the final act of the Intergovernmental Conference of Maastricht in 1991 and the Laeken Declaration in December 2001.

In this regard, it proposes:

The strengthening of the role played by the national Parliaments.

The relations between the European Union and Africa

Introduction

The European Union has always tried to build particularly close relations with the African States, especially due to the connection between the two continents. The relation with the African states now shows to be particularly relevant both in light of the ability of the European Union to contribute to the creation of conditions of effective economic development through appropriate policies, and in view of the realization of a successful system of management of migration flows.

The unsatisfactory outcomes achieved by the EU initiatives in the above mentioned fields make the revision of the existing conventional relations compelling, together with a reform of the governance of the economic assistance. The following proposals were developed from this perspective.

Proposals

1) *Strengthening of the political partnership between the European Union and Africa* to address problems of mutual interest and make the management of migration flows more efficient, through: a) a concrete revision of the cooperation policy; b) an improvement of the existing conventional relations, even through constituent agreements of a free trade area; c) the promotion of a system of effective multilateralism among States, the civil society and NGOs; d) the realization of a permanent joint information platform.

2) Planning, in the next financial framework, an *increase of funds* destined to finance the EU Projects in the African States. *Establishing systematic and periodic inspections* to verify the effective prospects of implementation of the funded projects and their execution by the interested parties. *Implementing the obligation to return the received funds* in case of improper use and management. Excluding the States that have made a wrongful use of the received funds from the development cooperation.

3) *Binding the release of funds* for the development cooperation projects to the development of third countries, using a *conditionality clause* to subject the release of economic assistance to the respect of the principles of democracy, rule of law and protection of human rights by the beneficiary countries. *Institution of a Special Commission in charge of the monitoring* of the effective compliance to democracy, human rights and rule of law.

4) *Outline valid and more efficient selection criteria to identify third countries eligible for the EU Emergency Trust Fund for Africa, for a better visibility and transparency to the system.* The choice might fall on the African States involved in the European Neighbourhood Policy, considering the peculiar relations between them and the EU and the role they play with regard to the management of the migration flows.

Social Europe

Introduction

The current historical moment requires strong and courageous political-institutional decisions, which should represent the starting point to overcome the idea of welfare policies – whose major responsibility falls under the single Member States - as a privilege of national dispositions. Instead, it is necessary to promote their potential development in a supranational meaning, a European *welfare*. If, so far, the Economic and Monetary Union (EMU) has represented the main force of the European political-social project, the need of change through strong policy choices as a lead to economic policies is now clear.

It is essential for the Member States to step forward in promoting and supporting the European social policies. In particular, through common economic strategies, some sectors need to be strengthened: occupation (*flexicurity*, assistance to relocation and minimum income support), cross-border healthcare and social assistance to economically inactive citizens.

Proposals

1) The allocation of the resources from the European budget, so far, has proved to be inefficient and scarcely correspondent to the real current needs: monopolised by agriculture and the least advantaged

regions in the EU, the Union budget has often ended up covering exclusively national interests, walking away from the creation and implementation of an effective European welfare.

Such observations are easily associated to the criticism over the lack of common resources, which is true, for the development of social policies, given that the ones destined to the European budget amount to 1% of the annual wealth of the EU countries.

Having said that, an increase of resources destined to the Union budget is necessary from the Member States, in order to support the implementation of social policies and the constitution of a European welfare. In this regard, we propose:

The enlargement – above 1% - of the resources destined to the EU budget from the Member States and the modification of its objectives: by doing so, the EU budget should be able to put into practice the development of the European social policies;

2) In 2012, the European Commission proposed the institution of a banking union, in order to strengthen the foundations of the banking sector and rebuild the trust in the euro. In his speech on the status of the Union, President Juncker outlined that: “*The banking union can only work if the reduction of the risk and the shared risk walk together*”. Such shared risks represent a fundamental component to complete the banking union, in order to limit the fragmentation of the markets and set up common conditions for all the actors of the single market.

Despite the undeniable progress, the banking union remains incomplete. The Commission, with the Communication of October 11th 2017, identified the European Stability Mechanism (ESM) as an instrument to support the banking union budget. Through the ESM it can be possible to free up resources that could be useful for the completion of the economic and monetary union. This tool of International Law would operate together with all the support mechanisms – single resolution mechanism and Single Resolution Fund – created to protect the financial stability of the single market. The use of tools outside of the European Union Law guarantees a higher discretion both to the Member States and the EU Institutions, overcoming the obstacles and boundaries of the Treaties.

In this regard, we propose:

The finalisation of the banking union, whose necessity was enhanced by the existence of a single market, based on a single currency, nevertheless lacking of actual private sources limiting the impact of the crisis. Such a union would create shared economic risks and grant all European citizens the same deposit guarantees; this objective would be achieved through the creation of an ad hoc Treaty, leaving the regulation of the matter to the International Law.

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