



The Policies of the **European** **Union**



**Region
of Madrid**

THE POLICIES OF THE EUROPEAN UNION

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THE POLICIES OF THE EUROPEAN UNION

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Foreword

After the unspeakable horror of the Second World War, with cities reduced to rubble, millions of lives destroyed and a continent on the brink of collapse, European nations would make a firm decision never to allow such destruction to happen again.

Europe, scarred by destruction and mourning, had to rise from the ashes and forge a future in which war would no longer be the inevitable fate of its peoples.

In order to achieve a lasting peace, the centuries-old confrontation between two countries that had been at loggerheads over the last century, France and Germany, had to come to an end.

With this conviction, the French Foreign Minister Robert Schuman and the diplomat Jean Monnet would design an ambitious reconciliation project, the announcement of which would mark a turning point in Europe's destiny.

Thus, on 9 May 1950, in the iconic Clock Room of the Quai d'Orsay, the headquarters of the Ministry of Foreign Affairs in Paris, Robert Schuman publicly presented his proposal to the press. That speech, known as the *Schuman Declaration*, drafted by Jean Monnet, was to become the cornerstone of the project of European unity.

An extremely important declaration for contemporary European history, it would chart a new path for reconciliation and lay the foundations for a new model of international cooperation, that of the integration of national sovereignties through a supranational body. In particular, the creation of a High Authority to jointly manage coal and steel production between France and Germany, with the possibility of including other European countries.

This was an innovative and audacious commitment, based on integration and interdependence, principles that still guide the European project to this day.

Since then, and over these seventy-five years, the European Union has become one of the most important systems of international political integration and cooperation in modern history, thanks to the solidity of the political pillars on which it is based.

This publication highlights the importance of EU policies for the European project, and encourages reflection on their impact on the daily lives of European citizens. Understanding how these policies have contributed to peace, prosper-



ity and cooperation between countries is essential to assess the significance of the Union in the face of future challenges.

The European Union's policies have all pursued a series of common goals: (i) unity and cohesion of Member States to reduce disparities; (ii) single market and free movement to strengthen competitiveness; (iii) social and economic development to improve the quality of life of European citizens; and (iv) strengthening peace and stability to ensure secure borders, democratic systems and the rule of law.

Thanks to the strength of these objectives guiding EU policies, the European Union has achieved a high degree of economic, political and social integration. This process has been made possible by fostering common values, harmonising national regulations and transferring competences from Member States in favour of a supranational framework. The European Union has thus established itself as an area of cooperation and development based on unity in diversity.

However, throughout these seventy-five years of successive enlargements and the occasional withdrawal of member States, the political and economic differences between countries have sometimes hindered the normal development of the European Union, generating tensions between member States and, on occasion, even institutional crises that have put the strength of this political project to the test.

The adoption of new community policies has a direct effect on Member States' legislation, which must be adapted to achieve the common objectives. Implicit in this process is a certain ceding of competences in favour of the supranational framework, reflecting the balance between national sovereignty and European integration. On this basis, the Member States will share authority in order to achieve common objectives and strengthen the cohesion of the European project, without forgetting the initial objective of avoiding war.

This presentation on EU policies is essential to understand that each policy is the result of complex and arduous negotiations between Member States, as well as a long decision-making process involving the European Commission, the European Council and the European Parliament.

It is the interaction between national institutions and governments that gives the European Union its unique character, based on consensus, cooperation and common interest. A union of all states with European citizenship.

CRISTINA MENÉNDEZ ÁLVAREZ

Director General for Cooperation with the State and the European Union



THE POLICIES OF THE EUROPEAN UNION

Chapter 1

The Monetary Policy of the European Union

1. Introduction

The European Union's monetary policy is one of the fundamental pillars of the continent's economic and financial integration, which has been achieved mainly through the creation of the Economic and Monetary Union (EMU). The EMU comprises the EU countries that have adopted the euro as their single currency, forming the so-called eurozone. This chapter explores the foundations, objectives, instruments and challenges of EU monetary policy, highlighting the central role of the European Central Bank (ECB) in its design and implementation.

The euro celebrates its 25th anniversary in 2024, and with it an opportunity to reflect on the development of the currency in international currency markets and the ECB's performance in providing a stable unit of payment for European citizens. The ECB has had to guide the euro through several crises and difficult moments, including the global financial crisis, the European debt crisis, the global recession caused by the Covid-19 pandemic and, more recently, the Russian invasion of Ukraine. The stability of the eurozone has been tested on numerous occasions. Despite these challenges, it has successfully come through. However, future challenges have emerged that the ECB, national governments and the European Commission must address.

2. Origin and rationale of monetary policy

The history of the European Union's Economic and Monetary Union (EMU) is a tale of progress, setbacks and continuous transformations towards deeper economic and monetary integration. It all began in 1969, when European leaders, meeting at the Hague Summit, set the goal of creating the EMU. A committee led by Pierre Werner proposed an ambitious plan to achieve this in ten years, but the collapse of the Bretton Woods system and the growing instability of international currencies made it difficult to implement, bringing the project to a halt.



In 1972, an attempt was made to revive the initiative with a mechanism known as the «snake in the tunnel», which sought to control the fluctuations of European currencies against the dollar. However, the oil crises, the weakness of the dollar and disparities in economic policies meant that this system quickly collapsed, reducing it to a small group of countries around the German Deutschmark.

The idea of monetary stability re-emerged in 1978 with the creation of the European Monetary System (EMS), based on fixed but adjustable exchange rates and the European Currency Unit (ECU). Although not without its difficulties, this system contributed significantly to reducing exchange rate fluctuations and established a political and technical framework for moving towards the EMU.

The real impetus came in 1988, when a committee led by Jacques Delors, President of the European Commission, proposed a three-stage roadmap for implementing the EMU. This report stressed the importance of coordinating economic policies, setting limits to budget deficits and creating an independent institution to manage monetary policy: the European Central Bank (ECB). These proposals became a reality in the 1991 Maastricht Treaty, which laid the legal foundations and established the stages for the creation of EMU. The ECB, established in 1998, assumed responsibility for implementing the common monetary policy from 1999 onwards.

The euro was launched in 1999 as an electronic currency, and in 2002 circulation of banknotes and coins began. This achievement was made possible by the fiscal and monetary discipline that Member States adopted in order to meet the strict convergence criteria. However, some countries, such as the United Kingdom and Denmark, decided not to adopt the euro by exercising opt-out clauses.

The stability of EMU was severely affected during the sovereign debt crisis of 2009–2012, which revealed major weaknesses in its governance structure. In response, the European Stability Mechanism (ESM) was created to support countries in difficulty, while the ECB adopted exceptional measures such as buying sovereign debt under strict conditions. In addition, reforms such as the European Semester and the Fiscal Compact were implemented to strengthen fiscal and economic coordination.

The Covid-19 pandemic posed a new challenge for the EMU, placing public finances under severe pressure. In 2020, the EU temporarily relaxed fiscal rules and launched an emergency purchase programme to stabilise financial markets. These efforts, together with a strategic review of the ECB, underlined EMU's resilience in the face of unprecedented crises.

In recent years, discussions on the reform of the Stability and Growth Pact have gained momentum, seeking to balance fiscal flexibility with budgetary discipline. Although inflation began to soften in 2023 after tight monetary policies, challenges related to fiscal sustainability, economic convergence and geopolitical tensions remain.



Throughout its evolution, EMU has not only served as a technical mechanism, but also a symbol of unity and cooperation in Europe. Despite the challenges, its history reflects a constant effort to build a more integrated, resilient and future-proof economy.

The convergence criteria, also known as the *Maastricht criteria*, are a set of economic and legal conditions that European Union (EU) countries must fulfil in order to adopt the euro as their currency and join the third stage of Economic and Monetary Union (EMU). These rules, laid down in the 1991 Maastricht Treaty, are designed to ensure economic and financial stability within the eurozone, avoiding imbalances that could affect the sustainability of the monetary union. They are:

- A fiscal deficit of less than 3% of GDP.
- Public debt below 60% of GDP, or on a downward trajectory.
- Controlled inflation, close to the average of the three countries with the lowest inflation in the EU.
- Stable exchange rates and absence of significant devaluations.

In summary, the milestones in European economic integration and the level of integration achieved are as follows:

1951	Treaty of Paris establishes the ECSC, by Germany (FRG), Belgium, France, the Netherlands, Italy and Luxembourg	Customs Union
1957	Treaty of Rome establishes the EEC and EURATOM	
1965	Treaty merging the institutions of the three European Communities	
1973	First EC enlargement with Denmark, Ireland and the UK joining	
1981	Second enlargement, with Greece joining	
1986	Third enlargement, with Spain and Portugal joining	
1986	Single European Act, for the achievement of a Single European Market	
1990	German reunification	Internal Market
1992	Maastricht or EU Treaty	
1995	Fourth enlargement of the EU with Austria, Finland and Sweden	
1997	Treaty of Amsterdam	Monetary Union
1999	Start of monetary union	
2001	Treaty of Nice	
2004	Fifth enlargement, with the Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia joining	
2007	Completion of the fifth enlargement with Bulgaria and Romania joining	
2007	Treaty of Lisbon, currently in force	
2013	Sixth enlargement, with Croatia joining	
2020	Withdrawal of the United Kingdom (Brexit).	



3. Monetary policy instruments

The ECB uses a combination of conventional and unconventional tools to implement monetary policy:

3.1. Conventional instruments

1. *Open market operations*: The ECB conducts short- and long-term refinancing operations with eurozone financial institutions to manage liquidity.
2. *Official interest rates*: The ECB sets key interest rates, such as the interest rate on the main refinancing operations, which influences interbank rates and, ultimately, people's borrowing and savings.
3. *Permanent facilities*: These include the deposit facility (for banks' excess liquidity) and the marginal lending facility (for emergency loans).

3.2. Non-conventional instruments

During the 2008 financial crisis and the eurozone sovereign debt crisis, the ECB adopted unconventional measures to stabilise the economy:

- *Asset purchase programmes*: The ECB purchased public and private debt to increase liquidity and reduce funding costs.
- *Negative interest rate policy*: To stimulate lending and spending, the ECB introduced negative deposit rates for banks.
- *Targeted longer-term refinancing operations (TLTROs)*: Incentivised banks to lend to the private sector.

4. EU monetary policy objectives

Economic and Monetary Union (EMU) was designed to foster sustainable economic growth and promote a high level of employment through the implementation of effective economic and monetary policies. This objective is achieved through three main approaches that act in a complementary manner.

First, EMU pursues a monetary policy aimed primarily at ensuring price stability. This approach provides a solid framework for preserving purchasing power and building confidence in the euro-area economy.

The Treaty on the Functioning of the European Union (TFEU) sets this primary objective of monetary policy on the maintenance of *price stability* in the



euro area. This target translates into an inflation rate close to, but below, 2% over the medium term.

Monetary policy also seeks to support the EU's overall objectives, such as sustained economic growth, employment and financial stability, provided that price stability is not compromised.

Secondly, it seeks to mitigate the risks linked with unsustainable public financing. To this end, macroeconomic imbalances in the Member States are prevented, including the establishment of mechanisms to promote coordination between national economic policies. This coordination process ensures an appropriate balance between national priorities and shared EU objectives.

Finally, the EMU is committed to ensuring the smooth functioning of the internal market. This is essential to facilitate the free movement of goods, services, capital and people, strengthening economic integration and maximising the benefits of economic union for all its members. With these strategies, EMU is positioned as a key mechanism for Europe's economic stability and development.

With regard to inflation control over the past 25 years, from the start of EMU up to 2008, the ECB demonstrated considerable success in meeting its inflation target of 2% annual growth of the aggregate Harmonised Index of Consumer Prices (HICP) in the euro area over the medium term. The euro area actual inflation rate fluctuated steadily around the 2% target. However, the ECB faced challenges in achieving its inflation target after the onset of the global financial crisis (GFC) in 2008 and the sovereign debt crisis in 2011. Despite the implementation of a variety of unconventional monetary policy measures to counter disinflationary pressures, headline inflation declined and, until early 2017, was often below the inflation target, and was even briefly negative between 2014 and 2016 and in 2020.

The ECB's mandate is laid down in Article 127 of the TFEU. Price stability is the primary objective of the ECB in the conduct of monetary policy according to Article 127.1 of the TFEU. «Price stability» is not explained in the treaties and its interpretation has changed over time. The original meaning of the term has been extensively debated in the academic literature. Drawing on the economic theory of the time and the Maastricht criteria for euro area membership, price stability was interpreted as the objective of an inflation rate close to, but below, the 2% annual increase in the Harmonised Index of Consumer Prices (HICP). The Governing Council of the ECB revised this understanding during the review of the monetary policy strategy in July 2021 and concluded that this definition no longer reflects the macroeconomic situation and needs of the euro area. In conclusion, it adopted instead a symmetric inflation target of 2% over the medium term.

Article 127(2) of the TFEU defines the ECB's secondary objective as follows: *Without prejudice to the objective of price stability, the ESCB shall support the general*

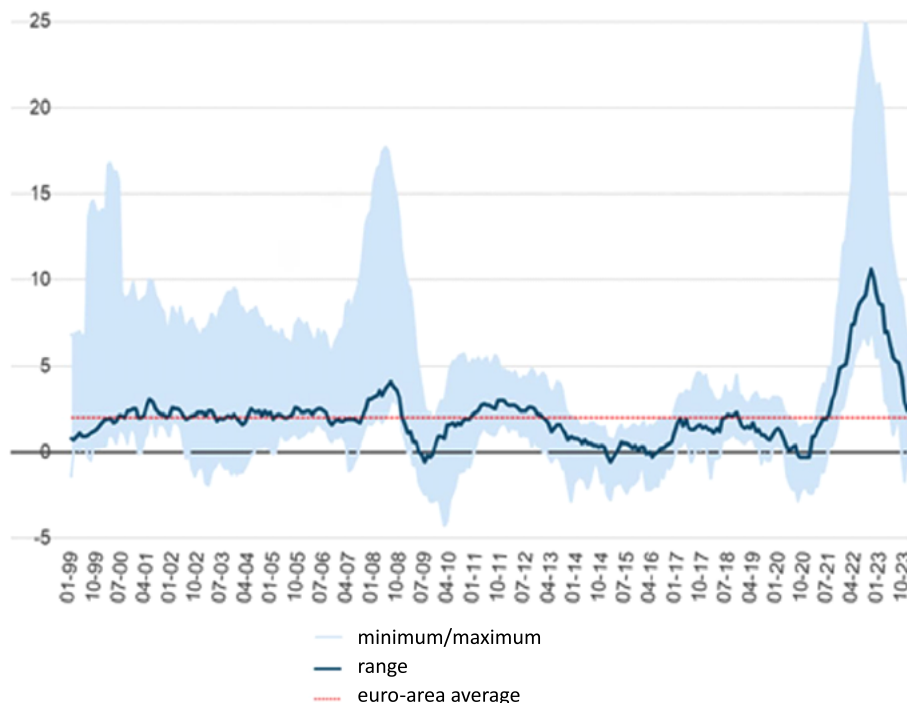


economic policies in the Union with a view to contributing to the achievement of the objectives of the Union as laid down in Article 3 of the Treaty of the European Union. The wording of this provision reflects the structure of competences in EMU: while monetary policy is centralised at the Union level and is the exclusive competence of the ECB, economic policies remain decentralised at the level of the Member States. The scope of the secondary objective has been a central point of debate in recent years with regard to the question of whether the ECB can also contribute to other policy objectives beyond price stability, for example sustainability and the fight against climate change. Financial stability is a contributory task of the ECB in accordance with Article 127(5) of the TFEU. In line with the so-called Tinbergen rule and the Bundesbank tradition, the founders of the Treaty decided that the ECB should focus on one primary objective — price stability — in the conduct of monetary policy. Although after the global financial crisis other jurisdictions changed their central banking legislation (e.g. the United Kingdom) to give financial stability the same status as price stability, the Treaty remained unchanged. This means that, while *de facto* financial stability is key to sound monetary policy, *de jure* the ECB has no mandate to address financial stability risks.

The ECB's independence (Article 130 TFEU) *vis-à-vis* EU and national institutions is an integral part of its mandate. The ECB was granted independence from political control in order to be able to control inflation. However, in a democratic system, independence is only one side of the coin; accountability is essential.

In March 2020, the Covid-19 pandemic caused global economic stagnation and rekindled fears of deflation. To address this, the ECB resumed its asset purchase programmes and launched the new Pandemic Emergency Purchase Programme (PEPP), while governments provided substantial grants and loans to support falling private sector incomes and economic activity. Monetary and fiscal policy measures successfully averted the risk of deflation after several months of falling prices. However, from mid-2021 onwards, the pendulum swung in the opposite direction and headline HICP inflation in the euro area started to rise well above the inflation target. This increase can be attributed, in part, to the constraints of the EU's energy supply and a spike in energy prices triggered by Russia's invasion of Ukraine. In October 2022, headline inflation reached an all-time high of 10.6%, a level five times higher than the ECB's inflation target. Since then, inflation has fallen steadily and stood at 2.8% in the euro area in January 2023, according to Eurostat's flash estimate of inflation for January 2024.



Headline inflation, as measured by the HICP (Harmonised CPI, in %)

Note: The minimum–maximum range indicates the lowest and highest value of headline inflation in the euro area Member States as a whole. The latest data refer to December 2023.

Source: Macrobond.

All told, it has been a bumpy and challenging road for the ECB. Nevertheless, we conclude that, if the ECB manages to bring the current inflation rate closer to its target again in the coming months, it will have fulfilled its core mandate of maintaining price stability. However, in a monetary union it is also advisable to look not only at average inflation, but also at the dispersion of inflation across Member States. Inflation divergences within a single currency framework, especially with a single monetary policy, can pose challenges. The differences in inflation rates have the potential to amplify heterogeneity in business cycles across Member States, making it more likely that the common monetary policy is ill-suited for individual countries. Moreover, if inflation differentials persist over an extended period, they may contribute to the build-up of real exchange rate misalignments by fostering disparities in price levels. This, in turn, may have adverse effects on international competitiveness and lead to more asynchronous business cycles across Member States, making the conduct of monetary policy more difficult. The shaded area shown in the chart above

represents the range between the lowest and highest values of headline inflation in the euro area Member States.

5. The euro: the world's second most important currency

The euro has the preconditions for being an international currency. There are no restrictions on buying, selling or holding. Global exporters can invoice sales in euro, while private and public institutions can issue in euro. Moreover, the euro offers value stability comparable to the US dollar in terms of inflation and exchange rates (Dabrowski, 2020).

However, although the euro currently has international status, it is certainly not the most dominant currency in the international monetary system. The euro remains the second most important currency after the US dollar, according to several indicators of international currency use, such as foreign exchange reserve holdings, international debt and loans, global payment currency (SWIFT) or foreign exchange turnover. Some 60 countries have opted to use the euro as their currency or to peg their currency to the euro. However, the euro tends to be more of a regional currency, i.e. it is largely used for (cross-border) transactions concentrated in the European region, while the use of the US dollar for cross-border transactions and banking is global.

The European Commission has repeatedly emphasised the importance of a strong international role for the euro in joint communications with the European Parliament, the Council, the Commission and the ECB (in 2021). An important reason for this is the increasing reliance on economic instruments to achieve political objectives. The use of currency-related legislation allows a nation to extend its extraterritorial reach for unilateral sanctions. This trend is exemplified by a number of US foreign policy measures, such as the «America First» approach, as well as US sanctions against Iran and the Nord Stream 2 project. Therefore, a strong international role for the euro plays a crucial role in the rise in the autonomy of European companies and governments. This in turn strengthens economic sovereignty by reducing the EU's financial risks, increasing resilience to US sanctions and refining the EU's own sanctions framework.

6. Future challenges for monetary policy

There are a number of factors and challenges that may affect price and financial stability in the coming years or have important implications for the implementation of monetary policy. These will be important in the light of the forthcoming review of the monetary policy strategy scheduled for 2025.

Monetary policy affects the distribution of economic outcomes, but more crucially it affects inequality (in terms of wealth and income) in society, which



in turn also has implications for monetary policy and its transmission. Households are different in many dimensions: their incomes, their assets and liabilities, and their socio-economic characteristics. All these differences can be summarised in the definition of household heterogeneity or inequality. Monetary policy always has distributional effects. Changes in interest rates affect macroeconomic variables and can contribute to an increase or decrease in income or wealth inequality. Unconventional monetary policy measures also exhibit substantial (re)distributional effects, benefiting some Member States, market participants or groups in society at the expense of others. It is therefore crucial to understand how income and wealth inequality affect the soundness of monetary policy. If monetary policy exhibits such income and wealth effects, it is inevitably laden with a political dimension, which must be in line with the ECB's mandate and institutional set-up. Recent years have seen a significant increase in public interest in the issue of income and wealth inequality.



With regard to the impact of inequality on the transmission of monetary policy, Article 127 of the TFEU obliges the ECB to take into account all aspects that are relevant for the conduct of a monetary policy aimed at price stability, including equality considerations. As economic analysis shows, inequality affects the transmission of monetary policy. The ECB must therefore understand the extent to which increasingly heterogeneous wealth distributions affect its monetary policy measures. Equality considerations feed directly into the ECB's main task in relation to price stability (Art. 127.1 TFEU). Financial stability is also affected by wealth distribution, as financial crises can exacerbate economic inequality among financial market participants, households and firms. In its 2021 Review of the Monetary Policy Strategy, the ECB decided to adopt measures to take account of inequalities by adapting the Harmonised Index of Consumer Prices (HICP) to include the costs of owner-occupied housing in a four-stage process to be completed by 2026.

This adaptation of the HICP gives a more realistic picture of household consumption expenditure and thus also provides a better basis for understanding the transmission of monetary policy. The principle of proportionality enshrined in Art. 5.4 TEU requires that the ECB consider the secondary effects of its measures as part of its proportionality assessment. Article 127.1. 2) of the TFEU refers to Union objectives, including equality objectives, and therefore requires that the ECB take equality considerations into account. Although the ECB enjoys broad discretion in conducting its monetary policy, it must explain and justify its measures, especially with regard to their secondary effects if they show substantial distributional effects. As highlighted by the CJEU (*Weiss Judgment*, 11 December 2018, Case C-493/17), with regard to the ECB's duty to state reasons under Art. 296 TFEU: *«It should be recalled that, in situations such as that at issue in the present case, in which an EU institution enjoys broad discretion, a review of compliance with certain procedural safeguards — including the obligation for the ESCB to examine carefully and impartially all the relevant elements of the situation in question*



and to give an adequate statement of the reasons for its decisions.» This duty to motivate implies an obligation to thoroughly assess the potential positive and negative effects of its monetary policy measures, both in terms of their effectiveness in safeguarding price stability and other secondary effects.

EMU Institutions

ESCB and Eurosystem		ECB + the national central banks	
Bodies:	<ul style="list-style-type: none">• The Governing Council• Executive Committee• General Council• Supervisory Board		<ul style="list-style-type: none">• Own legal personality• Price stability• Principle of accountability and transparency• Monetary policy instruments
Objective		<ul style="list-style-type: none">• Regulatory power• Sanctioning power	
Functions			

7. Strengthening the international role of the euro

Until now, the eurozone has enjoyed some of the exorbitant macroeconomic privileges that come with providing an international currency, without facing many of the obligations that the US Federal Reserve has to meet in providing the world’s dominant currency. This is a rather favourable position, and any consideration of how to challenge the supremacy of the US dollar and make the euro the dominant currency should first answer the question of whether it is advisable from an economic and political perspective, let alone whether this project could be realised.

Given the relative inertia and network externalities of international currencies, European efforts to challenge the dominant position of the US dollar are likely to have a disproportionately small impact. What is important, however, is to maintain the high degree of internationalisation of the euro and to protect it from further dependence on the US dollar. In recent history, crises and shocks in the international economic arena have rarely triggered or slowly triggered changes in the international use of currencies. However, it is important to bear in mind that geopolitical tensions can lead to significant changes in the international use of currencies. There is, for example, a risk that countries that are not fully aligned with the sanctions that Western countries have imposed on Russia, i.e. the freezing of the central bank’s foreign exchange reserves and the exclusion of Russian banks from the SWIFT international financial messaging system for cross-border payments, will reduce their exposure to the currencies of the sanctioning countries, including the euro, in the future.



Studies show that the choice of reserve currency(ies) is largely determined by strategic, diplomatic and military power (Eichengreen *et al.*, 2019). If a country has such power, foreign governments will consider it in their geopolitical interest to conduct cross-border transactions in their currency. The more a country's security depends on the US military, the more dollar reserves it will hold. This means that the EU's self-confidence and assertiveness on the international stage in the Ukraine conflict could also help to further strengthen the euro in the international currency structure. A prerequisite would be for the EU to position itself more independently from the US in terms of its defence and security aspects. Moreover, the attractiveness of a currency is largely a matter of private sector preference. Consequently, increased trade and financial links with the euro area contribute to the overall adoption of the euro.

A highly competitive market at the moment is the market for green and sustainable technologies. It is important that national governments and the European Commission provide the necessary infrastructure and financial framework to be internationally competitive in this relatively young sector with high global demand. It is strategically advisable to keep production facilities in the EU and avoid a migration to the US or China to force a nomination in euro. It is often said that the attractiveness of the euro as an international reserve currency increases with the availability of safe euro-denominated assets. The ECB's monetary tightening process will increase the total amount of safe euro assets available for investment purposes in the financial markets.

However, it is even more important that the reforms currently under discussion of the EU's economic governance framework are designed to achieve sustainable debt levels in all member states, which will ultimately also increase the amount of safe euro-denominated assets. Finally, the euro area should seek to reduce its dependence on the US financial infrastructure, including payment card systems and the Clearing House Interbank Payment System (CHIPS) payment coordination. This dependence is now so significant that exclusion from this infrastructure is tantamount to exclusion from global trade. It is therefore important to further consider and develop European alternatives.



8. Banking union

The banking union is the most significant change in the history of European integration since the advent of the euro. A «game changer» for the EU financial

landscape is represented by the centralisation of competences at EU level for supervision, with the establishment of the Single Supervisory Mechanism (SSM) and, for resolution, the establishment of the Single Resolution Mechanism (SRM). This shift in competences occurred in tandem with a global movement — in the aftermath of the global financial crisis — from external to internal bailouts, following the publication in 2011 of the Financial Stability Board's «*Key Attributes for Effective Resolution of Cross-Border Financial Institutions*».

Article 127(6) TFEU — the «*Sleeping Beauty*» provision — was activated to transfer responsibility for the supervision of significant credit institutions from national competent authorities to the ECB in 2013 (SSM Regulation). The ECB is therefore no longer just a monetary authority. It is now also a supervisory authority and the institution that normally declares when an institution is failing or likely to fail (FOLTF) in accordance with the SRM Regulation. But the European Banking Union remains an incomplete edifice. While the June 2022 Eurogroup statement proposed that «as an immediate step, work on the Banking Union should focus on strengthening the common framework for bank crisis management and national deposit guarantee schemes» (CMDI framework).

And, in April 2023, the Commission published a package of proposals to amend the framework for bank crisis management and deposit insurance (CMDI), where the proposed reforms are of a limited nature. Member States decided to leave the finalisation of the Banking Union to a later stage. The «third pillar» of the Banking Union, the European Deposit Insurance Scheme (EDIS), remains at the proposal level (2015) and what has been referred to as the «missing pillar» of the Banking Union, namely the provision of an Emergency Liquidity Assistance (ELA) by the ECB, remains within the competence of the national central banks (Article 14.4 of the Statute of the ESCB). Harmonisation of national bank winding-up procedures is also necessary in a Banking Union.

However, the principle of separation of monetary policy, according to Art. 25.2 of the SSM Regulation, the ECB's involvement in supervision and, to some extent, crisis management (through early intervention) takes it into the «murky waters» of the relationship with financial institutions (the ECB pulls the trigger by declaring that a bank is failing or likely to fail, thus bringing it into resolution), in particular when they are in difficulty. The transfer of competences is therefore the source of new challenges to its mandate and independence. There is also a reputational risk for any central bank involved in supervision. Goodhart reminds us that «*supervision is a thankless task, where successes are never publicised and any failures are magnified*».



9. Conclusions

EU monetary policy, led by the ECB, has evolved to meet the challenges of a globalised and ever-changing economy. While its primary objective remains price stability, the ECB has demonstrated flexibility and adaptability in the face of economic and financial crises. However, monetary policy alone cannot solve all the EU's economic problems; its success depends on close cooperation with Member States' fiscal and structural policies.

In the context of the European Union, the euro and its monetary policy represent not only an economic tool, but also a symbol of unity and solidarity among the countries that make up the euro area. As the EU moves towards new horizons, monetary policy will continue to play a central role in building a more prosperous and resilient Europe:

- From its inception until 2008, the ECB demonstrated considerable success in meeting its inflation target of 2% year-on-year growth in the aggregate Harmonised Index of Consumer Prices (HICP) in the euro area. Challenges arose for the ECB in achieving its inflation target after the global financial crisis (GFC) in 2008 and the sovereign debt crisis in 2011 and inflation remained below target for a considerable period. Tackling inflation has also proven to be a challenge since 2021, when inflation rates rose significantly above the inflation target.
- The euro remains the second most important currency after the US dollar. Maintaining this international role will depend to a large extent on whether it manages to secure stable value and whether the EU is confident and assertive on the international stage in terms of diplomacy and trade policy.
- Household inequality affects monetary policy and, vice versa, monetary policy can exacerbate inequality. New macroeconomic models have considerably improved our understanding of how differences between households — i.e. their unequal income and wealth — alter the transmission mechanism of monetary policy. Household heterogeneity needs to be taken into account to the extent that it alters the effects of monetary policy. At the same time, the ECB must ensure that redistributive effects, which are an inherent element of any monetary policy measure, are kept to a minimum. Competent tax authorities remain first and foremost responsible for addressing social inequalities and implementing redistributive measures.
- Heterogeneity across Member States also poses a challenge to the effectiveness of the ECB's monetary policy transmission. Responsibility for fiscal policy rests with the Member States; the new fiscal rules must strengthen fiscal discipline, a prerequisite for ensuring price stability.



MONETARY POLICY

Foundations

Maastricht Treaty

- Laid the foundations of the
- ECB
 - Economic and Monetary Union

Throughout its evolution, the EMU has not only been a technical mechanism but also a **symbol of unity and cooperation in Europe.**

Convergence Criteria

- A fiscal deficit below 3% of GDP
- Public debt below 60% of GDP
- Stable exchange rates and no significant devaluations
- Controlled inflation, close to the members with the lowest inflation

25 Anniversary of the euro in 2024

Instruments



Conventional instruments

- Open market operations
- Official interest rates
- Standing facilities

Non-conventional Instruments

- Asset purchase programmes
- Negative interest rate policy
- Long-term refinancing programmes

Objectives €

- 1 Price stability in the eurozone.** This translates into an inflation rate close to, but below, 2% in the medium term.
- 2 Mitigate risks associated with unsustainable public financing.** Establish mechanisms that promote coordination between national economic policies.
- 3 Ensure the proper functioning of the internal market;** essential for facilitating the free movement of goods, services, capital, and people.

Between 1999 and 2008, the ECB succeeded in controlling inflation, **meeting its 2% year-on-year target in the Harmonized Index of Consumer Prices (HICP).**



Link to the ECB institutional website

Challenges

Monetary policy affects the distribution of economic outcomes, but more crucially, it affects **inequality (both wealth and income).**



There is significant **public interest in the issue of income and wealth inequality.**

In the 2021 Review of its Monetary Policy Strategy, the ECB decided to adapt the **Harmonised Index of Consumer Prices (HICP)** to address inequalities.



The **principle of proportionality in Article 5.4 TUE** requires the ECB to consider the side effects of its measures. Although it has **broad discretion in monetary policy, the ECB must justify its measures**, especially if they generate significant distributive effects.

2nd most important currency in the world



The euro mainly acts as a **regional currency**, mostly used in **cross-border transactions** within the European neighborhood.

Strengthening the €

The eurozone must reduce its dependence on the U.S. financial infrastructure, whose exclusion implies marginalization from global trade. It is fundamental to develop **European alternatives to strengthen its autonomy.**



Banking Union



The Banking Union is the **biggest change in European integration since the euro.** It centralizes powers via the Single Supervisory Mechanism (SSM) and the Single Resolution Mechanism (SRM), transforming the financial landscape of the EU.



Bibliography

- CAMARERO, M. A. and TAMARIT, C. (coords.). *Economía de la Unión Europea*. 9.^a ed. Civitas, 2023.
- EUROPEAN COMMISSION. *The European economic and financial system: fostering openness, strength and resilience*. 2021.
- DABROWSKI, M. «Increasing the International Role of the Euro: A Long Way to Go». *CASE Reports*, 0502, CASE-Center for Social and Economic Research, 2020.
- EICHENGREEN, B., MEHL, A. and CHITU, L. «Mars or Mercury? The geopolitics of international currency choice.» *Economic Policy*, 34(98), 2019, pp. 315-363.
- GARCÍA ANDRÉS, G. «Tareas pendientes en la política monetaria europea.» *Información Comercial Española-ICE. Revista de economía*, No. 916, 2020.
- GREITENS, J. *Der digitale Euro aus einer historischen Perspektive. Wirtschaftsdienst*, 103(12), 2023, pp. 807-810.
- KAPLAN, G., MOLL, B. y VIOLANTE, G. L. «Monetary Policy According to HANK.» *American Economic Review*, 108(3), 2018, pp. 697-743.
- LASTRA, R. y DIETZ, S. «Accountability of Greening the ECB.» *Maastricht Journal of European and Comparative Law*, 2024.
- LASTRA, R. y SKINNER, C. «Sustainable Central Banking.» *Virginia Journal of International Law*, 63(3), 2023, pp. 397-446.
- LOI, G. RAKIC, D. y SABOL, M. «La política monetaria europea.» *Factsheets on the European Union*. European Parliament, 2024.
- EUROPEAN PARLIAMENT. «ECB monetary policy: Past, present and future.» *Economic Governance and EMU Scrutiny Unit (EGOV)*, Directorate-General for Internal Policies PE, February 2024.
- SCHEINERT, C. «History of Economic and Monetary Union». *Factsheets on the European Union*. European Parliament, 2024.
- Various Authors. «EU economic and monetary policy. ECB Guideline on the monetary policy framework of the Eurosystem.» *European Union Aranzadi*, No. 6, 2018.



Chapter 2

The Internal Market of the European Union

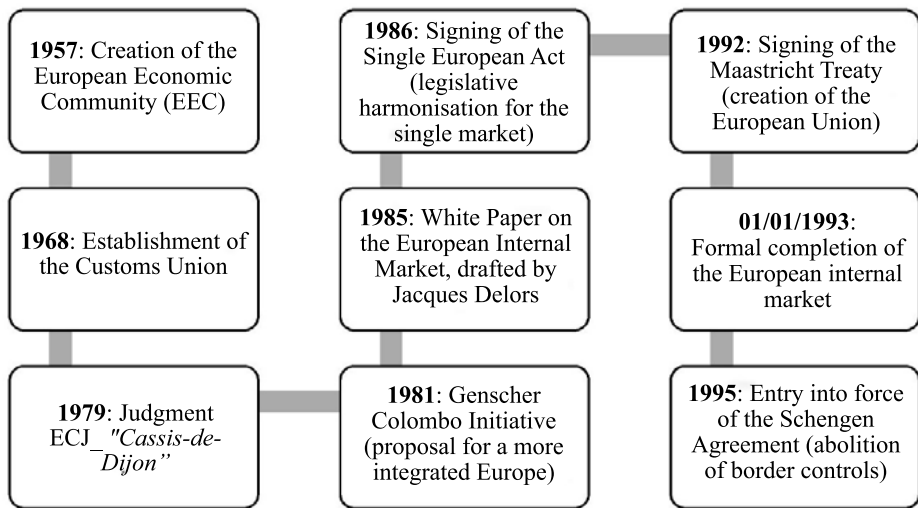
1. Introduction and origin

Geopolitical tensions in the global economy are on the rise. Trends towards protectionism and populism aggravate this situation. However, in these turbulent times, the European internal market has proven to be a valuable, historic achievement. With a gross domestic product (GDP) of more than 12 trillion euros, the internal market is the second largest economic bloc in the world. In terms of economic performance, the EU outperforms the People's Republic of China and is just behind the United States. This economic weight gives the EU and its citizens greater economic stability and influence in global affairs. Especially in times of crisis, Europe is less exposed to global economic fluctuations compared to smaller countries.

Since 1 January 1993, the European Union (then the European Community) has operated as a common market without internal borders. Following the elimination of tariffs within the Community in 1968, the «four freedoms» of the internal market have been applicable since 1993: free movement of persons, goods, capital and services. This stable, transnational internal market, with institutions beyond the nation-state, provides confidence and protects consumers and businesses against protectionist trends driven by transient circumstances. Moreover, the internal market has the capacity to set global standards, ensuring Europeans can continue to define the rules for their coexistence in the 21st century.

Over the last 30 years, Europe and the world have changed. The EU grew from 12 to 28 Member States, and now has 27. Today, the EU is home to 450 million citizens and some 22 million businesses. Whereas in the 1990s optimism prevailed after the end of the Cold War, today crises define the developments in Europe. How do the citizens of the Union perceive this common project 30 years after the creation of the internal market? How important are the four freedoms to them? What kind of protection does this common market offer? What are the current challenges and what decisions are needed in difficult times?





The extensive regulation of the internal market and its complexity have, in the past, been a source of derision. Examples such as the now abolished cucumber curvature rule, as well as other overly detailed attempts at harmonisation, have given the EU the reputation of being a bureaucratic and particularly complicated structure. However, the internal market can be summarised around four key principles, the so-called four freedoms:

- a) *Free movement of goods,*
- b) *Free movement of services,*
- c) *Free movement of persons; and*
- d) *Free movement of capital.*

These freedoms were already defined as objectives in the Treaties of Rome, but became a reality and were implemented at different times by decisions of the Court of Justice of the European Union, through directives and regulations. To this day, each of these freedoms remains the subject of ongoing challenge and development.

2. Legal basis of the internal market

At the heart of the European project, beyond its political and economic ideals, are the rules that give shape and meaning to the internal market, one of the most ambitious and complex achievements of the European Union. In order for millions of people and businesses to benefit from an area without borders, where goods, services, capital and citizens circulate freely, it has been necessary



to build a solid legal structure to ensure its functioning. This structure is carefully delineated in the treaties governing the Union.

The 2009 Treaty on the Functioning of the European Union (TFEU) is the document that enshrines the essential principles of the internal market. Article 4(2)(a) states that this market is not only a political objective, but a shared competence between the Member States and the European Union itself. In other words, its success depends as much on the coordinated action of the EU institutions as on the active commitment of each Member State.

But it is Article 26 which, with visionary clarity, defines the essence of the internal market: an area without internal frontiers, in which the free movement of goods, persons, services and capital is fully guaranteed. Thus, what once seemed utopian ideals found a legal basis that allowed for the transformation of cooperation into real integration, with legally binding rights and duties for all members of the Union.

However, designing the rules was not enough; it was necessary to ensure that they were flexible and respectful of national specificities. This is why Article 27 introduces a fundamental balance: when establishing new provisions, the European Commission must take into account both the progress made and the differences that still exist between States. This makes it possible to move towards greater harmonisation without jeopardising the diversity of national systems.

Articles 114 and 115 address one of the most complex challenges: how to approximate the laws of the different countries in order to make the common rules of the internal market effective. Article 114 gives the Commission the power to propose laws to unify regulations, while ensuring a high level of protection and ensuring that integration does not compromise essential rights, such as health or the environment. Thanks to this mechanism, risks arising from disparate regulations that could hinder trade or create inequalities between Member States are avoided.

Article 115, on the other hand, resorts to a more political approach, requiring the intervention of the Council and the European Parliament to adopt directives seeking to harmonise laws where national differences directly affect the functioning of the internal market. Although more complex and less agile, this process reflects the need for democratic consensus and institutional balance on sensitive EU issues.

3. Free movement of goods

The free movement of goods is considered to be the oldest and most tangible achievement of the European internal market. Since the signing of the Treaties of Rome, ensuring the unimpeded flow of goods across Member States' borders has been a key objective of European economic policy. Over time, almost



all barriers to free trade have been removed, allowing companies to sell their products throughout the EU without facing tariffs and other trade barriers. This encourages greater competition and reduces costs for consumers.

The free movement of goods is one of the fundamental pillars of the European Union (EU) internal market and represents a key historical achievement in the economic integration of the continent. This principle allows products to move without tariff restrictions or non-tariff trade barriers between member states, facilitating smooth and efficient trade that has significantly boosted the economic development of the bloc. Since the signing of the Treaties of Rome in 1957, ensuring the unimpeded flow of goods has been a priority for European economic policy, with important milestones such as the creation of the CUS-TOMS UNION in 1968, eliminating all internal tariffs and establishing a common external tariff, and the signing of the Single European Act in 1986, which introduced additional measures to eliminate technical barriers and promote competitiveness.

In economic terms, the free movement of goods has made intra-EU trade a key driver of growth. According to Eurostat, in 2022 this type of trade accounted for approximately 64% of total exports and imports between Member States, reflecting the importance of this principle for the functioning of the internal market. The impact on the EU economy is significant: with a gross domestic product exceeding 16 trillion euros, the European bloc is currently the second largest economy in the world, behind only the United States. This framework has given European companies access to a single market of over 450 million consumers, which fosters competition, reduces costs for consumers and promotes innovation through the adoption of common standards that ensure safe and high quality products.

However, the free movement of goods also faces challenges. Although the elimination of tariff barriers has been a consolidated success, non-tariff barriers remain, such as regulatory differences or complex administrative procedures affecting specific sectors, such as food or pharmaceuticals. Moreover, recent events such as the Covid-19 pandemic and Brexit have tested the resilience of the internal market. For example, the UK's exit from the EU in 2020 led to a 15% decrease in bilateral trade in the following year, as barriers that had previously been removed were reintroduced. The global health crisis also exposed vulnerabilities in intra-EU supply chains, underlining the need to strengthen cooperation and crisis response mechanisms.

Despite these challenges, public acceptance of the free movement of goods is remarkably high. Surveys in Germany in 2022 show that 90% of citizens consider free trade between Member States to be «very important», with approval levels above 80% across all age groups and educational levels. This endorsement highlights the relevance of this freedom not only as an economic principle, but also as a symbol of European cohesion and cooperation. However, protecting



these achievements requires continued efforts to prevent the reintroduction of new barriers and to encourage greater regulatory harmonisation.

The future of the free movement of goods in the EU depends on the implementation of strategies that reinforce its positive impact. The digitalisation of regulatory and customs processes, the strengthening of the digital single market and the diversification of supply chains are key actions to consolidate this freedom as an engine of growth. Moreover, the adoption of advanced technologies and close cooperation between Member States will be essential to ensure that intra-EU trade remains a central element of the European project, contributing not only to economic development, but also to the political and social stability of the continent. The free movement of goods is not only an economic pillar, but also a symbol of integration and progress for the European Union. Despite the difficulties it faces, it remains essential for the functioning of the internal market and for the well-being of European businesses and citizens. Protecting and reinforcing this principle will be crucial to ensure a prosperous and sustainable future in the global context.

4. Free movement of services in the European Union

The free movement of services is one of the four fundamental freedoms of the European Union (EU) internal market and is a crucial element in ensuring economic integration and sustainable growth in the region. This principle allows companies and professionals to offer services in any Member State without facing discriminatory restrictions. Since its introduction in the Treaties of Rome, the free movement of services has been progressively developed through specific directives and regulations, as one of the main drivers for creating a competitive and dynamic single market.

In economic terms, services account for approximately 70% of the EU's gross domestic product, underlining strategic importance of services. Sectors such as transport, telecommunications, banking and digital services have been central to the consolidation of the internal market. For example, the adoption of the Services Directive (2006/123/EC) was a milestone that facilitated the cross-border provision of services by reducing regulatory barriers and promoting transparency between Member States. This allowed service providers, from small businesses to large corporations, to access an expanded market, benefiting both consumers and local economies.

However, the free movement of services faces specific challenges. Despite progress, significant regulatory barriers remain in sectors such as health and legal services, where national regulations restrict access. Fragmentation in the recognition of professional qualifications between Member States also hampers the mobility of workers in key sectors. The transition to a digital single market,



which seeks to integrate digital services and remove barriers related to e-commerce, is another challenge that the EU is actively addressing.

Despite these challenges, the benefits of free movement of services are tangible. European consumers have access to a wider range of services at competitive prices, while businesses have experienced an increase in cross-border demand. Innovation and investment in service sectors have also been boosted by the opening up of markets. Protecting and strengthening this freedom requires greater regulatory harmonisation, improved mutual recognition of qualifications and the promotion of digitalisation in all Member States.

5. Free movement of persons

Free movement of persons allows EU citizens to live, work and study in any Member State. This creates a space that offers life opportunities for those seeking employment, education or other forms of self-fulfilment outside their country of origin. Moreover, labour mobility within the internal market allows for balancing macroeconomic imbalances: for example, when one country faces high unemployment rates due to a recession, while another suffers from a shortage of skilled labour. Currently, more than 6.5 million workers from EU countries exercise their right to work abroad. In 2021, according to Eurostat, more than one million German citizens were living in other European countries.

The free movement of people is one of the fundamental principles of the European Union (EU) internal market and a key achievement of the European integration project. This right, established in the Treaties of Rome and reinforced by the Maastricht Treaty in 1992, allows EU citizens to live, work and study in any Member State without restriction. Beyond its economic implications, this freedom represents a core value of the Union in promoting life chances and reinforcing European identity among its citizens.

Since its implementation, free movement of persons has facilitated labour mobility across the EU, allowing citizens to take advantage of economic opportunities in more prosperous regions or regions with lower unemployment. According to Eurostat, more than 6.5 million workers from EU countries have exercised this right to work abroad. For example, in 2021, more than one million German citizens were living in other EU countries, underlining the importance of this freedom for international mobility. This labour flow has also helped to balance macroeconomic imbalances within the bloc, such as labour shortages in some countries and high unemployment rates in others, contributing to economic and social cohesion.

Public support for free movement of persons is high. Recent polls in Germany show that 80.2% of respondents consider it «very important» that all EU citizens have the right to live and work in other member states. This support is



particularly strong among young people, with approval levels exceeding 90% among students and apprentices. Despite these positive figures, certain groups, such as the unemployed, show less support, although still considerable (74.5%). Moreover, there are no significant differences between East and West German regions, highlighting the widespread acceptance of this freedom as an essential part of European integration.

The Schengen Agreement, which phased out internal border controls, and the introduction of Union citizenship with the Maastricht Treaty are key milestones that have consolidated the free movement of persons. EU citizenship gives citizens additional rights, such as the right of residence, access to the labour market, the possibility to become self-employed and access to services in other Member States. It also includes important political rights, such as the right to vote in municipal elections and elections to the European Parliament in the country of residence. These measures have not only facilitated mobility within the bloc, but have also strengthened the sense of belonging to the wider European community.

However, the free movement of people also faces challenges. Recent crises, such as the Covid-19 pandemic, highlighted the fragility of this principle when several Member States reintroduced border controls to curb the spread of the virus. In addition, the increase in external migration to the EU has generated political and social tensions, leading to debates about the capacity of Member States' welfare systems to absorb these flows. There is also a persistent perception that free movement could exacerbate problems such as brain drain in less developed countries in the bloc.

Despite these challenges, the free movement of persons remains an indispensable pillar of the internal market and a crucial element for the economic and social development of the EU. The integration of labour markets, together with the improvement of education systems and the promotion of programmes such as Erasmus+, encourages mobility that benefits both individuals and Member States' economies. In future terms, it is essential that the EU takes measures to strengthen this principle, such as simplifying procedures for the recognition of academic and professional qualifications between countries, and ensuring effective protection of workers' rights in all regions.

The free movement of persons is not only an economic driver, but also a symbol of European unity and cooperation. This principle has transformed life opportunities for millions of citizens, consolidating the internal market as an inclusive and dynamic space. Protecting and developing this freedom will be essential to ensure a single market that continues to respond to the needs of its citizens and to reinforce the values that underpin European integration.



6. Free movement of capital in the European Union

The free movement of capital is the most recent of the four fundamental freedoms of the EU internal market, but it is no less relevant. This principle, fully implemented with the Maastricht Treaty in 1993, allows the transfer of money, investments and other financial assets between Member States without restrictions. It is the pillar underpinning the EU's financial integration, promoting economic stability, growth and the strengthening of monetary union.

On a practical level, Free Movement of Capital facilitates both direct and portfolio investments throughout the internal market, giving businesses and citizens access to wider and more diversified financial markets. This has allowed the creation of a business-friendly environment where investors can mobilise resources without unnecessary barriers. Sectors such as banking, insurance and securities markets have experienced significant growth thanks to the opening of the capital markets, while consumers have benefited from greater choice and lower financial costs.

However, the implementation of this principle has also posed challenges. Differences in national regulations and the lack of full harmonisation in areas such as taxation and banking regulations have limited the full scope of free movement of capital. Events such as the 2008 financial crisis also highlighted the vulnerabilities of the European financial system, highlighting the need for tighter regulation and mechanisms to address systemic risk.

In response to these challenges, the EU has promoted initiatives such as the Capital Markets Union (CMU), which aims to deepen financial integration, improve access to finance for businesses and strengthen the bloc's economic resilience. In addition, the adoption of financial technologies (fintech) and the transition to a digital capital market are key priorities to ensure that the free movement of capital remains an engine of growth.

While the free movement of services promotes economic mobility through cross-border provision, the free movement of capital strengthens the financial basis of European integration, facilitating investment and economic stability. Both freedoms are essential to the functioning of the internal market and to the economic well-being of EU citizens and businesses, and their continued development will be key to meeting the challenges of the 21st century.

7. Current challenges and objectives of the internal market

The Internal Market of the European Union, conceived as a borderless area in which people, goods, services and capital circulate freely, is today facing challenges that threaten both its stability and its future projection. Integration, which for decades progressed steadily through successive reforms and political consen-



sus, is now being strained by unexpected developments that test the legal and economic foundations on which it rests.

Among the major challenges facing the Internal Market are those arising from the Covid-19 pandemic, the prolonged impact of Brexit and the persistence of legal obstacles limiting the full functioning of the Internal Market. The global health crisis, in addition to disrupting trade and mobility within Europe, has accelerated a process that was already imminent: the digitalisation of the market. However, this transformation is far from complete, as regulatory frameworks have not kept pace with technological innovations. Experts agree that fast-growing e-commerce requires an urgent update of the European legal order in order to take full advantage of the benefits of the single market. Without regulatory adaptation to meet the needs of the digital environment, the Internal Market risks losing competitiveness to more agile and flexible economies.

The UK's exit from the European Union brought with it a period of confusion and uncertainty that, far from dissipating with the passage of time, continues to generate political and commercial frictions. Brexit not only deprived British citizens of the privileges inherent to the common space, but also forced Member States and European institutions to rethink the flow of goods and services, introducing new customs procedures that make trade across the Channel more complex. In this new context, technical, health and social barriers appear which, despite the agreements reached, directly affect trade and cooperation between the United Kingdom and the European Union, causing delays and additional costs that contrast with the fluidity that characterised integration prior to Brexit.

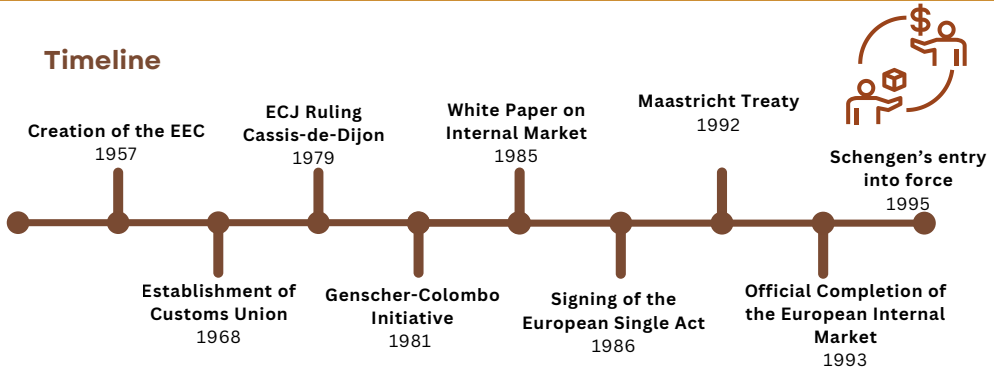
But the challenges facing the Internal Market do not stem solely from external or cyclical crises. Within the EU itself, legal obstacles persist which limit effective harmonisation of national regulations. The existence of legal divergences between Member States continues to hold back the true potential of the single market, whose promise of full integration is obscured by national regulations that hamper free movement and create regulatory asymmetries. Despite efforts to move towards a common and coherent framework, differences persist which fragment the unity of the market, preventing businesses and citizens from enjoying its benefits on a level playing field.

The Internal Market is therefore entering a phase in which the challenges are as great as the opportunities. The key to revitalising the European project and restoring its inclusiveness lies in the ability to adapt to digital transformation, overcoming the wounds left by Brexit and removing internal legal obstacles. Only through renewed political commitment, modern legislation and constant cooperation between Member States will it be possible for this common area to reach its full dimension and reaffirm its role as one of the most important achievements of the European integration process.



INTERNAL MARKET

Timeline



Key elements



12 trillion euros of GDP,
450 450 million citizens,
22 million companies.



Learn more about
the European
Internal Market

The Four Freedoms

Free Movement of Goods

Allows trade without tariffs or barriers between EU countries.

64% of total EU trade is intra-community (Eurostat 2022).



Free Movement of People

Citizens may live, work and study in any Member State.

More than 6.5 million European workers work in another EU country.



Free Movement of Services

It enables companies and professionals to offer services in any EU country.

Services represent 70% of the EU GDP.



Free Movement of Capital

It allows for the unrestricted transfer of money and investments within the EU.

Creation of the Capital Markets Union to strengthen investment.



Bibliography

- CASADO RAIGÓN, Rafael y ALCAIDE-FERNÁNDEZ, Joaquín (2018). *Curso de Derecho de la Unión Europea*. Tecnos, 3rd ed.
- GARCÍA GALLARDO, Ramón and BERMÚDEZ CABALLERO, Manuel (2012). «Mercado interior. Unión Europea gobernanza económica.» *Derecho de los negocios*, Year 23, No. 257, p. 41.
- MARTINELLO, Barbara (2024). *The internal market: general principles*. Factsheets on the European Union. European Parliament.
- RODRÍGUEZ RODRÍGUEZ, Diego (2003). «El mercado interior en la Unión Europea ampliada.» *Economistas*, año 21, No. 97, pp. 40-44.
- EUROPEAN UNION (2024). *Mercado interior. Síntesis de legislación*. EUR-Lex.



Chapter 3

The Trade Policy of the European Union

1. Introduction and historical development

The development of trade within the European Union has been key to both European regional integration and its relationship with international trade. The process began with the creation of the Free Trade Area in the founding negotiations of the European Economic Community (EEC), eliminating tariff barriers between European countries. In 1957, the Treaty of Rome established the Customs Union, encouraging the development of trade by reducing restrictions and tariffs.

Progress continued in 1968 with the implementation of a common tariff among member states. Subsequently, in 1978, the European Monetary System was established in preparation for the future monetary union. Integration reached a milestone in 1992 with the Maastricht Treaty, which consolidated Economic and Monetary Union and promoted a common trade policy, although initial challenges led to its reformulation in the 1999 Amsterdam Treaty, which reaffirmed trade as a central pillar of the Union.

Finally, the 2007 Lisbon Treaty introduced significant reforms in EU trade policy, adapting it to global challenges and strengthening aspects such as trade restrictions, direct investment and tariff regulation, consolidating the EU's position in international trade.

The European Union, through its interregional and international trade policies, has consolidated its position as one of the key players in global trade. These agreements offer significant benefits to countries, companies and organisations, strengthening their competitive advantages on a large scale. The increase in its external projection has had a direct impact on Gross Domestic Product (GDP), a trend that reflects sustained growth in international trade, especially since the late 1990s. During the 2000s, the EU's external trade doubled, now accounting for more than 30% of its GDP, according to data from 2022.

The EU's global influence is also reflected in its weight in the world trade balance. In 2019, the EU accounted for 13.9% of global imports of goods and



15.6% of exports, consolidating its economic and commercial importance in the international arena.

2. Legal basis

Article 207 (*ex-Article 133 TEC*) provides that: The common commercial policy shall be based on uniform principles, particularly with regard to changes in tariff rates, the conclusion of tariff and trade agreements relating to trade in goods and services, and the commercial aspects of intellectual property, foreign direct investment, the achievement of uniformity in measures of liberalisation, export policy and measures to protect trade such as those to be taken in the event of dumping or subsidies. The common commercial policy shall be conducted in line with the principles and objectives of the Union's external action.

Alongside the framework set by primary law (Art. 207 TFEU), EU trade legislation seeks to ensure fair and equitable trade with third countries by implementing reforms in key areas such as foreign direct investment, anti-dumping measures and trade defence instruments. This legal framework protects European companies and producers against unfair practices by foreign entities, reflecting the commitment reiterated by EU leaders in 2016 (through European Council conclusions) to act effectively against such practices.

Regarding the control of foreign direct investment, the Regulation adopted in March 2019, in force since October 2020, establishes a general framework for coordinating these investments in strategic sectors for the first time. This mechanism allows Member States and the European Commission to exchange information and assess risks to security or public order. Member States retain autonomy to block or review investments, while the Commission can issue opinions in cases of general interest, ensuring the protection of key programmes such as Horizon 2020 or Galileo.

On the other hand, bilateral horizontal safeguard measures, regulated since January 2019, establish a common framework for applying protective measures in free trade agreements, such as those with Japan, Singapore and Vietnam. These measures allow for the temporary withdrawal of tariff preferences to protect domestic industries from injurious increases in imports. With this initiative, the EU is introducing a coherent approach to integrate these safeguards into future trade agreements, ensuring an effective and unified response.

3. Inter-institutional elements

The European Union occupies a central position in the world economy, being, together with China and the United States, one of the largest global economies. In 2023, the EU contributed around 17.5% of global GDP, supported



by its open market and a GDP of around 17 trillion euros. This economic openness has enabled the Union to play a key role in the international trading system, supporting initiatives such as the WTO and generating significant benefits, as more than 30 million jobs in the EU depend on external trade. In a context of global transformation driven by new economic actors and technological advances such as digitalisation, the world economy is now deeply integrated through international supply chains.

Despite challenges, such as the 2009 financial crisis and the Covid-19 pandemic, the EU has maintained a strong position in trade in goods and strengthened its leadership in services. Recent discussions on the «relocation» of industries have highlighted a possible reconfiguration of supply chains, although this phenomenon is expected to impact mainly strategic sectors.

At the institutional level, the European Commission has the exclusive mandate to negotiate international trade agreements on behalf of the Member States, consolidating the EU as a unique actor in this field. It has used trade tools not only to protect its interests, as in disputes managed through the WTO, but also to promote values and extend regulatory practices globally.

The 2009 Lisbon Treaty strengthened the position of the European Parliament in trade policy, giving it legislative equality with the Council, as well as a relevant role in the negotiation and ratification of international agreements in which its approval is now required. However, trade policy in certain aspects remains a competence of the Member States, as clarified by the Court of Justice of the European Union in 2017, establishing clear boundaries between national and EU competences.

4. Commercial guidelines

Faced with the stalemate in multilateral negotiations at the WTO on the Doha Development Agenda, the EU adopted a new trade strategy through the implementation of new generation free trade agreements (FTAs). These agreements, which are broader than the traditional ones, include aspects such as services, investment and regulatory standards, in addition to tariff reductions. Prominent examples are the FTA with South Korea, in force since 2015, and other key agreements with countries such as Peru, Colombia, Ecuador, Canada, Japan, Singapore, Vietnam, Chile and New Zealand, consolidating the EU's global position in international trade. In addition, negotiations progressed with countries such as Indonesia, Tunisia, Australia and India, while pending agreements, such as Mercosur, await ratification.

The EU's international trade faced significant setbacks due to the Covid-19 pandemic, which affected global trade relations, and the war in Ukraine, which impacted energy and food markets. In response to contemporary challenges, the



European Commission presented its «Trade Policy Review» in 2021, under the slogan «An open, sustainable and active trade policy». This strategy seeks to address current geopolitical challenges, promoting sustainability, ecological and digital transition, and «open strategic autonomy», complementing equity and resilience in its commercial approach. With this framework, the EU seeks to lead in a dynamic trading environment and to ensure its adaptability to global changes.

The review of the EU's trade policy proposes a strategic approach to address today's economic, technological, social and environmental challenges, in a context of global transformation and geopolitical instability. As a key driver of economic prosperity, the EU's trade policy seeks to ensure its competitiveness, promote sustainable growth and strengthen its resilience in a rapidly changing and interconnected world.

Although the EU will retain its economic influence, most of the world's growth will occur outside Europe. By 2024, 85% of global growth is expected to come from other regions, with China leading with a projected annual growth of 4.7%.

The EU's trade policy must adapt to reflect its ambition to be «*A stronger Europe in the world*» (as per the title of the Political Guidelines for the European Commission 2019–2024). This means strengthening its role in global trade, promoting values such as sustainability and equity, and responding to stakeholder expectations, ensuring a just transition to a modern and resilient economic model.

5. EU trading partners

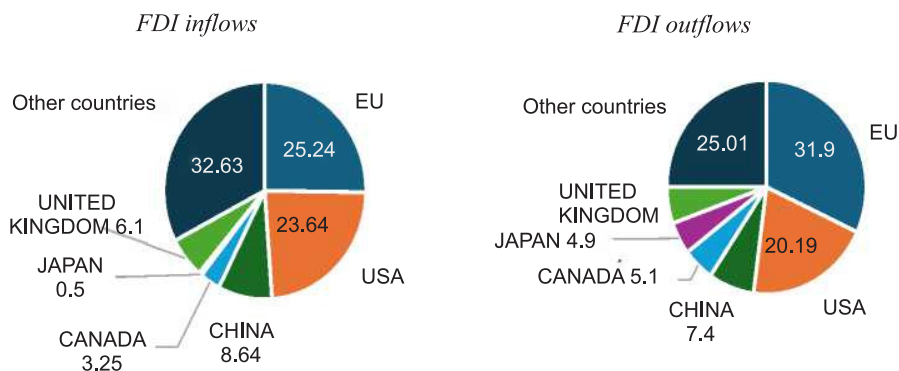
The European Union is the world leader in trade in manufactured goods and services, consolidating its position as the largest global exporter. In 2023, the United States stood out as its main destination for goods exports, with 19.7% of the total, followed by the United Kingdom (13%) and China (8.8%). Switzerland and Turkey are also among its key trading partners. For services, the main trading partners in 2022 were the United States, the United Kingdom and Switzerland, reaffirming the EU's importance in this sector.



Share of global FDI in 2022 (in billions of US dollars and as % of total)

	FDI inflows	FDI outflows
Global value	44 252,759 (100%)	39 852,940 (100%)
EU	11 170,459(25.24%)	12 726,307 (31.9%)
United States	10 461,684 (23.64%)	8 048,114(20.19%)
China	3 822,449 (8.64 %)	2 931,653 (7.4%)
Canada	1 439,848 (3.25 %)	2 033,032 (5.1 %)
Japan	225,367 (0.5 %)	1 948,555 (4.9 %)
United Kingdom	2 698,563 (6.1 %)	2 203,114(5.5%)

Source: calculations by the European Parliament's Directorate-General for External Policies of the Union based on European Commission Eurostat data.

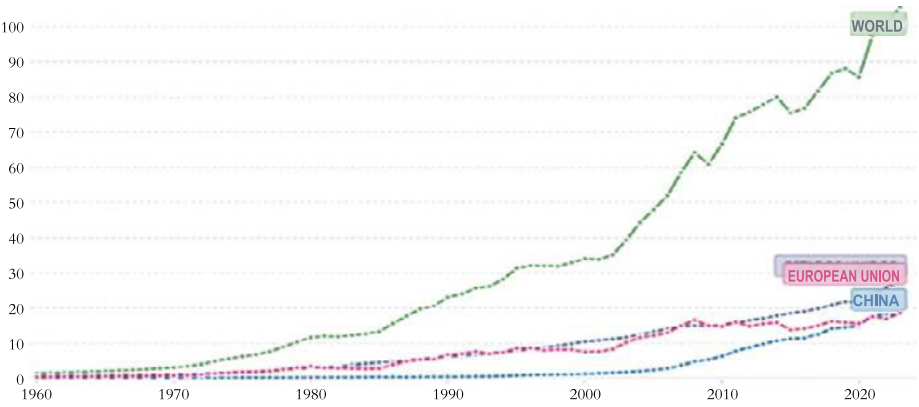


In terms of foreign direct investment (FDI), the EU is one of the largest investors, as well as a leading global recipient. Following the Lisbon Treaty in 2009, the EU assumed exclusive competences in FDI, confirmed by the CJEU in its 2017 Opinion 2/15 on the FTA with Singapore, albeit with exceptions, such as dispute settlement.

The EU has made progress on investment agreements, ratifying treaties with Singapore and Vietnam in 2019 and 2020, respectively, and reaching a preliminary agreement with China in December 2020, pending ratification. In addition, it is negotiating with Myanmar and assessing possible agreements with Taiwan, Hong Kong and Iran, conditional on their accession to the WTO. A recent milestone was the Trade and Cooperation Agreement with the UK, approved in 2021, which eliminates tariffs on goods and covers investments, marking a new chapter in the post-Brexit trade relationship.



GDP (US\$ at current prices) — China, World, United States, European Union



Country name	Latest Year	Latest Value (Millions)	
China	2023	17,794,781.99	
United States	2023	27,360,935.00	
World	2023	105,435 039,51	
European Union	2023	18 349 388.45	

Source: World Bank national accounts data and OECD National Accounts data files.

6. Trade between EU countries

The countries of the European Union mainly trade with each other. Is the European Union a big market? In fact, almost all Member States trade most of their products with other Member States. If geographical proximity facilitates these exchanges, European integration and the establishment of the single market also contribute. When both exports and imports are taken into account, all Member States except Ireland trade more with their European partners than with the rest of the world. If we focus only on exports, trade in goods within the EU (i.e. between the EU Member States and the EU as a whole) is not a significant source of trade in goods the EU's trade in goods and services is higher than extra-EU trade in 24 of the 27 EU countries. However, the share of exports from each country to other Member States differs. The highest shares of intra-EU trade were recorded in Luxembourg (80.4%), the Czech Republic (79.7%) and Slovakia (79%). In contrast, only Cyprus (33.9%), Ireland (40.5%) and Malta (49.8%) had a share of their intra-EU exports below 50%. France (53.6%) is one of the countries with a high proportion of its exports destined for other regions



of the world: 46.4% of exported goods are outside the European Union. This importance of intra-EU trade is also seen in the value of exported goods. According to Eurostat, in 2020, trade in goods between Member States accounted for €2.843 billion (in exports). This figure was 47% higher than the level recorded for products leaving the EU for other countries, i.e. €1,932 million euros. Germany, Europe's largest trading partner To assess trade between the EU-27, we can also look at each country's share of total intra-EU imports. In 2019, Germany was the largest European importer of goods from other member states, accounting for 23%. Some distance was France (12%), the only other country accounting for more than 10% of intra-EU imports, along with the Netherlands, Italy and Belgium, with 8% each. The remaining EU member states accounted for less than 6% of European goods imports.

According to Eurostat, intra-EU trade has been significantly affected by the economic crisis linked to the Covid-19 pandemic. Thus, intra-EU exports of goods fell by 7% between 2019 and 2020. Double digit declines can be observed in Cyprus (-27%), Malta (-19%), Luxembourg (-17%), as well as Finland and France (-13%). Imports into the Union, meanwhile, fell by 8%. The largest declines were in Malta (-21%), Portugal (-14%) and Slovenia (-12%). This trend is similar to that observed in the EU's external trade. The sum of its imports and exports thus represents 3,646 million euros in 2020, 10.5% less than in 2019 (4,072 million euros).

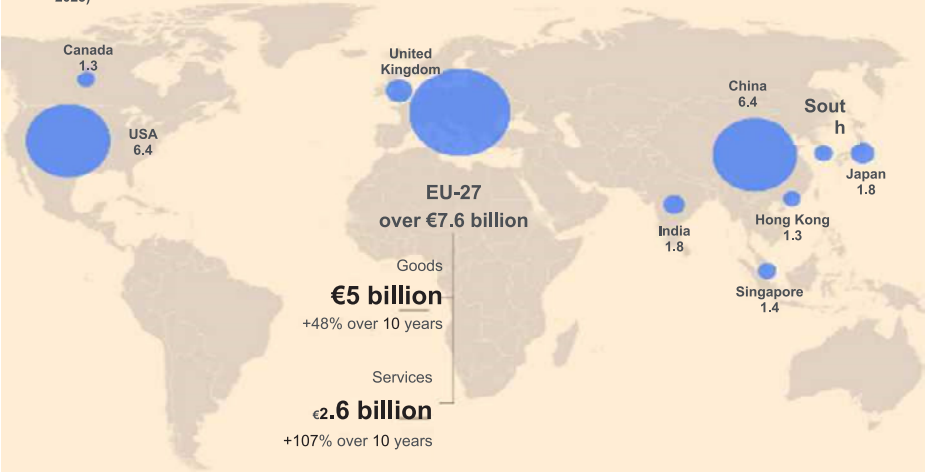
The economic integration of the EU member states, initiated by the Treaty of Rome in 1957 and giving rise to the «single market» in 1993, is based on the principle of economic efficiency. According to the latter, the removal of barriers (tariff and non-tariff) to the free movement of goods, services and people in the continent allows for economic development across all countries: more competition, more innovation and more and less expensive products. Customs duties and quotas between Member States have therefore been abandoned in the single market. The European institutions have also been working for more than sixty years to harmonise a number of rules and regulations standards. Consequently, if trade relations with our European neighbours are facilitated by geographical proximity, the reduction of trade barriers has also had significant positive effects on intra-European trade. The single market has, on average, doubled trade in goods between member countries and helped to achieve a 4.4% higher level of real GDP.



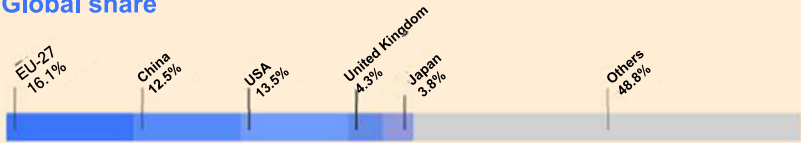
The role of the EU in world trade

World leader in trade in goods and services

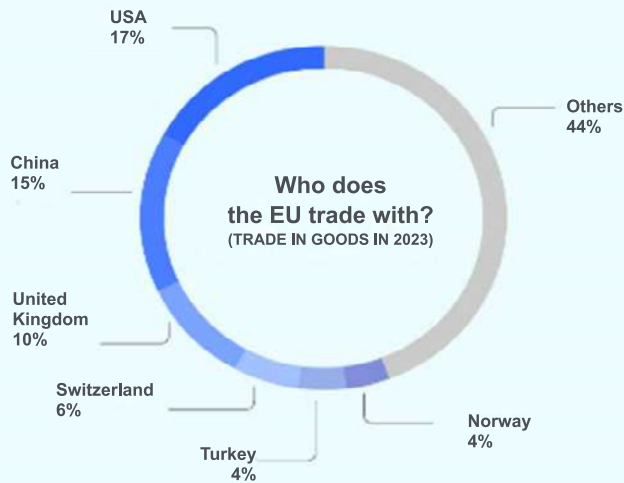
Value
(IN BILLIONS ESC. DATA FROM 2023)



Global share



The main trading partner of 80 countries

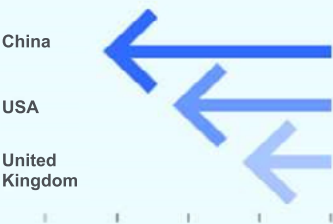


World's second largest exporter and importer of goods

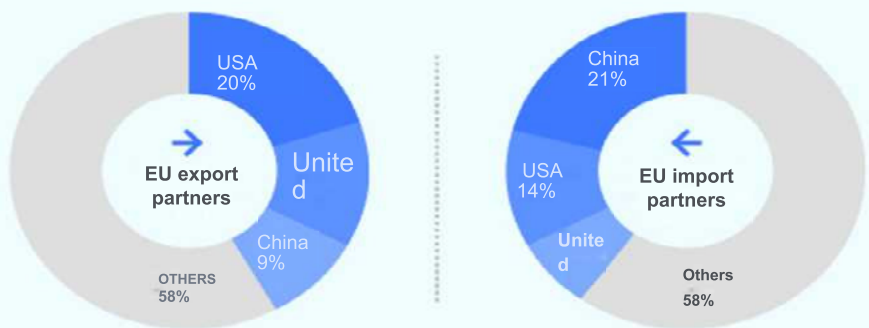
Main export partners



Main import partners



Main import and export partners



Main export products



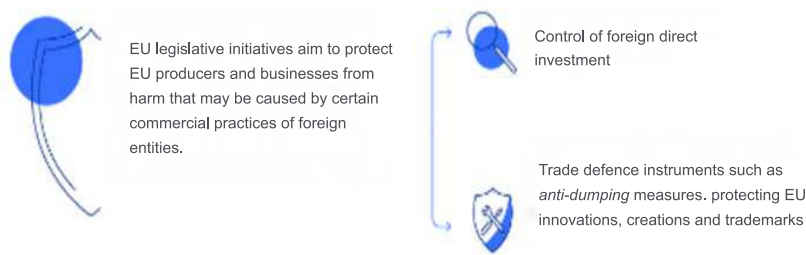
The EU is the largest investor and recipient of FDI in the world (DATA FROM 2022)



Promoting free trade worldwide



Ensuring trade is fair and equitable



7. EU Trade agreements

The European Union's trade agreements are key instruments for managing relations with non-EU countries, facilitating trade, removing barriers and creating new economic opportunities. These agreements also serve as vehicles to promote the EU's core values, such as democracy, human rights, environmental protection and social rights.

Agreements are classified according to their scope and objectives as follows:

- *Economic Partnership Agreements (EPAs)*: Designed to support the development of trading partners in regions such as Africa, the Caribbean and the Pacific, fostering their economic integration.
- *Free Trade Agreements (FTAs)*: It allows agreements with emerging markets, making it easier for these countries to become preferential partners of the Union.
- *Association Agreements (AA)*: Focused on strengthening broader political relations, in addition to trade.

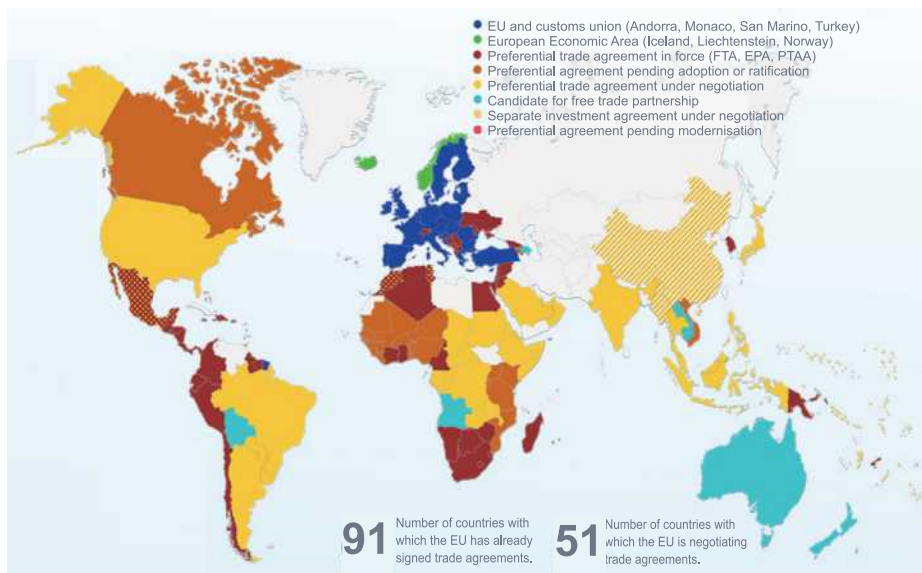
The EU also participates in non-preferential agreements that are part of broader treaties, such as the Partnership and Cooperation Agreements (PCAs), which seek to establish comprehensive political and economic relations with third countries.

The negotiation of these agreements follows the guidelines set out in Article 218 of the Treaty on the Functioning of the European Union, ensuring that decisions are aligned with the EU's principles and strategic objectives.

The EU is actively negotiating and awaiting ratification of a number of trade agreements with strategic countries and regions, consolidating its position in international trade. The following is a summary of the main agreements underway:

1. Japan: The trade agreement in force since February 2019 includes a new protocol signed in January 2024 covering cross-border data flows. It will enter into full force following Japan's ratification and the completion of domestic procedures.
2. Singapore: The Free Trade Agreement, in force since November 2019, and the Investment Protection Agreement, pending ratification by member states, strengthen the trade relationship with this Asian economy.
3. Vietnam: The Free Trade Agreement has been operational since August 2020, while the investment protection agreement is still awaiting full ratification.
4. Kenya: An Economic Partnership Agreement was signed in December 2023. It will enter into force after approval by the European Parliament and completion of internal procedures.



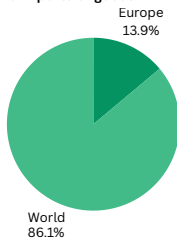
EU trade situation

5. Mexico: The modernisation of the 2000 Global Agreement moved forward with an agreement in principle in 2018 and technical adjustments in 2020. Both partners are currently completing the necessary processes for implementation.
6. Mercosur: In 2019, an agreement was reached in principle with Argentina, Brazil, Paraguay and Uruguay for a free trade agreement, integrated into a broader Association Agreement, pending ratification.
7. Chile: An updated version of the Association Agreement was signed in December 2023. It is in the process of implementation following internal procedures on both sides.
8. Australia: Negotiations for a partnership agreement began in 2018, identifying Australia as a key future partner in the Pacific.
9. New Zealand: In November 2023, the Council adopted the Decision for the entry into force of a Free Trade Agreement, which is expected to be implemented in early 2024.

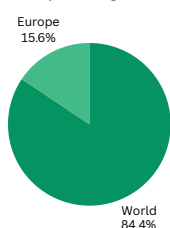
These agreements reflect the EU's strategic approach to strengthening its global trade network, fostering international cooperation and ensuring preferential access to key markets.

TRADE POLICY

% Imports of goods



% Exports of goods



Legal basis

Control of Foreign Investments

This mechanism enables Member States and the European Commission to exchange information and evaluate risks to security or public order. Member States retain autonomy to block or review investments, while the Commission can issue opinions in cases of general interest.

Bilateral Horizontal Safeguard Measures

These measures allow the temporary withdrawal of tariff preferences to protect national industries from harmful increases in imports. This initiative aims to integrate these safeguards into future agreements, ensuring an effective and unified response.

Trade Guidelines

"A Stronger Europe in the World"

This implies strengthening its role in global trade, promoting values such as sustainability and fairness, and responding to stakeholder expectations, ensuring a just transition towards a modern and resilient economic model.

Trade among EU countries

Trade relations with our European neighbors are facilitated by geographic proximity. The reduction of trade barriers has also had significant positive effects on intra-European trade. The single market has, on average, doubled trade in goods between member countries and helped achieve a real GDP level 4.4% higher.



In 2020, trade in goods between Member States represented **2.843 million euros (in exports)**. This figure was **47% higher** than the level recorded for goods leaving the EU to other countries.



COVID-19

Trade within the EU was significantly affected by the economic crisis linked to the Covid-19 pandemic. Thus, goods exports within the EU decreased by 7% between 2019 and 2020.

Trade Agreements

Various agreements



Economic Partnership Agreements (EPA)

Designed to support the development of trading partners.



Free Trade Agreements (FTA)

They promote the reciprocal opening of markets with developed countries and emerging economies.



Association Agreements (AA)

Focused on strengthening broader political relations beyond trade.

Main Current Agreements



Mercosur



Japan



Singapore



Vietnam



Kenya



Mexico



Bibliography

IGLER, Wolfgang (2024). *The European Union and its trade partners*. Factsheets on the European Union. European Parliament.

EUROPEAN COMMISSION (2020). *Customs*. Directorate-General for Communication.

European Commission.

COUNCIL OF THE EUROPEAN UNION (2024). *EU Trade Policy*.

EUROPEAN UNION (2024). *External trade*. Summaries of EU legislation EUR-Lex.

VALERDI, Enrique (2009). *Los tratados de libre comercio de la Unión Europea: implicaciones para los países en desarrollo*. Real Instituto Elcano.



Chapter 4

The Customs Union

The European Union Customs Union is an agreement that removes trade barriers between member countries and establishes a common customs tariff for imports from non-member states. It was officially established on 1 July 1968 and is one of the political hallmarks of the history of the integration of the European Union and the European Communities.

1. Introduction and origin

It was 1957 when in Rome, the cradle of ancient empires, the leaders of Europe signed an agreement that would forever change the fate of the continent. The Treaty of Rome not only promised peace and prosperity to a war-torn Europe, but also laid the foundations for a visionary idea: the Customs Union. Little did the signatories know that a decade later, in 1968, that promise would become a reality, allowing goods to flow freely across borders.

The Customs Union was not just an economic agreement; it was the fundamental pillar upon which a new European order was to be built. This initiative was the first step towards deeper integration, which decades later would shape what we know today as the European Union (EU). In this chapter, we will explore how this Customs Union transformed trade policy, national economies and the everyday lives of European citizens.

Before the creation of the Customs Union, Europe was a patchwork of national economies protected by tariff barriers. Each country defended its own interests with tariffs and taxes that made goods more expensive and restricted trade. However, the horrors of the two world wars had taught a fundamental lesson: cooperation, not competition, was the path to peace and prosperity.

With the Treaty of Rome, the founding nations — Belgium, France, Italy, Luxembourg, the Netherlands and West Germany — undertook to gradually remove customs tariffs among themselves. This was the birth of the Customs Union, with the primary objective of breaking down the economic walls that divided the continent. It was an ambitious social and economic experiment, which sought not only trade integration, but also the creation of a single market uniting millions of people.



The essence of the Customs Union lies in its ability to remove barriers. Since 1968, any goods crossing the borders of a member country can move freely throughout the EU, without additional controls or tariffs. But what does this really mean for citizens and businesses?

Think of a cheese manufacturer in the French Alps. Before the Customs Union, exporting products to Italy or Germany meant facing a maze of taxes and regulations. However, under this new system, that same producer could now ship their cheese across Europe just as they might sell them at the local village market. This change not only reduced costs for businesses, but also encouraged competition, resulting in greater choice and lower prices for consumers.

One of the most innovative aspects of the Customs Union was the introduction of a common external tariff. This means that, while goods can move freely within the EU, all member countries impose the same tariffs on goods coming from outside the Union. So, a t-shirt imported from China incurs the same tax whether it enters through Spain or Poland.

This system of common tariffs not only protects European industries from unfair competition, but also fosters cohesion among member countries. By speaking with one voice in the international trade arena, the EU became a powerful player in the global economy, able to negotiate trade deals on equal terms with powers such as the United States and China.

The creation of the Customs Union laid the foundations for an even more ambitious project: the *internal market* (discussed in a previous chapter), which was consolidated with the signing of the Single European Act in 1986. This single market was based on the elimination of all barriers — not only tariff barriers, but also administrative and technical barriers — to the free movement of goods, services, people and capital.

The so-called four freedoms became the heart of the European project. Under this system, a Spanish student can study in Germany, a Polish engineer can work in Ireland and a Swedish pensioner can buy a house in sunny southern Portugal. Thus, the internal market promotes not only economic integration, but also social and cultural integration.

Despite its successes, the Customs Union has faced significant challenges in recent decades. Most notable has been Brexit, which reintroduced trade barriers with the UK, a key trading partner. The increasing digitalisation of trade has also posed new challenges for customs, which must be adapted to a world in which physical borders are no longer the only points of control.

The EU is working on modernising its customs code to address these challenges, promoting the simplification and digitalisation of customs procedures. This includes the use of advanced risk management systems and cooperation between customs administrations to combat fraud and protect the European market.



More than half a century after its creation, the Customs Union remains a fundamental pillar of the European project. It is not just a trade agreement, but a symbol of how cooperation and solidarity can transform economies, politics and lives. The story of the Customs Union is the story of Europe itself: a story of nations choosing to unite to face the challenges of the future, confident that together they are stronger.

Timeline of the Customs Union

Year	Event	Description
1957	Treaty of Rome	Foundation of the European Economic Community (EEC) and establishment of the Customs Union.
1968	Entry into force of the Customs Union	Removal of customs tariffs between member countries.
1986	Single European Act	Beginning of the creation of the Internal Market.
1993	Maastricht Treaty	Creation of the European Union and extension of Internal Market competences.
1995	Schengen Area	Elimination of internal border controls to facilitate the free movement of people.
2007	Treaty of Lisbon	Strengthening the single market and further economic and political integration.
2020	Brexit	Exit of the United Kingdom from the Customs Union and the European Union.

2. Main elements of the Customs Union

At the heart of European integration lies a fundamental concept: the Customs Union. The European Union market is an Area Without Trade Frontiers. The 27 member states of the European Union (EU) form a single territory for customs purposes, an achievement that has transformed not only the continent's economy but also its collective identity.

In this unified market, customs barriers between Member States are a thing of the past. Goods can move freely, without the need to pay customs duties for transit between countries. This internal commercial freedom reflects the very essence of the European project: a continent united by cooperation and mutual trust.

Being part of a Customs Union is not just about eliminating internal tariffs; it goes deeper. Member States apply a common customs tariff to all goods entering from outside the EU. This not only simplifies trade, but also ensures that each country competes on a level playing field within the single market.



Moreover, once goods have entered the EU territory legally and have complied with the relevant customs requirements, they can move freely without further controls. This creates a dynamic environment where businesses can operate flexibly, consumers enjoy greater choice and commercial opportunities multiply.

The EU market is one of the largest in the world, with more than 400 million consumers. This vast territory offers benefits for companies within the EU as well as for those outside its borders. The advantages include:

- *Access to expanded markets:* Companies have at their disposal a homogenous market with clear rules, which facilitates expansion and diversification.
- *Cost reduction:* The removal of internal customs barriers and harmonised external tariffs translates into lower unit costs.
- *Business opportunities:* The free movement of goods fosters innovation and competition, generating new business and development opportunities.

The EU customs territory includes not only the 27 Member States, but also specific areas operating under special agreements. For example, territories such as Ceuta and Melilla in Spain, or New Caledonia in France, are excluded from the common customs regime. However, enclaves such as the Principality of Monaco, although outside the EU, are considered part of the customs territory through bilateral agreements.

On the other hand, this territory comprises not only the land area of the Member States, but also their internal waters, territorial waters and airspace. This ensures full customs integration, allowing trade to flow without interruption.

An interesting case is that of Monaco, a small nation which, although not part of the EU, is considered to be within the customs territory of the Union. This special agreement allows Monaco to benefit from the free movement of goods and services, which strengthens its economic ties with the rest of Europe.

The EU Customs Union is not just a trade agreement; it is a strategic tool that promotes economic and political cohesion among Member States. Their existence is testimony to the power of cooperation in an increasingly interconnected world. And as Europe continues to face challenges, from Brexit to the digitalisation of trade, the Customs Union stands as a symbol of unity and shared prosperity. In this way, the European single market not only redefines the rules of trade, but also inspires a vision of the future based on integration and solidarity.

The European Union Customs Union, created in 1968, plays a crucial role in keeping Europe's borders secure, protecting citizens from prohibited and dangerous goods, such as weapons, drugs and environmentally harmful products, while promoting trade between the EU and the rest of the world. This system, essential to the European single market, operates on a basic principle: Member



States apply uniform tariffs to imports from third countries and remove internal tariffs, functioning in an integrated manner as a single customs entity.

Controls at the EU's external borders ensure the protection of consumers from goods that are dangerous to health or the environment and help to combat illegal activities such as trafficking in protected species, organised crime, terrorism, and trade in counterfeit goods. Today, EU customs policy focuses on efficient cooperation between Member States, facilitating legitimate trade and ensuring the free movement of goods within the European territory.

The Customs Union is a symbol of Europe's successful integration and prosperity, constituting the largest integrated single market in the world. In 2022, its more than 1900 customs offices handled the imports and exports of more than 1.11 billion items and oversaw 15 million transit movements, operating continuously throughout the year. During the Covid-19 pandemic, they were instrumental in the transit of vaccines and medical equipment, adapting to disrupted supply chains.

Recent crises have highlighted the need to modernise EU customs, leading the European Commission to propose, in May 2023, the first significant reform since its creation. This reform seeks to respond to challenges such as the growth of e-commerce, the proliferation of standards to be verified at borders and geopolitical crises, by proposing digitalisation and real-time data-driven management to improve efficiency.

The new system aims to replace traditional procedures with a modern approach to supervision, equipping customs authorities with advanced tools to manage risks and protect the European economy and citizens. This model offers a comprehensive view of supply and production chains, promoting a faster and more effective response to risks, while adapting to the needs of a competitive, sustainable and secure single market in a digital and green era.



The consolidation of the Customs Union as one of the fundamental pillars of the European integration process responds to a complex and solid legal architecture, carefully established in the founding treaties of the European Union (EU). These provisions not only define the competences and limits of action of the Community institutions, but also ensure the democratic legality of each step towards integration, as they are ratified by the Member States.

Today, the legal basis of the Customs Union is based on the Treaties of the European Union (TEU and TFEU), texts that reflect decades of legislative



development from the first integration agreements to the most recent reforms, such as those introduced by the Treaty of Lisbon. It is precisely in the TFEU, specifically in Article 28, that the legal basis of the Customs Union is enshrined, establishing that the EU shall comprise a Customs Union covering all trade in goods. This implies not only the elimination of customs duties and charges having equivalent effect between Member States, but also the adoption of a common customs tariff vis-à-vis third countries.

The articulation of this legal model aims to ensure the smooth movement of goods within the EU, to remove internal barriers and to establish a common system of protection against external trade. This removal of internal customs barriers is reinforced by Article 30 TFEU, which expressly prohibits any customs duties or equivalent measures applied by Member States to both domestic and imported products, thus ensuring an internal market free of distortions and faithful to the principles of freedom of movement.

With regard to the design and application of external tariffs, Articles 31 and 32 of the TFEU confer on the Council, acting on a proposal from the Commission, the power to fix the applicable customs duties, ensuring that these decisions serve the collective interests of the Union.

3. Union Customs Code

The Union Customs Code (UCC), established through Regulation (EU) No 952/2013, provides the regulatory framework for goods entering or leaving the customs territory of the European Union (EU). This regulation aims to adapt customs rules and procedures to modern business models and technological developments, promoting a paperless and fully digitalised environment.

The UCC focuses on providing greater legal certainty and uniformity for business, facilitating the work of customs authorities and simplifying procedures to improve the efficiency of transactions. Its provisions include the protection of the EU's economic interests, the security of citizens and the implementation of streamlined procedures for reliable economic operators. The regulation also provides for specific exceptions for customs formalities, allowing for the continuity of existing systems until the full implementation of modern IT solutions, with a deadline of 2025.

The implementation of the UCC is ensured by Implementing Regulation (EU) 2015/2447, which lays down uniform conditions for its application in all Member States. This regulation has been updated to include technical provisions such as the use of electronic systems for customs management, information exchange and monitoring of supply chains. In addition, delegated acts complement the UCC with detailed rules that respond to the needs of both authorities and economic operators.



The UCC includes advanced electronic systems that manage customs decisions, registers of economic operators and import/export control. These systems include the Import Control System 2, the New Computerised Transit System and the Customs Risk Management System, designed to optimise operations and ensure security.

In force since 1 May 2016, the EU Customs Code has transformed European customs management, ensuring effective supervision and adapting to the complexities of modern international trade. Recent modifications and digital implementation strategies underline the EU's commitment to modernise and strengthen its customs framework, ensuring smooth, secure and competitive trade within the single market.

4. The Customs Programme

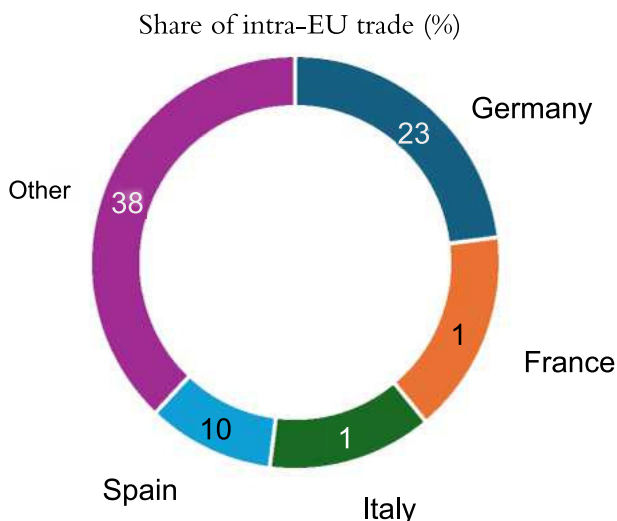
The Customs Programme, established by Regulation (EU) 2021/444, is a European Union (EU) initiative designed to promote customs cooperation between Member States during the period 2021–2027. Its main objective is to modernise the Customs Union, supporting EU customs authorities in gaining the administrative and technological skills needed to effectively manage growing trade, address new trade challenges and protect both European citizens and businesses.

The programme has as its main axes the development and uniform application of customs legislation, the strengthening of cooperation between Member States, innovation in customs policies and the implementation of advanced IT systems to facilitate the exchange of information and the monitoring of goods. 950 million, the programme finances activities such as meetings, training, development of electronic systems and studies to improve customs capacities.

It also allows for the participation of non-EU countries under certain conditions, as well as the collaboration of external experts, including academics and representatives of international organisations, to contribute to the strengthening of the programme's objectives. Among the initiatives highlighted are the development of technological tools for the customs field and the organisation of training and collaborative activities.



Member States' Share of Intra-EU Trade



Source: Authors' own.

The programme is subject to constant monitoring and evaluation, with indicators set out in Delegated Regulation (EU) 2022/2565 to measure the impact and results achieved. A mid-term evaluation will be carried out four years after its start, followed by a final evaluation after its completion in 2027.

Effective from 1 January 2021, this programme strengthens the EU's capacity to manage its single market, protect its borders and facilitate secure and efficient trade, adapting to the challenges of a constantly changing economic and technological environment.

5. Economic impact, safety and security

The Customs Union has made the EU one of the most outward-oriented economies, consolidating it as the main trading partner of more than 80 countries and with trade four times that of the United States. In addition, the existence of bilateral agreements favours free trade and the strengthening of international trade relations.

In terms of revenue, 426.8 million euros were recovered for the EU budget in 2022, avoiding the undue disbursement of 197.9 million euros. This is evidence of the importance of efficient resource management and customs controls in the financial protection of the bloc.



Customs revenue sharing is a key component of EU financing, with 75% of revenue going to the EU budget and 25% to the Member States. This revenue represents 13% of the total EU budget, demonstrating its relevance to the financial stability of the region.

The Customs Union not only facilitates trade, but also plays a crucial role in protecting against financial and customs crime. Agencies such as Europol, Eurojust and the European Anti-Fraud Office (OLAF) work together to ensure security and compliance with customs regulations.

In 2022, OLAF closed 256 investigations and issued 275 recommendations, detecting and reporting 71 possible offences to the European Public Prosecutor's Office, of which 16 cases were brought directly by the European Commission. If we want to refer, comparatively, to the last year for which there are reports and figures finalised by OLAF, we would point out that, during the year 2023, the investigations carried out by the European Anti-Fraud Office (OLAF) showed the need to recover more than one billion euros from European public funds that were misused. At the same time, preventive work carried out by this institution made it possible to detect and prevent the irregular use of a further 209 million euro before the end of the year of their disbursement, which contributed to the closure of 265 investigations during the year. In the report for the year 2023, OLAF sets out the most relevant results arising from its operations, as well as providing an analysis of the main fraud trends identified during the period under review.

Alongside the recovery of misappropriated public funds, OLAF's work has focused on identifying and tracking networks involved in illicit trafficking, counterfeiting and customs fraud, as well as supporting the implementation of trade sanctions adopted in the context of the conflict in Ukraine. In addition, the institution has continued to develop policies aimed at preventing and combating various emerging manifestations of fraud, and has investigated possible misconduct attributable to both staff and members of the European Union institutions.

In this context, OLAF's activity during the year 2023 has resulted in a recommendation for the recovery of more than €1.04 billion to be returned to the EU budget. Over €299 million of undue expenditure was also avoided and 235 investigations were concluded, with 39 recommendations addressed to the relevant national and EU authorities. During the same period, 190 new investigations were opened following 1,178 preliminary analyses by OLAF's technical team and 79 cases of suspected criminal offences were referred to the European Public Prosecutor's Office.



6. The Customs Union: objectives and challenges

The Customs Union plays an essential role in protecting European territory by ensuring that all goods entering its borders comply with the regulations in force and meet the quality and safety standards required by the European Union. However, this task is not without its growing challenges, especially in an increasingly complex and vulnerable international context. The rise of terrorism, the expansion of organised crime and the increase in smuggling activities have made it necessary to intensify controls and improve detection and surveillance systems. In the face of these threats, European customs are stepping up their efforts to intercept suspicious goods, such as weapons, drugs and counterfeit goods, which not only threaten public security, but also the integrity of the internal market and public health.

In parallel, the digital revolution and the growing importance of data flows have profoundly transformed the dynamics of international trade. The Customs Union is faced with the challenge of effectively managing the relentless transit of goods in and out of its territory, while protecting European producers against unfair practices and ensuring that technological advances contribute to strengthening customs supervision. Digital tools have thus become indispensable in limiting the entry of unfairly competing products and safeguarding the quality of goods circulating on the European market.

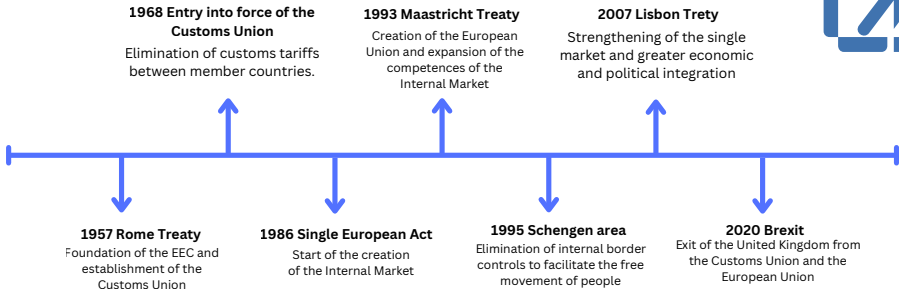
But the challenges do not end there. The Customs Union is moving towards a profound modernisation, which aims not only to optimise procedures, but also to consolidate closer cooperation between Member States. Given the growing complexity of global trade, there is a need to create a single window that allows companies to manage their customs operations in a simple and agile manner, eliminating redundancies and reducing waiting times. Similarly, it is essential to modernise IT systems and harmonise digital platforms, ensuring that data flows securely and efficiently between different national authorities.

In this process of transformation, the Customs Union aims to build an agile information exchange network that facilitates fluid communication between Member States, strengthens cooperation ties and enables the challenges of contemporary international trade to be met in a coordinated manner. Only through this combination of security, technological innovation and institutional collaboration will it be possible to preserve European competitiveness and consolidate a customs area that effectively protects common interests, without losing sight of the fundamental principles of integration and solidarity that gave rise to the European project.



CUSTOMS UNION

Timeline






Key Elements

"The Customs Union. The European Union market is an area without trade barriers."

 **400 million Consumers**

MARKET OF THE UNION

-  Access to expanded markets
-  Cost reduction
-  Business opportunities



COMMON CUSTOMS TARIFF

Member States apply it to all goods entering from outside the EU territory. This not only simplifies trade but also ensures that each country competes on equal terms within the single market.

Customs Code

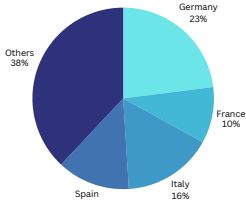
The Customs Union focuses on providing **greater legal certainty and uniformity** to companies, facilitating the work of customs authorities, and simplifying procedures to improve transaction efficiency. Among its provisions, it highlights the protection of the EU's economic interests, citizens' security, and the implementation of agile procedures for reliable economic operators.



EU customs programme

It is an initiative of the European Union to promote customs cooperation among its member states during 2021-2027. Its main objective is to modernize the Customs Union, supporting customs authorities in developing administrative and technological capacities to manage trade, face new challenges, and protect European citizens and companies.

Participation of Member States in Intra-EU Trade



[Learn more about the European Union Customs Code](#)



[Access2Markets - EU trade statistics](#)



Bibliography

- MARTINELLO, Barbara (2024). *Free movement of goods*. Fact Sheets on the European Union. European Parliament.
- EUROPEAN COMMISSION (2020). *Customs*. Directorate-General for Communication. European Commission.
- EUROPEAN UNION (2024). *Customs. Summaries of EU legislation* EUR-Lex.
- TORRENT MACAU, Ramón (2002). «El futuro de la Unión Europea visto desde sus entrañas: la Unión Aduanera.» *REDE. Revista española de derecho europeo*, No. 4, 2002, pp. 603-630.
- FERNÁNDEZ ROZAS, José Carlos (2017). «Estrategias y prioridades de la polivalente gestión de la Unión Europea, ante su cincuenta aniversario.» *La Ley Unión Europea*, No. 44, 2017.
- EUROPEAN COMMISSION. Strategy for the evolution of the Customs Union. Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee. *COM Documents*, No. 2008, pp.1-9.
- Various Authors (2016). «Nuevo código aduanero de la Unión Europea.» *La Ley Unión Europea*, No. 38, 2016.



Chapter 5

Competition Policy and Rules in the European Union

1. Introduction

Competition policy has been one of the fundamental pillars of European economic integration since the signing of the Treaty of Rome in 1957. It laid down an essential principle: to ensure that competition in the common market was not distorted. This objective reflected an ambitious and clear vision of how the European project should work: an economic system that, based on free market rules, would deliver tangible benefits to consumers and businesses alike.

The policy's rationale lies in the search for an efficient, transparent and fair market. A space where companies compete with each other not on their ability to exercise market power, but on their ability to innovate, offer fair prices and improve the quality of the goods and services they produce. In essence, an effective competition policy ensures that the European market functions not only as an engine of economic growth, but also as an area that amplifies the well-being of its citizens.

2. Origins and development of competition in the European Union

The European Coal and Steel Community (ECSC) Treaty, signed in 1951, marked the beginning of a Community approach to competition regulation in Europe. Although Articles 65 and 66 of the treaty introduced provisions on anti-competitive practices and abuse of economic power, their origin was not strictly European. These rules were largely based on US antitrust law, adapted to align with European legal traditions. The result was a mixture of external influences and local elements, a novel regulatory construction in a context where competition was still a phenomenon that was little recognised at the EU level.

Article 65 prohibited agreements between undertakings, decisions by associations and concerted practices which impair competition in the common



market. This included pricing, control of production or technical development, and division of markets or customers. However, this prohibition was qualified by allowing the High Authority to authorise certain specialisation or cooperation agreements, provided they were necessary and beneficial to production and distribution, and did not affect prices. This conciliatory approach reflected the European legal tradition, which was less restrictive than the American one.

Article 66 dealt with abuse of economic power and business concentrations, but its vague and generalised wording made practical application difficult. In fact, these standards were used infrequently, and their impact was almost exclusively limited to the coal and steel sector.

Far from establishing a strong antitrust policy, the ECSC Treaty represented more of a first step towards a common European market. Although its regulatory approach generated uncertainty and lacked precision, it laid the foundations for the future development of a European competition policy, later expanded in the European Economic Community (EEC) Treaty. Despite its limitations, the ECSC Treaty marked a historic milestone by integrating competition into the European integration project, moving towards a more cohesive and connected EU economy.

With the signing of the Treaty establishing the European Economic Community (EEC) on 25 March 1957, Europe took a decisive step towards economic integration. This treaty, which entered into force on 1 January 1958, marked the beginning of an ambitious project to consolidate a general common market, extending the achievements of the ECSC Treaty. The central aim of this new phase was to foster economic prosperity in post-war Europe by removing barriers to trade and promoting cooperation in key sectors such as international trade, transport and agriculture.

The EEC was founded on the so-called «four freedoms»: the free movement of goods, services, capital and workers. This last point, while essential, reflected the profoundly economic nature of the Community, as it saw workers as a key productive factor in generating wealth. Thus, the idea of free competition between companies was consolidated as an essential principle to ensure the success of the common market.

Article 3 of the Treaty was particularly significant, as it established the need to create a regime to protect competition within the common market. This principle was embodied in Articles 85 and 86, which laid the foundations for future European competition policy. The first prohibited agreements between undertakings, decisions and practices that adversely affect trade between Member States or distort competition. Despite its scope, it provided for exceptions under strict conditions, such as benefits to production or distribution. Article 86, on the other hand, focused on preventing abuses of dominant positions that would harm the common market.



However, these provisions, although fundamental, lacked precise definitions and were too general, which limited their practical application. Much of its implementation was left to the European Court of Justice, which, through judgments such as the landmark (*Flaminio*) *Costa v. ENEL* case, established key principles such as the primacy of Community law over national law.

The 1957 Treaty of Rome not only consolidated competition as a condition for the functioning of the single market, but also marked the beginning of its evolution into an autonomous law. Over time, and especially since the Maastricht Treaty of 1992, competition has ceased to be seen as an ancillary element and has acquired a central role in European integration. Competition policy was transformed into a policy area with its own identity, essential to ensure an efficient and dynamic market, which would continue to evolve in the following years with a more specialised and exclusive focus.

3. Legal basis for competition rules in the TFEU

The Treaty of Lisbon, signed in 2007, marked a fundamental change in the structure of European law, establishing a clearer regulatory framework adapted to the current needs of the European Union (EU). This treaty introduced the dual system of rules that we know today: the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU). Within this new scheme, competition acquired a prominent role, consolidated as an exclusive competence of the EU under Article 3(1)(b) TFEU, which defines it as essential for the proper functioning of the internal market.

Competition not only protects consumers by ensuring fair prices and higher quality of goods and services, but also safeguards a level playing field between businesses. This dual balance is key to prevent the conduct of certain economic actors from distorting the market or altering the rules of the game. The EU reserves exclusive authority to legislate and adopt binding rules in this area. This is based on the principle of conferral stipulated in Article 5 TEU, which states that EU competences only cover areas where it can bring clear added value vis-à-vis the Member States.

Although competition is not explicitly listed as one of the main objectives of the EU in Article 3 TEU, its relevance is made clear in Protocol 27 of the Treaty. This paper reaffirms that the internal market must include a system to ensure undistorted competition, allowing the EU to take the necessary measures under Article 352 TFEU where this is indispensable to correct deficiencies in national markets. This recognition elevates competition to the status of an implicit objective of the Union, giving it the flexibility to act even in the absence of state initiatives.



The TFEU reinforces this regulatory framework with a number of key provisions in Articles 101 to 109 (in particular, Articles 101, 102 and 107 TFEU). These rules prohibit practices such as anti-competitive agreements, abuse of dominance and other conduct that may harm market equilibrium. In doing so, the EU ensures a fair and level playing field for all businesses, applying a rigorous approach that reinforces the integrity of the single market.

Ultimately, the Lisbon Treaty consolidated competition as an essential component of the European project, giving the EU legal and policy tools to protect both consumers and businesses. This regulatory framework not only strengthens economic cohesion within the Union, but also ensures that the single market remains a dynamic, fair and competitive area for the benefit of all participants.

4. Main elements of competition policy

The essence of a competitive market is the creation of an environment that promotes innovation, dynamism and efficiency. When companies compete on a level playing field, consumers become the main beneficiaries, enjoying lower prices, higher quality, wider choice and innovative products.

- a) *Lower prices for all:* Competition pushes companies to reduce costs and optimise their production. This, in turn, translates into more affordable prices for consumers. In a vibrant and competitive market, companies not only seek to attract customers through better prices, but also to stimulate demand. More people can afford to buy products and services, which stimulates the overall economy by increasing consumption and production.
- b) *Better quality goods and services:* When companies are struggling to stand out in a market, it is not enough to offer low prices. They must also improve the quality of their products and services. This pursuit of excellence encompasses aspects such as durability, performance, design and after-sales support. This way, competition encourages companies to go beyond the basics, fostering continuous improvements that benefit consumers.
- c) *A broader offering:* In a market where companies strive to differentiate themselves, variety flourishes. Consumers have access to a wider range of options, allowing them to choose products that best suit their needs and preferences. This diversity not only widens the choice, but also improves value for money for consumers.
- d) *Innovation as a driver of progress:* Innovation sits at the heart of a competitive market. To stay relevant, companies must continuously seek new ideas, develop advanced technologies and improve their processes. From disruptive concepts to incremental improvements, competition drives



companies to invest in research and development, generating breakthroughs that not only benefit European consumers, but also position the region's companies as leaders in global markets.

Beyond its borders, European competition policy strengthens companies on the global stage. Internal competition prepares them to face international challenges, equipping them with tools and strategies that enable them to compete successfully against global players. By ensuring a fair and efficient common market, the EU not only promotes internal growth, but also strengthens its position as a major economic player in the world.

To maintain this balance, the EU acts forcefully against behaviour that threatens the integrity of the market. This includes anti-competitive practices such as cartels, abuses of dominance and mergers that could restrict competition. The EU also reviews state aid to prevent government interventions from distorting the market, ensuring that no company receives unfair advantages.

EU competition policy not only looks to the present, but is designed to adapt to the challenges of the future. In a world where the digital economy, sustainability and technological innovation are leading the way, this policy remains an essential instrument to ensure that the European market remains dynamic and fair.

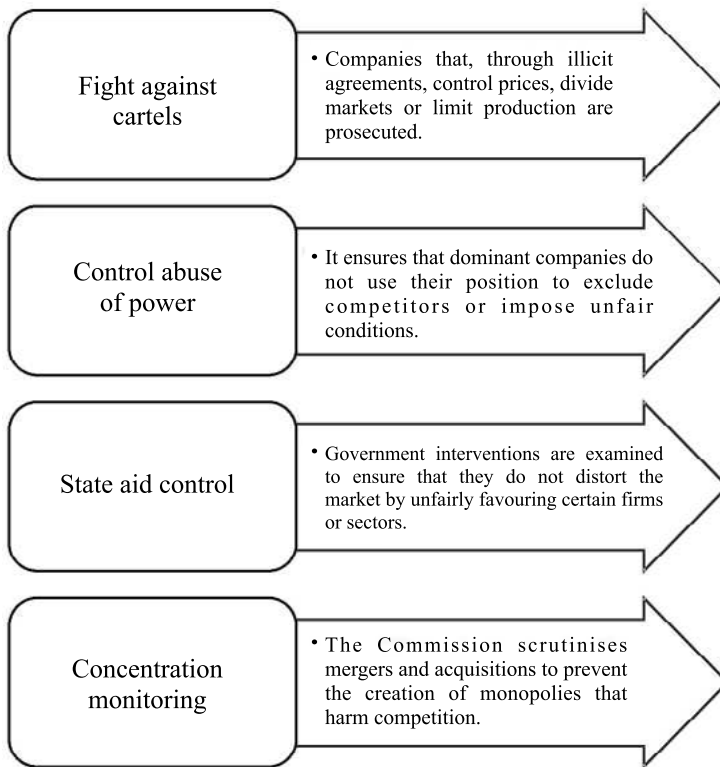
Ultimately, EU competition policy is more than a set of economic rules; it is a manifestation of its commitment to a market that benefits all, fosters innovation and ensures that Europe remains a leader on the global economic stage.

Competition policy is a central pillar of the European Union (EU) internal market, an essential tool to ensure that businesses operate in a fair and equitable environment. As the internal market has grown and globalisation has advanced, the need for an effective competition policy, capable of addressing transnational challenges, has become more evident. Since 1962, the European Commission has been the guardian of these rules, keeping a close eye on corporate behaviour and ensuring that markets work for the benefit of all European citizens.

The European Commission, in cooperation with the National Competition Authorities (NCAs), plays a key role in preventing and correcting anti-competitive behaviour. Its work focuses on ensuring that companies compete without undue advantage or practices that harm the functioning of the market. Among its main objectives is to prevent companies from agreeing to share the market, forming cartels or foreclosing potential competitors.

The sanctions imposed by the Commission on those who infringe these rules are severe, and can reach up to 10% of the turnover of the company concerned. In addition, through mergers, monopoly and state aid control, the Commission works to preserve competition and avoid distortions in the internal market. This effort benefits not only large corporations, but also small and medium-sized enterprises (SMEs), which find in this equitable environment access to the vast and sophisticated European market.





5. Competition rules applicable to companies

European competition law, which is governed by Articles 101 to 109 of the Treaty on the Functioning of the European Union (TFEU), as well as by the Merger Regulation No. 139/2004 and Protocol No. 27 establishes a comprehensive regulatory framework aimed at ensuring a fair and efficient market. These provisions are divided into two main blocks: the rules directly applicable to undertakings (Articles 101 to 106) and those relating to State aid to undertakings (Articles 107 to 109).

Among the most prominent rules are Articles 101 and 102 TFEU, which prohibit business practices that may harm trade between Member States or distort competition in the single market. Although the TFEU does not define the concept of «undertaking», the Court of Justice of the European Union, through key judgments such as *Höfner* (1991) and *Fenin* (2003), interpreted it as any entity engaged in an economic activity, regardless of its legal nature or whether it pursues profit-making purposes. Even public bodies can be considered enterprises if they operate in the market by offering goods or services.



Article 101 TFEU declares agreements between undertakings that restrict competition, such as price fixing, output limitation or market sharing, to be void. However, it provides for exemptions for agreements which, under certain conditions, may bring economic or social benefits. Article 102 prohibits abuse of a dominant position by undertakings that exploit their market power to exclude competitors or impose unfair conditions.

An essential feature of these rules is their direct effectiveness, which means that they can be invoked before national courts to protect individual rights arising from any breach. This principle was affirmed in the *Estée Lauder* judgment (1980), where the Court established that national judges have the responsibility to ensure compliance with these articles, even when the European Commission has not formally intervened. Moreover, this direct effectiveness gives those affected the right to claim compensation for damages resulting from anti-competitive practices.

Although competition is an exclusive competence of the European Union (Article 3(1)(b) TFEU), Member States may legislate on practices that exclusively affect the national market, provided that they do not interfere with the functioning of the Community market. This possibility is supported by Article 103(2)(e) TFEU.

The European competition law framework therefore ensures not only the integrity of the single market, but also the protection of consumer and business rights against unfair practices. With a combination of clear rules, effective control mechanisms and the supervision of national and European courts, competition law remains a fundamental pillar for economic development and justice at EU level.

Competition law in the European Union is designed to ensure the correct functioning of the common market, but is not intended to directly regulate the domestic markets of Member States. However, this delimitation has created certain challenges in the practical application of rules, as the same business conduct can be relevant at both EU and national level. This raises the problem of the parallel application of European and national competition law to the same situation.

Two main doctrinal approaches have been put forward to address this issue. The first is the double-barrier model, which implies that European and national rules coexist and apply cumulatively, as long as they both legislate on the same conduct. The second model, known as the single barrier, proposes that, in the event of a conflict, only European law should apply, displacing national rules in situations that affect Community law.

The Court of Justice of the European Union has opted for the double-barrier approach, thus allowing the simultaneous application of both sets of rules. However, he stressed that this model must be integrated with the principle of



the primacy of Community law, which ensures uniformity in the interpretation and application of European rules throughout the common market.

In the *Wilhelm* judgment of 1969, the Court established that parallel application of national rules is admissible only if it does not compromise the coherence of the Community rules and the full effect of the measures adopted under them. This ruling drew a clear line: Member States may apply their own competition rules, but these must not hinder compliance with European rules or jeopardise the unity of the single market.

This balance reflects the inherent tension in the relationship between national and Community law. Although Member States are allowed some legislative autonomy, the principle of primacy ensures that European law prevails where it is necessary to maintain the integrity and effectiveness of the common market. In this regard, the parallel application of regulations is not only a technical issue, but also a manifestation of the dynamic relationship between national sovereignty and European integration.

6. Article 101 TFEU and the prohibition of restrictive agreements

Article 101 of the Treaty on the Functioning of the European Union (TFEU) establishes a clear and direct prohibition on restrictive agreements between undertakings, although it does not explicitly define what constitutes an «agreement». Agreements are broadly defined as any relationship between two or more undertakings that coordinate conduct aimed at restricting competition in the market. The practices covered include formal agreements, decisions of business associations and concerted practices.

Although these categories appear distinct in theory, in practice the differences can be subtle. For example, companies linked by common economic control, such as subsidiaries of a corporate group, fall outside the scope of the prohibition because they are considered part of a single economic entity, as in the case of holding companies.

Agreements imply a clear consensus between the parties to implement joint strategies in the market, whether formalised or not. This includes both formal contracts and informal agreements, known as gentleman's agreement, which can be executed tacitly. The key lies in the existence of the shared will to coordinate actions that may distort competition.

On the other hand, concerted practices are more ambiguous and do not require a formal agreement. According to the Court of Justice of the European Union, these are characterised by coordinated behaviour between companies that is evident from their actions. The *Suiker Unie* (1975) judgment describes these practices as a conscious collaboration between undertakings which alters the normal conditions of competition in the market.



Decisions of business associations also cover binding decisions taken by associations that affect their members, either by statutory rules or majority resolutions.

Article 101 TFEU applies where practices affect trade between Member States or distort competition within the common market. These behaviours can be prohibited even if they only have a potential impact, reflecting a preventive approach. The Court of Justice has broadened this interpretation, considering practices that fragment national markets or limit competition in the single market to be problematic.

The Article also provides for exemptions in cases where the agreements, although restrictive, bring significant benefits to the market, such as improvements in production or advantages for consumers. These exceptions are based on principles such as proportionality, ensuring that the benefits outweigh the negative effects on competition.

As for sanctions, any agreement that violates Article 101 is declared null and void. This nullity is absolute, affecting both the parties involved and third parties, and partial, allowing clauses not contrary to the article to remain valid. Infringements can also lead to administrative sanctions imposed by national courts.

In short, Article 101 TFEU not only regulates anti-competitive conduct, but also reinforces corporate autonomy as an essential pillar for

the preservation of a fair and dynamic market. Its implementation ensures a level playing field for all businesses, while protecting the interests of consumers and the balance of the single market.

7. Article 102 TFEU and the prohibition of abuse of a dominant position

Article 102 of the Treaty on the Functioning of the European Union (TFEU) expressly prohibits the abuse of a dominant market position in the internal market when it affects trade between Member States. The rule does not question the very existence of a dominant position, but the misuse that one or more undertakings may make of their position to gain advantages at the expense of competition or consumers.

Dominant position, according to the Court of Justice of the European Union in the *Hoffman-La Roche* judgment (1979), refers to a situation of economic power which enables an undertaking to influence significantly the dynamics of the market, acting independently of its competitors, customers and even consumers. Abuse, therefore, consists of conduct that distorts competition beyond what would be possible in a balanced market.



In order to identify an abuse of dominance, a three-step analysis is necessary. First, the relevant market is defined, i.e. the geographic and economic area where the company operates, taking into account factors such as the nature of the goods or services offered, their substitutability and the structure of the market. Secondly, it is assessed whether the company has a dominant position in that market, considering elements such as its market share, the strength of competitors and barriers to entry for new firms. Finally, it is determined whether the company has used its dominant position in an abusive manner, affecting the natural competitive dynamics of the market.

Among the most common abusive behaviours are so-called *exploitative abuses*, which consist of imposing excessive prices or unfair conditions, and *exclusionary abuses*, such as adopting strategies aimed at excluding potential competitors. These practices harm consumers by limiting choice and raising prices, while harming competition by further entrenching the power of the dominant firm.

Unlike Article 101 TFEU, which allows for certain exemptions under specific conditions, Article 102 does not allow for exceptions. Any abuse of a dominant position is automatically incompatible with competition law, as it jeopardises both trade between Member States and the functioning of the single market.

Abuse of dominance has negative consequences not only for consumers, who may be forced to accept unfair prices or unfavourable conditions, but also for the market as a whole. These practices may discourage the entry of new participants, perpetuating monopolistic dynamics and disrupting normal competitive conditions.

Article 102 TFEU is therefore an essential tool to protect the integrity of the European single market, to ensure a level playing field between economic operators and to safeguard consumers' interests against abusive practices. By severely penalising such behaviour, it reinforces the EU's commitment to a fair, competitive and efficient economic system.

8. Unfair competition and Directive 2019/2161

Directive 2019/2161 of the European Parliament and of the Council, which entered into force on 27 November 2019, marked an important milestone in the regulation of unfair commercial practices within the European Union. This directive, which amends previous rules such as Directive 2005/29/EC, responded to the need to strengthen consumer protection in an economic landscape transformed by the rise of digital commerce and online platforms.

One of the main motivations for this reform was the realisation, expressed in recital 2 of the directive, that the existing measures did not provide a sufficient level of protection for consumers. According to the European Commission, a comprehensive regulatory framework and sufficiently dissuasive sanctions to



address unfair commercial practices and effectively compensate affected consumers were lacking. Moreover, the fragmentation of national legislation in this area complicated the achievement of the objectives set out in Article 169 TFEU, which requires a high level of consumer protection throughout the Union.

The directive introduces significant changes. Among the main new features is the extension of the scope to include digital services and e-commerce, reflecting market developments in recent years. The concept of «digital services» is redefined, covering goods, services and related rights, and the term «online marketplace» is introduced, which refers to digital platforms that facilitate distance contracts between consumers and professionals or between consumers.

Another innovative aspect is the regulation of new forms of unfair commercial practices. For example, it is considered misleading to promote products which, although identical in appearance to other products marketed in different Member States, have substantially different characteristics.

In terms of consumer rights, the directive incorporates effective redress mechanisms, such as the possibility of claiming financial compensation, price reduction or termination of the contract in case of unfair practices. These measures must be proportionate to the damages suffered and provide concrete relief, thus ensuring a homogeneous level of protection in all Member States.

In addition, the directive gives Member States the responsibility to determine the sanctions to be applied for non-compliance, under the principles of effectiveness, proportionality and dissuasiveness. These penalties can include fines of up to 4% of the offending company's annual turnover, thus ensuring a punishment that reflects the seriousness of the infringements and discourages similar behaviour in the future.

With Directive 2019/2161, the European Union not only adapts its legislation to the challenges of digital commerce, but also strengthens coherence between national regulations, creating a common framework that ensures a level playing field for consumers and businesses within the single market. This modern and comprehensive approach sets a higher standard of trade justice for the benefit of the entire European community.

9. The role of institutions in consumer protection

Consumer protection occupies a prominent place in the regulatory framework of the European Union (EU), reflecting its importance in the actions and competences of its main institutions. According to Article 13 of the Treaty on European Union (TEU), the EU institutions work together to ensure that common objectives are met.



The European Parliament, as the representative body of the citizens of the Union, plays an essential role. Based on the principle of representative democracy stipulated in Article 10 TEU, the Parliament has an Internal Market and Consumer Protection Committee (IMCO), composed of 45 MEPs and currently chaired by Anna Cavazzini. This committee oversees the correct application of rules related to consumer protection, the single market, the digital market and customs. In addition, Parliament participates in the ordinary legislative procedure by adopting legal acts jointly with the Council of the EU on a proposal from the European Commission, as provided for in Article 289 of the TFEU.

In response to the challenges of the Covid-19 pandemic, Parliament succeeded in allocating funds to protect consumers affected by the cancellation of services and to combat the spread of false information about medical products. Together with IMCO, the Committee on Petitions (PETI), previously chaired by Dolores Montserrat, allows citizens to lodge complaints about breaches of EU rules.

The European Commission, as the executive body, has a key role in the legislative initiative. This prerogative, laid down in Article 17 TEU, lies exclusively with the Commission, which considers and makes legislative proposals through its Directorate-General for Justice and Consumers (DG JUST). This department specialises in consumer rights, justice and gender equality.

The Council of the European Union, which brings together ministers from the Member States, also has competences in employment, social policies, health and consumer protection. This body defines the broad lines of policy through formal and informal meetings, ensuring that decisions reflect the common interests of the Member States.

The 329-member European Economic and Social Committee (EESC) is a consultative body that must be consulted by the Council and the Commission before taking relevant decisions, as stipulated in Article 114 TFEU. The EESC draws up opinions, both on request and on its own initiative, on issues related to the single market, production and consumption. This committee was also the driving force behind the creation, in 1999, of the European Consumer Day, a day dedicated to bringing together institutional and national representatives to discuss key issues related to trade and consumer affairs, raising awareness of the obstacles faced by European citizens in these areas.

Together, the EU institutions work in a coordinated way to ensure that consumer rights are effectively protected, adapting to contemporary challenges and strengthening confidence in the single market. This integrated effort reinforces not only the EU's commitment to its citizens, but also to cohesion and the development of a fair and sustainable economic environment.



10. Some important cases, sanctions and procedures

In recent years, a number of competition authorities have intervened in significant antitrust cases. The following are some of the most relevant:

a) *European Commission fines Meta for abuse of dominant position (2024):*

The European Commission fined Meta €797.7 million for linking its Facebook social network with the Marketplace application, which harmed competitors in the classified ads market. This sanction comes on top of a previous 1.2 billion euro sanction for failures in the transfer of personal data. In May 2023, Meta Platforms, the parent company of Facebook, Instagram and WhatsApp was fined €1.2 billion by the Irish Data Protection Commission (DPC). This sanction, the highest ever imposed for privacy violations in the European Union, was due to the transfer of personal data of European users to the United States, in contravention of the General Data Protection Regulation (GDPR). The DPC found that Meta failed to implement the necessary safeguards to protect user information from access by US authorities, in breach of European data protection regulations.

b) *Fining of budget airlines in Spain (2024):*

The Spanish government imposed a fine of 179 million euros on airlines such as Ryanair, Vueling and EasyJet for practices considered abusive, such as charging for hand luggage and printing tickets. Ryanair was the hardest hit, taking 60% of the penalty. The airlines have announced that they will appeal the sanction in court.

c) *Approval of BBVA's takeover bid for Sabadell (2024):*

The European Commission gave the green light to BBVA's takeover bid for Banco Sabadell, after verifying that BBVA would not benefit from third state aid for this purchase. However, Spain's National Markets and Competition Commission (CNMC) initiated a second phase of analysis due to possible risks, such as the reduction of credit to SMEs and the closure of offices in rural areas.

d) *CJEU ruling on data protection and competition (2023):*

The Court of Justice of the European Union ruled that national competition authorities can examine a company's compliance with the General Data Protection Regulation (GDPR) rules in the course of investigations into abuse of dominant position. This implies close cooperation between competition and data protection authorities.

e) *Lawsuit against Meta for unfair competition (2024):*

Spain's main radio and TV broadcasters filed a joint lawsuit against Meta, accusing it of unfair competition for breaching the GDPR since 2018. They allege that Meta misused user data to gain market share in targeted online



advertising, to the detriment of traditional media. Compensation of more than 160 million euros is being claimed.

f) *Sanction of Booking.com for abuse of dominant position (2024):*

In one of the most relevant decisions in the field of antitrust, the National Commission for Markets and Competition (CNMC) of Spain fined Booking.com €413.24 million for abuse of a dominant position. The unlawful practices, carried out since at least 2019, affected both hotels in Spain and other online travel agencies, restricting their ability to compete on a level playing field.

The CNMC investigation revealed that Booking.com used its dominant position in the market, where it holds between 70% and 90% of the market share, to impose unbalanced commercial conditions on hotels and to adopt strategies that limited competition from other platforms. Among the most prominent practices, the platform required hotels to guarantee that prices on its own website were not lower than those offered on Booking.com, while reserving for itself the possibility of unilaterally modifying those prices.

Booking's general terms and conditions also obliged hotels to accept the law of the Netherlands as the applicable law and to litigate any disputes in Amsterdam courts, resulting in additional and unfair costs for those affected. A lack of transparency was also detected in the positioning programmes that the platform offered to hotels, such as «Preferred» and «Genius», which required higher commissions or mandatory discounts, leaving hotels with insufficient information to make strategic decisions.

Booking also used exclusive practices that reinforced its dominance in the market, such as linking the total volume of bookings of a hotel on its platform to its ranking in search results. This incentivised hotels to concentrate their bookings on Booking.com, reducing the growth possibilities of other competing agencies.

The CNMC fined Booking.com €206.62 million for each of the infringements identified: the imposition of unfair trading conditions and the restriction of competition. In addition, the platform must implement measures to ensure that such practices cease and are not repeated in the future.

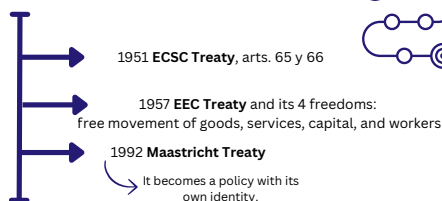
This case underlines the importance of competition law in protecting fair and transparent markets, highlighting how the abuse of power by large digital players can negatively impact both competitors and consumers. Booking.com has announced its intention to appeal the sanction before the Spanish National High Court.

These cases reflect the authorities' continued vigilance and action to ensure compliance with competition rules and to protect both consumers and businesses in the European market.



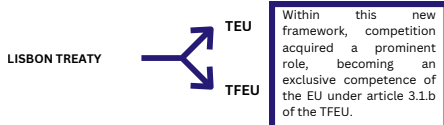
COMPETITION POLICY

Timeline

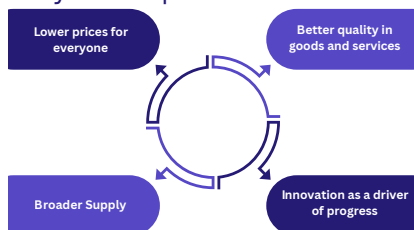


Legal Framework

The Lisbon Treaty consolidated competition as an essential component of the European project, giving the EU legal and policy tools to protect both consumers and businesses.



Key Concepts



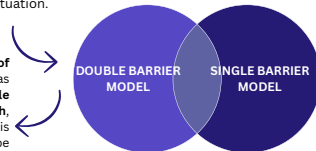
Rules applicable to companies



Two essential characteristics of these standards are:

- Direct effect
- The parallel application of European and national law to the same situation.

The **Court of Justice of the European Union** has opted for the **double barrier approach**, emphasizing that this model must be integrated with the principle of primacy of EU law.



ARTICLE 101 TFEU

Prohibits restrictive agreements between companies, without explicitly defining 'agreement'. Includes relationships between companies that coordinate conduct to restrict competition. Covers formal agreements, decisions by associations and concerted practices.

ARTICLE 102 TFEU

It prohibits the **abuse of a dominant position in the internal market** if it harms trade between Member States. **It does not question the dominant position itself but its misuse to obtain advantages** to the detriment of competition or consumers.

DIRECTIVE 2019/2161

Strengthens consumer protection in the face of the rise of digital commerce and online platforms. **Extends its application to digital services and e-commerce.**

Redefines 'digital services' to include goods, services and associated rights. **Introduces 'online marketplace', referring to platforms** that facilitate distance contracts between consumers and professionals.

Role of institutions in consumer protection



EUROPEAN PARLIAMENT

Committee on the Internal Market and Consumer Protection (IMCO)

Committee on Petitions (PETI)



EUROPEAN COMMISSION

Directorate-General for Justice and Consumers (DG JUST)



EUROPEAN COUNCIL

Defines the general policy lines through formal and informal meetings, ensuring decisions reflect the common interests of Member States.



EUROPEAN ECONOMIC AND SOCIAL COMMITTEE:

The EESC issues opinions on issues related to the single market, production and consumption. This committee was also the driving force behind the creation of **European Consumer Day in 1999.**



Bibliography

BAILEY, David. *Competition Law*. 11th ed. Oxford University Press, 2024.

EUROPEAN COMMISSION. *Comprender las políticas de la Unión Europea: Competencia*. 2014.

DANIELE, Luigi. *Diritto del mercato unico europeo e dello spazio di libertà, sicurezza e giustizia*. Milan: Giuffrè, 2019.

MALAGUTI, Maria Chiara. *I valori della concorrenza e del mercato nell'Unione Europea: da Roma, a Maastricht, a Lisbona*. 2015.

SCHEINERT, Christian. Competition policy Fact sheets on the European Union. European Parliament, 2024.

TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION.



Chapter 6

Employment and Social Policy in the European Union

1. Introduction. The European Pillar of Social Rights

The European Union as an international organisation that seeks to integrate the policies of member states, seeks greater harmonisation in different areas of society, and, although its main purpose was initially to preserve peace and for this purpose it used the economy, it has also been present to safeguard and protect the rights of all European citizens.

With the idea of unifying the social rights of all Europeans in order to achieve full European citizenship and consolidate the European integration project, the Union has worked significantly to strengthen citizens' social rights. These rights can be divided into three main blocks: equality, access to health care and employment.

These blocks are what lead us to the so-called «welfare state», and to this end, the Union has been implementing measures to consolidate the welfare state. In this regard, *The European Pillar of Social Rights* was approved by the European Parliament, the Council and the Commission and proclaimed on 17 November 2017 at the Gothenburg Social Summit.

This project is divided into 20 key principles, which in turn fall into three groups: Social protection and inclusion, equal opportunities and access to the labour market and fair working conditions. As the European Commission itself states:

«[...] these principles represent the guiding light for a strong, fair, inclusive and opportunity-filled social Europe in the 21st century».

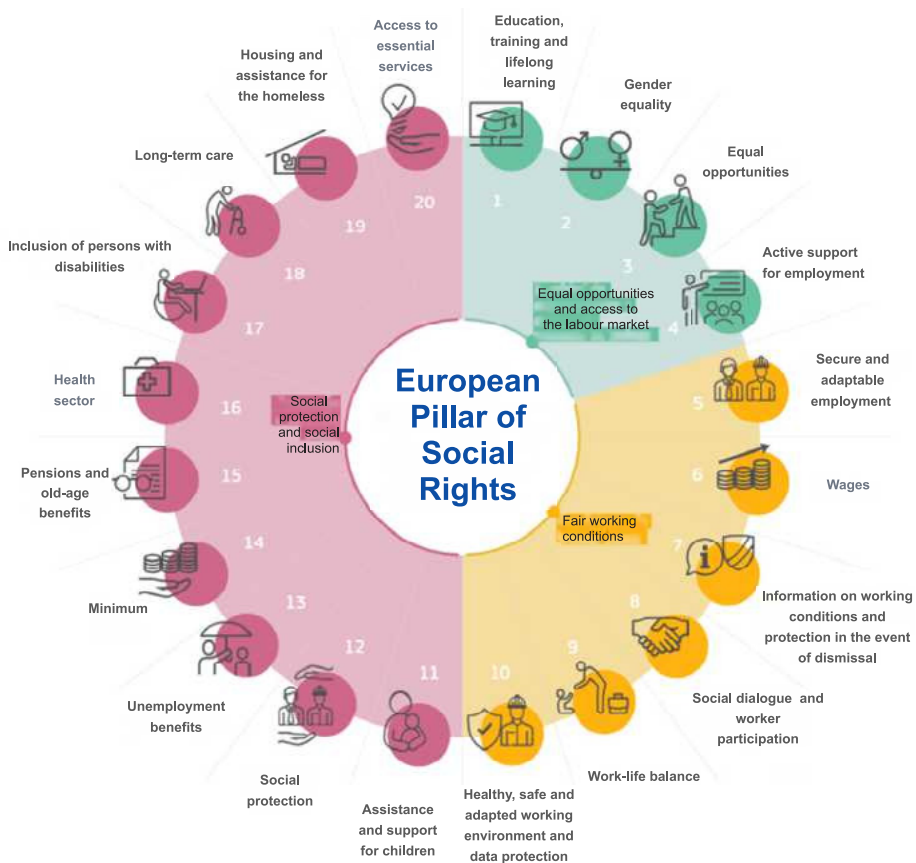
It is noted that this European pillar includes employment, worker protection, equality, diversity and the European Social Fund. We must therefore bear in mind that this project is transversal, affecting various policies, social protection as a policy shared between the States and the European Union, and employment as a coordination policy in which the direction of the policy itself will be deter-



mined. Article 9 of the Treaty on the Functioning of the Union itself specifies that:

«In defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health.»

This pillar also encompasses equality, which is referenced in the Treaties and in the European Charter of Fundamental Rights. As an elementary principle, this includes both equality between men and women the principle of non-discrimination, on whatever grounds it may occur, and to achieve this purpose the Union would prepare a series of both regulatory and political indications to consolidate the commitment to the fundamental rights of all citizens of the European Union.



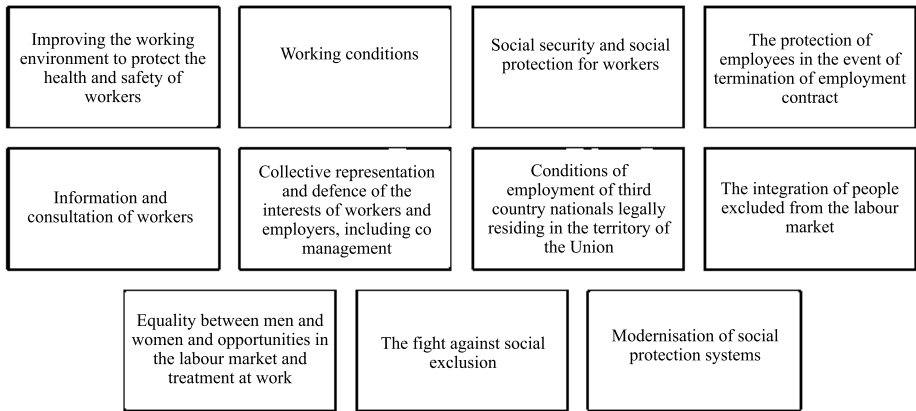
At the Porto Social Summit on 7 and 8 May 2021, the European Commission will approve the Action Plan of the European Pillar of Social Rights. The summit also saw a speech by European Council President Charles Michel, notable for his insistence in that the economy is not everything in determining quality of life *«But as has been pointed out several times, GDP does not give an adequate reflection of the level of development of a society, or of the countries that make up our European Union [...] Not just in terms of GDP, but using other criteria too: access to education, quality of the environment, curbing discrimination, capacity for innovation, development and future prosperity.»*

The Action Plan proposes to develop the principles of the Pillar into concrete actions, implementing the measures deemed appropriate to achieve the proposed objectives. As the Plan itself states, this work must be carried out in a shared manner between the European institutions, the Member States, regional and local political authorities and civil society.

2. Social policy

Social policy seeks to ensure the protection of fundamental rights, especially for minorities, but also for other groups, as in the case of gender equality. In Europe there are many differences in the social characteristics of the individual states, but there is a common understanding of the protection of certain rights, which should serve as the common thread of the European discourse.

Social policy is set out in Articles 151 et seq., the first of which establishes the rules for action, but Article 153, which refers to the fields of action to improve the lives of European citizens, is particularly noteworthy.



3. Employment

The majority of jobs in Europe are high quality, highly skilled jobs, which enable citizens to lead an optimal life with an emphasis on social welfare. In order to continue on this path and to ensure that the States that are not at the same level, the European Union proposes employment in Article 145 of the TFEU as a tool for achieving economic change that will help the progress of all citizens.

This objective is one of consensus between the EU and the Member States, since it is they who must implement employment policies with the help of the guidelines adopted by the institutions. As part of this policy, the Council may help achieve the objectives by setting out the policy guidelines to be followed, the Council and the Parliament by developing regulatory standards, and finally the European Commission as the body responsible for implementing the programmes in the right way.

Since 1994, the European Employment Services (EURES programme) has had the task of helping job seekers to find employment in the European Union. It is known as a cooperation network for employment and free movement, presenting possible job offers on its web portal, but it also promotes labour mobility between the different States, making it easier for workers to find a job in accordance with their needs throughout the European area.

The Project Europe 2030 report, produced by the Reflection Group on the future of the EU in 2030, emphasises the existing global competitiveness, but also the skills of the European workforce, and considers that a series of changes are needed to make this possible: «*Reforming the labour market is central to creating more and better jobs. Member States should aim at improving three key aspects of their labour markets: the flexibility and security of their workforce ("flexicurity"); labour mobility; and the culture and management practices of enterprises.*»

4. Workers' rights

Workers' rights were assumed by the European Union from the very outset, with the signing the European Social Charter approved by the Council of Europe in 1961, and later, in 1989, with the *Community Charter of Fundamental Social Rights of Workers*. In this document, the Heads of State and Government shared the idea of improving the living and working conditions of all their workers, especially in an area where the free movement of workers and the European common market was just beginning.

The Charter sets out a number of rights which they consider to be elementary for any worker, such as freedom of movement, free choice of profession,



fair pay, freedom of association, social protection, equal treatment for women and men, health and hygiene protection, rights of the elderly and disabled.

The TFEU calls for a number of rights to be guaranteed in the Member States, such as the application of a principle of equal pay for workers (Article 157) or the implementation of joint actions relating to working conditions, health and safety at work and the right to organise (Article 156).

The Directive that presents the framework for action on safety at work is Directive 89/391, in addition to this Directive we find the European Agency for Safety and Health at Work as the organisation in charge of ensuring that it helps to protect all workers. We also find the EU Strategic Framework for Health and Safety at Work 2021-2027 COM (2021) 323 final, which states that the 170 million workers in the Union must have a common framework for health and safety at work, focusing on three key priorities:

- anticipating and managing change in the context of green, digital and demographic transitions;
- improving the prevention of work-related accidents and diseases, and striving towards a Vision Zero approach to work-related deaths;
- increasing preparedness to respond to current and future health crises.

In addition to health and safety protection at work, equality at work is also included in the social rights pillar. The Charter of Fundamental Rights itself explicitly refers to this, but also the TFEU and Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 reinforcing the application of the principle of equal pay for equal work or work of equal value for w through pay transparency measures and enforcement mechanisms.

This Directive recognises the wage rights of workers, where no differentiation can be made on the basis of gender, strengthening the principle of «*equal work and work of equal value*». This phrase refers to the obligation of companies to create pay structures that are not linked to the status of the individual, but to the position. It also includes the right to compensation:

Member States shall ensure that any worker who has sustained damage as a result of an infringement of any right or obligation relating to the principle of equal pay has the right to claim and to obtain full compensation or reparation, as determined by the Member State, for that damage.

The compensation or reparation referred to in paragraph 1 shall constitute real and effective compensation or reparation, as determined by the Member State, for the loss and damage sustained, in a dissuasive and proportionate manner.



5. European Social Fund

The European Social Fund came into being with the Treaty of Rome in 1957, setting out the need for the creation of a European Social Fund in order to improve the employability of workers and to contribute to raising their standard of living. The Treaty itself also stated the contribution to be made by each State for the distribution of this fund.

The European Social Fund has a budget of €142.7 billion for the period 2021-2027, across employment and industry. This is the main motivation for such investment, to enable workers to have better working conditions. The nomenclature for the programme has also been changed to *European Social Fund+* (ESF+). This came about as a result of the merging of the European Social Fund, Fund for European Aid to the Most Deprived, the Youth Employment Initiative and the European Union Programme for Employment and Social Innovation.

Each of these programmes had its importance, highlighting in addition to the social fund the youth employment initiative programme, focused on the youth guarantee through financial support for the education of those under 30 and the search for internships, in order to ensure that young people have real job opportunities. In 2023 the youth employment rate was around 15%, Spain being the country with the highest rate at 28%.

Articles 162, 163 and 164 of the Treaty on the Functioning of the European Union cover the European Social Fund, focused on improving employment and the geographical and professional mobility of workers, with the European Commission responsible for administering the funds together with representatives of the Member States, civil society and business.

6. Conclusions

The European Union is clear about its social objectives, seeking to improve the lives of all its citizens with a special focus on employment. The mission to provide a welfare state for Europe's residents cannot be delivered if the working conditions of workers are not improved. This requires a rethink of the most important economic sectors in the economy and the preparation and qualification of citizens to be able to carry them out.

A Europe based on the social pillar is an important development. The elimination of social imbalances, not only from an economic point of view but also in terms of personal development, is another goal that the EU has pursued both in the Treaties and in the Charter of Fundamental Rights. It has used all the instruments at its disposal to achieve this, from binding regulations to framework decisions in the criminal field to combat discrimination, racism and intolerance.



As a guiding issue for the European Union, employment is considered a necessary policy in which the States, although they have the decision-making competence, must coordinate with the rest. The idea of a common employment system, not only for the free movement of workers between States, but also to make the European continent a place of technological development with qualified personnel. To this end, employment policy must be coordinated with industrial policy to guide Europe's future towards specialised sectors, in order to compete with the world's major powers and to maintain the welfare state.

It should be noted that working conditions are another factor to be taken into account in this organisation of employment and social policy. The struggle for a number of workers' rights has developed over time, allowing for real and effective protection of workers' rights throughout the European Union. The protection of health and safety at work, pay and trade union rights are among the most important rights for progressive harmonisation.



SOCIAL POLICY AND EMPLOYMENT

Social rights of citizens



Legal basis

TFEU

- **Article 9:** employment, social protection, fight against social exclusion, education, training, and protection of human health.

European Charter of Fundamental Rights: equality and non-discrimination.

European Pillar of Social Rights Action Plan: quality of life does not depend solely on the economy. It proposes developing concrete actions through measures to achieve specific goals.

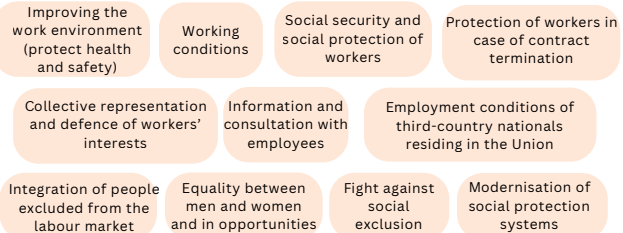
Social policy

Ensure the protection of fundamental rights.



Included in the Treaty on the Functioning of the European Union (Articles 151 et seq.):

- **Article 151:** rules of action
- **Article 153:** fields of action



Employment

Quality and highly skilled employment.



TFEU, **Article 154:** tool for achieving economic change.



- **European Employment Services (EURES)**
- **Europe 2030 Project Report**

Workers' rights

1961: European Social Charter.

1989: Community Charter of the Fundamental Social Rights of Workers.

Treaty on the Functioning of the EU:

- **Article 156:** joint actions related to working conditions, workplace hygiene, and the right of association.
- **Article 157:** equal pay among workers.

Directive 89/391: framework for occupational safety.

European Agency for Health and Safety: helps protect all workers.

COM (2021) 323 final: EU strategic framework on health and safety at work 2021-2027.

Directive (EU) 2023/970: strengthens the application of the principle of equal pay for men and women for the same work.

European Social Fund

Treaty of Rome, 1957

Improve employment opportunities for workers and contribute to the assessment of their living standards

European Social Fund+
€142.7 billion
 for the period 2021-2027

Youth Employment Rate 2023



Europe: 15%



Spain: 28%



Bibliography

- ANGUITA OSUNA, José Enrique. «Marco histórico jurídico de la acción social en la Unión Europea. Medidas contra la pobreza y la exclusión social.» *Revista Aequitas*, 2019, No. 14.
- BERNAL SANTAMARÍA, Francisca. «El pilar europeo de los derechos sociales y el plan de acción: por fin, ¿el modelo social europeo?» *Cuadernos de derecho transnacional*, 2022, vol. 14, No. 1, pp. 47-64.
- BERNARDINO, Manuela Durán y LÓPEZ, Álvaro Sánchez. «El futuro laboral de la juventud. Políticas de empleo de la Unión Europea y de España.» *Relaciones Laborales y Derecho del Empleo*, 2024.
- FERNÁNDEZ PROL, Francisca. «El derecho a un salario justo. La Directiva (UE) 2022/2041, sobre unos salarios mínimos adecuados en la Unión Europea.» *LABOS-Revista de Derecho del Trabajo y Protección Social*, 2024, vol. 5, No. 1, pp. 47-67.
- MONEREO PÉREZ, José Luis. «Pilar europeo de derechos sociales y sistemas de seguridad social.» *Lex Social: Revista de Derechos Sociales*, 2018, vol. 8, No. 2, pp. 251298.
- PERES DÍAZ, Daniel. *Libre circulación de trabajadores y protección social: reconstrucción conceptual y análisis jurídico-político para el debate sobre el futuro de la Unión Europea*. 2024.



Chapter 7

Common Foreign and Security Policy (CFSP) of the European Union

1. Introduction

Created in 1993 with the entry into force of the Treaty on European Union, the Common Foreign and Security Policy (CFSP) has continuously evolved to adapt to the needs of an increasingly complex geopolitical context. Today, the European Parliament plays a crucial role in the development and monitoring of the CFSP, especially through its scrutiny of the main actors and institutional bodies that implement it. These include the High Representative of the Union for Foreign Affairs and Security Policy, who also acts as Vice-President of the European Commission; the European External Action Service (EEAS), which coordinates the Union's diplomatic action; the EU Special Representatives (EUSRs); and the Union's delegations around the world.

The Parliament also influences the CFSP through its budgetary powers, which allow it to define the scope and objectives of this policy according to the resources allocated.

An essential part of the CFSP is the Common Security and Defence Policy (CSDP), which is the main policy framework for the development of a European strategic security and defence culture. Through the CSDP, Member States work together to manage conflicts, respond to crises, protect European citizens and contribute to international peace and security.

Over the last decade, CSDP has undergone an accelerated evolution, driven by significant geopolitical tensions. Since the start of Russia's invasion of Ukraine on 24 February 2022, the EU's defence policy has gained new momentum. This war of aggression has not only acted as a catalyst for the strengthening of European security, but has also given rise to debate on the creation of a genuine European Defence Union.

In this context, the CFSP and the CSDP have proven to be essential tools for Europe to not only react to global challenges, but that also strengthens its position as a decisive geopolitical actor on the international stage.



2. Common Foreign and Security Policy (CFSP)

The European Union's Common Foreign and Security Policy (CFSP) came into being in 1993 with the entry into force of the Treaty on European Union (TEU). This instrument was a milestone in formalising a policy aimed at preserving peace, strengthening international security, promoting cooperation between nations and consolidating the fundamental values of democracy, the rule of law, human rights and fundamental freedoms.

The TEU introduced an innovative three-pillar system, with CFSP as the second pillar. Subsequently, in 1997, the Amsterdam Treaty streamlined the decision-making process by introducing constructive abstention and qualified majority voting as mechanisms for reaching consensus more quickly. Shortly afterwards, in 1999, the European Council took a decisive step by creating the post of High Representative for the CFSP, a position designed to coordinate and strengthen the Union's foreign policy projection.

Further improvements were introduced with the 2003 Treaty of Nice. This treaty strengthened the decision-making process and gave a key role to the newly established Political and Security Committee (PSC). This committee, created in 2001, assumed responsibility for political oversight and strategic direction of the Union's crisis management operations.

The most significant transformation came with the Lisbon Treaty, which entered into force on 1 December 2009. This treaty not only gave the Union legal personality, but also reconfigured its institutional structure. By eliminating the pillar system, Lisbon integrated the Union's policies under a single framework. The CFSP was strengthened by the creation of new officers, including the High Representative of the Union for Foreign Affairs and Security Policy, who also acts as Vice-President of the European Commission. A permanent President of the European Council was also established and the European External Action Service (EEAS) was created to support and coordinate the Union's external action. The Common Security and Defence Policy (CSDP) was updated and consolidated as an integral part of the CFSP.

The legal framework of the CFSP was mainly defined in Articles 21 to 46 of Title V of the TEU, which deal with the general and specific provisions of the Union's external action. Articles 205 to 222 TFEU develop aspects of external action, complemented by the provisions of Articles 346 and 347.

As for the future of CFSP, the Conference on the Future of Europe presented a report in May 2022 urging the Union to improve its capacity to take rapid and effective decisions in this area. According to the report, the EU must speak with one voice and act as a truly global actor, capable of responding with leadership and effectiveness to any international crisis. This vision reinforces the Union's commitment to project a positive role on the world stage and to establish itself as a leader in the defence of peace, security and fundamental values.



The Treaty of Lisbon, in force since 1 December 2009, marked a milestone in the shaping of the European Union's (EU) foreign and security policy, establishing a system of governance characterised by complex divisions of power, both horizontal and vertical. At the horizontal level, the separation of competences between the European Council, the Council of Ministers, the European Commission and the European Parliament was maintained. At the vertical level, decision-making power was shared between member states and the EU itself, consolidating a hybrid model that seeks a balance between integration and national sovereignty.

This treaty formally eliminated the pillar-based structure, which had defined the functioning of the EU until then, and gave legal personality to the Union. This was intended to give greater coherence and visibility to the Common Foreign and Security Policy (CFSP), strengthening the EU's role on the international stage. Despite this integration, decision-making formats in CFSP remain specific and distinct from other areas of the Union's external action, as reflected in Title V of the Treaty on European Union (TEU) and Part V of the Treaty on the Functioning of the European Union (TFEU).

The Treaty reaffirms the founding principles of the Union's external action: democracy, the rule of law, respect for human rights, solidarity, and adherence to the principles of the United Nations Charter. It also introduces mechanisms to ensure coherence between different policy areas and between external and internal actions. This principle of coherence is overseen by the Council and the Commission, with the support of the High Representative of the Union for Foreign Affairs and Security Policy.

At the institutional level, Lisbon brought important innovations, such as the creation of a permanent president of the European Council and the formalisation of the role of the High Representative, who also acts as vice-president of the Commission and chairs the Foreign Affairs Council. The High Representative is supported by the European External Action Service (EEAS), which works in cooperation with the diplomatic services of the Member States. Despite these developments, the CFSP and the Common Security and Defence Policy (CSDP), which is incorporated into the CFSP, remains governed by specific provisions and subject to the principle of unanimity.

The European Council, composed of heads of state or government, continues to play a crucial role in defining strategic foreign and security policy priorities. For its part, the Foreign Affairs Council, made up of the foreign ministers of the member states, implements these guidelines, can impose sanctions and approve crisis management missions. The High Representative ensures coordination between the civilian and military aspects of these operations.

At the supranational level, common trade policy, development cooperation and humanitarian aid are areas where the EU exercises shared legislative competences, while the Commission has prerogatives such as legislative initiative and



the negotiation of international agreements. The European Parliament has also seen its role in these areas expanded, with powers of approval of agreements and budgetary oversight.

The Treaty also introduced mechanisms such as Permanent Structured Cooperation (PESCO) in defence, which allows the most committed Member States to move forward on joint projects. The mutual defence and solidarity clauses also reinforce the collective security framework, establishing commitments in the event of armed aggression, terrorist attacks or disasters.

Although the Court of Justice of the European Union does not have jurisdiction over CFSP and CSDP provisions, it plays a key role in supervising supranational areas of external action, ensuring the legality of the acts of the Union's institutions.

The Lisbon Treaty, therefore, not only redefined the basis for EU external action, but also established a delicate balance between national and EU interests, laying the foundations for a more coherent foreign and security policy, albeit not without challenges in its implementation.

3. The Common Security and Defence Policy — CSDP

Since the entry into force of the Lisbon Treaty, the European Union's Common Security and Defence Policy (CSDP) has undergone a remarkable transformation, both in its political and institutional dimensions. This process has been driven by the need to adapt to a constantly changing geopolitical environment and by the desire to strengthen Europe's strategic autonomy in the security and defence field.

In June 2016, the then Vice-President of the European Commission and High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, presented the EU's Global Strategy on Foreign and Security Policy to the European Council. This document identified five key priorities: ensuring the security of the Union; reinforcing the resilience of neighbouring countries; applying an integrated approach to conflict resolution; fostering regional cooperation; and promoting global governance fit for the 21st century.

The implementation of this strategic vision began in November 2016, when Mogherini presented an action plan in the field of security and defence. Among the thirteen proposals contained in this plan were the Coordinated Annual Review on Defence (CARD) and the Permanent Structured Cooperation (PSC), designed to enable member states to make greater security commitments. A European Defence Action Plan was also introduced, laying the foundations for the European Defence Fund, focusing on research and capacity building in the defence sector.



In June 2021, the European Union launched an in-depth reflection on the future of security and defence in Europe, culminating in the creation of the Strategic Compass. This document sets out the Union's security and defence strategy for the next five to ten years, and was designed to address challenges such as crisis management, resilience, capability development and cooperation with international partners.

The process of developing the Strategic Compass included a threat analysis, a strategic dialogue and successive reviews before its adoption. The initial version, presented in November 2021 by Josep Borrell, the last High Representative of the CFSP (currently, since 1 December 2024, the post is held by Estonian Kaja Kallas), was significantly modified after the Russian invasion of Ukraine in February 2022. This conflict marked a turning point in European security, leading the Union to redefine its defence ambitions and tools. Finally, the European Council approved the final version of the document in March 2022.

The war in Ukraine also brought about historic changes in the integration of member states into the CSDP. Denmark, which had maintained an exclusion from defence policy since 1992, decided by referendum in June 2022 to fully join the CSDP, marking a unanimous contribution of all 27 member states to this policy.

The Strategic Compass has driven initiatives such as the creation of an EU Rapid Deployment Capability, designed to address the Global Strategy's shortcomings in crisis management. It also provides coherent targets for instruments such as the European Defence Fund, the EDF, the ETC and CARD.

Although the European Parliament is not directly involved in defining the Strategic Compass, it plays an important consultative role through its Subcommittee on Security and Defence (SEDE). This sub-committee monitors the progress of the CSDP through annual reports and regular discussions, which allows Parliament to express its position on the implementation of the Union's security and defence policies.

The CSDP, developed in documents such as the Strategic Compass, reflects the EU's commitment to consolidate itself as a key player on the global stage, capable of ensuring the security of its citizens and contributing to international stability in a context of growing challenges.

4. Legal basis and organisation

The legal basis of the Common Security and Defence Policy (CSDP) is in the Treaty of Lisbon, also known as the Treaty on European Union (TEU), which entered into force in 2009. The regulatory framework of the CSDP is set out in Title V of the TEU, regulating the general provisions on the Union's external action, and in Chapter 2, Section 2, which deals specifically with the provisions



relating to this policy. Articles 42 to 46 of this section constitute its legislative core, defining its main objectives and mechanisms.

The role of the European Parliament in the CSDP is described in Title V, Chapter 2, Section 1, and Article 36, while the provisions on financing of the policy are contained in Article 41 TEU. The Lisbon Treaty also extends the scope of the CSDP in annexes and declarations, such as Protocols 1, 10 and 11, and Declarations 13 and 14, which clarify key aspects relating to foreign and security policy.

The main institutional actor in the CSDP is the High Representative of the Union for Foreign Affairs and Security Policy, a position that also entails the Vice-Presidency of the European Commission. Since December 2019, Josep Borrell has held this position, chairing the Foreign Affairs Council in its configuration of defence ministers and leading the European External Action Service (EEAS). The High Representative also heads the European Defence Agency (EDA), playing a crucial role in the formulation and submission of CSDP proposals to Member States.

CSDP decisions are mainly taken by the European Council and the Council of the European Union, as stipulated in Article 42 TEU. However, there are notable exceptions, such as those relating to the European Defence Agency (Article 45 TEU) and Permanent Structured Cooperation (PESCO, Article 46 TEU), which are decided by majority vote.

The Lisbon Treaty also introduced the European capabilities and armaments policy (Article 42(3) TEU), encouraging cooperation between the EDA and the European Commission, especially in key areas such as research, industrial and space policies of the Union.

Article 21 TEU underlines that multilateralism is a fundamental pillar of the European Union's external action. This is reflected in the CSDP's openness to the participation of international partners in its missions and operations, promoting greater coordination with multilateral frameworks such as the United Nations and NATO. In addition, the Union actively cooperates with regional bodies such as the African Union, consolidating its commitment to global peace and stability.

Through this solid legal and organisational framework, the CSDP strengthens the EU's ability to collectively address security and defence challenges, adapting to a dynamic geopolitical landscape while consolidating its role as a key player in the international arena.

5. Main CSDP instruments

Since 2016, the European Union's Common Security and Defence Policy (CSDP) has accumulated important achievements that have strengthened oper-



ational and strategic capabilities. These developments include the creation of the Permanent Structured Cooperation (PESCO), the establishment of a command and control structure for non-executive military missions, the European Defence Fund (EDF), the Civilian CSDP Pact and the launch of the European Peace Facility (EPF), an extra-budgetary instrument that supports military missions and the provision of equipment to partner countries.

In December 2020, the European Council and Parliament reached an agreement to establish the EDF, with a budget of €8 billion under the multiannual financial framework 2021–2027. This fund aims to foster cooperation in the European defence industry and stimulate innovative projects in key areas, as demonstrated by the 2024 work programme, which covers thirty-two strategic themes.

For its part, the FEAP has financed total of €11.1 billion from 2022 to 2024 to support Ukraine's armed forces, as well as to cover common costs of CSDP military missions and to provide training and equipment, including lethal materials, to partner countries.

The strategic review has also played a central role. In 2020, the first Coordinated Annual Review on Defence (CARD) report identified fifty-five opportunities for collaboration in key capabilities, showing an integrated and collaborative approach to European defence development.

In response to the context of the war in Ukraine and the strategic challenges, the European Commission presented the EDIRPA instrument in July 2022, with an initial budget of €500 million for joint defence procurement. In May 2023, a plan was proposed to support ammunition production, which was swiftly approved by Parliament in July of the same year.

In the longer term, in March 2024 the Commission proposed the European Defence Industry Programme, endowed with €1.5 billion for the period 2025–2027. This programme seeks to establish a structural framework to encourage collaborative investments and ensure stable supply of defence products by promoting cooperation between Member States.

With a view to strengthening the European defence industrial and technological base (EDTIB), the Union aims to procure at least 40 per cent of defence equipment collaboratively within the EU by 2030, a percentage that is expected to rise to 60 per cent by 2035. To achieve this, the draft Commission Regulation includes instruments such as the Fund for Accelerating the Transformation of Defence Supply Chains (FAST), which will support small and medium-sized enterprises; a Europe-wide security of supply regime; the creation of a European Armaments Programme (SEAP) with VAT exemptions to encourage cooperation; and a European Military Sales Mechanism to ensure the availability of equipment within the Union.



The CSDP continues to consolidate itself as a fundamental pillar of the European Union's strategic autonomy. The new instruments, combined with a more robust investment and cooperation framework, aim not only to strengthen Europe's defence in the face of current challenges, but also to ensure competitiveness and responsiveness over the coming decades.

6. Flexible operating mechanisms

Since the Lisbon Treaty, the EU's Common Foreign and Security Policy (CFSP) has made significant progress in terms of coherence and institutional streamlining. Implementation remains a challenge, however, due to diverging interests across member states and the persistent primacy of national priorities over common objectives. This context has revealed the limitations of the dominant consensus-based intergovernmental approach and highlighted the need for reforms that would provide the EU with a more effective and flexible system of governance in foreign and security policy.

Russia's aggression against Ukraine has intensified this need, demonstrating the urgency of more coherent and decisive collective action. In this framework, three key areas for reform stand out: the introduction of more flexible operational mechanisms, the simplification of decision-making processes and the strengthening of the Union's defence capabilities.

In terms of flexible mechanisms, differentiation, an approach already applied in areas such as the Eurozone or the Schengen area, is proposed as a viable solution to overcome the obstacles arising from the different capacities and priorities of Member States. Foreign and security policy can benefit from differentiated integration that allows the most willing and able countries to move forward on common projects, without imposing the same obligations on all states. This approach, however, raises challenges of coherence and democratic legitimacy that need to be carefully managed.

In practice, differentiation has already manifested itself in various forms. Regional groups, *ad hoc* contact groups and *lead groups*, such as the one formed by France, Germany and the UK on the Iran nuclear deal, are examples of how states can move forward in specific areas of common interest. Moreover, in international forums such as the UN Security Council, the G7 or the G20, some member states have acted as spokespersons for the EU. These experiences demonstrate the potential of differentiated formats, but also underline the importance of ensuring their alignment with the Union's overall objectives.

As the EU faces new accession applications from countries such as Ukraine, Georgia and Moldova, the concept of flexibility takes on strategic significance, allowing for cooperation models tailored to the needs and capacities of each partner. However, these initiatives must be integrated within the institutional



framework of the EU in order to preserve political and legal unity. A successful example is the close cooperation between the High Representative and the *lead group* in the nuclear negotiations with Iran.

Democratic legitimacy is also a crucial aspect. In a context of increased differentiation, it is essential that initiatives are overseen by robust parliamentary mechanisms, including both specialised committees and strengthened forms of cooperation between national parliaments and the European Parliament. In addition, citizen participation should be promoted through public consultations, transparency of information and a constant dialogue with society.

In conclusion, the evolution of CFSP towards a more flexible and adaptive model may be the key to strengthening the effectiveness and relevance of the EU's external action. However, this approach requires a delicate balance between diversity and unity, ensuring that differentiation does not erode the political cohesion and democratic legitimacy of the Union.

7. Simplified procedures

Unanimity as a principle in EU Common Foreign and Security Policy (CFSP) decision-making has repeatedly led to periods of inaction and deadlock. This is due to the possibility that any member state can veto a decision, which, in the current context of geopolitical challenges, compromises the EU's ability to respond efficiently to international developments. The Union's historical experience, such as the introduction of qualified majority voting in the 1980s for internal market decisions, shows that streamlined procedures can overcome blockages and encourage collective action.

The adoption of qualified majority voting in the field of foreign policy has been the subject of repeated proposals. During his presidency of the European Commission, Jean-Claude Juncker suggested in 2018 that a gradual start be made on this method, building on existing treaty provisions, in areas such as human rights and civilian missions. Ursula von der Leyen, her successor, reiterated this idea in 2020, and both the European Parliament and leaders such as Mario Draghi have advocated the need to move beyond unanimity to strengthen the Union's external action.

However, the implementation of this reform has met with resistance from member states, which have been unwilling to activate tools already provided for, such as the passerelle clause in Article 31(3) of the Treaty on European Union. This clause would allow, by unanimous agreement in the European Council, the EU Council to adopt decisions in certain areas of CFSP by qualified majority. Although member states have resorted to mechanisms such as constructive abstention, which allows them not to block decisions despite disagreement, recent



attempts such as the European Magnitsky Act, aimed at sanctioning human rights violations, have failed to achieve the necessary consensus.

Moreover, extending qualified majority voting to other areas of foreign and security policy would require amendments to the treaties, which also require unanimity, thus perpetuating the vicious circle of the blockade. Even if this approach were to be implemented, challenges related to strategic convergence among member states would remain. Smaller countries fear being marginalised vis-à-vis larger and more populous ones, which could erode cohesion within the Union. The limited supervisory capacity of the Commission and the Court of Justice in this area also poses additional risks, such as the possibility of States ignoring decisions contrary to their national interests.

Although qualified majority voting would not completely solve the problems of the CFSP, it represents an essential step towards making the Union's external relations more effective, allowing for more agile decisions and improving its capacity to influence on the international stage. However, its implementation requires overcoming political barriers, ensuring the inclusion of all member states and strengthening monitoring and enforcement mechanisms.

8. The EU High Representative for Foreign Affairs

The High Representative of the European Union for Foreign Affairs and Security Policy is a key figure in the Union's Common Foreign and Security Policy (CFSP). Its creation, formalised in the Treaty of Amsterdam in 1999, was a milestone in efforts to give the Union a coherent and visible voice on the international stage. With the 2009 Lisbon Treaty, the role of the High Representative was significantly expanded, consolidating its importance within the European institutional framework.

The High Representative combines the roles of head of European diplomacy and Vice-President of the European Commission, giving him a unique position to coordinate the Union's external action. He chairs the Foreign Affairs Council and heads the European External Action Service (EEAS), a diplomatic structure designed to support and implement the EU's external policies. It also represents the Union in foreign policy and security matters vis-à-vis international organisations and third countries.

The position also includes responsibility for coordinating common defence policies, overseeing missions and operations in the framework of the Common Security and Defence Policy (CSDP) and ensuring the coherence of external actions with other Union policies.

The Treaty on European Union (TEU), specifically Articles 18, 27 and 34, establishes the legal framework for the functions of the High Representative. This role seeks to ensure the unity, coherence and effectiveness of the EU's



foreign and security policies, acting under the authority of the European Council and the Council of the European Union.

Although the High Representative has a broad mandate, their power is limited by the intergovernmental nature of the CFSP. Many decisions require unanimity in the Council, which means that member states retain significant control over foreign and security policies. However, the High Representative plays a crucial role in mediation, consensus building and unified representation.

Since its inception, the incumbents have played a leading role in critical international policy events. Federica Mogherini (2014–2019) led the negotiations on the Iran nuclear deal, while Josep Borrell, the latest High Representative since December 2019, has faced challenges such as Russia’s war of aggression against Ukraine and the search for

greater strategic autonomy for the Union. Borrell has been particularly active in coordinating the European response to the crisis in Ukraine, including sanctions against Russia and military support to Ukraine, financed through the European Peace Facility.

The High Representative operates in a complex environment, where the diversity of national interests and the need for consensus can slow down action. However, the figure remains essential for projecting a cohesive foreign policy and for strengthening the Union’s role as a global actor. As the EU faces growing geopolitical challenges, the High Representative will be increasingly critical in leading a unified and ambitious international response. This position, despite its structural limitations, remains the symbol of the European Union’s aspiration to speak and act as one voice on the global stage.

High Representative	Term	Country
Javier Solana	1999–2009	Spain
Catherine Ashton	2009–2014	United Kingdom
Federica Mogherini	2014–2019	Italy
Josep Borrell	2019–2024	Spain
Kaja Kallas	2024–present	Estonia

9. European External Action Service

The European External Action Service (EEAS) is the foreign policy and diplomatic corps of the European Union, established to support and coordinate the Union’s external action. Formally established on 1 January 2011 following the entry into force of the Lisbon Treaty, the EEAS represents an essential pillar in the institutional structure of the Common Foreign and Security Policy (CFSP). Its creation responded to the need to make the EU’s foreign policy more coher-



ent and effective by consolidating its actions in a single administrative and operational entity.

The main task of the EEAS is to support the High Representative of the Union for Foreign Affairs and Security Policy, who heads the service and acts as the visible face of European diplomacy. Its responsibilities include:

- a) *Coordination and implementation of EU foreign policy:* This includes actions in areas such as security and defence policy, crisis management, human rights promotion and response to global emergencies.
- b) *External representation:* It supports the representation of the Union in its diplomatic relations with third countries and in international organisations such as the United Nations.
- c) *Management of delegations:* It oversees a network of more than 140 EU delegations and offices around the world, which function as embassies to represent the interests of the Union.

The EEAS is designed as an autonomous body combining staff from the European Commission, the Council of the European Union and the diplomatic services of the Member States. This provides it with a diverse talent base that reflects the plurality of the Union. It is organised into several directorates-general and specialised departments, including those dedicated to common security and defence policy, strategic planning and crisis management. In addition, it has regional units covering Africa, Asia, Latin America, the Middle East and other key regions.

The EEAS is based on Articles 18, 27 and 42 of the Treaty on European Union (TEU), which set out the role of the High Representative and the need for a service to support the functions. The Council Decision of 26 July 2010 formally establishes its organisation and functioning.

Since its creation, the EEAS has played a crucial role in several milestones of European diplomacy, including: The Iran nuclear deal. The EEAS coordinated negotiations between Iran and world powers in 2015, culminating in the Joint Comprehensive Plan of Action (JCPOA); crisis management in Ukraine: Since 2014, the EEAS has worked on sanctions against Russia; support for Ukraine's territorial integrity and strengthening the EU's defence capabilities; and global external relations: It has been instrumental in strengthening strategic partnerships with countries such as China, the United States and the African Union.

The EEAS faces significant challenges, such as the need to balance the national interests of Member States with the common objectives of the Union and to respond nimbly to growing geopolitical tensions. It also seeks to strengthen the EU's «strategic autonomy», promoting more independent and efficient external action. In the future, the EEAS is expected to play an even more central role in articulating the European Union as a coherent and effective global actor, adapting to an increasingly complex and competitive international context. As



the operational arm of EU foreign policy, the EEAS is an indispensable tool for consolidating the EU's presence on the international stage and responding to global challenges with a unified voice.

10. Principal actions and interventions

In the history of the European Union's Common Foreign and Security Policy (CFSP), a number of key milestones mark its evolution from a framework of intergovernmental cooperation towards a more integrated structure. These events reflect both institutional developments and the challenges inherent in joint external action. The most relevant milestones are highlighted below:

I. *The creation of European Political Cooperation (EPC) in 1970.*

The SPC was the precursor to the CFSP and represented the first formal effort to coordinate the foreign policies of member states in response to international issues. Although non-binding, it established a framework for regular consultations and joint action.

II. *The Single European Act (1986).*

This treaty formalised foreign policy cooperation, creating a clearer institutional framework and laying the foundations for future integration in this area. Although limited, this stage paved the way for more cohesive external action.

III. *The Maastricht Treaty (1993).*

The Maastricht Treaty introduced the CFSP as the second pillar of the European Union's tripartite structure, institutionalising foreign and security policy as a specific EU competence. While maintaining an intergovernmental character, it set clear objectives, such as preserving peace, strengthening international security and promoting democracy and human rights.

IV. *The Amsterdam Treaty (1997).*

The Amsterdam Treaty reformed the CFSP by introducing mechanisms such as constructive abstention and qualified majority voting on certain issues. It also created the post of High Representative for the CFSP, with the intention of giving greater visibility and coherence to the Union's external action.

V. *The Treaty of Nice (2003).*

This treaty streamlined decision-making processes and strengthened the Political and Security Committee (PSC), which oversees crisis management operations and ensures strategic direction.

VI. *The Lisbon Treaty (2009).*

The Lisbon Treaty marked a fundamental shift in foreign and security policy governance. It abolished the pillar structure, gave the EU legal status and estab-



lished a more robust institutional architecture. The post of High Representative of the Union for Foreign Affairs and Security Policy was created, combined with the role of Vice-President of the European Commission, and founded the European External Action Service (EEAS). The Common Security and Defence Policy (CSDP) was also introduced as an integral part of the CFSP.

VII. *The EU Global Strategy (2016).*

Presented by Federica Mogherini, this strategy redefined the EU's foreign policy priorities, highlighting key areas such as internal and external security, state resilience, an integrated approach to conflict and more inclusive global governance.

VIII. *The launch of Permanent Structured Cooperation (PESCO) in 2017.*

This represented a significant step forward in defence, enabling the Member States to work closely together on joint projects and to strengthen their military capabilities within the EU framework.

IX. *The Strategic Compass (2022).*

This strategy document, drafted in response to Russia's war of aggression against Ukraine, marked a new approach towards greater strategic autonomy for the Union. It included measures to improve crisis management, strengthen resilience, build capacity and deepen international partnerships.

X. *The war in Ukraine.*

This conflict acted as a catalyst for strengthening the CFSP, promoting greater unity in the adoption of sanctions against Russia, support for Ukraine through the European Peace Facility and a push for a more integrated defence policy, reflecting an unprecedented joint effort.

These milestones illustrate how the CFSP has evolved from limited cooperation to a more structured and ambitious policy, although it still faces challenges related to unanimous decision-making and heterogeneity of interests among member states.

Also, throughout the history of the European Union's foreign policy, various interventions and missions have been carried out that stand out for their relevance in the international arena. These actions reflect the EU's efforts to manage crises, promote peace and contribute to global stability, often in complex political and humanitarian contexts. The most significant cases could be:

1. Peacekeeping missions in the Western Balkans (1991-present):

- *EUFOR Althea (Bosnia and Herzegovina, 2004-present)* This military operation, launched as a continuation of NATO missions, aims to ensure security and stability in Bosnia and Herzegovina by monitoring the implementation of the Dayton Peace Accords.



- *EU Mission in Kosovo (EULEX Kosovo, 2008-present)*: focused on strengthening the rule of law, EULEX is the EU's largest civilian mission, with tasks including monitoring of the judiciary and strengthening of security institutions.
- 2. Operation Atalanta (2008-present):
 - This naval operation in the Horn of Africa aims to combat piracy off the coast of Somalia and protect ships carrying World Food Programme humanitarian aid. Atalanta is one of the EU's most successful military missions, significantly reducing pirate attacks in the region.
- 3. Interventions in the Sahel:
 - *EUCAP Sahel Niger (2012) and EUCAP Sahel Mali (2014)*: these civilian missions aim to strengthen local security capacities, especially in the fight against terrorism and organised crime.
 - *EU Training Mission in Mali (EUTM Mali, 2013-present)*: provides training and advice to the Malian armed forces to improve their capacity to maintain security and stability in the region.
- 4. Crisis management in Central Africa:
 - *Operation Artemis (2003)*: this was the first EU-led autonomous mission in the DRC, with the objective of stabilising the humanitarian situation in Ituri.
 - *EUTM CAR (Central African Republic, 2016-present)*: this military training mission supports the development of professional armed forces in the Central African Republic, a country affected by recurrent conflicts.
- 5. Monitoring Mission to Georgia (EUMM Georgia, 2008-present):
 - Established in the aftermath of the Russian-Georgian war, this unarmed mission monitors compliance with the ceasefire agreement, contributing to stability in a region marked by tensions between Russia and the West.
- 6. Response to the Arab Spring and Libya (2011-present):
 - In response to the uprisings in North Africa, the EU launched several initiatives, including civilian missions such as *EUBAM Libya* to support border management and institutional stability, although these missions have faced challenges due to insecurity in the region.
- 7. The migration crisis and Operation Sophia (2015-2020):
 - Officially named EUNAVFOR MED, the main objectives of this naval operation were to combat people smuggling in the central Mediterranean and to dismantle smuggling networks. It also included humanitarian and search and rescue tasks.





Source: European Commission.

8. Responses to the war in Ukraine:

- *Military and economic support to Ukraine*: the EU has provided significant assistance through the European Peace Facility, allocating resources for military equipment and training.
- *Sanctions on Russia*: since 2022, the EU has adopted multiple rounds of economic and political sanctions targeting key sectors of the Russian economy, as well as figures responsible for aggression.
- *Ukraine Military Assistance Mission (EUMAM, 2022)*: focused on training Ukrainian soldiers on European soil.

9. Iran Nuclear Deal (2015):

- The EU played a key role as a mediator in the negotiations of the Joint Comprehensive Plan of Action (JCPOA), a landmark agreement to limit Iran's nuclear programme in exchange for sanctions relief.

Although the agreement faces challenges following the US withdrawal in 2018, the EU continues to promote its restoration.

10. Mission in Afghanistan:

- *EUPOL Afghanistan (2007-2016)*: contributed to the establishment of a sustainable security and justice system through training and capacity building of the Afghan police.



11. Humanitarian action in Haiti (2010):

- Following the devastating earthquake in 2010, the EU played an important role in coordinating humanitarian aid and deploying teams to support the reconstruction and stability of the country.

These cases highlight how the CFSP has sought to respond to various international crises, striking a balance between the national interests of member states and the shared objectives of the Union. Despite the achievements, implementation continues to face challenges due to the unanimity required for many decisions and strategic divergences among member countries.



EXTERNAL ACTION & SECURITY

1993

CFSP creation



Implementing bodies:

- High Representative of the Union for Foreign Affairs and Security Policy
- European External Action Service (EEAS)
- EU Special Representatives (EUSRs)
- EU delegations across the world

Legal basis- CSDP



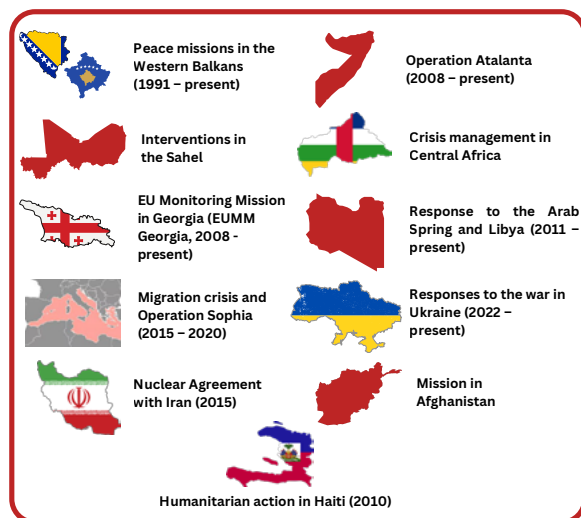
The Common Security and Defence Policy (CSDP) of the European Union is legally based on the Treaty of Lisbon, also known as the Treaty on European Union (TEU), which entered into force in 2009. The regulatory framework of the CSDP is outlined in Title V of the TEU, which governs general provisions on the Union's external action, and in Chapter 2, Section 2, which specifically addresses provisions related to this policy. Articles 42 to 46 of this section form its legislative core, defining its objectives and main mechanisms.

CFSP

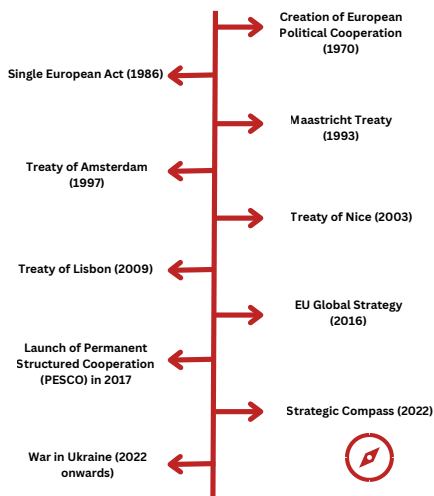


Marked a milestone by formalising a policy aimed at preserving peace, strengthening international security, promoting cooperation among nations, and consolidating the fundamental values of democracy, the rule of law, human rights, and fundamental freedoms.

11 Key interventions:



Key milestones



High Representative of the EU for Foreign Affairs



Combines the roles of head of European diplomacy and Vice-President of the European Commission, granting a unique position to coordinate the EU's external action. Chairs the Foreign Affairs Council and leads the European External Action Service (EEAS). Also represents the Union in foreign and security policy matters before international organisations and third countries. **Josep Borrell held this position until 2024, when he was succeeded by Kaja Kallas.**

EEAS



The European External Action Service has three main functions:

- Coordination and implementation of the EU's foreign policy:** This includes actions in areas such as security and defence policy, crisis management, human rights promotion, and response to global emergencies.
- External representation:** Supports the EU's representation in its diplomatic relations with third countries and in international organisations such as the United Nations.
- Delegation management:** Oversees a network of more than 140 EU delegations and offices worldwide, which function as embassies representing the Union's interests.



Bibliography

- ANDRÉS SÁENZ DE SANTAMARÍA, Paz (2020). *Enciclopedia de las Ciencias Morales y Políticas para el siglo XXI: Ciencias Políticas y Jurídicas*. PENDÁS GARCÍA, Benigno & HERRERO Y RODRÍGUEZ DE MIÑÓN, Miguel (eds), pp. 389391.
- BAQUÉS QUESADA, Josep (2023). *La construcción de una política exterior y de seguridad común en Europa. ¿Por qué es tan problemática?* Los Libros de la Catarata.
- BENEYTO PÉREZ, José M.^a, MAILLO GONZÁLEZ-ORÚS, Jarónimo, BECERRIL ATIENZA, Belén & FERNÁNDEZ LIESA, Carlos R. (2017). *La acción exterior de la UE*. Thomson Reuters Aranzadi.
- FERNÁNDEZ SOLA, Natividad (2019). «La política exterior de la UE.» En *Política de la Unión Europea: crisis y continuidad*, ARES CASTRO-CONDE, C. & BOUZA GARCÍA, L. (eds.), Centro de Investigaciones Sociológicas, Academia, No. 43.
- GUINEA BONILLO, Julio (2020). *Historia de la política exterior de la Unión Europea (1969-2019)*. Aranzadi.
- MALOVEC, Michal (2024). *La política exterior: objetivos, mecanismos y resultados*. Factsheets on the European Union. European Parliament.
- MANGAS MARTÍN, Araceli (2024). *Instituciones y Derecho de la Unión Europea*. Tecnos, 11th ed.



Chapter 8

Defence Policy in the European Union

1. Introduction

Since its origins in the 1991 Maastricht Treaty, the European Union's security and defence policy has evolved significantly, marking key milestones that reflect its growing role as a guarantor of regional and international security and stability. This treaty laid the foundations for the Common Foreign and Security Policy (CFSP) as one of the pillars of the Union, establishing a framework for a joint defence policy. In 1999, with the launch of the European Security and Defence Policy (ESDP) at the Cologne European Council, commitments to crisis management were reinforced and consolidated with the «Berlin plus» agreements of 2002, which allowed the use of NATO assets in European missions.

The adoption of the European Security Strategy in 2003, under the motto «A Secure Europe in a Better World», marked a new strategic approach, identifying key threats and defining objectives for action. Subsequently, the creation of the European Defence Agency in 2004 underlined the commitment to capability development and modernisation of the European defence industry.

The Lisbon Treaty, of 2009, marked a turning point by transforming the ESDP into the Common Security and Defence Policy (CSDP), giving the EU a stronger legal basis and establishing the European External Action Service (EEAS). Since then, the CSDP has sought not only to respond to crises, but also to strengthen industrial, technological and operational cooperation between Member States. The adoption of the EU Global Strategy in 2016 reaffirmed the importance of a more integrated and autonomous defence, concurrent with renewed momentum in EU-NATO cooperation.

More recently, the Strategic Compass adopted in 2022 consolidated the vision of a Union more capable of ensuring its security in the face of hybrid threats, cyber-attacks and growing geopolitical instability. In this context, Russia's aggression against Ukraine has accelerated defence cooperation, with initiatives such as the European Peace Facility (EPF) and urgent measures to strengthen defence industrial and technological capabilities. Instruments such as the Euro-



pean Defence Industry Reinforcement through common Procurement Act (EDIRPA) and the Act in Support of Ammunition (ASAP) have proven essential in responding to immediate challenges, while initiatives such as the European Defence Investment Programme (EDIP) seek to ensure long-term industrial preparedness.

In parallel, the reinforcement of civilian CSDP missions and the establishment of the Cooperation Mission in Moldova or the Gulf of Guinea Initiative reflect the broadening of the Union's strategic scope. These developments, together with the adoption of new projects under the Permanent Structured Cooperation (PESCO) and the creation of funding instruments such as the European Defence Fund (EDF), underpin the EU's ambition to consolidate itself as a global actor in security and defence. The development of CSDP, from its conception at Maastricht to the most recent strategic initiatives, underscores the Union's continued commitment to respond to a constantly evolving security environment by strengthening its autonomy and capacity for joint action.

2. Permanent Structured Cooperation

Pursuant to Articles 42 and 46 of the Treaty on European Union, on 11 December 2017, the Council of the European Union formally created the Permanent Structured Cooperation (PESCO) by a decision that marked a significant milestone in the EU's security and defence policy. Twenty-five Member States participated in this mechanism, with Denmark, Malta and the United Kingdom remaining outside. The POC seeks to strengthen defence cooperation through joint projects, promoting strategic capabilities and improving the operational readiness of the European armed forces, with the aim of consolidating the Union's strategic autonomy.

On 6 March 2018, the Council of the European Union approved a programme for the implementation of Permanent Structured Cooperation (PSC), providing strategic guidance to structure future work on governance and processes related to joint defence projects. This programme details a timetable for the review and assessment of national plans, in which participating Member States define how they will meet the binding commitments they have made.

It also sets a deadline for agreeing on future projects and establishes basic governance principles for them, to be adopted by June 2018. The Council also formalised an initial list of 17 collaborative projects, previously agreed in December 2017, covering areas such as training, capability development and operational readiness in defence.

The POC brings together 25 Member States committed to strengthening defence cooperation: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia,



Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden. This initiative underlines the EU's ambition to move towards a more coordinated and effective common defence.

In May 2023, the Council of the European Union confirmed Denmark's accession to the Permanent Structured Cooperation (PSC), making it the 26th member of this key European defence initiative. This milestone marks a significant step forward, following the 1 June 2022 referendum in which Danish voters decided to end three decades of opting out of the EU's Common Security and Defence Policy (CSDP). Since 1 July 2022, Denmark has been contributing to CSDP missions and operations and, in March 2023, notified its intention to participate fully in the PESCO by also joining the European Defence Agency. Malta is currently the only EU country outside the defence policy.

The integration of Denmark and the adoption of new projects strengthen defence cooperation, allowing Member States to invest jointly, develop capabilities and better prepare their forces. New PESCO projects cover key areas such as training, land, maritime and air systems, cyber security and joint training services. This enlargement underlines the EU's commitment to strengthen defence cooperation and move towards greater integration and strategic preparedness in a context of increasing global challenges.

Together, the five waves of defence projects add up to a total number of 71 projects currently active. The actual and updated status of each project, as well as its content and coordinators, is permanently available on the European Defence Agency's portal.

3. The European Defence Agency

The European Defence Agency (EDA), established on 12 July 2004 by a Joint Action of the Council of Ministers, has as its main mission to support Member States and the Council in improving European defence capabilities for crisis management and in sustaining the Common Security and Defence Policy (CSDP). This framework was adapted following the entry into force of the Lisbon Treaty, and the EDA currently operates under the rules defined by revised Council decisions in 2011 and 2015.

The EDA has three main functions: to promote the development of defence capabilities and military cooperation between Member States; to stimulate defence research and technology, thereby strengthening the European defence industry; and to act as a military interface with EU policies. The EDA promotes collaboration among member states, introduces innovative initiatives and facilitates the implementation of joint solutions for defence capabilities, serving as an essential pillar of the CSDP.



In 2024, a long-term strategic review was carried out, expanding the core tasks of the EDA from three to five, in order to respond to the European Union's growing ambitions in security and defence, as set out in the Strategic Compass. These tasks include: identifying common needs and priorities at EU level; facilitating collaborative defence research, technology and innovation; harmonising requirements and developing joint capabilities while ensuring interoperability; consolidating demand for joint procurement and addressing capability shortfalls; and serving as an interlocutor for EU defence and civilian policies, ensuring coherent alignment with the joint positions of defence ministries.

The EDA also acts as a key link between EU civilian and defence policies, working closely with the European External Action Service (EEAS) and the European Commission to ensure that initiatives and regulations reflect defence needs. The EDA also supports both the planning and execution of defence projects, including limited procurement, as decided by ministries of defence.

The EDA is thus consolidating its position as a strategic actor in the development and strengthening of European defence, fostering cooperation and innovation in a context of growing global challenges.

Main initiatives:

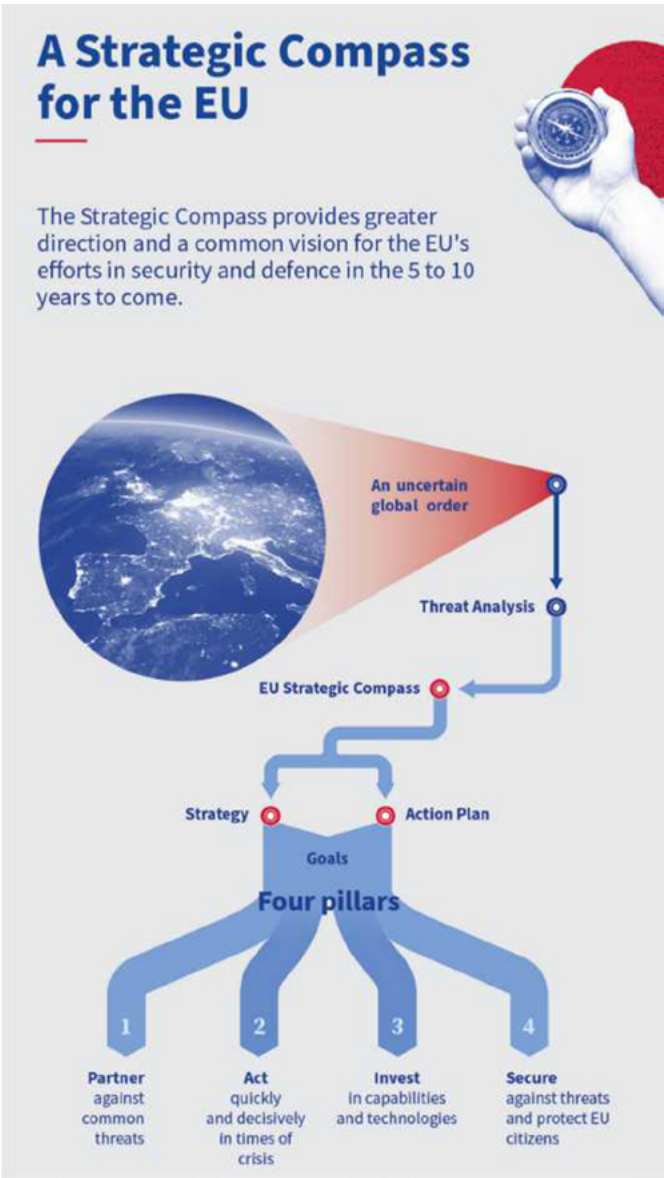
The European Union's defence initiatives, driven by the 2016 Global Strategy, have significantly raised its level of ambition in security and defence through the creation of key cooperation tools. These include the Coordinated Annual Review on Defence (CARD), Permanent Structured Cooperation (PESCO), the European Defence Fund (EDF) and the revised Capability Development Plan (CDP), with the European Defence Agency (EDA) playing a central role in ensuring coherence across the board.

The Coordinated Annual Review on Defence (CARD), launched in May 2017, aims to gradually synchronise national defence planning cycles and capability development practices among Member States. After an initial test in 2017-2018, the first full cycle of CARD was completed in 2019-2020, and the final report with recommendations was published in November 2020.

The Permanent Structured Cooperation (PESCO), established in December 2017, brings together 25 Member States with the ambition of making it the main instrument for promoting common security and defence. PESCO seeks to provide Europe with a coherent and complementary capability package with NATO. The first 17 PESCO projects were approved in March 2018, followed by a further 17 in November that same year.



A strategic compass for the European Union



Source: Council of the European Union.

The European Defence Fund (EDF) was proposed in June 2017 by the European Commission to co-fund collaborative European projects in defence research and capability development. It began operating in January 2021 with a total budget of €7.9 billion euros for the period 2021-2027.



Finally, the revised Capacity Development Plan (CDP) provides a comprehensive overview of the capacities needed to support decision-making at EU and national level. It identifies future threats, capacity needs and sets common priorities for capacity development. The latest review, concluded in June 2018, identified 11 new priorities agreed by Member States. These initiatives consolidate the EU's efforts to strengthen its strategic autonomy, improve its threat response capability and promote greater cooperation in the field of defence.

Recent EU defence policy milestones



Source: European Commission.

4. A strong defence for Europe

Russia's unprovoked invasion of Ukraine has had profound repercussions for European defence, highlighting the need for the EU to assume a stronger and



more credible role as a guarantor of security both in its immediate neighbourhood and beyond its borders. This crisis has prompted closer cooperation among EU countries to decisively address security challenges and threats, while adopting a common strategic vision that will guide European security and defence policies over the next decade.

In response to this context, in February 2022, the European Commission presented a key contribution to strengthening European defence, which includes a series of initiatives designed to address critical areas of security within the Union. These measures mark a move towards a more cohesive and competitive European defence market, with a particular focus on strengthening cooperation between Member States. The strategy includes specific plans to improve operational capabilities, to address strategic deficits and to foster innovation in defence technologies.

Subsequently, at the Versailles Summit on 18 May 2022, the Commission and the High Representative went a step further by presenting a comprehensive analysis of defence investment gaps. This report included proposals to implement specific measures and actions needed to strengthen the EU's defence industrial and technological base. These initiatives seek to ensure that the EU not only strengthens its capacity to respond to immediate threats, but also consolidates its long-term strategic autonomy, promoting more effective cooperation and greater resilience in the face of global challenges.

The European Commission has presented an ambitious set of initiatives designed to strengthen defence and security within the European Union, adapting to today's dynamic geopolitical and technological context. These measures include actions aimed at consolidating a more integrated, competitive and resilient European defence market, with the objective of increasing cooperation between Member States, optimising costs and improving operational efficiency. Two key projects stand out: the European Defence Contribution and the Critical Security and Defence Technologies Roadmap, which are aligned with the goals of the EU's Strategic Compass.

The European Defence Contribution addresses challenges ranging from traditional equipment on land, sea and air, to cyber, hybrid and space threats, and the impact of climate change. The proposed actions include encouraging Member States to invest in strategic capabilities developed within the EU, as well as promoting common defence procurement. These strategies aim to boost innovation and reduce strategic dependencies. The Commission also proposes to review arms export control practices, promoting convergence and competitive access to international markets for products financed by the European Defence Fund (EDF).

The EDF, which by the end of 2022 had mobilised €1.9 billion in research and development projects, plays a crucial role in promoting key collaborative projects and stimulating innovation in defence. In addition, the Commission will



explore instruments such as VAT exemption for joint procurement, new financing solutions and bonuses in EDF mechanisms to enhance joint development and maintenance of defence technologies and equipment.

The Critical Security and Defence Technologies Roadmap aims to increase the competitiveness and resilience of EU defence sectors by coordinating on key technologies, promoting dual-use innovation and creating tools to support entrepreneurship. This roadmap also focuses on reducing strategic dependencies by integrating defence considerations into major EU industrial initiatives, such as the procurement of critical infrastructure.

In the space domain, the Commission will reinforce the protection of EU strategic assets, promoting additional surveillance and monitoring services, and explore response mechanisms to potential threats from space. Resilience to hybrid and cyber threats also features prominently, with plans to update the *Joint Action Plan on Military Mobility* and propose a *European Cyber Resilience Act* to harmonise cyber security and privacy standards.



Source: European Commission.

The European Commission reaffirms its commitment to adapt to emerging threats by strengthening the EU's capacity to act as a global actor in defence and security. These initiatives, which will be discussed at the informal defence summit in France, mark a decisive step towards a Europe that is more autonomous, secure and ready to face the challenges of the future.



5. Defence investment

The purpose of the analysis of the EU's defence investment shortfalls is to help member states make joint investments more efficient and markedly European in outlook. This initiative responds to the calls of the Conference on the Future of Europe, which stressed the need for more joint action in the field of defence. This approach marks a new level of ambition to consolidate a stronger Europe in terms of defence, centred on three main pillars: joint procurement of military equipment, strategic defence programming to set clear priorities and support for Europe's industrial base, reinforced through instruments such as the European Defence Fund (EDF).

The initiatives designed also seek to promote more equitable transatlantic burden-sharing and more effective European participation in NATO. In parallel, instruments such as the EDF were designed to reduce the fragmentation of the defence market in Europe by improving coordination in policy, planning and capability development. This effort is supported by tools such as the Permanent Structured Cooperation (PESCO), the Coordinated Annual Review on Defence (CARD) and the Capability Development Plan.

The EDF, with a budget of €7.3 billion for the period 2021-2027, is the Commission's main instrument to support defence research and development. Its mission is to support competitive and collaborative projects across the EU, promoting innovative and interoperable defence technologies and equipment. Its objectives include fostering cooperation between companies and research centres across Europe, boosting investment in advanced defence capabilities and supporting the development of cutting-edge and essential technologies. Actions cover all military domains and key technologies and are planned in cooperation with representatives of the Member States, the European Defence Agency and the European External Action Service.

Under the EDF, the Commission has also implemented the EU Defence Innovation Plan, with €2 billion to support innovators at all stages of development and facilitate their entry into the market. In January 2024, the Commission and the European Investment Fund launched the Defence Equity Facility, an InvestEU initiative aimed at improving access to finance for innovative SMEs and companies, including start-ups, which can make a significant contribution to EU defence and security. These efforts position the Union as a key player in the development of modern and competitive defence capabilities to meet the challenges of the future.

6. Joint production in defence

The European Commission has intensified its efforts to address the most critical shortfalls in defence capabilities in the European Union, with a particu-



lar focus on joint procurement and boosting defence production. With the Versailles Declaration of March 2022, European leaders reaffirmed their commitment to strengthen European defence capabilities by significantly increasing defence spending, investing collaboratively in joint projects, fostering innovation and developing the EU defence industry. This approach aims not only to improve interoperability between Member States' defence systems, but also to consolidate a more efficient and competitive European defence market.

One of the key initiatives in this area has been the implementation of the Common Procurement Regulation (EDIRPA), in force since October 2023, with a budget of 310 million euros. This regulation encourages joint procurement of defence equipment by EU countries, promoting deeper integration in their strategic capabilities. Complementing this effort, the Act in Support of Ammunition Production (ASAP) allocates €500 million to increase ammunition production in the EU to two million shells per year by 2025, responding to the urgency raised by the European Council to support Ukraine and to replenish Member States' stockpiles.

To ensure a longer-term response, the Commission presented the European Defence Industrial Strategy (EDIS) and the European Defence Industry Programme (EDIP) in 2024. These initiatives aim to consolidate cooperation between EU countries in defence procurement, improve the interoperability of equipment and strengthen Europe's defence industrial and technological base. With a budget of €1.5 billion for the period 2025–2027, the EDIP aims to ensure the stable supply of defence products, boost industrial competitiveness and establish cooperation mechanisms with Ukraine for the reconstruction and modernisation of its defence sector.

Another key challenge facing the European defence industry is the shortage of skilled workers, a problem that threatens to intensify. The Commission, through the European Defence Fund (EDF), is addressing this issue by promoting advanced technological skills training and supporting all stages of the capability development cycle, from research to acquisition.

To overcome administrative barriers and harmonise the European defence market, the Transfer Directive has introduced a simplified and more efficient system of intra-EU defence product transfer licensing. This system differentiates between general, global and individual licences, with the aim of making the latter the exception. The Directive also encourages Member States to adopt general licences to reduce red tape and facilitate security of supply between EU countries. Specific recommendations have also been issued to harmonise the different types of licences, contributing to greater integration and efficiency in the European defence market.

These actions reflect a renewed commitment by the European Union to strengthen its strategic autonomy in defence and to ensure Member States can respond jointly and effectively to present and future security challenges.



DEFENCE

Evolution



Permanent Structured Cooperation (PESCO)

71

Active defence projects

In 2018, the Council of the European Union approved a programme to implement PESCO, providing guidance for the governance of joint defence projects. Its aim is to strengthen defence cooperation through joint initiatives, improve the operational readiness of European armed forces, and consolidate the EU's strategic autonomy.



Its main mission is to support Member States and the Council in enhancing European defence capabilities for crisis management and sustaining the Common Security and Defence Policy (CSDP).

The EDA is established as a strategic actor in the development and strengthening of European defence, promoting cooperation and innovation in a context of growing global challenges.

Its main programmes are:



Strong European Defence



The European Commission has presented an ambitious set of initiatives designed to strengthen defence and security within the European Union, adapting to the current dynamic geopolitical and technological context.



Contribution to European Defence

Addresses challenges across land, sea, and air, as well as cyber, hybrid, and space threats, and the impact of climate change

Roadmap on Critical Security and Defence Technologies

Aims to increase competitiveness and resilience in the defence sectors



Investment

The analysis of investment gaps in EU defence aims to help Member States make more efficient joint investments with a clearly European perspective.



Three pillars:
Joint procurement of military equipment



Strategic defence programming



Support for the industrial base

Joint Production



European leaders have reaffirmed their commitment to strengthening defence capabilities through increased spending, investment in joint projects, innovation, and development of the EU defence industry.

This approach seeks to improve interoperability between defence systems and consolidate a more effective and competitive European defence market.



Bibliography

- BENEDICTO SOLSONA, Miguel Ángel (2018). «La seguridad y defensa de la UE en el Mediterráneo sur», in RASMUSSEN, Steffen Bay (ed.) and PRIEGO MORENO, Alberto (ed.), *La proyección exterior de la UE hacia el Mediterráneo sur tras las primaveras árabes*, Colección Estudios.
- GUINEA BONILLO, Julio (2022). «La Unión Europea ante el reto de la consolidación de su defensa en el s. XXI», *Comillas Journal of International Relations*, No. 25, pp. 71-85, ISSN 2386-5776.
- KRENTZ, Oliver (2024). «The Common Security and Defence Policy», *Fact Sheets on the European Union*, European Parliament.
- LÓPEZ-JACOISTE DÍAZ, Eugenia (2021). «Desafíos actuales a la Política Común de Seguridad y Defensa de la UE», in VON BOGDANDY, Armin (ed.), *El futuro de la Unión Europea: retos y desafíos*, Instituto Vasco de Administración Pública, pp. 171-204, ISBN 978-84-7777-605-5.
- PÉREZ BUSTAMANTE, Rogelio (2022). «La Intervención de la Unión Europea en la Transformación Política y en la Seguridad y Defensa de Ucrania desde los Consejos Europeos», *Unión Europea Aranzadi*, No. 10, ISSN 1579-0452.



Chapter 9

Judicial Cooperation in Criminal and Civil Matters in the European Union

1. Introduction and historical development

In a united and strong Europe, sharing common values and protecting human rights, it was necessary not only to shape this union on the basis of the economy, but also to make progress in the creation of a common European space in other important aspects of life, lead to free movement. Although free movement was also conceived as an economic activity, and is hugely important from a social and legal point of view, symbolising progress in the European integration project as envisioned by the founding figures of the idea. As Jean Monnet famously said,

«we are not making a coalition of states, but uniting people.»

In this idea of ensuring free movement, there were also a number of challenges to be addressed, both police and judicial cooperation became necessary, as the removal of internal borders could make it more difficult to prosecute crime. But also, as we have mentioned, in a system in which the participating states share a set of values such as democracy, freedom and human rights, it makes sense to trust each other and to be able to work effectively on problems that may arise.

Moreover, if we add to this the idea of creating a European citizenship in which the citizens of any of the States of the Union have the same rights and obligations as the national of the State in which they wish to settle, this will make cooperation in judicial and police matters even more important.

It should be borne in mind that the third pillar of the European Union is currently the Area of Freedom, Security and Justice, which includes judicial cooperation, both in the criminal and civil fields, because, although on many occasions only matters relating to security itself are raised, it should be noted that cooperation in civil and commercial law is considered another essential element. The social reality in which many companies work in the common European area, sign contracts, reach agreements and in certain cases have to go to the courts to resolve them, makes mutual recognition of judgments in this order necessary,



but also in the day-to-day life of citizens, whether for contracts or divorces, recognition must be effectively ensured within a system grounded in mutual trust.

The Maastricht version of the Treaty on European Union was the precursor to the inclusion of both criminal and civil cooperation, and the Treaty itself includes a series of rules aimed at achieving these objectives, such as the adoption of common procedures. All this under the umbrella of «Justice and Home Affairs», amended in the Treaty of Amsterdam, increasing its capacities and becoming known as the «Area of Freedom, Security and Justice».

This change led to significant progress in subsequent years, with the approval of a package of rules that will be dealt with in the following sections on judicial cooperation, the approximation of rules in criminal and civil matters, as well as the creation of agencies such as Eurojust for cooperation between judicial authorities. This came about mainly as a result of the Tampere European Council in 1999, at which the heads of state and government expressed the idea of firmly developing the area of freedom, security and justice.

In addition, we can see how, from the outset, work has been done on crime-related issues, such as the creation of the Anti-Fraud Office (OLAF), to prevent corruption within the Union and in its budgets. This office is independent in the exercise of its functions and was established by Decision 1999/352 of 31 May 1999, setting out in detail the tasks and powers of the agency. Its task is to ensure that funds, grants or subsidies have been used for their intended purpose. We will also now look at cooperation with various bodies such as Eurojust, the European Public Prosecutor's Office and Europol.

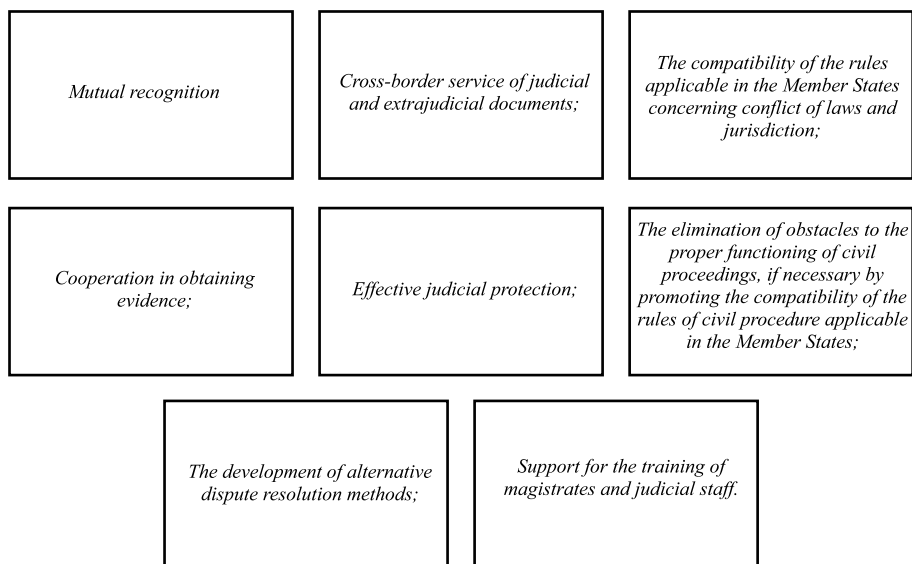
2. Legal basis

Judicial cooperation has developed, to a large extent, since the Treaty of Amsterdam, but the Treaty on the Functioning of the European Union, updated in Lisbon in 2007, has made great progress in judicial cooperation. The Treaty itself specifies the importance of mutual recognition of judgements in both civil and criminal matters in Article 67, stating that the European Council shall define the strategic guidelines in this area.

2.1. *The TFEU and judicial cooperation in civil matters*

Article 81 TFEU sets out measures in relation to judicial cooperation in civil matters, not only including the mutual recognition of judicial and extrajudicial decisions, but also giving the possibility for the adoption of legal provisions harmonising specific aspects. The creation of these rules is a matter for the Parliament and the Council, which must in any case ensure that a set of minimum measures is established:





2.2. *The TFEU and judicial cooperation in criminal matters*

The prosecution of crime is one of the areas where most legislative work has taken shape in recent years. These legislative developments in the criminal field are anchored in Articles 82 to 86 of the TFEU, and a distinction must be made between the offences over which the European Union has jurisdiction and the mechanisms for judicial cooperation in criminal matters.

The TFEU expands these legislative possibilities for judicial cooperation in criminal matters in the consolidation of European criminal law. Before this, the Treaty on European Union only allowed harmonisation in minimal matters, and Article 83 strengthens this position by facilitating the legislative construction of criminal offences and sanctions. Starting with offences considered transnational and which therefore require common rules because of their particularly serious nature. A number of these are referenced in the article, maintaining a coherent idea of realising a common framework for cross-border crime:

- terrorism,
- environmental offences,
- human trafficking and sexual exploitation of women and children,
- illicit drug trafficking,
- illicit arms trafficking,
- money laundering,



- corruption,
- counterfeiting of means of payment,
- cybercrime,
- organised crime.

With regard to coordination mechanisms, in addition to the mutual recognition of judgments and judicial decisions, a series of measures will be taken concerning the admissibility of evidence, and the rights of both the defendant and the victim during criminal proceedings. This is done through Eurojust as the agency responsible for judicial cooperation and coordination and also the European Public Prosecutor's Office for offences affecting the Union's financial interests.

3. Eurojust

The European Union Agency for the Co-operation in Criminal Matters (Eurojust) was established in 2002 by Council Decision 2002/187/JHA and reformed by the Decision of 16 December 2008. On numerous occasions, the European Union has expressed its concern about the most serious forms of crime, whether transnational offences or those affecting only one State but which, because of their impact, require cooperation by all.

Such cooperation and collaboration between States is organised through Eurojust, the strategic point at which the national authorities of each country can work together against serious crime, in order to be more efficient and effective. It should be noted that this Agency also facilitates the work of the pre-existing bilateral agreements. As a centralised body, the exchange of information will be more fluid while third countries may be involved in obtaining evidence or means to prosecute the crime.

The most important legal instruments implemented by Eurojust are Framework Decisions which help to achieve the objectives set out in the Area of Freedom, Security and Justice, the most important of which are the following:

3.1. *European Arrest Warrant*

The European Arrest Warrant (Council Framework Decision 2002/584/JHA) is an extradition mechanism between the Member States of the European Union. In the current system based on the principle of mutual trust, the Union has relied on the gradual introduction of such mechanisms for the surrender of persons under investigation for crimes committed in Member States.



This mechanism is more effective due, firstly, to the rules established in the Framework Decision itself, which are not allowed to exceed two months under any circumstances, regardless of whether or not the investigated party complies. Secondly, this surrender cannot be limited to or exclude own nationals, as is the case in many bilateral extradition agreements.

This surrender must be carried out in accordance with the established rules, i.e. there is a double criminality based on a list of offences, which must also be punishable by a sentence of more than 12 months' imprisonment.

3.2. *European Research Order*

The European Research Order was adopted in 2014 on the basis of Directive 2014/41/EC. The main objective is to enable judicial authorities to ask other Member States of the Union for assistance in obtaining evidence in criminal proceedings. It should be carried out in the interest of improving judicial investigations while safeguarding the rights of the person under investigation, which is why Article 5 of the Order specifies that a clear statement of reasons must be given for such a request and that it may be necessary for the resolution of the case.

The Directive itself also includes a common form template for orders, facilitating the procedures.

3.3. *Recognition of criminal judgements*

In 2008, Framework Decision 2008/909/JHA of 27 November 2008 on the mutual recognition of judgments in criminal matters imposing custodial sentences in cases where the person has been convicted in another State was adopted. Mutual recognition of sentences can be requested if there is double criminality between the sending and receiving State, and the sentence must be more than three years' imprisonment.

3.4. *European Protection Order*

The Stockholm Programme adopted in 2010 by the European Council expresses the need to safeguard rights, fundamental freedoms, the integrity of the person and security in Europe. To this end, they propose the protection of the most vulnerable groups, including victims of crime, who are particularly vulnerable because of the event to which they have been exposed, for example in cases of gender-based violence, terrorism or human trafficking.

Although several regulations had been in place since 2001, such as a framework decision on the status of victims in criminal proceedings and another from



2004 on compensation for victims, all of these regulations were to be revised in line with the Stockholm Program's aims. With this approach, Directive 2011/99/EU on the European protection order would be adopted. The protection of victims during criminal proceedings, as well as support for complainants, is covered to in Directive 2012/2009/EU establishing minimum standards on the rights, support and protection of victims of crime.

The main feature of the European Protection Order is that it is an instrument composed of a set of rules to be adopted by the Member States to ensure the life, physical or psychological integrity of a person who has been a victim and has a series of rights acquired as a victim in another State, and referring to the judicial decision adopted, the judicial authority of any Member State may adopt the necessary measures on the basis of its legal system to protect the victim.

To apply for this protection, it is necessary for the victim to have moved to another State, or to remain there for a period of time, thus facilitating automatic recognition and not requiring the victim to begin legal proceedings, which would entail considerable time and financial costs.

3.5. *Seizure and confiscation of assets*

Regulation 2018/1805 deals with the mutual recognition of freezing and confiscation orders. This issue is relevant in achieving effective cooperation in judicial proceedings. Following the same pattern as other rules on recognition, it seeks, through mutual trust in the field of criminal justice, to implement instruments that enable criminal offences to be prosecuted throughout the European Union.

In order to make an attachment or confiscation order, there must be a sentence of more than three years' imprisonment, with the judicial authority of the State that has convicted the subject submitting the attachment or confiscation order on the assets held in the other State.

4. EU action in criminal law

In a common area where internal borders do not exist and where crime is progressively taking an international approach, the European Union would consider it necessary to harmonise criminal provisions for transnational crimes or crimes affecting the rights of all citizens of the Union.

This policy has been developed since the adoption of the Area of Freedom, Security and Justice, but it is since the Treaty on the Functioning of the European Union that it has taken on a greater dimension. In a Communication presented in 2011, the European Commission itself recognised the need to move



forward: «Towards an EU Criminal Policy: Ensuring the effective implementation of EU policies through criminal law.»

The consolidation of criminal law as a further instrument for the effective implementation of EU policies is a reality. The harmonisation of actions that should be punishable throughout the European area, a series of criminal frameworks, liability of natural and legal persons and aggravating and mitigating circumstances, leads us to affirm that a greater consensus on the transfer of sovereignty in the criminal field is progressively becoming a reality.

In order to achieve these public policies, we must remember that criminal law cannot be a matter solely for the individual states, which is why the European Union has extended the intervention of criminal law, thereby making the other instruments of coordination and cooperation even more effective. To this end, the need to apply criminal measures and the development that has taken place in this area is noted, as a necessary and useful element in restricting criminal behaviour and curbing the spread of crime throughout the European continent.



Scope	Regulations	Date of publication
Environment	Directive (EU) 2024/1203 of the European Parliament and of the Council of 11 April 2024 on the protection of the environment through criminal law	11 April 2024
Terrorism	Directive (EU) 2017/541 of the European Parliament and of the Council on combating terrorism	15 March 2017
Financial interests of the Union / Corruption	Directive (EU) 2017/1371 of the European Parliament and of the Council, on the fight against fraud to the Union's financial interests by means of criminal law	5 July 2017
Money laundering	Directive (EU) 2024/1640 of the European Parliament and of the Council on the mechanisms for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing	31 May 2024
Gender-based violence	Directive (EU) 2024/1385 of the European Parliament and of the Council, on combating violence against women and domestic violence	14 May 2024
Xenophobia, racism, hatred	Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law	28 November 2008
Drug trafficking	Council Framework Decision 2004/757/JHA laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking	25 October 2004
Fraud	Directive (EU) 2019/713 of the European Parliament and of the Council on combating fraud and counterfeiting of non-cash means of payment.	17 April 2019
Human trafficking	Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims	5 April 2011



5. The European Public Prosecutor's Office

The European Public Prosecutor's Office is a further step towards the idea of a common criminal law and avoiding impunity in any of the territories of the Union. It is approved under Council Regulation (EU) 2017/1939, in which it is worth mentioning the main objective behind its creation: *The EPPO shall be responsible for investigating, prosecuting and bringing to judgment the perpetrators of, and accomplices to, criminal offences affecting the financial interests of the Union which are provided for in Directive (EU) 2017/1371 and determined by this Regulation. In that respect the EPPO shall undertake investigations, and carry out acts of prosecution and exercise the functions of prosecutor in the competent courts of the Member States, until the case has been finally disposed of.*

Therefore, the European Public Prosecutor's Office is currently only able to investigate cases where the financial interests of the Union are affected, on the premise of protecting the common budget. This first step is necessary to determine whether it is an effective tool, and over the coming years we may see an extension of its competences to other transnational crimes such as environmental offences or human trafficking.

6. Civil law cooperation

Judicial cooperation in civil matters in the European Union seeks more effective cooperation in civil proceedings, not just mutual recognition, but also the creation of common standards. Cross-border relationships, i.e., contracts between citizens of different EU countries, are commonplace, whether in economic relationships or marriages, meaning the judicial authorities have jurisdiction to ensure that the judgment is valid throughout the European Union.



One of the most developed areas is the question of divorce. There are numerous rules on the recognition of parental responsibility at European level, especially in cases both partners are not from the same State, and a break-up one of the spouses returns to their home country, complicating the relationship with the couple's children.

But also in matters related to contracts between companies, developing mechanisms for the enforcement of judgements in any of the States, based above all on the principle of mutual trust, as mentioned repeatedly in this text.



7. Conclusions

Judicial cooperation in the European Union has been a step in the process of integration and the recognition of a common European citizenship. The Area of Freedom, Security and Justice is one of the European Union's main instruments for achieving a high degree of security for all its citizens.

This cooperation has developed in both the criminal and civil spheres. Criminal law is the main tool used to safeguard the Union's public policies. But civil law has also played an important role in citizens' private relations.

The instruments of judicial cooperation in criminal matters, such as protection, arrest and investigation orders, have also served to establish an idea of working together, which is why it is necessary to continue establishing mechanisms that will finally allow for greater integration in criminal judicial matters.

Organisations such as OLAF, EUROJUST or the European Public Prosecutor's Office facilitate the discourse on the need to apply criminal law to protect the Union's public policies, and although at present these are only used to protect the Union's financial interests, their competences should be increased to ensure that European citizens live in an area of freedom, security and justice.



JUDICIAL COOPERATION IN CIVIL AND CRIMINAL MATTERS



Treaty on EU: Justice and Home Affairs

- Values: democracy, freedom, and human rights
- European citizenship with shared rights and obligations
- Third pillar of the EU: Area of Freedom, Security and Justice

Treaty of Amsterdam:
Area of Freedom, Security and Justice

Legal basis

Treaty of de Amsterdam: major development of judicial cooperation.

Treaty on the Functioning of the EU: importance of mutual recognition of judicial decisions.

- **Article 67:** the European Council defines strategic guidelines in this area.
- **Article 81:** judicial cooperation measures in civil matters.
- **Article 82 to 86:** legislative development in criminal matters.

Eurojust

European Union Agency for Criminal Justice Cooperation

Strategic point for cooperation and collaboration between Member States

Instruments: Framework Decisions

EUROPEAN INVESTIGATION WARRANT

Council Framework Decision 2002/584/JAI

Extradition mechanism between Member States



EUROPEAN INVESTIGATION ORDER

Directive 2014/41/CE

Allows judicial authorities to request assistance from Member States in obtaining evidence in criminal proceedings.



RECOGNITION OF CRIMINAL JUDGMENTS

Council Framework Decision 2008/909/JAI

Recognition of criminal judgments imposing custodial measures (convicted in another State).

EUROPEAN PROTECTION ORDER

Stockholm Programme 2010

Protection of the most vulnerable groups, including victims of crimes such as gender-based violence or terrorism.

CONFISCATION AND FREEZING OF ASSETS

Regulation 2018/1805

Mutual recognition of freezing and confiscation orders.

Intervention in Criminal Law

Expansion of EU intervention in criminal law: coordination instruments with more effective outcomes.



European Public Prosecutor's Office

Council Regulation 2017/1939

Investigates offences affecting the financial interests of the EU.



Judicial cooperation in civil matters

More effective collaboration in civil proceedings, such as divorce or contracts between companies.



Regulation on matrimonial aspects



Bibliography

- AGUADO CORREA, Maria Teresa. «Programa de Estocolmo: entre la eficacia de la respuesta penal y la garantía de los derechos fundamentales en el espacio europeo de libertad, seguridad y justicia.» *Revista Brasileira de Ciências Policiais*, 2020, vol. 11, No. 1, pp. 41-67.
- ALZINA LOZANO, Álvaro. «La lucha contra la corrupción en la Unión Europea a través de la OLAF y la Fiscalía Europea.» *Penal Review*, 2024, No. 53, pp. 5-21.
- ANGUITA OSUNA, José Enrique. *La seguridad interior en la Unión Europea: del acuerdo de Schengen 1985 a la estrategia para la Unión de la Seguridad 2020*. Thomson Reuters Aranzadi, 2021.
- BLANCO CORDERO, Isidoro. *El Derecho penal y el primer pilar de la Unión Europea*. 2004.
- GUILD, Elspeth. «Seguridad, terrorismo y asilo en el Espacio Schengen.» *Anuario CIDOB de la Inmigración*, 2016, pp. 57-78.
- MANGAS MARTÍN, Araceli & LINÁN NOGUERAS, Diego J. *Instituciones y derecho de la Unión Europea*. Tecnos, 2020.
- SANSÓ-RUBERT PASCUAL, Daniel. «La Unión Europea encara el desafío de la criminalidad organizada.» In *Citizen Europe*. Dykinson, 2020, pp. 143-160.



Chapter 10

Police Cooperation in the European Union

1. Introduction

Transnational crime is one of the challenges facing the European Union. The free movement that comes with the abolition of internal borders has accentuated the need for cooperation between states in the prevention of crime. To this end, a structure has been set up, the Area of Freedom, Security and Justice, which includes police cooperation.

This idea is based on generating a high level of security for all European citizens, mainly motivated by the idea of developing European citizenship in all areas, and it is intended to highlight the possibility of achieving this same level of security across all European states.

Security, and therefore police cooperation, did not appear in the Treaty of Rome, but was included in Maastricht in 1992, although it is true that in this period of time the seed of police cooperation began, which, as we will see below, has progressively evolved as the principle of mutual trust between states has been consolidated.

This was due to the creation of the internal market allowing free movement, i.e. the gradual abolition of internal borders as from the Schengen Agreement signed in 1985, which did not enter into force until 1995. This project of European integration and, above all, with a view to creating a concept of European citizenship, has been the fundamental consequence of developing the idea of the necessary police cooperation within a framework of free movement of citizens.

The Schengen Agreement itself, in its 1991 instrument of ratification, addresses police cooperation in Article 39, considering that, without infringing the principle of sovereignty of each State, there should be a provision of assistance in preventing and investigating criminal acts, helping and facilitating the gathering of evidence in other States.

This coordination in police matters has been consolidated since Maastricht, but above all since the Treaty of Amsterdam with the creation of the Area of Freedom, Security and Justice, as stated in the Treaty on European Union (TEU):



«to facilitate the free movement of persons, while ensuring the safety and security of their peoples, by establishing an area of freedom, security and justice, in accordance with the provisions of this Treaty».

On the basis that the main objective is to create a high level of protection for European citizens within the Union, the justification for common action not only for transnational crimes is well founded, in line with the proposal to implement common police systems. It is necessary, therefore, to understand that crime can move freely and the abolition of internal borders in the common European area makes it necessary to harmonise parts of the legal systems of the Member States.

In line with the above, the European Council approved the Tampere programme in 1999 on security and the development of the area of freedom, security and justice, making the following references to police co-operation:

1. <i>Establishment of a European Police Chiefs Task Force</i>	The European Council calls for the establishment of a <i>European Police Chiefs Task Force</i> to exchange, in cooperation with Europol, experience, best practices and information on current trends in cross-border crime, as well as to help plan operational actions.
2. <i>Establishment of a European Police College</i>	A European Police College for the training of senior police officers should be established, starting as a network of existing national training institutes. The College should also be open to the authorities of the candidate countries.

Subsequently, in 2005, the Hague Programme was approved, addressing the problems of security, cooperation and institutional coordination of the Area of Freedom, Security and Justice, as well as the challenges and objectives for the next five years in the reinforcement of citizens' fundamental rights, highlighting the following in the area of police cooperation:

1. <i>Balancing privacy and security</i>	<ul style="list-style-type: none"> • Information sharing between law enforcement and judicial authorities. • Ensure an appropriate balance between the <i>right to privacy and public safety</i>.
2. <i>Transfer of personal data</i>	<ul style="list-style-type: none"> • Regulate the transfer of data within the framework of <i>cross-border police cooperation</i>.
3. <i>Combating terrorism</i>	<ul style="list-style-type: none"> • Intensify co-operation between law enforcement and judicial authorities. • Designate a <i>specialised contact point</i> in each Member State to combat terrorism.



4. <i>Development of the Schengen acquis</i>	<ul style="list-style-type: none"> Promote operational police co-operation in the context of common borders.
5. <i>European police training</i>	<ul style="list-style-type: none"> Propose the creation of <i>CEPOL</i> (European Union Agency for Law Enforcement Training) as an <i>official body of the European Union</i> (2005).

The Stockholm Programme, adopted in 2010, is based on the Europe of Rights and the protection of these rights:

1. <i>Strengthening police cooperation</i>	<ul style="list-style-type: none"> Strengthening the effectiveness of European police cooperation.
2. <i>Creating an action plan</i>	<ul style="list-style-type: none"> Propose an action plan for a substantial and systematic increase in the level of European training and exchange programmes in the Union. The plan should propose how to ensure that one third of all police officers involved in European police cooperation can participate in one.
3. <i>Strengthening prevention</i>	<ul style="list-style-type: none"> Strengthen the effectiveness of crime prevention.

2. Legal basis

The Treaty of Lisbon, signed in 2007, would strengthen the European project in the area of police and judicial cooperation, granting them greater powers, with the Treaty itself referencing the need for citizens to live in an area of freedom, security and justice without internal borders, in which their freedom of movement and rights are guaranteed.

Although it has already been made clear that this policy is being developed from Schengen, it is worth highlighting Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union. As the Framework Decision itself states: *Exchange of information and intelligence on crime and criminal activities is the basis for law enforcement cooperation in the Union serving the overall objective of improving the safety of the Union's citizens.*

With regard to the 2007 Treaty on the Functioning of the Union, police cooperation is referred to in several articles, starting with Article 67, the first of the Title dedicated to the Area of Freedom, Security and Justice, which sets out the basis for the prosecution of crime and security:

The Union shall endeavour to ensure a high level of security through measures to prevent and combat crime, racism and xenophobia, and through



measures for coordination and cooperation between police and judicial authorities and other competent authorities, as well as through the mutual recognition of judgments in criminal matters and, if necessary, through the approximation of criminal laws.

Within this title, police cooperation has its own chapter (Articles 87 to 89), which sets out the guidelines for European police cooperation.

<p>Article 87: Fundamentals of police cooperation</p>	<ol style="list-style-type: none"> 1. The Union shall develop police cooperation involving all competent authorities of the Member States, including police, customs and other law enforcement services specialised in the prevention, detection and investigation of criminal offences. 2. For the purposes of paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may adopt measures concerning: <ol style="list-style-type: none"> a) the collection, storage, processing, analysis and exchange of relevant information; b) support for the training of personnel, as well as cooperation for the exchange of personnel, equipment and police scientific research; c) common investigative techniques related to the detection of serious forms of organised crime. 3. The Council, acting in accordance with a special legislative procedure, may establish measures concerning operational cooperation between the authorities referred to in this Article. The Council shall act unanimously after consulting the European Parliament. In the absence of unanimity, a group of at least nine Member States may request that the draft measures be referred to the European Council, in which case the procedure in the Council shall be suspended. After discussion, and in the event of a consensus being reached, the European Council shall, within four months of such suspension, refer the draft back to the Council for adoption. If there is no agreement within the same period, and at least nine Member States wish to establish enhanced cooperation on the basis of the draft measures concerned, they shall notify the European Parliament, the Council and the Commission. In such a case, the authorisation to proceed with the enhanced cooperation referred to in Article 20(2) of the Treaty on European Union and Article 329(1) of this Treaty shall be deemed to be granted and the provisions on enhanced cooperation shall apply. The specific procedure laid down in the second and third subparagraphs shall not apply to acts constituting a development of the Schengen acquis.
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Article 88: Europol	<ol style="list-style-type: none"> 1. Europol's mission shall be to support and strengthen action by the Member States' police authorities and other law enforcement services and their mutual cooperation in preventing and combating serious crime affecting two or more Member States, terrorism and forms of crime which affect a common interest covered by a Union policy. 2. The European Parliament and the Council, by means of regulations adopted in accordance with the ordinary legislative procedure, shall determine Europol's structure, operation, field of action and tasks. These tasks may include <ol style="list-style-type: none"> a) the collection, storage, processing, analysis and exchange of information, in particular that forwarded by the authorities of the Member States or third countries or bodies; b) the coordination, organisation and implementation of investigative and operational action carried out jointly with the Member States' competent authorities or in the context of joint investigative teams, where appropriate in liaison with Eurojust. These regulations shall also lay down the procedures for scrutiny of Europol's activities by the European Parliament, together with national Parliaments. 3. Any operational action by Europol must be carried out in liaison and in agreement with the authorities of the Member State or States whose territory is concerned. The application of coercive measures shall be the exclusive responsibility of the competent national authorities.
<i>Article 89: cooperation between States</i>	<p>The Council, acting in accordance with a special legislative procedure, shall lay down the conditions and limitations under which the competent authorities of the Member States referred to in Articles 82 and 87 may operate in the territory of another Member State in liaison and in agreement with the authorities of that State. The Council shall act unanimously after consulting the European Parliament.</p>

Another issue being addressed in the field of police co-operation is the fight against organised crime. The EU Strategy for the fight against organised crime 2021-2025, approved by the Commission, is an instrument to boost police cooperation in specific areas, such as the creation of a police cooperation code.

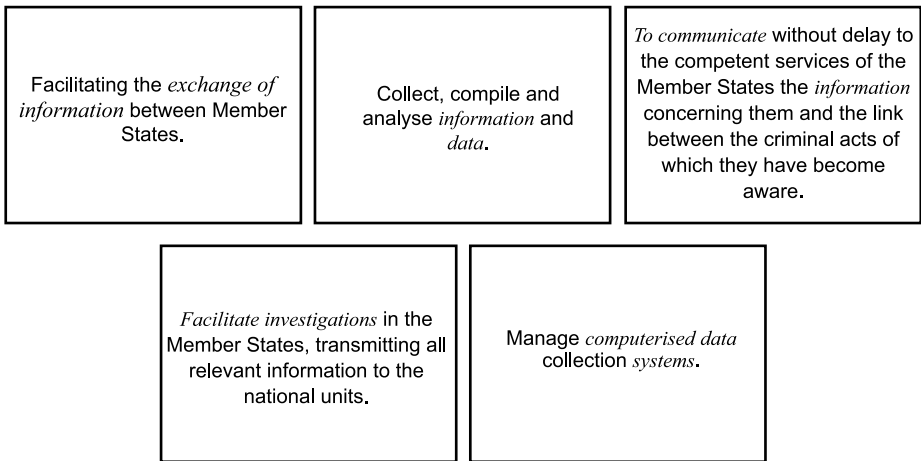


3. Europol

As has already been made clear, police cooperation has been a necessity since the creation of the Schengen area. This cooperation on cross-border crime and border control, which appears in the Schengen Convention, was extended with the creation of a European Police Office in 1995. This office shall henceforth be known as Europol.

The objectives set out in the Europol Convention of 1995 demonstrate the promotion of the protection of European citizens, in areas such as terrorism and drug trafficking, but also in others that involve more than one state, as well as money laundering offences in criminal organisations.

The functions it presents are:



As a Union-level police organisation, Europol has its headquarters in The Hague, where, in addition to Europol’s own officers, Member States will send liaison officers to serve as links with the other States. The main objective, in basic terms, is to channel coordination through this headquarters in order to streamline, and assist with, the detection of possible criminal risks.

Europol’s functions have progressively grown, as has its importance and institutional position. In 2009, Council Decision 2009/371/JHA was approved, so that Europol would become a Community agency with its own funds from the European Union. This would also serve to make the Parliament a party to the management of this.



In 2016, the Council Decision was repealed and Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the EU Agency for Police Cooperation (Europol) was adopted. This Regulation seeks to adapt



Europol to the mandate of the TFEU, including not only the coordination described in 1995, but also the creation of joint investigation groups, the drafting of reports at European level on existing threats, facilitating the exchange of information. So not only is it an agency that channels data, but also has its own mechanisms

to assist in the mission of preserving security in the Union. At present, the biggest threats are the following:

- terrorism,
- international drug trafficking and money laundering,
- organised fraud,
- euro counterfeiting,
- human trafficking.

The Agency is composed of several units:

- *The Operations and Analysis Centre (OAC)*: This centre is responsible for supporting police investigations, as the unit tasked with the input and output of all information through Europol, as the key actor in the continuous exchange.
- *European Serious and Organised Crime Centre (ESOCC)*: It is the unit responsible for operational support, both in intelligence matters and deployment in the field, as well as the use of ICTs in crime, EU port control and high value targets.
- *European Cybercrime Centre (EC3)*: This is the unit responsible computer crime and cybercrime, which is becoming even more critical in these times we live in, especially with regard to child pornography, scams and computer crime. It also houses the Joint Cybercrime Action Task Force (J-CAT) within the centre itself.
- *European Counter Terrorism Centre (ECTC)*: This organisation, created in 2016, seeks greater coordination in response to terrorism. Understood as the counter-terrorism centre, it not only pursues religiously motivated terrorism, but also terrorism committed by extremist groups. One of the key points is the capacity for central support in monitoring social media, as in recent attacks, European-wide networks of citizens from different countries have been founded.
- *European Migrant Smuggling Centre (EMSC)*: Created in 2016, it serves as support for Frontex's fight against irregular migrant smuggling, an issue that is among the Union's major concerns and serves to identify the critical points in the fight against organised mafias, as well as a point of coordination between the States directly affected by the large-scale arrival of migrants.
- *European Financial and Economic Crime Centre (EFECC)*. This body was created in 2020, for analysis of crimes related to money laundering,



corruption and fraud. Its purpose is the coordination of tracing, identification and confiscation of assets of criminal origin. Within the Centre itself, there is also a coordinated coalition against intellectual property crime focused on the fight against trademark counterfeiting.

Finally, Europol's role in coordinating with other organisations within the Area of Freedom, Security and Justice (Eurojust, OLAF and the European Public Prosecutor's Office) should be highlighted. Europol's investigation can be perfectly coordinated with that of the others, especially in matters affecting the Union's financial interests. In 2022, the Regulation was amended to include the European Public Prosecutor's Office in the investigation and to propose the opening of an investigation at national level whenever it concerns a common interest protected by a Union policy.

4. European Union Agency for Law Enforcement Training (CEPOL)

The European Union Agency for Police Training (CEPOL) was established in 2000, but since 2016 it has become an Agency with the aim of further developing coordination networks between European officers. It is based in Budapest and aims to provide common and joint training to ensure subsequent work is simpler more flexible. Officers share methods and ideas on crime and analytical skills for a more effective response.

5. Conclusions

Thanks to the Area of Freedom, Security and Justice, Europol has developed significantly. The idea of the European institutions working together to combat crime has proven an important element of legal, political and social development. The Schengen area has been that breakthrough for the emergence of novel policies related to, but not exclusively dependent on, the economy.

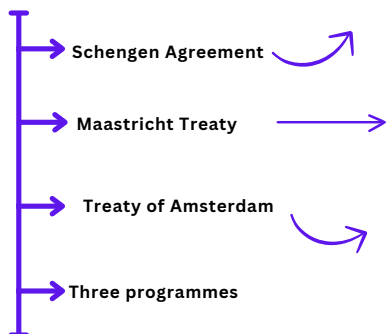
Police cooperation has played an important role in the protection of security in the European Union, and this system of cooperation and support between Member States has been progressively shaped and new goals have been added in recent years. We are in a process of change and will need to look at further development of police cooperation in the coming years with new forms of crime, especially those related to artificial intelligence.

Europol is the European agency, is responsible for the cooperation and coordination of the law enforcement agencies of each country. In addition, transnational crime cooperation centres have been set up to do more targeted work in the fight against crime.



POLICE COOPERATION

Evolution



In its 1991 ratification, **police cooperation** was addressed (Art. 39), promoting **assistance to prevent and investigate crimes**, while respecting **State sovereignty** and facilitating the **gathering of evidence between States**.



Security and police cooperation were not included in the Treaty of Rome, but were incorporated into the 1992 Maastricht Treaty of 1992. However, the foundations of police cooperation had already **begun to emerge during this period**.



Establishes the Area of Freedom, Security and Justice, as stated in the TEU: "to facilitate the free movement of persons, while ensuring the safety and security of peoples, through the establishment of an area of freedom, security and justice, in accordance with the provisions of this Treaty".

TAMPERE PROGRAMME

Adopted by the European Council in 1999, referring to security and the development of the Area of Freedom, Security and Justice, with the following references to police cooperation:

- Establishment of a European operational unit of police chiefs
- Establishment of a European Police Academy

THE HAGUE PROGRAMME

Addresses issues of security, cooperation, and institutional coordination within the Area of Freedom, Security and Justice, as well as the challenges and objectives for the next five years in strengthening citizens' fundamental rights

STOCKHOLM PROGRAMME

Adopted in 2010, it is based on the **Europe of Rights and their protection**:

- Strengthening police cooperation
- Creation of an action plan
- Prevention strengthening

Legal basis

The **Treaty of Lisbon, signed in 2007**, consolidated the European project in police and judicial cooperation, granting both more competences.

In the 2007 TFEU, **police cooperation** is included in the **Title on the Area of Freedom, Security and Justice**, establishing the foundations for crime prosecution and security. Within this Title, police cooperation has its own chapter (Articles 87 to 89).



ARTICLE 87

Establishes cooperation between Member States' police authorities to combat serious crime. Includes information exchange, joint operations, and the use of Europol. Also allows the Parliament and Council to adopt measures to improve procedures and regulate data processing.

ARTICLE 88

Defines the role of Europol as a body facilitating cooperation between Member States' police authorities. Its operations are subject to joint oversight by the European Parliament and national parliaments to ensure transparency.

ARTICLE 89

Regulates the conditions under which police officers from one Member State may operate in the territory of another. Such interventions must comply with EU law and the national legislation of the States involved.

Europol

Cooperation on cross-border crime and border control, as outlined in the Schengen Convention, was expanded with the creation of a **European police office in 1995** (Europol).

The Agency is composed of several units:



Operations and Analysis Centre (OAC)

European Serious and Organised Crime Centre (ESOCC)

European Cybercrime Centre (EC3)

European Counter Terrorism Centre (ECTC)

European Migrant Smuggling Centre (EMSC)

European Financial and Economic Crime Centre (EFECC)

Europol plays a key role in coordination against criminal organisations within the **Area of Freedom, Security and Justice** (Eurojust, OLAF, and the European Public Prosecutor's Office)



The **European Union Agency for Law Enforcement Training** was established in 2000 and, since 2016, has become an agency focused on **developing coordination networks among European officers**.

Common training enables more agile and effective work, as sharing approaches to crime and analysis **improves response to situations**.



Bibliography

- ALZINA LOZANO, Álvaro. «Los avances del espacio de libertad, seguridad y justicia en la protección de los ciudadanos europeos.» In *La Europa Ciudadana*. Dykinson, 2020, pp. 117-128.
- DEL VALLE GÁLVEZ, José Alejandro. «La refundación de la libre circulación de personas, tercer Pilar y Schengen: el espacio europeo de libertad, seguridad y justicia.» *Revista de Derecho Comunitario Europeo*, 1998, vol. 2, No. 3.
- LUQUE GONZALEZ, José Manuel. «Schengen. Un espacio de libertad, seguridad y justicia.» *Revista de Derecho*, 2004, No. 21, pp. 139-149.
- MANGAS MARTÍN, Araceli y LIÑÁN NOGUERAS, Diego J. *Instituciones y derecho de la Unión Europea*. Tecnos, 2017.
- OLESTI RAYO, Andreu. «El Espacio Schengen y la reinstauración de los controles en las fronteras interiores de los Estados miembros de la Unión Europea.» *Revista d'estudis autonòmics i federals*, 2012, No. 15, pp. 44-84.
- ORDÓÑEZ SOLÍS, David. «El espacio judicial de libertad, seguridad y justicia en la Unión Europea.» *Revista de estudios políticos*, 2003, No. 119.



Chapter 11

Border Control, Asylum and Immigration in the European Union

1. Introduction and historical development

Border control is one of the greatest challenges facing the European Union today. Although there is a common policy, it can be seen that there is no common line of work among all the states, but rather that each one carries out its own migration and border control policy. If it is true that they receive assistance from the European institutions, the reality is that in such a complex issue there should be a coordinated and effective response from all states together.

Migration is posing a real challenge for national and European authorities. People are coming from third countries, fleeing conflict, hunger and climate problems, with the intention of reaching the European Union and securing a better future. The European Union is aware of this problem, as one of the most economically developed regions, with an ageing population and a low birth rate, foreign labour is needed to reduce the existing shortage of workers.

All this generates a great deal of debate about how this migration and external border policy has been constructed. The debate would begin with the creation of the Schengen Area in 1985, which would allow the free movement of workers, citizens, goods and capital within the European Union. With the abolition of internal borders, only the external borders of the Union would remain, which means that the control of individual states is essential for migration control and the fight against organised crime.

A clear example of this relates to drug trafficking. The entry of drugs into any EU Member State via ports or airports, where there is no effective control or where traffickers have managed to circumvent security regulations, automatically becomes part of the Schengen area and the control of these goods will be much more complex as there are no internal borders.

The Treaty on European Union adopted at Maastricht included these policies in Article K1 under the heading of Justice and Home Affairs, considering asylum policy, external borders and immigration policy to be of interest to all



EU Member States. With regard to the latter, a series of notes are made on the most important aspects:

- the conditions of access to, and movement within, the territory of the Member States for nationals of third countries,
- the conditions for third-country nationals to remain within territory of the Member States, including access to employment and family reunification,
- the fight against illegal immigration, residence and work of third-country nationals in the territory of the Member States.

With the change made in the Amsterdam Treaty and the creation of the Area of Freedom, Security and Justice, these policies progressively gained momentum. The ability to legislate made it possible to take action on each of the policies, which are closely interrelated and in many cases a single rule affected them all.

2. Schengen Information System (SIS)

The Schengen Information System (SIS), created in 1995, is an information exchange and external border control instrument of the European Union. Created as a mechanism for cooperation in an area without internal borders, the SIS has positioned itself as the nucleus of response and knowledge about Europe’s borders.

One of the elements included in the 1985 Schengen Agreement was the creation of this Information System, expressing the importance of automating this type of procedure in order to speed up protection and security within the Union. The use of these automated systems has allowed the police not only to control persons without residence permits, but also to profile the danger posed by those entering through the borders. These files should include:

Data TBI	Surname and forename; where appropriate, aliases registered separately.
	Unique, objective and unalterable physical features.
	The first letter of the middle name.
	Date and place of birth. Sex.
	Nationality
	Any indication that the persons concerned are armed.
	Any indication that the persons concerned are violent.
	The reason for registration.
	Conduct to be observed



This information system has undergone changes in recent years, even more so with the possibilities offered by new technologies, especially artificial intelligence and the use of biometric data at borders. This new SIS is based on the adoption of three Regulations in 2018 that would enter into force in 2023 (Regulation (EU) 2018/1860, Regulation (EU) 2018/1861, Regulation (EU) 2018/1862). These Regulations laid the foundations for the new SIS in the main areas of work such as judicial cooperation in criminal matters, border control and irregular immigration.

3. The policy on border controls, asylum and immigration in the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights

The Treaty on the Functioning of the European Union includes these issues within the area of freedom, security and justice, more specifically in Articles 77 (borders), 78 (asylum) and 79 (immigration). The first article opens referring to the abolition of any internal borders, but at the same time ensuring checks on persons and effective surveillance when crossing external borders. We reiterate once again the importance of this external border control as a guarantor of preventing criminals from third countries from entering the European area. To this end, the TFEU states the need to create a system for the common management of external borders, i.e. not a system for the exchange of information, but for the external borders to become a task of the Union itself.

On asylum policy, the European Union follows the mandates of supranational conventions (Article 18 of the Charter of Fundamental Rights itself endorses this), considering as its own tasks a statute for asylum at European level, a system of temporary protection for displaced persons in the event of a large influx into a state, and the conditions for allowing asylum in a Member State.

With regard to immigration, the European Union assumes responsibility for signing readmission agreements with third countries for the conditions of entry and residence, the issuing of visas and long-term residence permits, including those for family reunification, illegal immigration and residence, including the expulsion and repatriation of illegal residents, and combating human trafficking, in particular women and children.

Similarly, with regard to the deportation of illegal immigrants, the European Union, through the Charter of Fundamental Rights, establishes two conditions that must be respected, the first of which is the prohibition of collective expulsions, that is, the reason for their expulsion must be analysed on a case-by-case basis. The second condition is the non-deportation or extradition of a migrant whenever his or her life would be at serious risk of being subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.



Measures in any of the three areas are to be regulated by the Council and the European Parliament on the basis of the legislative procedure, since, falling within the Area of Freedom, Security and Justice, this competence will be shared by the Union and the Member States (Article 4 of the TFEU).

4. External border control: European Border and Coast Guard Agency (Frontex)

As part of the ongoing process of integrating European policies and creating instruments for cooperation, management of external borders could hardly be ignored, especially when the security of EU citizens and migration control are at stake. The reality is that in border issues there is a need for greater integration of public policies beyond the mere exchange of information based on the integrated Schengen system.



Although the management of external borders has always been left to the Member States, the European Border and Coast Guard Agency (**Frontex**) was created in 2004 to assist national authorities with border control. In a system such as the Schengen Area, such agencies are considered necessary, as it is the Union itself that must ensure the security of all citizens in cooperation with the Member States.

The Agency has 2000 European officers responsible for security at all European borders. There was a significant change from 2016 onwards in which its competences were extended, all based as the preamble to Regulation (EU) 2016/1624 explains to provide a comprehensive solution to unprecedented migratory flows to the territory of the Union. This change is intended to implement *integrated border management*.

With regard to this concept, the Regulation itself explains how it works and its vision:

This Regulation establishes a European Border and Coast Guard to ensure European integrated border management at the external borders with a view to managing the crossing of the external borders efficiently. This includes addressing migratory challenges and potential future threats at those borders, thereby contributing to addressing serious crime with a cross-border dimension, to ensure a high level of internal security within the Union in full respect for fundamental rights, while safeguarding the free movement of persons within it.



The elements that make up this integrated management are (Article 4):

Element	Description
Border control	Includes measures to facilitate the legitimate crossing of borders and, where appropriate, measures related to the prevention and detection of cross-border crime, such as people smuggling, human trafficking and terrorism, and measures related to the referral of persons who need or wish to seek international protection.
Search and rescue operations	Rescue of persons in distress at sea, occurring in situations that may arise during maritime border surveillance operations.
Risk analysis	Analysis of internal security risks and analysis of threats that may affect the functioning or security of external borders.
Cooperation between Member States	Supported and coordinated by the Agency.
Interdepartmental cooperation	Between the national authorities of each Member State responsible for border control or other functions carried out at the border and between the competent Union institutions, bodies, offices and agencies, including a regular exchange of information through existing information exchange tools.
Cooperation with third countries	It includes coordinated and collaborative actions with nations outside the EU.
Technical and operational measures in the Schengen area	Related to border control and designed to tackle illegal immigration and better fight cross-border crime.
Return of third-country nationals	They are the subject of a return decision issued by a Member State.
Use of state-of-the-art technology	Including large-scale information systems.
Quality control mechanism	In particular the Schengen evaluation mechanism and possible national mechanisms, to ensure the implementation of Union legislation on border management.
Solidarity mechanisms	In particular the Union's financing instruments.

It should be noted that this mission is shared with national authorities (Article 5), and that the functions described for Frontex (Article 8) are those related to monitoring migration flows, exchanging information, supervising borders, assisting States and deploying European Border and Coast Guard teams, including a rapid reaction contingent.



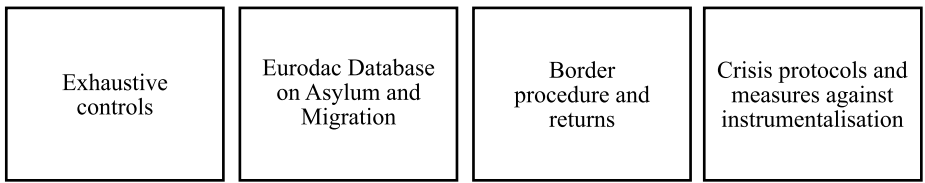
5. Immigration in the European Union

Immigration is a reality. Serious problems in other regions of the world, whether due to lack of opportunities, war or other issues, makes Europe one of the regions chosen to look for work for several reasons, the first is social stability, the absence of conflicts and the protection of human rights is one of the points to take into account, but, above all, the demand for labour on the European continent. As already explained, the demographic problems cause the need to recruit labour from other continents.

A consensus on how to deal with these challenges is important for effective migration management. Mediterranean countries have had to deal with migration and humanitarian crises in recent years (in particular Italy with Lampedusa, Greece with Lesbos and Spain with the Canary Islands). These problems, as has already been pointed out, are not circumstances that affect only the three countries mentioned, but are a problem for the entire Union and must therefore be dealt with in this way. In recent years this idea has gained ground, for example in April 2024, the European Parliament voted in favour of ensuring effective management of borders and migration flows, safeguarding people’s rights and providing means to the EU country under migratory pressure.

On the other hand, security also requires the implementation of effective border control, since once crime enters through an external border of the Union, and although there are coordination mechanisms between states, it is more complex to track it down. The main reason is also to control terrorism, specifically jihadism-related terrorism, but also to fight human trafficking, people smuggling and organised crime.

The European Commission itself, in the 2021 Pact on Migration and Asylum, refers to the need to protect these external borders in order to make them secure and prevent the entry of migrants, proposing four basic pillars:



Illegal immigration is provided for in the Treaties as a matter for which the Union itself has competence, including through the application of criminal law measures such as Directive 2023/0439 which lays down minimum standards for preventing and combating the facilitation of unauthorised entry into, movement within and residence in the Union.



In this regard, the European Agenda on Migration approved in 2015 has served to create a common discourse on immigration, the proposals that were presented set in motion an idea of managing immigration in a centralised manner in the Union, achieving greater efficiency as a result. This Agenda not only deals with border control, but also goes to the root of the problem, which are the states from which immigrants are received, providing funds with two objectives: firstly to fight against the mafias that traffic migrants and secondly to develop the economy of these states to allow them to have opportunities in their countries of origin.

6. Asylum Policy

One of the issues arising from immigration is that some of those who try to reach Europe do so fleeing a serious risk, which, as the Refugee Statute itself states, may be persecuted in their own country, on grounds of race, religion, nationality, political opinion, membership of a particular social group, gender or sexual orientation.

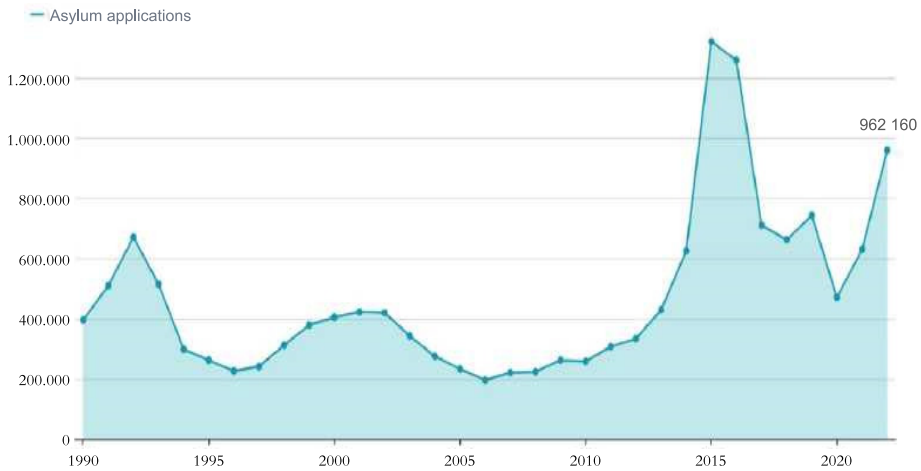
For these cases, the European Union, in accordance with the mandate of the Geneva Convention Relating to the Status of Refugees of 28 July 1951 and its Protocol of 31 January 1967, as well as the Charter of Fundamental Rights of the European Union with respect to the right to asylum, has created a common policy, not without considerable effort, since the Maastricht Treaty itself contains references to the need to apply common measures. It was not until 2024 that the *Pact on Migration and Asylum* was approved, including a set of rules to provide an effective response.

This Pact creates a common asylum system at European level, which is necessary to tackle part of the migration problem. Of this package of rules, Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection. These common standards for asylum seekers at the European level set out the conditions under which European states may receive asylum seekers, as well as the rights and obligations that asylum seekers acquire in order to obtain refugee status.

To complement this Directive, Regulation (EU) 2024/1347 specifies the requirements for the recognition of third-country nationals or stateless persons as beneficiaries of international protection, which sets out the conditions for applying for assessment (acts of persecution and grounds for persecution).



Number of asylum applications from 1990 to 2024



Source: Eurostat.

7. Conclusions

External borders is one of the great challenges facing the Union today, not so much the protection of citizens from the possible entry of criminals, but the large migratory flows into the Union. The European institutions and the Member States are aware of this problem, and a coordinated political response is necessary.

Another of the issues that will be addressed in these years is border control itself, moving from a system in which it is the State itself to a system of cooperation with the Union, since one of the problems that the Union often faces is the lack of understanding that the problem that one State may have affects the rest in an area without internal borders.

The Treaties themselves establish mechanisms for solidarity and cooperation between Member States in the event of a large influx of migrants and asylum seekers, which means that the solution cannot be the exclusive responsibility of the receiving state, but must be shared fairly between states, reinforcing the external borders with the help of Frontex and intervening in state of origin with aid from the Global Europe fund for development cooperation.



BORDERS AND MIGRATION

Evolution and origin

1985: Schengen Area



With the removal of internal borders, only the external borders of the Union remain, meaning that control by each Member State is essential for migration management and the fight against organised crime.



No common line of action for all Member States

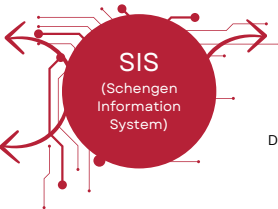
Each Member State develops its own policy

States receive support from European institutions, as the complexity of the issue calls for a coordinated and effective joint response from all Member States.

It is an information exchange and external border control instrument of the European Union created in 1995

ART 3. Treaty OF LISBON

It is an automated system that has enabled not only the control of individuals without residence permits, but also police profiling of individuals entering through the borders.



Changes in recent years reflected in:

- Regulation (EU) 2018/1860
- Regulation (EU) 2018/1861
- Regulation (EU) 2018/1862



Driven by new technologies, especially artificial intelligence and the use of biometric data at borders

TFEU and Charter of Fundamental Rights

Both texts include the following policies:



BORDERS

Need to establish a common system for managing external borders: external borders become a responsibility of the EU itself.



ASYLUM

Need to define a European-level asylum statute, a temporary protection system for displaced persons in the event of a large influx into a Member State, and the conditions for granting asylum in a EU Member State.



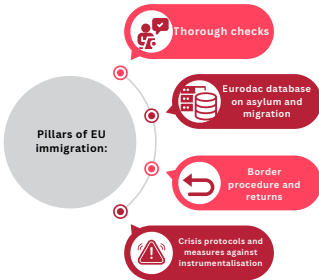
IMMIGRATION

The European Union assumes competence for signing readmission agreements with third countries, conditions of entry and residence, illegal immigration and residence, and the fight against human trafficking, particularly of women and children.

FRONTX

Aims to implement integrated border-management through the following elements:

- Border control
- Search and rescue operations
- Risk analysis
- Cooperation between Member States
- Inter-agency cooperation
- Cooperation with third countries
- Technical and operational measures in the Schengen area
- Return of nationals from third countries
- Advanced technology use
- Quality control mechanisms
- Solidarity mechanisms



Asylum



In 2024, the **Pact on Migration and Asylum** is adopted, including a set of rules to provide an effective response.



Bibliography

- ACOSTA PENCO, M.^a Teresa. «La guardia europea de fronteras y costas: ¿Un nuevo Frontex?». *Revista de estudios europeos*, 2018, No. 71, pp. 86-101.
- ANGUITA OSUNA, José Enrique, *La seguridad interior en la Unión Europea. Del Acuerdo de Schengen 1985 a la Estrategia para una Unión de la Seguridad 2020*, Thomson Reuters Aranzadi, 2021.
- DE CASTRO SÁNCHEZ, Claribel. «Unión Europea: ¿amante de los derechos humanos? El difícil equilibrio entre seguridad y derecho de asilo en perspectiva europea.» *En España y la Unión Europea en el orden internacional: XXVI Jornadas ordinarias de la Asociación Española de Profesores de Derecho internacional y Relaciones internacionales. Universidad de Sevilla, 15 y 16 de octubre de 2015*. Tirant lo Blanch, 2017, pp. 11411152.
- FAYOS MESTRE, Miguel. «El nuevo Sistema de Información Schengen.» *Logos Guardia Civil, Revista Científica del Centro Universitario de la Guardia Civil*, 2024, No. 3, pp. 119-146.
- MENDIOROZ, Santiago. «Los acuerdos de la UE sobre emigración, refugio y asilo.» *Tiempo de Paz*, 2017, No. 127.
- YELA UCEDA, Mercedes. «Gestión de las políticas de asilo en la Unión Europea: ¿crisis de refugiados o crisis de derechos?» 2024.



Chapter 12

Territorial Cohesion Policy in the European Union

1. Introduction and historical development

The historical evolution of the European Union's territorial cohesion policies reflects the organisation's commitment to reduce economic, social and territorial inequalities between its regions, promoting the balanced development of its entire territory.

Following the creation of the European Economic Community by the Treaty of Rome in 1957, the first cohesion policies were focused on economic integration, without an explicit focus on territorial cohesion, although it foresaw the creation of its first structural fund, the European Social Fund.

Although the Treaty of Rome did not provide for explicit regional cohesion policies, it did recognise the need to develop disadvantaged regions through the Common Agricultural Policy and the European Social Fund. At this point, the need to compensate for economic disparities between regions was becoming apparent, although a formal framework for a territorial cohesion policy was not yet in sight.

In the 1970s, the Union began to face challenges related to the uneven growth of its regions. The need for a more structural cohesion policy was recognised, and so in 1975, the European Economic Community created the European Regional Development Fund (ERDF), aimed at financing infrastructure projects and economic development in underdeveloped regions.

The main objective was to reduce economic and social disparities by investing in infrastructure and improving competitiveness.

With the signing of the Maastricht Treaty in 1992 and the creation of the European Union, territorial cohesion became central to EU policy. One of the major programmes was undertaken in 1997, when the European Commission presented Agenda 2000, which introduced a more cohesive territorial policy, aligned with the challenges of enlargement towards Central and Eastern Europe. New structural funds were established, with a special focus on less developed regions, and with the aim of integrating the countries of the former Soviet bloc.



The programme was a success, culminating in 2004 with the biggest ever enlargement, with ten new countries joining, and in 2007, with the enlargement encompassing Bulgaria and Romania. This enlargement made it necessary to adapt territorial cohesion policies to adapt to the reality of poorer states. In this period, efforts were made to improve the effectiveness of the Structural Funds and cohesion policy became more strategic, focusing not only on infrastructure investment, but also on support for innovation, research and sustainable development. This period also saw efforts to boost the economic growth of the new Member States, reducing disparities and facilitating their integration.

Following the global financial crisis of 2008, cohesion policy took a more focused approach to efficiency and the use of funds to promote economic recovery, jobs and growth. The Europe 2020 Strategy set the direction for cohesion policy, focusing on innovation, social inclusion and sustainability. Cooperation between regions was promoted to foster economic and social growth.

Cohesion policy in the current framework, which covers the period 2021–2027, is rooted in a post-pandemic context, with the challenge of a green, digital and resilient economic recovery in the face of global crises. Three priority objectives are established: a smarter Europe (innovation, digitalisation), a greener Europe (ecological transition), and a more connected Europe (infrastructure and mobility). Attention also continues to be given to social inclusion and the fight against poverty. Cohesion policy continues to support the least developed regions, but also places a strong emphasis on the most innovative regions, encouraging balanced development.

Over the years, the Union's territorial cohesion policies have evolved from a more basic focus on reducing economic disparities towards a more holistic model encompassing not only economic development, but also innovation, sustainability, social inclusion and competitiveness.

With each budget period, cohesion policy adapts to new global and regional challenges, a key pillar for the integration and development of the European Union.

2. Legal basis

The European Union's territorial cohesion policies have a legal basis which is mainly to be found in the founding treaties of the Union and in the specific legislation governing the funds ring-fenced for this purpose. These policies seek to reduce economic and social disparities between the regions of the Union, promoting balanced and sustainable development.

Article 3 of the Treaty on European Union states that the Union shall promote a highly competitive social market economy, aiming at full employment and social progress, and balanced economic, social and territorial cohesion. This



implies an effort to reduce disparities between regions and to improve the competitiveness of the EU economy as a whole.

Article 174 of the Treaty on the Functioning of the European Union is central to territorial cohesion policies, stating that cohesion policy aims to reduce disparities between the various regions of the Union by supporting development and economic convergence. In particular, Article 174 references the need to strengthen economic, social and territorial cohesion, with a special focus on regions whose development is lagging behind.

At the regulatory level, we find Regulation (EU) 1303/2013, which establishes common provisions on the European Structural and Investment Funds, which regulates the allocation and management of funds earmarked for territorial cohesion.

Also, the current Regulation (EU) 2021/1060 of the European Parliament and of the Council on common rules for cohesion policy funds for the period 2021–2027. This regulation sets out the general principles and rules for the management of European funds, such as the ERDF, the European Social Fund, the Cohesion Fund and the European Agricultural Fund for Rural Development, all with a clear focus on economic, social and territorial cohesion.

The legal basis for EU territorial cohesion policies is the EU Treaties (principally the Lisbon Treaty and the Treaty on the Functioning of the EU), the specific regulations on cohesion funds (such as the ERDF, the European Social Fund, and the Cohesion Fund), and the strategies and operational programmes designed to reduce disparities between regions.

Legislation in this area is constantly evolving, reflecting the European Union's commitment to more balanced economic, social and territorial cohesion.

3. Programmes related to the development of territorial cohesion policies

3.1. *European Regional Development Fund (ERDF)*

The ERDF funds, as we have already mentioned, are one of the European Union's main and oldest tools for promoting the economic, social and territorial development of its regions. These funds are aimed at reducing economic and social disparities between regions and promoting more equitable territorial and economic cohesion.

ERDF focuses on four key objectives: (i) promoting economic development and employment in less developed regions; (ii) fostering competitiveness, innovation and sustainability in the most advanced regions, so that they do not fall behind in the modernisation process; (iii) developing key infrastructure, especially



in regions that require better connectivity to facilitate trade, mobility and integration; and (iv) supporting the transition to a green economy and digitalisation, aiming for all EU regions to adapt to new global challenges.

ERDF funds are an integral part of the Union's territorial cohesion policies, which aim to reduce inequalities between the regions and promote balanced development throughout the European territory.

Territorial cohesion aims to ensure that all geographical areas of the Union, regardless of their level of development, have the same opportunities to prosper, with a specific focus on the regions facing the greatest difficulties, as is currently the case for rural or peripheral regions.

The ERDF contributes to territorial cohesion in the following ways:

- i. *Reducing regional disparities:* ERDF funds are targeted at the most disadvantaged regions, especially those below 75% of the Union's average GDP per capita. This allows these regions to improve their infrastructure, public services, and other key areas of development.
- ii. *Promoting convergence:* The Union has established the convergence policy, which aims to bring the poorer regions of the Union up to the economic level of the wealthier regions. ERDF funds help finance projects in areas such as research and development, human resources training and essential infrastructure.
- iii. *Fostering competitiveness and innovation:* The funds also target the most advanced regions, but in this case, the projects focus on innovation, digitalisation, sustainability and energy transition. This strengthens the competitiveness of the regions and allows for deeper integration of the Union into a globalised economy.

Some of the main examples of the contributions they make can be found in transport infrastructures, in projects focused on improving the energy efficiency of buildings, in those focused on renewable energy installations, or all projects focused on improving the educational, research and innovative infrastructure of the Member States.

ERDF funds are a key instrument within the European Union's Cohesion Policy, aimed at reducing disparities between regions and promoting balanced and sustainable economic development.

The link between these funds and territorial cohesion is direct: ERDF funds are used to finance projects that improve competitiveness, connectivity, sustainability and innovation in the regions of the Union, helping all regions to prosper and develop more equitably.



3.2. *European Social Fund*

As with the ERDF, the European Social Fund is closely linked to the Union's territorial cohesion policies, with geared towards reducing regional disparities and improving the well-being of all regions, especially those that are economically or socially disadvantaged.

This Fund is the oldest of Structural Funds, having been established in the 1957 Treaty of Rome itself. During the initial post-World War II period, it focused on managing labour migration within Europe; later, the focus turned to combating youth unemployment and assisting lower-skilled workers.

The Fund's initiatives focus on: (i) improving job opportunities through training, youth employment, and the training workers to new market demands; (ii) promoting education and social inclusion by supporting programmes that improve people's skills and facilitate the social integration of groups at risk of exclusion; and (iii) supporting labour mobility by promoting geographic and occupational mobility within the Union.

The European Social Fund is of paramount importance in the Union's territorial cohesion policies. Its main function is to finance projects and actions in the most disadvantaged regions, in order to improve social and economic cohesion. Some of the ways in which the Fund supports these policies include:

- i. *Reducing regional disparities:* The European Social Fund helps reduce inequalities between regions through support for training, employment and education programmes, especially in poorer regions or regions with higher unemployment rates.
- ii. *Strengthening social cohesion:* Through the financing of projects promoting social inclusion, the Fund supports the inclusion of vulnerable groups in the labour market and in society, contributing to greater social cohesion within the European Union.
- iii. *Boosting local development:* The Fund finances local initiatives that strengthen the capacity of regions to create jobs and improve the lives of their citizens, in line with the objectives of territorial cohesion policies, which seek a balanced development between the different areas of the continent.

Some of the examples of the Fund's actions in terms of territorial cohesion can be found in youth employment initiatives, in the development of job skills in the population of regions with lower employment rates, or social inclusion projects in the most disadvantaged regions of the Member States.

The European Social Fund is an essential instrument for the implementation of the European Union's territorial cohesion policies. Together with the ERDF, both have the common objective of reducing economic, social and territorial inequalities, promoting balanced and sustainable development across the conti-



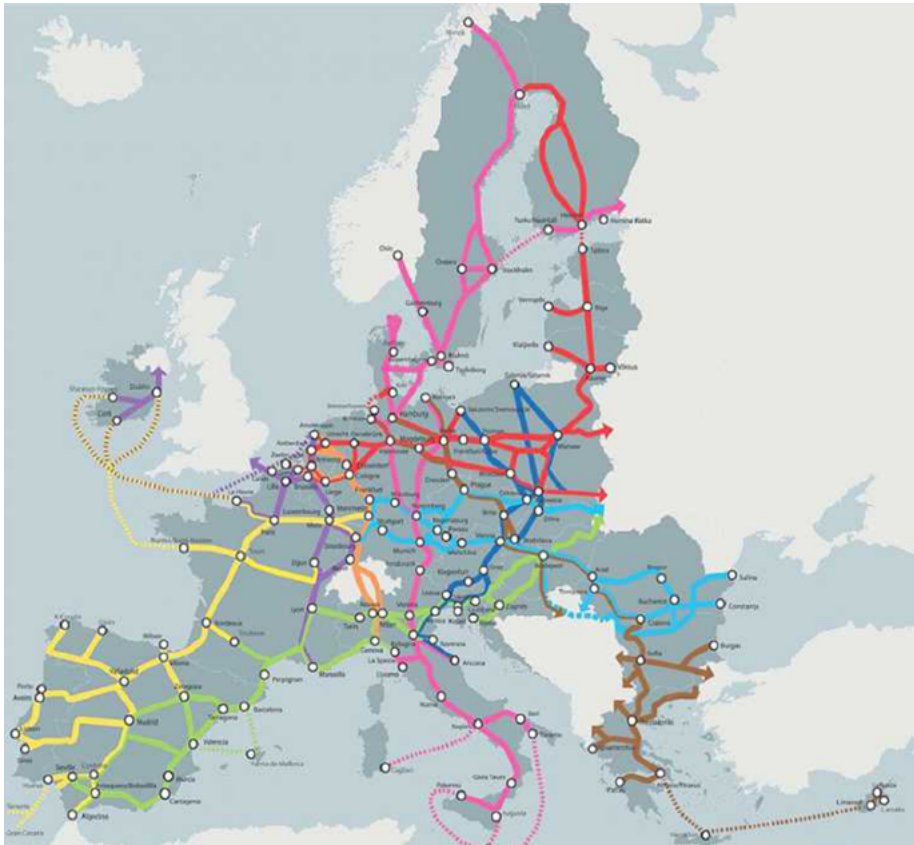
ment. The Fund, through the financing of employment, education, social inclusion and anti-poverty projects, plays a crucial role in achieving these objectives.

3.3. *Cohesion Fund*

The Cohesion Fund was created in 1994 by the European Commission and has its main focus on the financing of environmental projects and trans-European transport networks.

It is an instrument aimed at EU countries with a GDP per capita below 90% of the EU average, with the objective of reducing regional disparities and promoting economic development in the most disadvantaged areas.

The main purpose of the Cohesion Fund is to support the less developed regions and countries of the Union, especially for key infrastructure and environmental projects. This helps reduce the gaps between wealthier and poorer regions, in line with the objectives of territorial cohesion policies, which aim for balanced and sustainable growth across the Union.



Investments financed by the Cohesion Fund focus on infrastructure projects contributing to the economic and social development of disadvantaged regions, such as transport and energy networks, as well as environment-related projects such as water management and the protection of biodiversity. This is in line with the objectives of cohesion policies, which seek to improve connectivity and sustainability in all regions.

Another focus of the Cohesion Fund is the financing of projects promoting the transition to a greener and more sustainable economy. This is closely linked to the Union's territorial cohesion policies, which also promote environmental sustainability as one of the main areas of intervention for regional development.

The Union's territorial cohesion policy, as mentioned above, seeks to ensure that all regions benefit from growth, not just the most developed ones, but also the most remote, peripheral or rural regions. The Cohesion Fund plays an essential role in ensuring that regions lagging behind are not left behind, ensuring that they can participate fully in the economic and social integration of the Union.

The Cohesion Fund is the third fundamental pillar of the European Union's territorial cohesion policies. It acts directly on the least developed regions, financing projects that promote integration and the reduction of disparities, both economic and social. Its role is key to ensuring that all regions of the Union, irrespective of their level of development, can move towards economic and territorial cohesion that benefits the Union as a whole.

3.4. *Interreg Programme*

Interreg is one of the funding instruments, conceived as part of cohesion policies, whose main objective is regional development through cooperation between European regions at different levels. It appeared in 1990 as the main tool for territorial cooperation between border regions.

Interreg is structured around five cooperation axes: cross-border (Interreg A), transnational (Interreg B), interregional (Interreg C), outermost regions (Interreg D) and neighbourhood (Interreg E).

Interreg promotes cooperation between regions on the borders of different countries, fostering integration and the joint development of projects that can improve infrastructure, mobility, employment or the environment in cross-border areas.

This programme focuses on fostering collaboration between regions from different countries to address common challenges at a broader level, such as sustainability, innovation or climate change.



It also promotes the exchange of good practice and mutual learning between regions. This programme helps regions to share experiences and knowledge, enabling them to improve their policies and approaches to development.

Interreg has implemented projects like co-operation to promote tourist destinations and heritage protection and financed projects improving transport infrastructure for cross-border mobility. Within Interreg we can highlight several programmes, such as POCTEP, to develop the border provinces between Spain and Portugal, or POCTEFA, promoting the development of the Spanish provinces that border France and Andorra.

The Interreg programme is another tool for achieving territorial cohesion in the Union, as it facilitates cooperation between regions, contributing to a deeper and more balanced integration of Europe. Through transnational, cross-border and interregional cooperation, Interreg helps to address common challenges and reduce territorial inequalities, promoting fairer and more sustainable development for all European citizens.

3.5. *LIFE Programme*

This programme is an instrument of the Union that was created in 1992 to finance projects related to the environment and climate action. LIFE has been important for the implementation of EU environmental policy, supporting initiatives that contribute to biodiversity conservation, climate change mitigation and adaptation, sustainable management of natural resources and improvement of air, water and soil quality.

LIFE supports projects in various regions, including the most disadvantaged, contributing to their sustainable development. This is particularly relevant for rural or peripheral areas, which are often dependent on natural resources and face challenges in terms of biodiversity, climate change and environmental management.

By funding innovative and collaborative projects, LIFE helps strengthen local and regional capacities to manage and implement environmental and climate policies. This is especially important in less developed regions, which may not have the resources or knowledge to implement effective measures on their own.

LIFE supports projects involving different regions and Member States, fostering transnational cooperation and the dissemination of good practice. This allows regions to learn from each other and work together to solve common problems, strengthening territorial cohesion at the European level.

The LIFE programme plays a key role in supporting the Union's territorial cohesion policies by promoting sustainable and equitable development, strengthening local and regional capacities, and fostering cooperation between different



regions. Through its funding, LIFE contributes to more balanced development and the integration of sustainability into all EU policies.

3.6. *European Agricultural Fund for Rural Development*

This Fund was created in 2005 and its main objectives are to finance policies that support rural development, the modernisation of agriculture and the improvement of quality of life in rural areas.

The Agricultural Fund is linked to the Union's territorial cohesion policies because, together with the previous funds already analysed, ERDF, European Social Fund and Cohesion Fund, it seeks to reduce disparities between the most developed and the least favoured regions, especially in rural areas.

The Fund contributes to territorial cohesion by promoting the balanced development of rural areas. By financing agricultural and rural development projects, it helps prevent depopulation of these areas and facilitates economic diversification, which is essential for harmonious territorial growth.

The European Agricultural Fund for Rural Development plays a key role in the implementation of the European Union's territorial cohesion policies by addressing inequalities between rural and urban areas. Through its projects and support measures, it contributes to sustainable development, innovation and the improvement of quality of life in rural areas, all within the Union's wider territorial cohesion strategy.

4. Conclusions

The evolution of the European Union's territorial cohesion policies reflects an ongoing commitment to address inequalities between regions, adapting to economic and social challenges over time.

This comprehensive approach, ranging from investment in infrastructure to the promotion of innovation and sustainability, remains central to the balanced development and integration of the Union.

The European Union's territorial cohesion policies, based on its specific treaties and regulations, seek to reduce economic and social disparities between regions, promoting balanced and sustainable development. This approach reflects the Union's continued commitment to economic, social and territorial cohesion, adapting to the changing needs of the regions.

This cohesion programme is based on three fundamental pillars, in the form of financing tools; the ERDF, the European Social Fund and the Cohesion Fund.



ERDF funds are essential to promote territorial cohesion in the European Union, as they seek to reduce economic and social disparities between regions, promoting balanced and sustainable development through the financing of key projects.

Its focus on competitiveness, innovation and sustainability enables all regions, especially the most disadvantaged, to have equal opportunities to prosper.

The European Social Fund is also important, as its role is central to the European Union's territorial cohesion policies, as it seeks to reduce regional disparities and promote social and economic welfare in the most disadvantaged regions by financing employment, education and social inclusion projects.

It plays a crucial role in promoting balanced and sustainable development on the continent, contributing to the integration of vulnerable groups and strengthening the labour market.

Thirdly, the Cohesion Fund is a crucial instrument for reducing regional disparities in the European Union by financing projects that promote economic and social development in disadvantaged regions, ensuring a more equitable and sustainable integration across the Union.

Its role is crucial to ensure that all regions, irrespective of their level of development, can benefit from growth and move towards effective territorial cohesion.

These programmes, together with LIFE and Interreg, are key to the EU's territorial cohesion policy, as they seek to reduce disparities between the richest and the most disadvantaged regions.

Through funding projects in infrastructure, employment, sustainability and economic development, the EU aims to ensure that all regions and citizens can benefit from growth, improve their quality of life and move towards a more balanced and cohesive future.



TERRITORIAL COHESION

1975



The EEC created the **European Regional Development Fund (ERDF)**, intended to finance infrastructure projects and economic development in less developed regions, particularly those suffering from economic underdevelopment.

Agenda 2000

It introduced a more coherent territorial cohesion policy, aligned with the challenges of enlargement towards Central and Eastern Europe.

The current framework covers the period 2021-27, with the challenge of achieving a green, digital and resilient economic recovery in the face of global crises.



Legal Framework



- **Article 3 of the TEU** states that the Union shall promote a highly competitive social market economy, aiming at full employment and social progress, and balanced economic, social and territorial cohesion.
- **Article 174 of the TFEU** establishes that cohesion policy aims to reduce disparities between the different regions of the Union by supporting development and economic convergence.
- **Regulation (EU) No 1303/2013** lays down common provisions on the European Structural and Investment Funds.
- **Regulation (EU) 2021/1060** of the European Parliament and of the Council on common provisions for cohesion policy funds for the period 2021-2027.

Programmes:

European Regional Development Fund (ERDF)

An integral part of the Union's territorial cohesion policies, which aim to reduce disparities between regions and promote balanced development across Europe.



European Union
European Regional Development Fund

European Social Fund

It is closely linked to the Union's territorial cohesion policies, as both seek to reduce regional disparities and improve the well-being of all regions, especially those that are economically or socially disadvantaged.

Cohesion Fund

Intended for EU countries with a per capita gross domestic product below 90% of the EU average, with the aim of reducing regional disparities and promoting economic development in the most disadvantaged areas.

Interreg Programme

Interreg is one of the funding instruments designed as part of cohesion policies, whose main objective is regional development through cooperation between European regions at different levels.



LIFE Programme

LIFE has been important for the implementation of the Union's environmental policy. It supports projects in various regions, including the most disadvantaged ones, contributing to their sustainable development.



European Agricultural Fund for Rural Development

Its main objectives are to finance policies that support rural development, the modernisation of agriculture and the improvement of the quality of life in rural areas.



Bibliography

- CAMACHO BALLESTA, José Antonio y MELIKHOVA, Yulia. «Perspectiva territorial de la Unión Europea: el largo camino hacia la cohesión territorial.» *Cuadernos geográficos*, 2010, No. 47, pp. 169-188.
- CRUCITTI, Francesca *et al.* «The impact of the 2014-2020 European Structural Funds on territorial cohesion.» *Regional Studies*, 2024, vol. 58, No. 8, pp. 1568-1582.
- FALUDI, Andreas *et al.* «La política de cohesión territorial de la Unión Europea.» *Boletín de la Asociación de Geógrafos Españoles*, 2005.
- HEREDERO DE PABLOS, Isabel y BLANCO, OLMEDILLAS Blanca. «Las fronteras españolas en Europa: de INTERREG a la cooperación territorial europea.» *Investigaciones Regionales Journal of Regional Research*, 2009, No. 16, pp. 191-215.
- JORDÁN GALDUF, Josep María. «Los fondos estructurales y la ampliación al Este de la Unión Europea.» *CIRIEC-España, revista de economía pública, social y cooperativa*, 2000, No. 35, pp. 85-102.
- MUÑOZ DE BUSTILLO LLORENTE, Rafael. «La cohesión territorial: Unión Europea y fondos estructurales.» *Cuadernos de Relaciones Laborales*, 2002, vol. 20, No. 1, pp. 57-96.
- RAMOS PÉREZ, Alberto *et al.* «Uso y potencial del Programa LIFE para la Educación Ambiental en educación formal, no-formal e informal, y especialmente en Educación Primaria.» *Revista Eureka sobre Enseñanza y Divulgación de las Ciencias*, 17, 2020.



Chapter 13

Development Cooperation and Humanitarian Aid Policy in the European Union

1. Introduction

Humanitarian action is one of the essential components of the European Union's (EU) external actions, as set out in Article 21 of the Treaty on European Union (TEU). In crisis situations, whether caused by natural disasters or human actions, the EU is committed to intervening to alleviate human suffering and protect affected populations. This commitment not only responds to a moral obligation, but also to the EU's vision of contributing to a fairer and more caring world.

The EU's humanitarian action is based on universal humanitarian principles, including the following:

Humanity: The EU seeks to alleviate suffering and protect people in emergency situations, regardless of their nationality, race or beliefs; Neutrality: EU humanitarian aid is not aligned with political, economic or military interests of any party involved in the conflict or crisis; Impartiality: Aid is distributed equitably, based solely on human needs, without discrimination; and Independence: The EU acts autonomously in its decisions on assistance and relief, without external pressure.

The main objective of this action is to provide assistance and relief to populations affected by disasters, whether natural or man-made, and to ensure their protection. EU humanitarian operations aim to save lives, improve living conditions in emergencies and promote long-term recovery.

EU humanitarian action is regulated by various legal and policy frameworks. Article 214 of the Treaty on the Functioning of the European Union (TFEU) provides the legal basis for humanitarian aid actions and is the cornerstone of EU interventions in this field. This article also allowed for the creation of the European Voluntary Humanitarian Aid Corps, which enables EU citizens to actively participate in humanitarian work around the world.



Regulation (EC) 1257/96 regulates the rules for humanitarian aid and defines the financial instruments available to finance interventions. The European Consensus on Humanitarian Aid (2007) sets the overall policy framework for EU humanitarian aid, promoting a coherent and effective response to global crises. Development cooperation and economic, financial and technical cooperation with third countries is regulated in the previous articles of the TFEU (208–213).

In March 2021, the European Commission adopted a communication entitled *New Challenges, Same Principles*, which recognises the growing challenges facing humanitarian action globally, especially in the wake of the Covid-19 pandemic. In this paper, a number of actions are proposed to strengthen the EU's humanitarian work in order to respond to a significant increase in humanitarian needs and to ensure coherence in the aid provided.

2. Legal basis

The European Union's (EU) development policy sits at the heart of its external actions, based on the principles enshrined in the EU Treaties. This policy aims to reduce poverty and promote sustainable economic, social and environmental development in developing countries, in line with the UN Sustainable Development Goals (SDGs).

Through, primarily, Articles 4 and 208 of the Treaty on the Functioning of the European Union (TFEU), and Article 21 of the Treaty on European Union (TEU), the EU lays down the legal bases and principles for its action in the field of development, aiming for a fairer and more sustainable world. These provisions reinforce the EU's commitment to international cooperation, supporting partner countries in their fight against poverty and promoting peace, stability and global sustainability.

Article 4 of the Treaty on the Functioning of the European Union (TFEU): Article 4 gives the EU competence to develop common activities and policies in the field of development cooperation. In addition, this article recognises that Member States may also exercise their own competences in this field, which implies cooperation and coordination between the EU and its Member States to ensure the effectiveness of development actions at the global level.

Article 208 of the Treaty on the Functioning of the European Union (TFEU): Article 208 sets out the main objective of EU development policy: the eradication of poverty across the world. This article also requires the EU and its Member States to respect globally agreed commitments, particularly in the framework of the United Nations and other relevant international organisations, in order to ensure coherence in international action and promote sustainable development.

Article 21 of the Treaty on European Union (TEU): Article 21(2)(d) reinforces the EU's mission to support sustainable development in developing countries.



This article underlines the importance of making progress on economic, social and environmental issues in order to eradicate poverty. The EU is committed to promoting democracy, the rule of law, human rights, peace and security worldwide, contributing directly to the UN Sustainable Development Goals (SDGs).

With regard to humanitarian aid, Article 214 TFEU provides the basic regulatory framework: *1. The Union's operations in the field of humanitarian aid shall be conducted within the framework of the principles and objectives of the external action of the Union. Such operations shall be intended to provide ad hoc assistance and relief and protection for people in third countries who are victims of natural or man-made disasters, in order to meet the humanitarian needs resulting from these different situations. The Union's measures and those of the Member States shall complement and reinforce each other. 2. Humanitarian aid operations shall be conducted in compliance with the principles of international law and with the principles of impartiality, neutrality and non-discrimination.*

3. Development cooperation in the EU

The EU plays a key role on the world stage as the world's largest donor of official development assistance (ODA), and works towards a more peaceful and prosperous world through its global commitments. In 2017, the EU Global Strategy for Foreign and Security Policy (GSFSP) was fully implemented, incorporating the SDGs as cross-cutting elements, to promote a coherent and effective approach in the EU's external action.

The 2030 Agenda for Sustainable Development, adopted by 193 UN member states in 2015, sets out a new global framework for eradicating poverty and achieving sustainable development worldwide. In line with this Agenda, the EU adopted the European Consensus on Development in 2017, which aligns its development policy with the SDGs and is structured around the five key pillars of the 2030 Agenda: people, planet, prosperity, peace and partnership. This structure seeks to ensure that development actions are inclusive, sustainable and coherent with global goals.

Through the Addis Ababa Action Agenda and the European Development Fund (EDF), the EU is committed to financing sustainable development through blended finance, combining EU grants with loans and private equity.

This funding is used for poverty reduction, promoting economic sustainability, protecting the environment and promoting democracy in developing countries.

The EU has also launched the European Fund for Sustainable Development (EFSD), which is a key component of the EU External Investment Plan (EIP), designed to promote investment and growth in sub-Saharan Africa and other developing countries.



To support economic development and prosperity in partner countries, the EU works closely with the private sector, promoting sustainable investments that contribute to growth and job creation in the regions most in need. Through blended investment mechanisms such as the EU Trust Fund for Africa, the EU has encouraged the flow of private investment in key areas, including infrastructure and agricultural sectors.

EU development policy focuses on human development, with a particular emphasis on eradicating extreme poverty (SDG 1) and reducing inequality (SDG 10). Through the different initiatives and programmes, the EU supports education, health, gender equality and women's empowerment, ensuring that no one is left behind by the development process. In this context, initiatives such as the *Spotlight Initiative*, aimed at ending violence against women and girls, stand out.

In line with the Paris Agreement and SDG 13, the EU has adopted a comprehensive approach in its development policy that addresses climate change, sustainable management of natural resources and biodiversity. Through its climate finance, the EU has supported adaptation and mitigation initiatives in developing countries, promoting the transition to low-carbon and more climate-resilient economies.

EU development policy is a manifestation of the Union's commitment to eradicate poverty and foster sustainability and peace throughout the world. Through its actions, the EU seeks not only to promote economic growth, but also to create a fairer and more inclusive future for future generations, in line with the Sustainable Development Goals. Through its ability to mobilise resources, foster partnerships and promote multilateral cooperation, the EU is positioning itself as a key player in building a more prosperous and sustainable world for all.

4. Contribution of the European Union

The European Union (EU) has established itself as the world's largest donor of official development assistance (ODA), providing more than 45% of global aid, representing more than 66 billion euros per year. This contribution is the result of the joint work of the European institutions, especially the European Commission and the European Investment Bank, as well as the EU Member States. From the creation of the European Development Fund in 1957 to improve conditions in African, Caribbean and Pacific countries, to the current shape of EU development policy, international cooperation has been a key priority for the Union.

Over the years, the EU has been adapting its policies and financial mechanisms to meet new global challenges, with the aim of achieving sustainable development in all areas: economic, social and environmental.



The EU's development policy is based on a number of key principles, which guide both internal decisions and interaction with developing countries. These principles include: (a) Democracy and the rule of law, since the EU promotes democratic systems, respect for human rights and justice; (b) Universality and indivisibility of human rights, since all human beings are entitled to a life of dignity and the full realisation of their rights; (c) Thirdly, equality and solidarity, principles that are fundamental to reducing inequalities in developing countries; d) and finally, respect for the principles of the United Nations Charter and international law, since international cooperation must be based on mutual respect and global justice.

The EU has played a leading role in global development agendas, advancing both the Millennium Development Goals and the Sustainable Development Goals (SDGs). The 2005 European Consensus on Development and the 2017 New Consensus established the EU's core commitments to global development, aligning its policy with the SDGs adopted by the United Nations.

This approach has established the EU as a responsible and committed actor in international efforts to achieve inclusive and sustainable development, promoting policies that ensure the coherence and effectiveness of humanitarian aid.

One of the major breakthroughs in EU development policy was the creation of the single NDICI-Global Europe instrument (Neighbourhood, Development and International Cooperation Instrument), which was implemented for the period 2021–2027 with a budget of €79.5 billion. This instrument simplifies and unifies the EU's financial mechanisms, dividing them into three pillars:

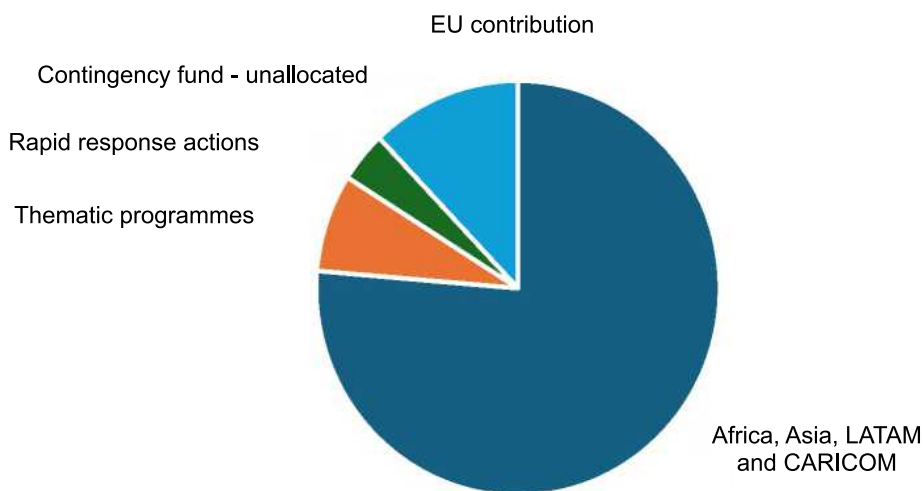
- €60.1 billion for regional programmes, targeting regions such as Sub-Saharan Africa, Asia-Pacific, Latin America and the Caribbean.
- €6 billion for thematic programmes relating to human rights, democracy, peace and conflict prevention.
- €3.1 billion for non-programmable rapid response actions.
- €9.5 billion constitutes an unallocated buffer, allowing flexibility in the distribution of resources.

In the context of the Covid-19 pandemic, the EU launched the concept of Team Europe Initiatives to improve the coordination and effectiveness of international aid. These initiatives are based on joint work between EU institutions, Member States, development finance institutions and other international partners. This collective approach allows for a rapid and strategic response to global challenges, with an emphasis on solidarity and multilateral cooperation.

The Global Gateway Strategy, launched by the EU, aims to promote a model of global connectivity based on the EU's principles and values. Through this strategy, the EU seeks to increase the visibility of its external action in the field



of infrastructure and to generate a positive impact in developing countries through sustainable infrastructure projects.



5. Commitment and challenges of sustainable development

Since time immemorial, the fight against poverty has been one of the most fundamental priorities in international cooperation, especially for the European Union. Over the years, the EU has worked tirelessly with countries around the world, with a mission to eradicate poverty and improve the quality of life of millions of people.

However, on the way to this noble goal, a new concern has emerged that would completely change the traditional view of development aid: the need to ensure that our current efforts do not jeopardise the chances of future generations.

This new approach has given rise to the concept of «sustainable development», a principle that calls for deep reflection on how we achieve progress without depleting our planet's resources or jeopardising the rights of the most vulnerable people. The key lies in balancing three fundamental aspects: economic, social and environmental.

Economic development, while essential for improving living conditions, cannot be a stand-alone objective. We must generate economic growth, yes, but at the same time we must preserve our natural resources, those same resources that have been the mainstay of humanity throughout history. We cannot allow our current generations to consume unsustainably, leaving future generations without the ability to prosper.



The social component is also equally crucial. In this globalised era, we cannot close our eyes to the inequality that affects millions of people around the world. Social injustice, extreme poverty, discrimination and lack of access to essential services such as health and education remains a reality that affects a large part of humanity. That is why sustainable development also means looking after the welfare of the most disadvantaged, ensuring no one is left behind.

However, sustainable development is not just about providing financial aid or donations. It is so much more than that. The aim is to foster active collaboration with partner countries to strengthen institutions and improve governance. Improving regulatory standards not only attracts investment, but also ensures that development takes place in a way that is inclusive, environmentally friendly and beneficial to all sectors of society. The aim is to create a robust growth environment that promotes social justice and protects natural resources.

The real challenge, then, lies in creating a future that is not only prosperous for present generations, but also for future generations. This is the fundamental principle of sustainable development: meeting today's needs without compromising the ability of future generation to meet theirs too. Only in this way can we ensure that the progress we achieve today will be sustained for many generations to come.

The European Union, as a political and economic entity, has demonstrated an unwavering commitment to sustainable development, not only in its internal policies, but also through action in the international arena.

Through a joint effort between its institutions and Member States, the EU has established a financial contribution to sustainable development that exceeds that of any other bloc of countries, consolidating its position as one of the most relevant actors in the world in this fight.

Beyond the financial contribution, the European Union has taken a leading role in promoting the UN Sustainable Development Goals (SDGs). The EU has been an active advocate of these objectives, committed to achieving them not only within their borders, but also in its external relations with partner countries. To this end, the new European Consensus on Development was adopted in 2017, a high-level political agreement that unites all European institutions and Member States in a common framework to ensure that development aid is directed towards promoting the SDGs.

This Consensus not only reflects the political will of the European Union, but is also a testament to the power of international cooperation. By joining forces, the EU demonstrates that it is possible to achieve more and better results in the field of sustainable development. By working together with its partners, the EU seeks to strengthen their capacities to generate real and lasting impact, centred on the principles of social justice, economic sustainability and respect for the environment.



The European Consensus on Development states that the EU's approach should be inclusive, equitable and adapted to the local realities of each partner country. Cooperation must be a way to build local capacity, improve governance, promote peace and stability, and ensure that economic growth benefits all. This way, the EU is not only taking on the responsibility of a financial partner, but also a driver of the structural change needed to achieve the SDGs.

The European Union's commitment to sustainable development is a statement of principle: a better future is not only possible, but necessary. Working hand in hand with partner countries, the EU seeks to build a world where economic progress is not a threat to the planet and future generations, but an opportunity to ensure a dignified and prosperous life for all.

In 2015, during a historic summit at the United Nations, world leaders adopted a transformative commitment to address humanity's greatest global challenges. This commitment was translated into the 2030 Agenda for Sustainable Development, a roadmap for eradicating poverty and ensuring a sustainable future for all. At the heart of this agenda are the 17 Sustainable Development Goals (SDGs), a series of interconnected targets that seek to address the complexities of development in a globalised, diverse and ever-changing world.

The SDGs did not come out of nowhere. They are the evolution of the Millennium Development Goals (MDGs), a United Nations initiative that, as of 2015, had achieved unprecedented progress, such as the elimination of extreme poverty for more than one billion people. However, the SDGs go a step further, with a more inclusive and ambitious approach. While the MDGs focused primarily on developing countries, the SDGs are universal, applicable to rich and poor nations alike, regardless of their level of development. This universal approach reflects the understanding that sustainable development is not only a challenge for those most in need, but a global goal involving all nations.

Unlike the MDGs, the SDGs cover a wide range of critical development areas, from gender equality and education to climate change and social justice. These objectives are not isolated from each other, but are deeply interrelated, meaning that progress in one area often drives progress in others. For example, ensuring universal access to education not only improves economic opportunities, but also promotes gender equality and combats poverty. The SDGs therefore present a holistic approach to development, recognising that all aspects of human and planetary well-being are intrinsically connected.

Commitment to these goals represents a monumental challenge for the nations that adopt them. Achieving truly sustainable development by 2030 requires a profound transformation at all levels of society: from public policies to individual behaviours. However, despite the enormous challenges, the adoption of the SDGs has marked a turning point in the history of global development. This set of goals has provided a clear and structured framework to guide international



cooperation and national actions towards a more equitable and healthy future for all the world's people.

6. The five pillars of sustainable development

To achieve the ambitious goals of the 2030 Agenda, the European Union has structured its approach to development around five key themes, known as the «5 Ps». These five pillars, which stand for *People*, *Planet*, *Prosperity*, *Peace*, and *Partnership*, are the foundations that guide the EU's sustainable development policies and projects. Each of these themes addresses a crucial dimension of development and together they form a coherent framework to ensure that EU initiatives not only respond to immediate needs, but also contribute to the well-being of future generations.

6.1. *People: Eradicating poverty and hunger*

The first pillar, «*People*», focuses on eradicating poverty and hunger in all its forms. At the heart of this objective is a fundamental belief in human dignity and equal rights. Development cannot be measured solely in terms of economic growth; it must also ensure that all people, regardless of their origin or circumstances, have access to the resources necessary to lead a dignified life. This means ensuring universal access to education, health, clean water and housing, as well as protecting people from exploitation and violence.

6.2. *Planet: Protecting our environment*

The second pillar, «*Planet*», addresses one of humanity's most pressing challenges: environmental degradation and the depletion of natural resources. The planet cannot sustain a development model that continues to exploit its resources without regard for ecological limits. This pillar calls for a profound transformation in the way we produce, consume and manage natural resources. From combating climate change to conserving biodiversity, protecting the planet is essential to ensure that future generations can enjoy a healthy and liveable environment.

6.3. *Prosperity: Creating a prosperous future*

«*Prosperity*» stands for the aspiration to ensure a prosperous and fulfilling life for all. Economic development is crucial to improving living conditions, but it must be inclusive and equitable, benefiting all sectors of society. Prosperity should not only be measured in terms of Gross Domestic Product (GDP) growth, but



also by the overall well-being of people, the distribution of wealth and the creation of economic opportunities for all, especially the most vulnerable. Only development that harmonises human needs with the planet's capacities can ensure lasting prosperity.

6.4. *Peace: Promoting justice and inclusion*

The fourth pillar, «*Peace*», underlines the importance of creating peaceful, just and inclusive societies. Peace is not just the absence of conflict, but involves building just institutions, promoting the rule of law and guaranteeing human rights for all. Peace is also closely linked to prosperity: conflicts and violence destroy economic opportunities, while a peaceful society fosters stability and progress.

6.5. *Partnerships: Joining global efforts*

Finally, *Partnership* recognises that sustainable development cannot be achieved in isolation. It requires the active collaboration of governments, businesses, non-governmental organisations and citizens. Strong global partnerships are key to mobilising the resources, innovation and cooperation needed to achieve the SDGs. The EU, through its relations with other countries and international organisations, plays a key role in building these global partnerships.

Taken together, the five pillars of the SDGs provide a balanced and comprehensive approach to sustainable development, one that seeks not only to improve material living conditions, but also to create a more just, equitable and environmentally sound world. By adopting the SDGs and committing to the five pillars of the 2030 Agenda, the European Union is committed to working towards a better future for all, on a planet we can all share.

Through its humanitarian action, the EU has made a significant impact on the lives of millions of people around the world. Its assistance has been crucial in emergency situations such as earthquakes, floods, wars and epidemics, providing immediate assistance and long-term recovery support. Thanks to DG ECHO's coordination and partnerships with international actors, the EU has been able to reach those most in need at the most critical moments.

In particular, the EU's response during the Covid-19 pandemic was exemplary, with rapid and efficient interventions to provide medical assistance, health systems support and humanitarian aid to the most vulnerable communities.

The EU's humanitarian action reflects its commitment to the fundamental principles of humanity and global solidarity. Through its policies and structures, such as DG ECHO and the CPMU, the EU has proven to be a global leader in responding to humanitarian crises, ensuring that aid reaches those most in



need quickly. In a world increasingly affected by natural disasters, conflicts and health crises, the EU's commitment to humanitarian aid remains essential to build a safer and more equitable future for all.



The Directorate-General for International Cooperation and Development (DG DEVCO). It cooperates with 150 partner countries in Africa, Latin and Central America, and the Asia-Pacific region.

7. Civil protection

The European Directorate-General for Civil Protection and Humanitarian Aid Operations (ECHO) is the lead agency of the European Union (EU) with responsibility for coordinating and managing humanitarian interventions both inside and outside the EU. ECHO plays a crucial role in crisis and disaster response, providing assistance to victims of natural and man-made disasters, in close collaboration with various international organisations and NGOs. Their work is critical to saving lives, alleviating suffering and promoting recovery in emergency contexts.

Article 214 of the TFEU provides the main legal basis for EU humanitarian action. This article authorises the European Union to provide assistance, relief and protection to populations in non-EU countries affected by natural disasters or man-made crises, such as armed conflicts. The EU is committed to intervening in these contexts in order to alleviate the suffering of affected persons and protect their human rights, in accordance with international principles of humanitarian action.

Article 196 of the TFEU gives the EU competences in the field of civil protection, allowing it to coordinate and complement the actions of EU member states in disaster situations. The EU also has the capacity to support non-member countries under certain conditions, to improve cooperation in disaster and



crisis management at the global level. Through this article, the EU reinforces its role in cross-border emergency management, providing assistance and strengthening national civil protection systems.

ECHO has multiple responsibilities in humanitarian crisis response and civil protection management. These are some of its most relevant functions:

1. *Humanitarian Aid Management*: ECHO coordinates humanitarian aid operations in countries outside the EU, based on the international principles of humanity, neutrality, impartiality and independence. The EU, through ECHO, funds operations to assist victims of natural and man-made disasters, focusing on the needs of the most vulnerable populations.
2. *Collaboration with International Organisations*: ECHO works closely with non-governmental organisations (NGOs), the United Nations, the Red Cross, the Red Crescent, and other international and local agencies to provide assistance. This collaborative approach allows for a more coordinated and effective response to emergencies.
3. *EU Civil Protection Mechanism (ECPM)*: ECHO manages the EU Civil Protection Mechanism, a key system for coordinating civil protection cooperation within the EU and in non-EU countries in the event of natural or man-made disasters. This mechanism is designed to strengthen cooperation between EU countries, and improve their capacity to prevent, prepare for and respond to emergencies.
4. *Urgent Assistance Within the EU*: Through Regulation (EU) 2016/369, ECHO provides emergency assistance within the EU when member countries are faced with exceptional disasters, such as earthquakes, floods or industrial accidents. This assistance complements national actions and is activated only when existing resources are insufficient to handle the crisis.

The MPCU is one of the EU's main instruments for coordinating civil protection and disaster response, both within its borders and in non-member countries. This mechanism aims to improve the effectiveness of cooperation and coordination between Member States in disaster prevention, preparedness and response.

The EU's Emergency Response Coordination Centre (ERCC) operates 24 hours a day, seven days a week, and is responsible for coordinating humanitarian aid and civil protection operations. The MPCU also maintains a voluntary pool of relief teams, experts and equipment in member countries, ready to be deployed in emergencies. This rapid response capability is essential to mitigate the effects of crises in a timely and efficient manner.

Through the European Humanitarian Aid Office (ECHO), the EU has established itself as one of the biggest international donors in this field, with



€11.6 billion for the period 2021–2027. ECHO is dedicated to intervening in humanitarian emergencies caused by natural disasters or conflicts, based on the principles of the European Consensus on Humanitarian Aid, which promote neutrality, impartiality and humanity in its interventions.

ECHO has played a crucial role in a number of humanitarian crises, such as the response to earthquakes, floods, epidemics and armed conflicts. Through collaboration with international agencies, non-governmental organisations and EU Member States, the EU has been able to provide vital assistance such as food, clean water, medical care and shelter.

The management of the Covid-19 pandemic was an outstanding example of the EU's ability to mobilise resources quickly and provide urgent assistance both within the EU and in non-EU countries. ECHO played an important role in coordinating emergency response operations to mitigate the impact of the pandemic, both in terms of public health and urgent humanitarian needs.

The European Directorate-General for Civil Protection and Humanitarian Aid Operations (ECHO) is one of the most relevant institutions in international cooperation for the management of humanitarian crises. Through its leadership in humanitarian aid and civil protection, ECHO not only saves lives, but also contributes to the stabilisation and recovery of regions affected by natural disasters or conflicts, bringing hope and assistance to millions of vulnerable people around the world.

Apart from humanitarian aid, the EU also has a strong commitment to civil protection through the EU Civil Protection Mechanism (CPMM), governed by Article 196 of the TFEU. This mechanism was created with the aim of coordinating and strengthening the EU's collective capabilities to prevent, prepare for and respond to disasters both within the EU and in non-EU countries.

The MPCU has been upgraded several times to improve its responsiveness. In particular, the Covid-19 crisis highlighted the need for a faster and more effective response to cross-border emergencies, leading to further modifications to the mechanism. Through this system, the EU has provided assistance to countries affected by natural disasters, epidemics and humanitarian crises, acting as a key player in international crisis management.

Although civil protection is one of the EU's internal competences, the CPMU has significant external reach, allowing the EU to mobilise resources and *expertise* to respond to crises outside its borders, when additional resources are required to support affected countries.



COOPERATION AND HUMANITARIAN AID

Fundamental Principles of Humanitarian Action



Humanity



Neutrality



Impartiality



Independence

Legal basis

Primarily through **Articles 4 and 208 of the Treaty on the Functioning of the European Union (TFEU)**, and **Article 21 of the Treaty on European Union (TEU)**, the EU establishes the legal foundations and guiding principles for its development action, aiming for a fairer and more sustainable world.

Development Cooperation in the EU

The EU plays a key role as the largest donor of **official development assistance (ODA)**, working to achieve a more peaceful and prosperous world through its global commitments. In 2017, the **EU Global Strategy (EUGS)** on foreign and security policy was fully implemented, incorporating the SDGs as cross-cutting elements to promote a coherent and effective approach in EU external action.

- Addis Ababa Action Agenda and European Development Fund
- European Fund for Sustainable Development and European External Investment Plan
- EU Emergency Trust Fund for Africa
- Spotlight Initiative

EU Contribution

45% of global aid, representing over **€ 66 billion** annually

NDICI-Global Europe (Neighbourhood, Development and International Cooperation Instrument)

This instrument simplifies and unifies the EU's financial mechanisms, divided into three pillars:

- Sub-Saharan Africa, Asia-Pacific, Latin America and the Caribbean.
- Human rights, democracy, peace, and conflict prevention.
- Non-programmed rapid response actions.

The Global Gateway Strategy aims to promote a model of global connectivity based on the Union's principles and values.



Civil Protection

The Directorate-General for European Civil Protection and Humanitarian Aid Operations (ECHO) is the EU's main agency responsible for coordinating and managing humanitarian interventions both within and outside the EU. Key functions include:



Humanitarian Aid Management

Collaboration with International Organisations

EU Civil Protection Mechanism (UCPM)

Emergency Support Instrument within the EU



Bibliography

- HERGADEN, Malte Frederik (2024). *La política de desarrollo: resumen general*. Fichas temáticas sobre la Unión Europea. European Parliament.
- HERGADEN, Malte Frederik (2024). *Ayuda humanitaria*. Fichas temáticas sobre la Unión Europea. European Parliament.
- MARTIN RODRÍGUEZ, Gabriel (2015). «Cuestiones generales sobre el Derecho de minorías: una visión global.» *Cadernos de Dereito Actual*, No. 3. Universidade de Santiago de Compostela, 2015. ISSN:2340-860X, pp. 517-535.
- FAJARDO DEL CASTILLO, Teresa (2012). «Inmigración y cooperación al desarrollo en la Unión Europea.» In *La dimensión exterior del espacio de libertad, seguridad y justicia de la Unión Europea*. MARTÍN Y PÉREZ DE NANCLARES, José (ed.), Iustel, pp. 409-431.
- GRANELL TRÍAS, Francesc (2017). «La cooperación al desarrollo de la Unión Europea.» In *Las políticas de la Unión Europea en el siglo XXI*. ORTEGA GÓMEZ, Marta and AÑOVEROS TERRADAS, Beatriz (eds.). J. M. Bosch, pp. 627-654.



Chapter 14

Transport Policy in the European Union

1. Introduction

Transport as a policy has developed within the framework of the economic integration sought by the European Union. From an economic perspective, it was necessary to harmonise a common transport system, which since the Treaty of Rome has been gaining ground and huge strides have indeed been made in maritime, air and land transport. The Treaty already included this policy as one of the points on which a common framework should be developed more effectively, but because of the complexity involved this was not possible until decades later.

The free provision of this service, which would also be accentuated and reinforced by the free movement of persons and goods, would oblige the European institutions to further develop the capacity to be able to implement a common framework for this phenomenon. Especially when we consider with the many differences between the different types of transport, making work in this area complex in terms of how to deal with different challenges.

Considering the common market, an objective of this policy, and considering the difficulties encountered in the early decades of the European Treaties, it should be noted that real progress can be seen in two central elements. On the one hand, in the idea of an area of free competition, the liberalisation of transport provided the necessary impetus to democratise transport, especially passenger transport, as more companies entered the routes and prices were considerably reduced. On the other hand, the Schengen area as a point of convergence of policies relating to the free movement of people, capital and goods.

These two elements, together with the CJEU judgment of 22 May 1985, are the foundations of a solid transport policy, but the White Papers published in the 1990s also facilitated the adoption of the necessary measures to create a common policy. The 2010 White Paper entitled «*European transport policy for 2010: time to decide*», includes elements such as sustainable mobility, the rights of passengers, urban and suburban mobility strategies, including in recent years



elements related to artificial intelligence such as the concept of the Smart City in transport through the 2020 Sustainable Mobility Strategy.

In this line of work, we can see how the EU has progressively prepared itself for the new challenges, as for example in the 2011 White Paper entitled «Roadmap to a single European transport area: towards a competitive and sustainable transport policy called for a significant reduction in transport pollution by 2050, whether by road, sea or air.»

The sustainability of transport is arguably one of the main elements, as evidenced by the mention of this issue in various standards such as the European Green Deal, which states the need to reduce its CO₂ emissions by 90% by 2050. Or the Sustainable and Intelligent Mobility Strategy, which aims to enable the EU to bring about a technological revolution in transport to make it more efficient and environmentally friendly.



2. Legal basis and objectives

Article 4 of the Treaty on the Functioning of the European Union establishes transport as a shared policy of the Union with the Member States. This policy is developed in Title Six (Articles 90 to 100) setting out the following:

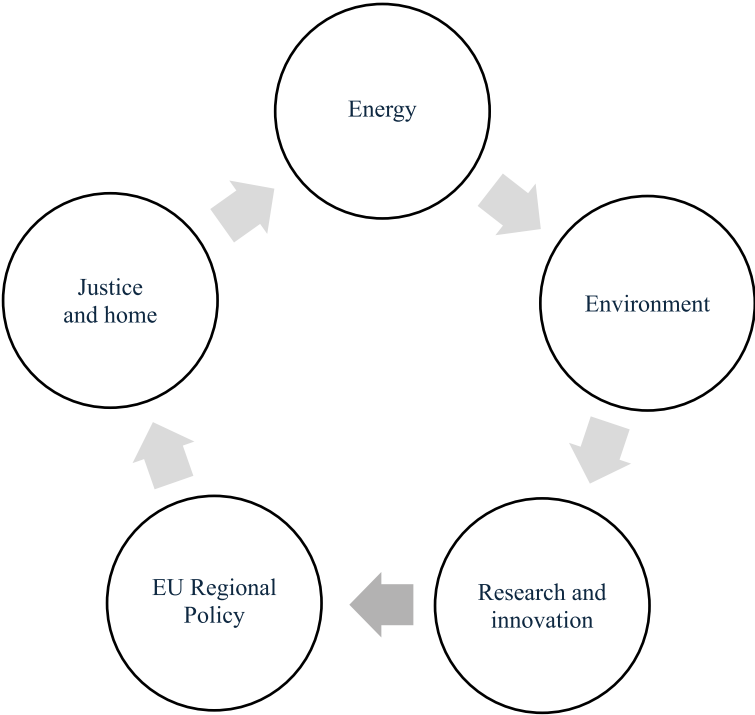
Art.	Main content	Key issues
90	Common transport policy	
91	Rules to ensure the free movement of transport services	<ul style="list-style-type: none">• Removal of restrictions.• Rules for international transport within the EU.• Rules for non-resident carriers.• Transport safety measures.
92	Protecting equal rights and obligations on the European market	
93	Regulation of transport aid and subsidies	
94	Price-setting regulation	<ul style="list-style-type: none">• Establishment in consensus with the conditions of the carriers.
95	Principle of economic equality	<ul style="list-style-type: none">• No discrimination on the basis of State of origin.• Institutional guarantee of equality between carriers.



96	Prohibition of state aid, distorting free competition	
97	Improving efficiency and reducing costs	• Request to States to optimise transport costs.
98	Specific rules for Germany	
99	Establishment of an advisory committee	
100	Specific provisions for certain forms of transport	• Referring to transport by rail, road or inland waterway.

2.1. Main objectives

We must bear in mind that the main challenges in this area fall under:



2.1.1. Liberalisation of the road haulage sector

With the entry into force of the Schengen Area, it would be considered necessary to give a boost to the liberalisation of the road haulage sector. The first regulation in this area was Regulation of 26 March 1992, allowing Com-



munity licences for hauliers. Subsequently, in 2002, the same would apply for third country nationals eligible for such a licence.

This progressive liberalisation, which would begin with the issuing of licences, would be extended to include not only internal market rules, but also the application of cross-cutting and equal powers for all workers in this sector, be it in fiscal or social matters.

2.1.2. *Liberalisation of the road passenger transport sector*

The rules have been simplified and brought closer to the same criteria as for freight transport, starting with a Community licence and then creating a harmonised system of regular services, as well as in the working conditions of workers (tachographs, odometer, etc.) in order not to put the lives of any citizen at risk.

2.1.3. *Environment*

The idea of being able to improve the environment by reducing transport emissions is one of the main lines. The European Green Deal includes a number of actions to reduce transport pollution, making it sustainable for all:

- Bring transport to zero emissions by 2050.
- Boost sustainable aviation to offset its climate footprint.
- New rules to reduce emissions from ships.

It should be noted that there are rules regarding emissions in the different sectors. The proposal to progressively phase out traditional fuels and support new ecological fuels, as well as electric vehicles, has led to the promotion of the cleanest transport, which is rail transport.

2.1.4. *Free movement of drivers.*

With more and more European citizens using the roads between states, whether for holidays or for work, the use of roads as another element in the integration process would entail the regulation of common documentation.

2.1.5. *Rail transport*

The European Union is making a direct commitment to rail transport, both for freight and for citizens. The sustainability of rail compared to other modes of transport helps significantly reduce pollution. Thanks to the European rail transport networks, which started with freight services, international passenger transport in both conventional and high-distance rail was subsequently extended.



One of the great achievements, as in other sectors, has been the progressive liberalisation of the railway sectors, which has allowed for a common policy, thanks also to the European Union Railway Agency which, although it has no decision-making powers, does help to establish common safety objectives and the efficient operation of a single European railway area.

2.1.6. *Air Transport*

Air transport has evolved like other forms of transport with significant changes. The most important of these were the liberalisation of the air sector, which, from a social integration perspective, has led to the democratisation of travel and has allowed for greater interconnection between all citizens.

This is why this policy includes the internal market, which allows new airlines to freely set prices for flights and goods. This also allows the opening of new routes in Europe that serve to «bring people together», as Jean Monnet put it.

In this regard, aviation policy imposes a set of rules for all European companies in order to have a common free market and a balance between the interests of consumers and companies. Following this argument, we must bear in mind that air safety is another of the elements that most concerns the European legislator, not only in terms of the aircraft themselves, but also in terms of passenger safety.

Finally, on the creation of the Single European Sky, another of the proposals that have become real with a mandate to improve the efficiency, safety and costs of flights and aircraft emissions.

2.1.7. *Maritime transport*

Maritime transport remains the largest form of transport in terms of volume, new routes from different geographical areas to the Union and the importance of world trade itself for the provision of services causes them to have specific rules necessary for their regulation. Most of these are supranational, although the European Union has assumed responsibility for these standards and implemented others to ensure common minimum standards.

These specificities relate to integrated maritime policy and its relationship with maritime safety. Free competition and the liberalisation of maritime services, including port services, must obviously be taken into account, both in terms of safety and environmental issues.

The protection of working conditions, the maritime safety package and health protection is unified through mutual recognition of licensing and certification of all Member States. In addition, a number of rules concerning civil liability for damage caused by bunker fuels are followed.



The European Union's Maritime Safety Strategy, to be launched in 2014, includes the working points: *security and defence (including cybersecurity), critical infrastructure, environmental protection, fisheries, trade and maritime transport, energy, transport, tourism.*

3. Trans-European transport networks

Trans-European Transport Networks are regulated in Title 16 of the TFEU, specifically in Articles 170 to 172. It is important to highlight the first paragraph of Article 170, which sets out the importance of creating trans-European transport networks in order to complete European integration in both economic and social terms.

The responsibility for the development of this initiative lies with the Parliament and the Council, establishing a series of objectives in Article 171 of the TFEU, indicating the possibilities for EU development of this policy. The TEN-T Regulation 2024/1679 of the European Parliament and of the Council of 13 June 2024 is the current standard for this policy. It serves to establish common standards, as set out in its own preamble, to be carried out until 2050: «The trans-European transport network should contribute to the improvement of the quality of services, social conditions for transport workers and accessibility for all users.»

The connectivity of trans-European networks by improving global and local networks, seeking to ensure that the strategic importance of transport infrastructure is realised under the premises of sustainable development. This development is not only considered in the use of more environmentally friendly means, but also in the optimisation of new infrastructures, the use of less contaminating fuels.

In other words, the purpose of this regulation and of the policy itself is to be able to carry out joint projects that enable territorial, social and economic cohesion. Not only in road transport, but also in maritime and rail transport. This is endorsed in Article 4 of the Regulation, across four areas of action:

— Sustainability:

- Reduce emissions in transport.
- More sustainable transport.
- Economic incentives to reduce carbon footprint.

— Cohesion:

- Connectivity of all EU regions including the outermost regions.
- Equity between all transport networks.



- Coordinate between all transport networks.
- Efficiency:
 - More efficient connection points.
 - Eliminate of interoperability bottlenecks.
 - Efficient and quality transport.
 - Enhance rail transport.
 - Coordination in cross-border projects.
- Increased benefits for users:
 - Accessibility for users.
 - Ensure high levels of safety, security and quality.
 - Protect the environment through adequate mobility.

These measures taken in the new Regulation aim to improve efficiency, including urban mobility, which is considered to be one of the main elements that cannot be neglected. The connection of urban nodes by the different transport routes is another of the issues addressed in the regulation, implementing measures to be carried out progressively. Urban node is defined as: *transport infrastructure in the urban node forming part of the trans-European transport network, including ring roads, and access points to the trans-European transport network open to all operators and users on a non-discriminatory basis, in particular ports, airports, railway stations, bus terminals and multimodal freight terminals.*

4. Sustainable urban mobility plans

The idea of sustainable urban mobility plans is to provide cities with a mobility and transport system, the European Court of Auditors defines these plans as:

[...] the ease with which people can move between destinations in cities or urban areas thanks to the transport network and services available. Many factors affect urban mobility patterns, such as demographics, land use, governance, availability of public transport, car use and the local economy.

Urban mobility plans are restricted to a specific area, including peripheral areas cities. The work being done in this area by all institutions is important, and the European Union supports it through the Eltis Observatory, under the European Commission's Directorate-General for Mobility and Transport.



5. Sustainable mobility strategy

The Commission's Communication of 9 December 2020 addresses the sustainable mobility strategy, and is entitled: «*Sustainable and Smart Mobility Strategy: Harnessing Europe's transport for the future.*» As the title itself states, the main element is sustainability in transport, and with this aim in mind, the Strategy clearly states its commitment to zero-emission mobility.

The interrelation of the Green Deal with mobility seeks to implement the measures already described, such as the use of public transport or less polluting means of public transport. But it also addresses private transport, so the first measure proposes is to *boost the adoption of zero-emission vehicles, renewable and hypo-carbon fuels and associated infrastructure*. They also aim to make public infrastructure more sustainable, the second measure proposed in the strategy being the *creation of emission-free airports and ports*.

In addition to these two proposals, the Commission puts forward eight others with the same objective, highlighting the use of *innovation, data and artificial intelligence for smarter mobility*. In this respect, the necessary complementarity of the use of artificial intelligence to improve mobility must be emphasised. The possibility offered by artificial intelligence to implement new ways of approaching mobility, not only in traffic management, but also in land and road planning, as well as in other means of transport, making mobility not only more efficient for the citizen, but also more environmentally friendly for the planet.

6. Conclusions

The idea of territorial cohesion through transport is one of the cornerstones of EU policy. We must remember that the real meaning of the creation of the European Union is to bring the citizens of the different states closer together by giving them a common identity.

The common market needs efficient transport, by any of the available means, and coherence is sought between countries in order to coordinate this, which affects the normal development of the economy. The consideration of common measures on harmonisation of permits, licences and sustainability is noted.

The environment is a central element in this policy, the direction taken by the European institutions is to develop sustainable transport in the framework of making Europe a neutral region by 2050. The EU's ability to assist this transition to clean technology is a complex but necessary gamble.

In order to become a neutral region, the EU is committed to more energy-efficient forms of transport such as the rail sector. In addition, proposals are also made for the urban sector, such as the increased use of public transport,



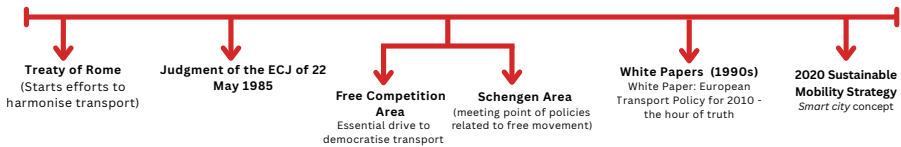
especially in overcrowded cities with high levels of traffic, which leads to higher levels of air pollution.

Similarly, one of the most real possibilities is the use of artificial intelligence to help improve transport. The data obtained and processed through this tool facilitates the implementation of measures in all sectors (citizens, public and private transport, roads, etc.) to achieve the objective of the Green Deal, which is the reduction of pollution, an element which, as we have stated in these pages, is the central concern of the European Union.

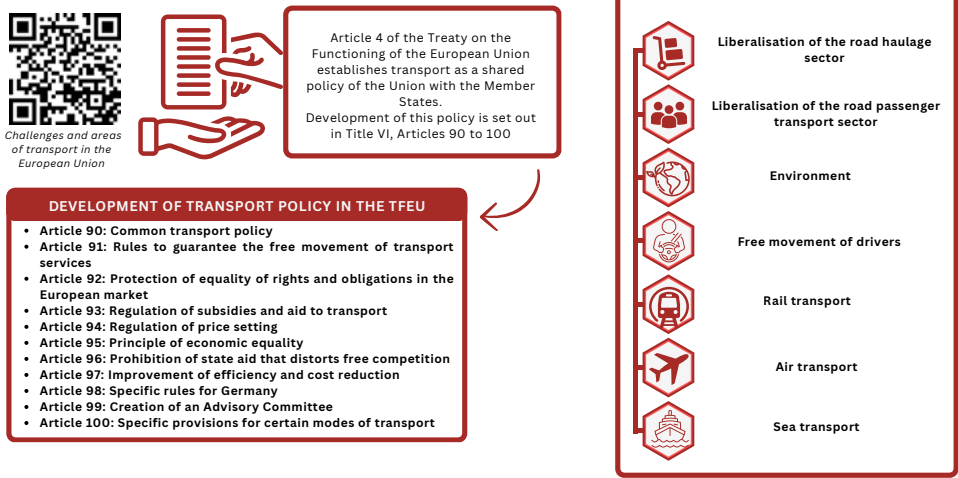


TRANSPORTS

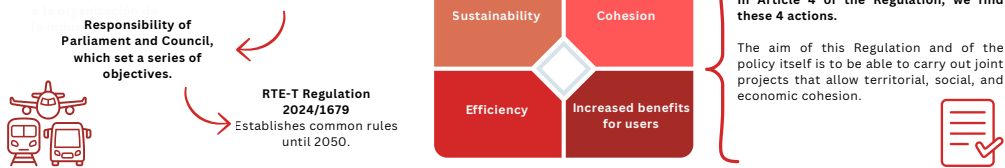
Timeline



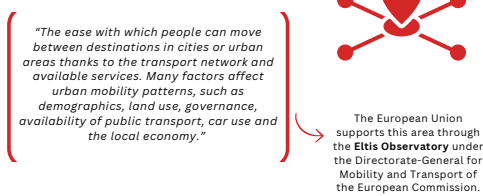
Legal basis



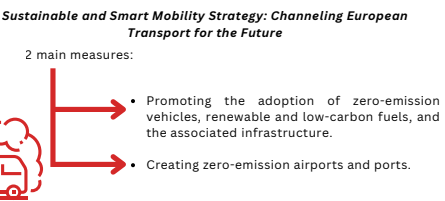
Trans-European Networks



Urban Mobility



Sustainable mobility strategy



Bibliography

- CONTRERAS MARTÍNEZ, Francisco José. *El transporte ferroviario como elemento básico de la política de transportes y sus efectos sobre la cohesión y la política regional de la Unión Europea*. 2017.
- OLMEDO GAYA, Ana Isabel. «El proceso de liberalización gradual del transporte ferroviario en la Unión Europea.» *Revista Aragonesa de Administración Pública*, 2017, No. 49, pp. 454-499.
- RIESCO SANZ, Alberto *et al.* *Desplazamiento de trabajadores en la Unión Europea. El caso del transporte por carretera*. Bomarzo, 2018.
- MAMBRILLA RIVERA, V. «La política europea de transportes (hacia el establecimiento de un “espacio único europeo del transporte”).» *Revista de Derecho del Transporte*, 2012, No. 9, p. 37.
- BOIRA I MAIQUES, J. V. & Berzi, M. «La europeización de las grandes infraestructuras nacionales: hacia una soberanía compartida (2011-2021).» *Cuadernos de geografía*, 110, 2023, pp. 243-262.



Chapter 15

Aviation and Aerospace Policy in the European Union

1. Introduction

Space is another area where the European Union has been working together in recent years. We are living in a second space race in which the powers want to take an advanced position in the conquest of space. This time, though, they are not looking to reach other planets like Mars or walk on the moon again; this time the goal is use satellites to improve telecommunications in Europe.

Space policy is not described in the Treaties as a policy in its own right. Rather, it is included under areas like foreign policy and industry and research. This is described in Article 189 of the Treaty on the Functioning of the European Union:

To promote scientific and technical progress, industrial competitiveness and the implementation of its policies, the Union shall draw up a European space policy. To this end, it may promote joint initiatives, support research and technological development and coordinate the efforts needed for the exploration and exploitation of space.

To contribute to attaining the objectives referred to in paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall establish the necessary measures, which may take the form of a European space programme, excluding any harmonisation of the laws and regulations of the Member States.

The Union shall establish any appropriate relations with the European Space Agency.

Satellite communication and the geostrategic positioning of satellites in space is one of the European Union's major challenges for this decade, competing with the world's major powers in space positioning. The use of data collected by satellites helps improve our lives, control climate change and natural resources as well as being important for European defence and security. For these reasons, it's important to consolidate this policy within the European Union.



With security is a central issue, the European Union must have the capacity to respond to circumstances that may put its citizens at risk. Satellite data are used to avoid weather risks, to track space objects that may enter European territory and for the analysis of areas affected by climate change. These are all reason why a satellite system to monitor our external and internal security is essential.

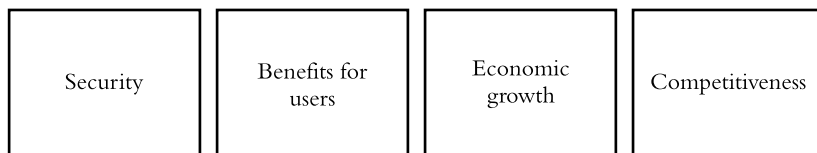
The Regulation approving the space programme (Regulation 2021/696) also refers to the European Union's need for independence and security, building autonomous access to space, to preserve critical infrastructures and technology, public safety and the protection of the Union and its Member States.

2. European Union Space Programme Agency (EUSPA)

The European Union Space Programme Agency (EUSPA), established in 2004, is an Agency of the European Union. Another international organisation called the European Space Agency cooperates with the Union, but has third countries involved and acts autonomously. EUSPA's objective is to position Europe as one of the leading regions in aerospace policy, seeking possibilities for both research and strategy in space to improve the lives of its citizens.



The Agency manages the EU's space investment programmes, as well as setting out the space programme itself. EUSPA's mission is also to be the operational agency for the projects, working with the European institutions such as the European Commission and the European Parliament, as well as with Member States, the European Space Agency and companies across the European Union. It focuses on four concrete objectives:



The Agency also has the capability to assist in the analysis of Spatial Situational Awareness (SSA). The analysis of the security risks and dangers facing the European Union is largely studied through the satellite data obtained, as this information ensures the security of European economies, societies and citizens who depend on space-based services for communication, navigation and observation applications.



3. The European space programme

To equip the Agency for project development, the European Union adopted Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme This programme is characterised by the use of information. In its first recital, the Regulation itself states: *Space technology, data and services have become indispensable in the daily lives of Europeans and play an essential role in preserving many strategic interests.*

This programme, which has security and defence implications, also serves to protect the environment. In the times we live in today, the use of data is fundamental to any challenge that society faces. Technology allows us to gather this type of information for the progress of citizens, but satellite navigation, connectivity, spatial research and innovation are elements to be taken into account for economic and research development.

This is why the space programme itself specifies the need for a common industrial policy, because, although there are States with more progress in this area, there is a need to develop and consolidate the space industry in the Member States with emerging capabilities, as well as the need to respond to the challenges posed by the New Space to the traditional space industries. Actions should be promoted to develop the capacity of the space industry throughout the Union and to facilitate collaboration between the space industry active in all Member States.

Component	Description
Galileo	A civilian, autonomous global navigation satellite system (GNSS) under civilian control. It consists of 24 satellites and a global network of ground stations. Since 2016, Galileo offers greater accuracy and seeks European technological autonomy to protect personal data and reduce economic dependence on GPS. Approximately 10% of the EU economy depends on GNSS signals.
European Geostationary Navigation Overlay System (EGNOS)	Civil regional navigation satellite system that enhances and corrects GNSS signals. Key in air traffic management, transport, and agriculture (used by 98% of farmers to steer tractors). It also assists in border defence and control, particularly in North Africa.
Copernicus	Civil Earth observation system oriented to users, offering geo-information data and free access to open data. Includes satellites maintaining other commercial and public satellite infrastructure from 2024.



Component	Description
Knowledge of the spatial environment	Includes space surveillance and tracking, space weather, and near-Earth object monitoring.
Govsatcom	Satellite communications service providing secure mission-critical services to the EU and Member States. Promotes independence in telecommunications, public safety, and crisis management.

The objectives of the European space programme are as follows:

- provide or contribute to the provision of high quality, up-to-date and, where appropriate, secure data, information and services, seamlessly and globally where possible, that meet current and future needs and can support the Union's policy priorities and appropriate evidence-based and independent decision-making, including on climate change, transport and security;
- maximise socio-economic benefits, in particular by stimulating the development of innovative and competitive European flight and user segments, including SMEs and start-ups, so as to enable growth and job creation in the Union, and by promoting the widest possible integration and use of data, information and services offered by the Programme components, both within and beyond the Union, while ensuring synergies and complementarity with research and development activities and technological development of the Union carried out within the framework of Regulation (EU) 2021/695;
- to improve the safety and security of the Union and its Member States, to strengthen the autonomy of the Union, in particular in the field of technology;
- promoting the Union's role as a global actor in the space sector, stimulating international cooperation, strengthening European space diplomacy, also by promoting the principles of reciprocity and fair competition, and reinforcing its role in addressing global challenges, supporting global initiatives, in particular in the field of sustainable development, raising awareness of space as shared heritage of mankind;
- enhance the safety, security and sustainability of all outer space activities relating to space objects and debris proliferation, as well as the space environment, by implementing appropriate measures including the development and deployment of technologies for end-of-life spacecraft decommisioning and space debris removal.



4. Conclusions

Security is at the heart of the European Union's space policy, which in turn has many ramifications, be it in data protection, the fight against climate change or the prevention of atmospheric phenomena, all of which are aimed at ensuring a high level of security for European citizens.

At a historic moment in which both states and private companies are in the process of positioning themselves in space, the European Union is emerging as an international organisation that, by integrating 27 states, has considerable weight in this field. This is due to the steady development of the technology industry in Europe, as well as the large telecommunications companies and the defence industry on the European continent.

Economic competitiveness with other regions must also be an aspect to be taken into account, as it is not possible to leave such important aspects as satellite positioning, control of infrastructures like air travel or maritime traffic and critical infrastructures in the hands of third countries. This led to the creation of a space programme for the European Union, which in the coming years will play an important role in the lives of all European citizens thanks to the new uses that can be made of artificial intelligence.



AVIATION AND SPACE POLICY

Context and legal basis

Treaty on the Functioning of the European Union:

- **Article 189:** European space policy as part of foreign policy and industry and research.



Use of satellite data: security

- Avoiding meteorological risks
- Entry of possible space objects into European territory
- Analysis of areas affected by climate change

Regulation 2021/696: the Union Space Programme and the European Union Agency for the Space Programme are established.

European Space Programme Agency



EU agency established in 2004.

It seeks to position Europe as one of the leading players in aerospace policy.

Specific objectives of the EUSPA:

Safety



Benefits for users



Economic growth



Competitiveness

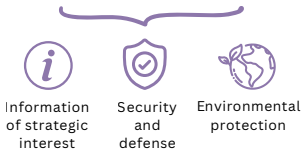


The Agency also assists in the analysis of Spatial Situational Awareness (SSA).

The European space programme

Regulation 2021/696

European Space Programme
+
EU Space Programme Agency



3. COPERNICUS

Civil Earth observation system.
Provides geoinformation data and services.

4. KNOWLEDGE OF SPACE

It includes a surveillance and tracking system.

1. GALILEO

Civilian and autonomous **global** navigation satellite system (GNSS).

24 satellites

10% of the EU economy depends on the availability of global satellite navigation signals

2. EGNOS

European Geostationary Navigation Overlay Service (EGNOS)

Regional civil satellite navigation system under civil control.

- Europe's first foray into satellite navigation: paved the way for Galileo.

5. GOVSATCOM

Satellite communications service enabling the management of critical security infrastructure.

- Crisis management
- Surveillance
- Critical infrastructure



Bibliography

- COZ FERNÁNDEZ, José Ramón y VALIÑO CASTRO, Aurelia Valiño. «El impacto industrial y económico de los programas espaciales en Europa tras el COVID-19: sus implicaciones en la política industrial.» *Industrial Economics*, 2021, vol. 420, pp. 67-80.
- FERNÁNDEZ, Tirso Velasco. «En busca de nuevas fronteras: el programa espacial científico europeo.» In *Un breve viaje por la ciencia*. Universidad de La Rioja, 2006, pp. 39-44.
- GILBERT, Faramiñán. *Comentarios sobre el reto de una estrategia española de seguridad aeroespacial y ciertas lagunas jurídicas*. 2019.
- POMÉS LÓPEZ, Jan. «El doble uso, civil y militar de los programas espaciales de la Unión Europea: el vínculo entre la Política Espacial Europea (PEE) y la Política Común de Seguridad y Defensa (PCDS).» In *UE y el Mediterráneo a la luz de la estrategia global de seguridad de la Unión: retos futuros en las políticas de vecindad, seguridad y defensa*, 2020, pp. 171-187.



Chapter 16

Energy Policy in the European Union

1. Introduction and historical development

In the European Union, energy policy is an issue of great importance. Changes related to the use of cleaner and more sustainable energy sources are being debated within the EU. While some countries advocate continued use of traditional energy (oil, coal and gas) for citizens and industry, others that are firmly committed to renewable energies. The debate as to whether to commit to nuclear energy or to progressively reduce it, meanwhile, remains very much alive.

We must understand that this policy will depend on different factors in each country, resulting in different positions being reached. The geographical location of each country is an important factor, as the political ideology of those in power and the realistic possibilities of adapting their country to cleaner energies.

The EU is not a self-sufficient region, relying in part on foreign oil, as well as gas from Russia and Algeria, a dependence that is an issue of concern for the EU. In order to stop being dependent on Russian gas, especially in the context of the war with Ukraine, the European Commission will present the *REPowerEU* project in 2022, which aims to reduce this dependence through the further development of renewable energies.

The birth of the Union stems from the Coal and Steel Treaty, the former being a raw material that generates energy, which shows how important it is for the institutions to be able to develop an optimal energy policy. This would be followed by the adoption of the *Euratom* Treaty establishing the Atomic Energy Community.

This policy is also closely linked to the environment. The use of clean energy is based on the preservation of the ecosystem, which is why the environmental regulations that are approved always have a special transcendence in the energy sector. Similarly, this interrelationship is bidirectional, as the vision of achieving an emission-neutral region by 2050 will not be possible without appropriate energy measures.



In a 2023 report, the European Parliament itself expressed the need to set real goals based on the European Green Deal, starting with the reduction of energy expenditure in order to make an orderly transition to clean energy without affecting any economic sector or citizens. This reduction is not only based on reducing energy consumption in buildings, factories and transport, but also the EU's dependence on foreign energy.



Source: European Commission.

2. Legal basis

Article 4 of the Treaty on the Functioning of the European Union (TFEU) establishes energy as a shared competence of the Member States and the Union. This is a traditional issue because of the inclusion of energy-related issues in the first Treaties, which is also based on the necessary coordination between the countries of the Union in order to achieve an energy agreement that affects so many other policies.

Article 194 explains the energy policy, pointing out two premises, the functioning of the internal market and the preservation of the environment, always with an idea of solidarity that is also referred to in Article 122 of the same Treaty. The main objectives of this article are to:

- Ensure the correct functioning of the energy market;
- Ensure the security of the Union's energy supply;



- Promote energy efficiency and savings, as well as the development of new and renewable energies,
- Promote the interconnection of energy networks.

In this case, the responsibility for achieving the objectives described above lies with both the European Parliament and the Council, and it will therefore be up to both institutions to develop the necessary legislative measures.

3. EU energy strategy: The Energy Union

The EU Energy Strategy is based on the Communication presented by the European Commission in 2015 COM(2015) 80 final. With this document, it seeks to establish a common framework that will gradually lead to an energy union. This stems from the search for energy that will help Europe to be competitive and also environmentally sustainable.

The energy union is based on these two characteristics, the first being competitiveness and the necessary understanding that the sovereignty of states cannot be more important than the common good, much less in an international organisation such as the European Union, one of the pillars of which is the principle of solidarity. Moreover, an energy union would allow member states not only to show solidarity with each other, but also to produce in a more efficient way that helps their economies. The second feature focuses on climate challenges, where the European Union is always one step ahead of the other regions and seeks an energy system that is environmentally friendly and sustainable. To achieve these objectives, the Strategy will be based on five dimensions:

Dimension	Sub-themes
Energy security, solidarity and trust	<ul style="list-style-type: none"> • Diversification of supply (energy sources, suppliers and routes). • Collaboration for security of supply. • Strengthening Europe's role in global energy markets. • Greater transparency in gas supply.
A fully integrated European energy market	<ul style="list-style-type: none"> • Linking markets through interconnections. • Control of the internal energy market. • Enhanced regional cooperation in a new common EU framework for consumers Protection of vulnerable consumers.
Energy efficiency as a contribution to controlling demand	<ul style="list-style-type: none"> • Increasing energy efficiency in the building sector. • Towards an energy-efficient and low-carbon transport sector.
Decarbonisation of the economy	<ul style="list-style-type: none"> • An ambitious climate policy for the EU. • To become a leader in renewable energies.



Dimension	Sub-themes
Research, innovation and competitiveness	<ul style="list-style-type: none">• Next generation renewable energy development.• Improving the energy transition through smart grids, smart cities and home automation systems.• Achieving energy-neutral buildings.• Making transport more sustainable.

Regulation (EU) 2018/1999 on the governance of the European Union and Climate Action is intended to support the objectives of the Strategy to achieve the Energy Union. These governance mechanisms are based on being reliable, inclusive, cost-efficient, transparent and predictable. This Regulation has the same structure as the Strategy as it has the same purpose. But it also includes four governance objectives:

- implement strategies and measures designed to meet the general and specific objectives of the Energy Union and the Union’s long-term greenhouse gas emission commitments;
- stimulate cooperation between Member States, including, where appropriate, at regional level, in order to achieve the general and specific objectives of the Energy Union;
- ensure the timeliness, completeness, accuracy, consistency, comparability and transparency of the information submitted by the Union and the Member States to the Paris Agreements;
- contribute to greater legal certainty, as well as greater security for investors, and help to fully exploit opportunities for economic development, stimulation of investment, job creation and social cohesion.

4. Renewable energies

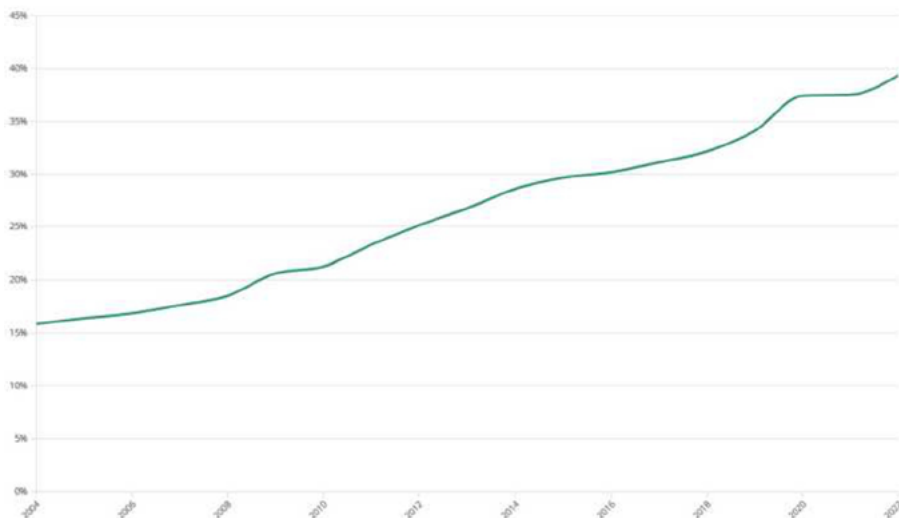
Europe’s future lies in its commitment to the renewable energy sector. To be able to use the non-polluting resources the planet provides us with, such as the sun, wind and water, are the aims of the European Union. Not all countries currently have a policy on the use of renewable energies, and that is why it is necessary for the European institutions to provide incentives for their use.

Directive (EU) 2023/2413 on the promotion of energy from renewable sources is an update and amendment of other previously adopted legislation which, with the changes brought about by the European Green Deal in particular, needed to be included. This Directive follows in the footsteps of previous Directives on the use of renewable energy by requiring States to meet the target of one third of their energy production coming from renewables.



The Directive itself understands that renewable energy, not only because of its environmental impact, but also because of its use, is the right path to remaining competitive at international level, since in recent years the cost of war has seen rise in energy prices for small and large consumers.

Share of renewables in EU electricity generation (2004-2022)



Source: Eurostat.

The EU has not only proposed binding rules on targets, but has also provided solutions such as Regulation (EU) 2020/1294 on the EU's Renewable Energy Financing Mechanism. The aim of this regulation is to support renewable energy projects, whether submitted by companies or citizens.

5. Conclusions

The reduction of fossil fuels in the coming years is one of the measures being taken by the European Union. Fossil fuel dependence on this type of energy is causing considerable environmental damage, so, in this close relationship between the economy and the environment and in order to become a neutral region by 2050, it is looking for a way to progressively eliminate fossil fuels from Europe.

The main plans to achieve this goal are the development of renewable energy and energy saving. Considerable progress has been made in recent years with regard to the former, but the Union must ensure that the Member States imple-

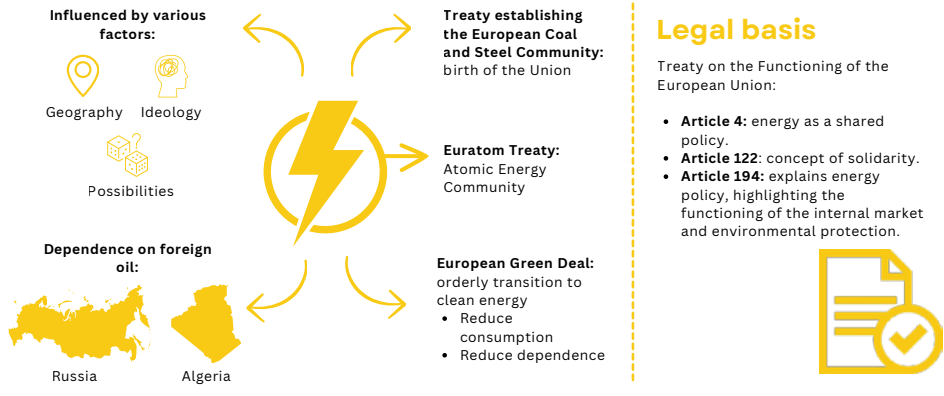


ment specific measures for the development of this energy, especially when the data on its use varies so widely from one Member State to another. With regard to saving energy and thus avoiding dependence on third countries, consumption-based energy saving measures have been taken, starting with the Green Deal's proposal to reduce energy consumption by 1.5% per year in all countries.

Another possible solution to improve energy efficiency proposed by the European Union is to take advantage of Artificial Intelligence to help understand the challenges and, with current resources, facilitate a reduction in energy expenditure. The great challenge facing the European Union is to reduce energy consumption without affecting businesses and citizens, and to achieve this efficiency it will have to use all available means at its disposal.



ENERGY



Energy strategy: the Energy Union

Communication from the European Commission, 2015:
COM (2015) 80 final.

↓

Objectives supported by Regulation (EU) 2018/1999 on the governance of the European Union and climate action.



Renewable energies



- **Directive (EU) 2023/2413** on the promotion of energy from renewable sources:

1/3

of the energy is renewable



environmental impact



internationally competitive

- **Regulation (EU) 2020/1249** on the Union renewable energy financing mechanism.

- **Purpose:** to become a carbon-neutral region by **2050**

- Follow the proposals of the **European Green Deal**: states must reduce their annual consumption by **1,5%**



Bibliography

- CERVERA VALLTERRA, María. «La ordenación jurídica de las energías renovables en la Unión Europea.» In *La regulación de las energías renovables a la luz del derecho de la Unión Europea*. Thomson Reuters Aranzadi, 2017, pp. 23-42.
- ULIED MARTÍNEZ, Agustín. «Una política común para la energía en la Unión Europea.» 2006. *Informe Económico*, pp. 78-89.
- URREA CORRES, Mariola. «La política energética de la Unión Europea a la luz del Tratado de Lisboa.» *Cuadernos de estrategia*, 2011, No. 150, pp. 115-143.
- ZAPATER DUQUE, Esther. «La seguridad energética de la unión europea en el contexto de la nueva política energética y el Tratado de Lisboa.» In *Energía del siglo XXI: European perspectives and global trends*. Institut Universitari d'Estudis Europeus, 2009, pp. 49-80.



Chapter 17

Industrial Policy in the European Union

1. Introduction

Industry is one of the most important sectors in the European Union. Any developed country needs an industry to support the production of products necessary for social advancement. A common industrial policy makes it possible to improve production processes, to be more competitive internationally and to improve the quality of the regions where industry is present.

In Europe, it currently accounts for more than 20 per cent, generating more than 35 million jobs. European industry is unique in that it is highly specialised and high-quality, with the defence, pharmaceuticals and mechanical industries all standing out.

The need for a unified industrial market is evident in the competitiveness of the market, with regions such as Asia and North America maintaining important industries, not only from the point of view of production, but also in terms of technological development.

At this historic juncture, framed within the fourth industrial revolution, we must join forces to protect the European market. To this end, since the Maastricht Treaty, the European Union has been structuring this collaboration between member States in the field of industry, and since the Covid-19 pandemic, the importance of this policy in essential strategic sectors has been accentuated further.

This Treaty included industry as a policy area in Article 130, establishing the importance of the competitiveness of the Union's industry. To this end, the argument was made for the intervention of EU Member States willing to transform and change the model pursued to date. This change would come about through the coordination, research and technological development of the States, with the European Commission having the role of assisting and promoting initiatives that help to achieve this objective.

The new challenges faced, with not only the Chinese market but also other emerging markets booming, mean European technological development must



focus on new markets and, above all, on the specialisation of products where the importance of highly advanced technology is the determining factor. We cannot ignore the importance of artificial intelligence as one of the driving forces that must continue to be promoted to support research and development in this industry.

Therefore, based on the available data and experiences, the European Union and the Member States are committed to qualified and experimental industry as one of the fundamental economic points for the present and future of the region. Therefore, subject to environmental mandates, the possibility of a new approach has been proposed by Commission President Ursula von der Leyen regarding a new Clean Industrial Plan, in line with the provisions of the European Green Deal.

2. Legal basis

Industrial policy is coordinated and supported by the European Union. Article 173 of the TFEU states that:

1. *The Union and the Member States shall ensure that the conditions necessary for the competitiveness of the Union's industry exist. For that purpose, in accordance with a system of open and competitive markets, their action shall be aimed at:*

- *peeding up the adjustment of industry to structural changes,*
- *encouraging an environment favourable to initiative and to the development of undertakings throughout the Union, particularly small and medium-sized undertakings,*
- *encouraging an environment favourable to cooperation between undertakings,*
- *fostering better exploitation of the industrial potential of policies of innovation, research and technological development.*

2. *The Member States shall consult each other in liaison with the Commission and, where necessary, shall coordinate their action. The Commission may take any useful initiative to promote such coordination, in particular initiatives aiming at the establishment of guidelines and indicators, the organisation of exchange of best practice, and the preparation of the necessary elements for periodic monitoring and evaluation. The European Parliament shall be kept fully informed.*

3. *The Union shall contribute to the achievement of the objectives set out in paragraph 1 through the policies and activities it pursues under other provisions of the Treaties. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee, may decide on specific measures in support of action taken in the Member States to achieve the objectives set out in paragraph 1, excluding any harmonisation of the laws and regulations of the Member States.*



This Title shall not provide a basis for the introduction by the Union of any measure which could lead to a distortion of competition or contains tax provisions or provisions relating to the rights and interests of employed persons.

With this provision, the European Union presents its position on this policy, in which it refers to promoting environments of cooperation. While it is true that this Treaty dates from 2007 and that cooperation in European industry has increased, a review the relevant articles is necessary for future treaties, with a clear need for European intervention to develop a common industry capable of responding in a coordinated manner to the challenges facing the citizens of the Union.

The approach it presents is geared towards the development of new technologies, R&D&I is the common link between industry and research, all based on an optimal environmental approach, for which, as we will see below, the idea of an Industrial Strategy was prepared to comply with these parameters, as expressed by the Union itself: *The EU is confident that its industry will drive the transition towards climate neutrality and digital leadership, with the aim of becoming an accelerator and driver of change, innovation and growth.*

Finally, another aspect on which this policy will now be based is the autonomy of other regions. During the Covid-19 pandemic, Europe was found to be vulnerable with regard to the production of certain products, an issue that alerted the authorities and prompted the adoption of Regulation 2024/1252 of 11 April 2024, establishing a framework for ensuring a secure and sustainable supply of critical raw materials.

This Regulation is essential for industrial value chains and as the preamble itself states: *In order to ensure that Union and Member State industries are able to anticipate supply disruption and prepared to withstand their consequences, measures should be developed to strengthen monitoring capacity, coordinate strategic stocks and reinforce the preparedness of companies.*

3. European Industrial Strategy

Strategic autonomy is about reducing the EU's dependence on other regions for certain key products, materials and technologies, food, infrastructure and security. Furthermore, as the President of the European Commission Ursula von der Leyen explains, it is necessary to establish criteria that can be fundamental in this development and, above all, related to the digitalisation of the industry, especially in the constant changes that exist in this environment and that significantly affect the industry. Above all, in the approaches to be taken by the European Union in the near future, such as the use of artificial intelligence to develop markets, products and services and boost competitiveness in the EU.



This investment would take within the framework of the COSME programme, which in 2021 would be included in the single market and *Invest EU*, which although very much focused on programmes for small and medium-sized enterprises, alluded to their capacity for industrial transformation.

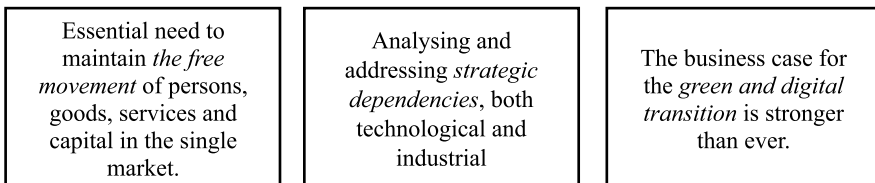
Since 2019, work has been carried out on the amendment of the previous Industrial Strategy for the years 2010–202, presenting a new Strategy on 10 March 2020, including four communications:

- A New Industrial Strategy (COM/2020/102).
- An SME Strategy for a sustainable and digital Europe (COM/2020/103).
- Identifying and addressing barriers to the Single Market (COM/2020/93).
- Long term action plan for better implementation and enforcement of single market rules (COM/2020/94).

This whole strategy, which was based on the sustainability and digitalisation of the industry, would be profoundly affected by Covid-19. This entailed a modification of this in 2021. This amendment was presented in Communication 350 of 5 May 2021 under the title: *Update of the new 2020 industry model: Creating a stronger single market for Europe's recovery*.

The doubts that emerged during Covid-19 regarding the direction of industrial policy led to the modification of 2021, warning of the interdependence of global value chains and the value of a globally integrated single market, which entailed a loss of jobs that have gradually been recovered, but entailed a change in the European Union's concept of market and industry.

This is the first point of the Strategy itself, learning and accelerating transitions in complex periods, and the development of a common industrial vaccine production strategy during Covid-19 was seen as a success, with States invited to participate in this idea in other sectors. This is how the Strategy addresses the challenges, addressing the problem and finding solutions. To achieve this, the focus was defined as follows:



Another point addressed in the Strategy is to improve the resilience of the European market in crises such as the COVID crisis. A robust single market,



based on management, continuous investment and adaptation to the environment through new strategies is a matter of industry and marketing.

This adaptation is linked to the next objective of the Strategy, which is strategic autonomy, like how to amend the current industry to make it self-sufficient and not dependent on third parties in strategic sectors. To achieve this purpose, for example, the European Chips Act was passed in 2023, to make Europe competitive by having this strategic sector within its borders, in order to produce semiconductor technologies and applications by 2030 through a strong investment in this sector.

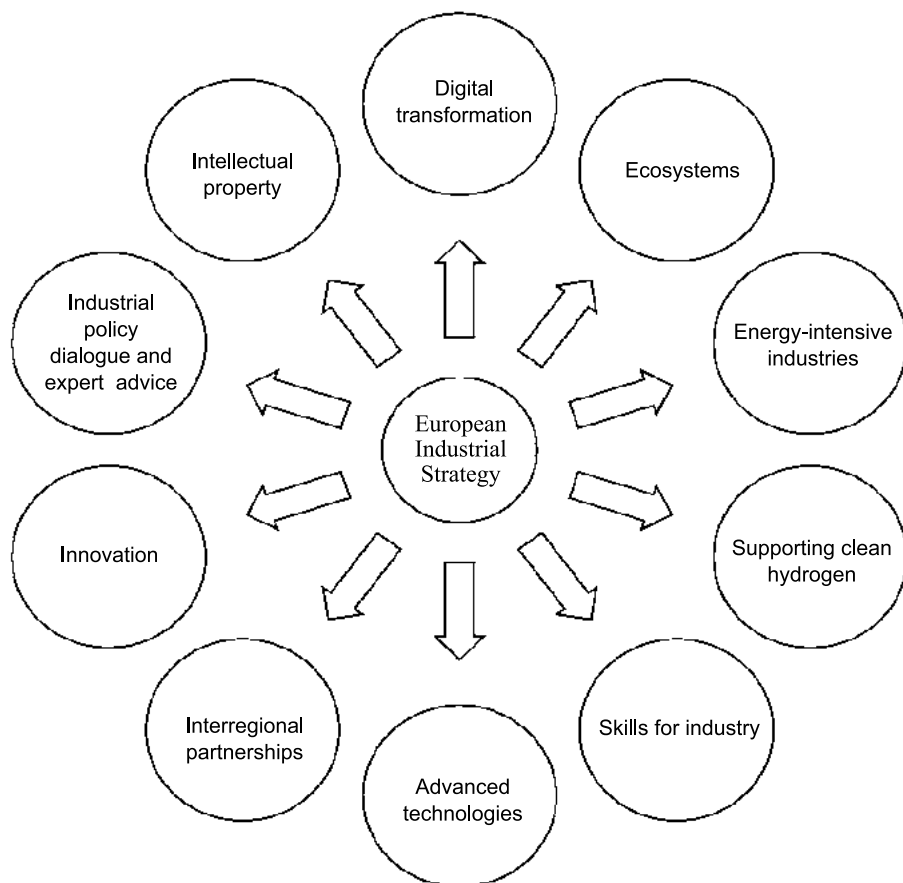
To address the issue of strategic autonomy, several conclusions are proposed:

- Identification of our strategic dependencies and capacities.
- Creation of a set of instruments to reduce and avoid strategic dependencies.
- Seek international partnerships and cooperation.
- Enhanced measures on disruptions and vulnerabilities in the SME supply chain.

Finally, the green and digital transition is addressed as another key element of this Strategy, closely following the mandate of the European Green Deal with regard to industry, but also in the digital field as it is considered more sustainable than the analogue one. The energy sector and the possibilities that arise after the problems of the Ukrainian war and the conflict with Russia over gas supplies are also analysed.



This is why the European Industrial Strategy focuses on the following points:



4. Conclusions

As a strategic sector of the Union, industry faces a number of challenges in the coming years. Globalisation and the industrial development of other regions producing at lower cost means that the Union, if it wants to maintain its status as a leading economic region, must develop another type of industry based on technological specialisation.

The idea of a possible decline in industry is a concern for European institutions. This would be likely to bring positions closer together in the coming years to rethink this policy and include it among those of shared competences and not only of support and coordination. The Covid-19 crisis revealed the disarray generated in the single market, and since then the approach has leaned



more towards progressively reindustrialising Europe, but through a qualified product.

To achieve this, it is essential to understand the processes of digitalisation and artificial intelligence that are dominating social progress, and the search for this specialisation industry must go in this direction, based on processes that differentiate the EU from other regions in terms of quality and efficiency, but also protect the environment.



INDUSTRY

Industry in Europe



Legal basis

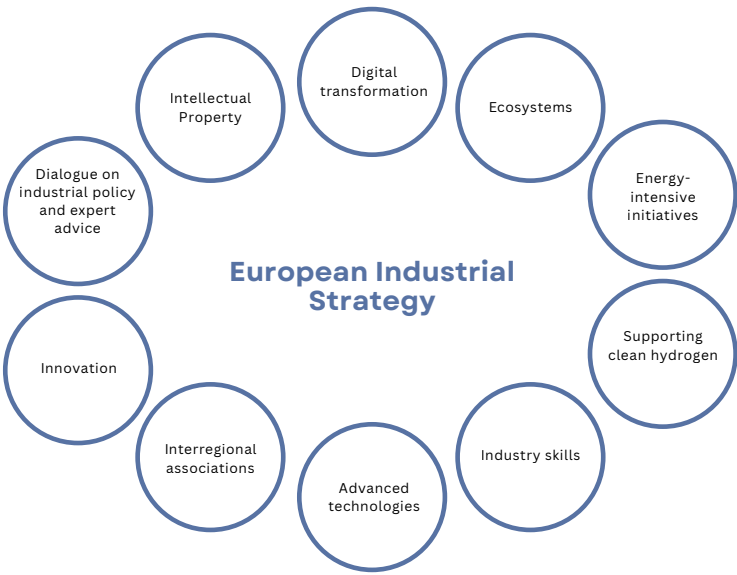


Maastricht Treaty, Article 130:
industry as a policy, emphasising the importance of the competitiveness of EU industry.

Treaty on the Functioning of the European Union:
Industry as a policy of coordination and support

- **Article 173:** competitiveness, collaboration, coordination and cooperation within the framework of industry. It highlights the need for European intervention to develop a common industry.

Regulation 2024/1252 of 11 April 2024: establishes a framework to ensure a secure and sustainable supply of critical raw materials.



Deepening the European Industrial Strategy:



Challenges in the strategic sector of industry



Global competition



Need for reindustrialisation



Digitalisation and artificial intelligence



Differentiation: quality and efficiency



Environmental protection



Bibliography

- ÁLVAREZ, Antonio Fernández; ALONSO, José Alba & ANGIONE, Alicia E. «El programa COSME en el marco de la política industrial de la Unión Europea.» *Boletín Económico de ICE*, 2021, No. 3138.
- CASTAÑO MARTÍNEZ, María Soledad. «Industrial policy and the service sector in the European Union: the influence of demand, innovation and ICT diffusion.» *Industrial Economics*, 2009, No. 374, pp. 37-49.
- PENÁLVER, Antonio Juan Briones; BASTIDA, José Lorenzo Jiménez & MORENO, Valentín Medina. «New industrial policy of the European Union (EU). Strategic measures for competitiveness in defence industry organisations.» *Economía industrial*, 2023, vol. 430, pp. 13-22.
- XIFRÉ, Ramón. «Industrial policy in the EU and Spain: recent debates.» *Cuadernos de Información económica*, 2023, No. 295, pp. 41-48.



Chapter 18

Agriculture and Fisheries in the European Union

1. Introduction and historical development

Agriculture and fisheries are two policies that are closely interlinked because of what they mean for the European project. They represent the idea of being able to feed the European population in a coordinated way without exhausting available resources or endangering the environment.

These two policies have been linked from the outset, starting with the Treaty of Rome, in a context of the efforts needed to bring Europe out of the crisis that had engulfed it since the end of the Second World War. To this end, a series of measures are proposed in order to be able to supply the entire population of the continent with food.

Thanks to trade relations between member countries and with the impetus of the Treaty of Rome, from 1960 onwards, both the common agricultural policy and the fisheries policy began to be implemented, thus guaranteeing food for all citizens, but also, in the case of the former, allowing farmers, who remain an important productive sector, to have an economic development that would make them competitive and ensure the stabilisation of markets in these matters.

This impetus, which would appear in Article 3 of the Treaty establishing the European Economic Community, supported the need to establish a common agricultural policy, understanding agriculture to mean *«the products of the soil, of stockfarming and of fisheries and products of primary processing directly related thereto»*.

We must bear in mind that these two sectors are among the most regulated by the Union. The need to maintain a balance in prices and production has led to the regulation of production and fishing from the outset, limiting the damages to producers or fishers, which was covered by aid through subsidies so that this type of productive sector would remain attractive.



The founding Treaty itself also included market and competition rules as essential rules, and these remain in force today:

- 1) common rules on competition;
- 2) mandatory coordination of the various national market organisations;
- 3) a European market organisation.

Comparative table of the main features of the CAP and the CFP

Aspects	Common Agricultural Policy	Common Fisheries Policy
Main objective	Ensuring affordable, safe and high-quality food.	Ensure the long-term sustainability of fisheries and aquaculture.
Social benefit	Improve the standard of living of farmers.	Generate economic, social and employment benefits.
Environmental sustainability	Conserve natural resources and respect the environment.	Promote environmentally sustainable fisheries.
Contribution to society	Support food security for EU citizens.	Ensure the availability of food from the sea.

This project, first undertaken over 60 years ago, remains one of the fundamental axes for the Union, with 23 percent of the European budget allocated to the CAP, which means that we are dealing with one of the major policies and that, today, although the budget has been reduced compared to previous decades, remains of primary importance in the European institutions.



2. Legal basis

The CAP and fisheries are shared policies of the European Union with the Member States, as established in Article 4 of the TFEU, with an exception for the protection of biological resources in the case of fisheries, this being the exclusive competence of the Union.

The development of this policy is described in Title Three, Articles 38 to 43 of the TFEU. Agriculture and fisheries are defined as central elements within the internal market, considering it necessary to make specifications in order to understand and comprehend the lines on which it will be focused:

- *the special characteristics of agricultural activity, which result from the social structure of agriculture and the structural and natural inequalities between the different agricultural regions;*



- *the need to gradually make the necessary adaptations;*
- *the fact that, in the Member States, agriculture is a sector closely linked to the economy as a whole.*

From the provisions of Article 39, it is important to understand that agriculture and fisheries policy is dynamic, that it has undergone many changes over the years and that it must continue to be regulated in such a way to adapt effectively to new challenges in Europe, such as price fluctuations, food security or helping to maintain natural resources.

Furthermore, in order to maintain the development of rural areas, where most farmers and fishers are concentrated, the European Union allocates a large amount of resources under Article 41 TFEU to the organisation of the agricultural industry, in particular to the coordination and development of the consumption of certain products.

2.1. *The role of the European institutions*

Articles 42 and 43 of the TFEU set out each of the powers that the institutions have in this area. It is a model of shared decision-making, in which the Commission, together with the Parliament, are the institutions with the greatest weight, but the Council also has a series of relevant functions such as authorising aid for:

- the protection of undertakings disadvantaged by structural or natural conditions,
- in the framework of economic development programmes,
- pricing,
- participation of Member States.

For its part, the *European Commission* will be responsible for:

- drafting and implementing the common agricultural policy.

The *European Parliament*:

- common organisation of agricultural markets,
- achieving CAP objectives.

The *Special Committee on Agriculture*:

- created in 1960,
- body responsible for the preparation of all information for the Council,
- produces reports for the various institutions.



3. CAP programmes

From the outset, it was considered that the European public institutions, although they have a vocation for a free market system where free competition also enriches and makes products prosper, in the case of this policy, must enforce the control and public intervention necessary to safeguard the interests of farmers and rural areas.

The importance of agriculture and fisheries lies no longer in just feeding people, but also in environmental protection, market development and the free movement of workers, which means that the European Union has made a greater economic effort in this area in order to finance all these challenges.

This has been done through direct aid to farmers, market aid through specific measures and, also, through rural development.

Direct payments, which replaced the pre-2003 production-related system, aim to give back one-way payments to farmers for their work and ensure that farmland in Europe continues to yield in the face of a growing push from other regions, as a way of protecting the agricultural industry from that of third countries. In addition, they ensure food and environmental quality standards that agriculture in these third countries cannot be guaranteed to comply with due to the absence of such exhaustive regulations.

Similarly, this type of aid is always focused on the production needs of the market, financially rewarding the products that are considered most necessary, while adhering to quality standards at all times.

Market measures are mainly based on Regulation (EU) 2021/2117 establishing a common organisation of the markets in agricultural products. In this standard we find the products that are within the scope of application, the procedures for public intervention, both in terms of products and in terms of quantity, private storage, as well as rules for the marketing of products, with the aim of promoting the correct functioning of the single market, all of which, as stated in the preamble to the Regulation itself, are geared towards:

Concentrating supply, marketing the products of its members and optimising production costs, provided that the pursuit of these objectives leads to the integration of activities and that this integration is likely to generate significant efficiencies.

The second area where the CAP invests effectively is in rural development, considering that these measures help boost agricultural markets, giving new possibilities in areas that are traditionally more economically depressed. This idea of developing rural areas through investment and aid to small municipalities prevents the potential depopulation of these areas, improves the operability of these areas and allows this investment to be used to boost their economy.



This investment is not only made through the CAP, but also through the Member States themselves and the regional development funds (ERDF), through the cohesion funds, ensuring these areas have access to the same opportunities as the large cities.

3.1. *European maritime fisheries and aquaculture funds*

Fisheries has separate funds and programmes, and although in parts similar to those for agriculture in protecting sustainable development and the quality of products for consumers, there are also differences in terms of production areas, i.e. fishing areas, which in some cases even lie outside European territory.

It is also regulated by the principle of relative stability, expressly calling for the survival and development of the species to be fished through measures such as the prohibition of certain fishing techniques, not permitting fishing when the size is less than optimal, and prohibiting the fishing of protected species.

But all of the above refers to the regulation of fishing itself, as an elementary activity. Funds for fishing and aquaculture are regulated through Regulation 2021/1139, which will last from 2021 to 2027, allowing the generation of a sustainable economy in the area of fishing by promoting both the conservation of ecological resources and the necessary catches to supply the European population without endangering marine species.

Its main objective is to bring together in this standard the rest of them, in order to simplify the existing procedures and regulations, to be carried out jointly by both the European Union and the participating States. Spain receives almost 15% of these European funds, boosted by its large fishing industry.

This Regulation has two priorities which it divides to set out the specific objectives of each, the first on the promotion of sustainable fisheries and the recovery of biological resources, and the second on sustainable aquaculture activities and food security.



Specific objectives for fisheries and aquaculture

Sustainable fisheries and resource conservation	Aquaculture, processing and sustainable marketing
<i>Strengthen economically, socially and environmentally sustainable fishing activities.</i>	Promote <i>sustainable aquaculture activities</i> , in particular by strengthening the competitiveness of aquaculture production, while ensuring activities are sustainable in the long term.
Increase <i>energy efficiency and reduce CO₂ emissions</i> by replacing or <i>modernising</i> engines on fishing vessels.	Promote the <i>marketing, quality and added value</i> of fishery and aquaculture products, as well as the processing of these products.
Promote the <i>adjustment of fishing capacity to fishing possibilities</i> in the event of permanent cessation of activities and contribute to an adequate standard of living in the event of temporary cessation of activities.	<i>Compensate operators in the fisheries and aquaculture sector</i> for loss of earnings or additional costs.
Promote <i>efficient control in the fisheries sector</i> , including the <i>fight</i> against IUU (Illegal, Unreported and Unregulated) fishing, and the collection of reliable data to enable knowledge-based decisions.	<i>Compensate recognised producer organisations and their associations</i> storing fishery products listed in Annex II to Regulation (EU) No 1379/2013, provided that they are stored in accordance with Articles 30 and 31 of that Regulation.
Promote <i>a level playing field</i> for fisheries and aquaculture products from the outermost regions.	Aid will only be eligible if the Commission determines, by means of an <i>implementing decision, the existence of an exceptional occurrence</i> . Expenditure shall only be eligible for support during the period laid down in that implementing decision.
Contribute to the <i>protection and restoration of biodiversity</i> and aquatic ecosystems.	It may be provided for <i>interventions contributing to the provision of environmental services</i> by aquaculture as well as to ensure the health and welfare of aquaculture animals within the scope of Regulation (EU) 2016/429 of the European Parliament and of the Council.

4. New challenges for the CAP

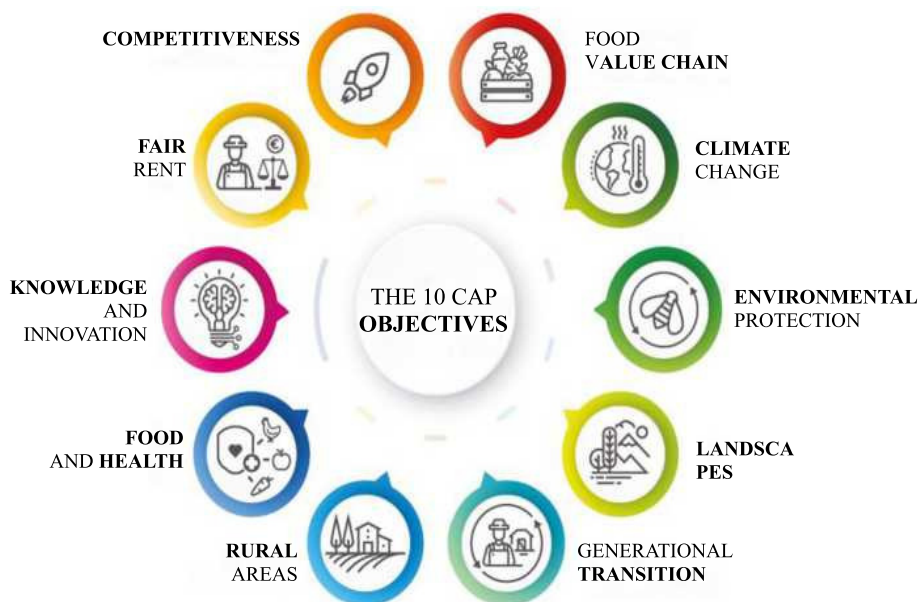
The CAP has evolved as needs and opportunities at European level have required. As already mentioned, the direct aid system was amended in 2003 and,



like this example, since its creation there have been numerous changes aimed at a better use of public resources.

Considering agriculture once again as a central element of the European Union, a new CAP model would be considered in 2023 with a series of reforms that streamline the aid system and adapt to the new realities arising from the social changes of recent years, in which the efficiency of the administration and the simplification of procedures for citizens are fundamental parts of any action or programme.

The objectives of the CAP for these years are:



Source: information obtained from the European Commission website.

The CAP has created strategic plans for each of the Member States (except Belgium, with two), helping to understand the needs of each territory and the Union's ability to provide the necessary support, thus improving Member States' flexibility in adapting measures to local conditions.

Again, their relationship with the environment is strengthened through the measures contained in the European Green Deal, as well as in other strategies or programmes such as the Biodiversity Strategy. These actions, sustained over a long period of time, are justified by the need to include sustainable development goals, which in turn ensure decent work for agricultural workers.

The changes to the new CAP continue to maintain payments to farmers, control of the market and aid to rural areas for their development, all financed through European budgets and European funds such as the *European Agricultural Guarantee Fund (EAGF)* and the *European Agricultural Fund for Rural Development (Feader)*.



5. Conclusions

The Common Agricultural Policy, which includes fisheries, is one of the oldest policies of the European Union. The social importance it had at the beginning, in the midst of the construction of the European project, and with the serious damage that took time to recover after the Second World War, led to the need to implement urgent measures in this area.

Although the importance with which this matter is treated might indicate that it is an exclusive competence of the Union, a system of shared competence has been sought in which, although the Union has great weight, the States are allowed to implement their own measures, always in accordance with Community law.

The development of this is mainly geared towards CAP support, which is essential to secure Europe's countryside against other regions of the world. The global market makes the transport of certain agricultural products viable from third regions, regardless of the environmental cost and sanitary conditions of production in these places.

In order to protect European products, the health of its citizens and the environment, a series of rules have been implemented to help the marketing of European products thanks to a common market, allowing greater competitiveness with other parts of the world, as well as ensuring quality and food safety standards.

In the area of fisheries, aid and regulation is also in line with this common policy. Fishing quotas to maintain an environmental balance, and protected areas have been the most criticised points, but in the medium-long term they have allowed a balanced development of trade and, above all, have helped to maintain the marine ecosystem without harming either fish or citizens due to a lack of seafood.



AGRICULTURE AND FISHERIES

Evolution



1960: Promotion of the treaty
Implementation begins



Article 3 EEC Treaty

(includes essential standards)

- ① common rules on competition;
- ② mandatory coordination of national market organisations;
- ③ European market organisation

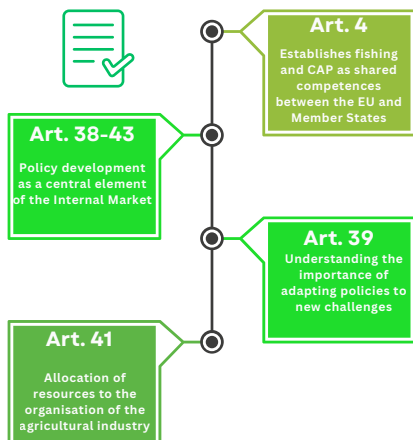


(CAP Expenditure)

= 23% of the EU's total budget at present



Legal Framework

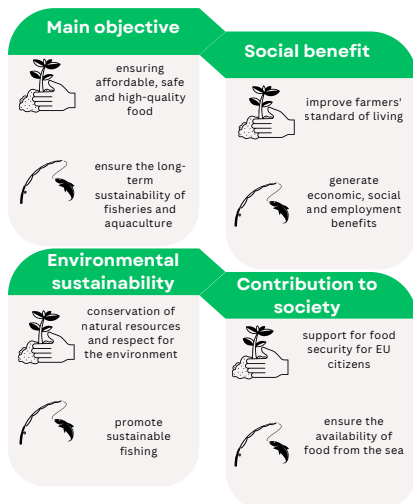


New challenges



Key features

CAP-PPC comparison



CAP programmes

Greater effort and control to finance challenges:

- Food security
- Environmental protection
- Farmers' interests
- Market development

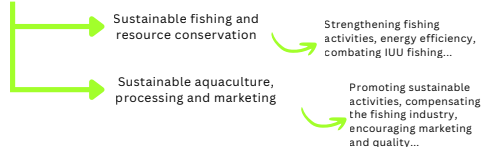


They are combated through:

- Rural development
- Direct aid to farmers
- Market support

(EU Regulation 2021/2117)

Specific objectives for fishing and agriculture



Bibliography

- CASAS, Nerea Gil. «La nueva política agraria común (PAC) de la Unión Europea.» *Derecho y Cambio Social*, 2015, vol. 12, No. 42, p. 6.
- GARCÍA, Eduardo Cuenca & PABSDORF, Margarita Navarro. «Transformaciones y desafíos de la Política Agraria Común.» *Boletín Económico de ICE*, 2015, No. 3060.
- LARRUBIA VARGAS, Remedios. «La política agraria común y sus reformas: reflexiones en torno a la reforma de 2014-2020.» *Cuadernos Geográficos*, 2017, vol. 56, No. 1.
- SOBRINO HEREDIA, José Manuel. *La integración del enfoque ecosistémico en la política pesquera común de la Unión Europea*. 2010.



Chapter 19

Environmental Policy in the European Union

1. Introduction and historical development

As a fundamental element of human development, the environment has been at the centre of Community policy since the Treaty of Rome in 1957, in which article two of the Treaty states the need for *a high level of protection and improvement of the quality of the environment*. Obviously, the importance of this policy has progressively increased over recent decades, positioning itself as one of the central elements in the shaping of any action by the European Union.

This is mainly because the environment is a concept that protects both the health of people and everything that surrounds them (fauna, flora, cities, water, air, etc.). The European Commission itself defines the main challenges of this policy as minimising risks to climate, human health and biodiversity.

The perception that it is a global phenomenon that affects not only one State and that also causes harm to all human beings, has led to its protection being considered a collective right, as well as a Fundamental Right. This is also identified as a problem by citizens. The Eurobarometer shows that 94% of citizens in all EU Member States consider environmental protection to be important to them. 91% say that climate change is a serious problem in the Union.

Advances in scientific knowledge of the risks of environmental protection have led public bodies to take sides in their regulation. There are two reasons for this: for the protection of citizens' health and the protection of the human species itself by safeguarding the ecosystem.

This is no small thing. The changing perception of what the environment means has led to an evolution in the European Union from a purely economic initiative to a social one. This has seen a shift in the perception of the environment from that of a natural resource to be exploited for economic development, through the use of raw materials. What emerged was a certain concern about balance, giving rise to the concept of sustainable development, firmly entrenched today. As we see below, the Union has set itself a new challenge: to become a «carbon-neutral region» by 2050.



2. Existing legal framework. The basic principles of EU environmental policy

2.1. *Environment as a Union policy*

The environment cuts across all EU policies. The importance of maintaining a healthy environment has led to the focus of discourse on ensuring this, and to this end Article 11 of the Treaty on the Functioning of the European Union specifies that the environment is to be considered a central element and that sustainable development must be integrated into the rest of the policies:

«environmental protection requirements must be integrated into the definition and implementation of other Community policies and activities, in particular with a view to promoting sustainable development.»

Environmental policy itself appears in Article 4 as a shared competence, but it is gradually becoming clear that the European Union's weight in this area is greater than that of the Member States. In addition to the administrative laws passed in this regard, a number of criminal directives have also been approved.

Environmental policy is covered by Articles 191 to 193 of the Treaty on the Functioning of the EU, focusing on climate change, sustainability and the international promotion of shared actions.

Article 191.1. The Union's policy on the environment will help achieve the following objectives:

- *preserving, protecting and improving the quality of the environment,*
- *the protection of human health,*
- *the prudent and rational use of natural resources,*
- *the promotion of measures at international level to address regional or global environmental problems and in particular to combat climate change.*

2. The Union's policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Union. It will be based on the precautionary principle and the principles of preventive action and correction of violations of the environment, preferably at source, and on the polluter pays principle. In this context, the harmonisation measures necessary to meet environmental protection requirements shall, in appropriate cases, include a safeguard clause authorising Member States to adopt, for non-economic environmental reasons, provisional measures subject to a Union control procedure.

The «polluter pays» principle is one of the central elements, mentioned specifically in the second paragraph of Article 191. It is important to highlight this principle as it is considered to be the guiding principle for pollution-related issues. Although it is complex to determine the amount of pollution and its impact on the environment, the premise put forward since the 1980s is it was



necessary to establish a system for repairing the damage, whether legal or illegal, as part of the need to restore the ecosystem, as the Treaty itself states.

In order to develop policy, the Treaty on the Functioning of the European Union itself, in Article 191(3), bases its decisions on:

- Available scientific and technical data.
- Environmental conditions in the various regions of the Union.
- The benefits and burdens that may result from action or inaction.
- The economic and social development of the Union as a whole and the balanced development of its regions.

The fourth paragraph of this article sets out the method of cooperation and collaboration between the different States, highlighting the competences of both the States and the Union itself.

4. Within their respective competences, the Union and the Member States shall cooperate with third countries and competent international organisations. The form of the Union's cooperation may be the subject of agreements between the Union and the third parties concerned. The preceding paragraph shall be without prejudice to the competence of Member States to negotiate in international institutions and to conclude international agreements.

2.2. Competent institutions

Ostensibly, as stated in Article 192 of the TFEU, it is the European Parliament and the Council that set policy actions, but the Commission can also take on the role of being the driving force behind decision-making. It is the responsibility of working together to carry out concrete and effective actions the Treaty therefore specifies the functions of each of the institutions:

Article 192.1. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions, shall decide what action is to be taken by the Union in order to achieve the objectives referred to in Article 191.

2. By way of derogation from the decision-making procedure provided for in paragraph 1 and without prejudice to Article 114, the Council acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament, the Economic and Social Committee and the Committee of the Regions, shall adopt:

- a) provisions primarily of a fiscal nature;;*
- b) measures affecting:*
 - town and country planning.*



— quantitative management of water resources or affecting, directly or indirectly, the availability of those resources,

— land use, with the exception of waste management;

c) measures significantly affecting a Member State's choice between different energy sources and the general structure of its energy supply. The Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, the Economic and Social Committee and the Committee of the Regions, may make the ordinary legislative procedure applicable to the matters referred to in the first subparagraph.

3. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions, shall adopt general action programmes setting out priority objectives to be attained. The measures necessary for the implementation of these programmes shall be adopted in accordance with the conditions referred to in paragraph 1 or paragraph 2, as appropriate. 4. Without prejudice to certain measures adopted by the Union, the Member States shall finance and implement the environment policy. 5. Without prejudice to the principle that the polluter should pay, if a measure based on the provisions of paragraph 1 involves costs deemed disproportionate for the public authorities of a Member State, such measure shall lay down appropriate provisions in the form of:

— temporary derogations, and/or

— financial support from the Cohesion Fund set up pursuant to Article 177.

This Treaty continues the line of maintaining the environment as a structuring element, assisting its own programmes, and including international issues that affect other regions, which is a step forward based on the new powers of the High Representative of the Union to sign agreements, streamlining political negotiation procedures with third parties.



Article 193. The protective measures adopted pursuant to Article 192 shall not prevent any Member State from maintaining or introducing more stringent protective measures. Such measures must be compatible with the Treaties. They shall be notified to the Commission.

2.3. Key aspects of European policy

2.3.1. Climate change

In 2021, the Commission would present the new EU climate change adaptation strategy, which would include the Climate Law, which, based on this strategy and in line with scientific data, aims to adapt efforts to achieve the main



objective of curbing temperature increase and climate neutrality throughout the Union by 2050.

Within the main objective of the Climate Law, which is to establish a common framework for the progressive and irreversible reduction of greenhouse gas emissions, the Committee considers that it is necessary to rethink the concept of sustainable development and move towards the other new concept of climate neutrality, which will enable collective measures based on efficiency and protection of the ecosystem to be adopted.

2.3.2. *Biodiversity*

Biodiversity is understood as any natural habitat where native flora and fauna thrive, free from hazards such as invasive toxic species or human intervention. These protected habitats are mainly centred on Europe's seas and forests. This question has been developed through Biodiversity Strategies, the current one from 2020 to 2030, based on the idea of reintegrating nature into our lives, protecting, restoring, implementing and monitoring the value of ecosystem life and our obligation as humans to preserve it.

2.3.3. *Water protection*

As the essential element for human development, water enjoys special protection for several reasons. The first of these is the need for societies to use water rationally, for consumption by citizens and irrigation of crops, but there is also another determining factor: the importance of maintaining clean water allows crops to be used by humans, prevents animals from falling ill, and therefore has a direct impact on the development of the economy.

These two strands of water protection are important, and one cannot be understood without the other. Problems in certain southern European countries with regular droughts further emphasize the sensible use of water. But the environmental quality of water is also fundamental for the ecosystem, as we have mentioned, and it is considered necessary to interrupt or progressively reduce pollution by dumping, emission or loss of priority hazardous substances into water, whether it is fresh water (rivers, lakes, reservoirs, etc.) or salt water (seas and oceans).

2.3.4. *Atmospheric pollution*

Pollution remains one of the key issues on which the Union is working. Although the major pollution crises seem to have been overcome, it is still a highly topical issue because of the pollution suffered by cities and affecting citizens. This assertion is based on data on the causes of mortality from air pollution, as well as its link to numerous lung diseases.



This element is described in the European Green Deal as the right to clean air, whether that be free from pollution from industry, transport or machinery itself, causing significant damage to the ecosystem. To this end, in recent years it has based its work on transport emissions, the promotion of less polluting means of transport, industrial production and its impact on emissions, and above all, on ensuring optimum air quality for human development. Therefore, and with reference to the Commission's Communication on the EU Action Plan: «Zero pollution for air, water and soil», work must be based on the premise that these affect public health, the environment, morale and the economy, with the European Union being a pioneer and spearhead in the fight against pollution.

2.3.5. *Chemical products*

Chemicals major concern for the environmental damage they can cause, ultimately responsible for most of the damage to the environment, whether that is the chemical industry itself or their private use. The EU has been moving towards phasing out the most polluting chemicals since the adoption of Regulation (EC) No 1907/2006, but it also allows for the transformation of these products into less hazardous ones, where suitable economically and technically viable alternatives are available.

3. Action programmes

The Stockholm Declaration adopted in 1972 by the United Nations would bring about a change in the idea of sustainable development, at which point the European Union decided to take a step forward in environmental protection, starting with the Community action programmes in defence of the environment.

We can affirm that this type of programme has been the central axis for the construction of European regulations. The improvement of this policy thanks to scientific advances and public-private collaboration would mean that the plans would adopt new goals that have also been endorsed in the various Treaties. These programmes would evolve, with each subsequent programme contributing to the following:



Timeline of environmental action programmes

Year	Year	Highlights
First Programme	1973	<ul style="list-style-type: none"> • Pollution prevention and reduction. • Maintaining an ecological balance. • Protection of the biosphere.
Second Programme	1977–1981	<ul style="list-style-type: none"> • Protection and rational management of natural resources. • Combating wasteful use of water resources.
Third Programme	1982–1986	<ul style="list-style-type: none"> • Drafting of an overall strategy. • Main axes: contribute, reduce, save, prevent, coordinate. • New areas of action: recycling, noise pollution, development of clean technologies.
Fourth Programme	1987–1992	<ul style="list-style-type: none"> • To conserve, protect and improve the quality of the environment. • To protect people's health. • Rational use of natural resources. • Protection of urban areas. • Establishment of the European Environment Agency.
Fifth Programme	1992–2000	<ul style="list-style-type: none"> • Pursuit of sustainable development. • Integrate the environmental dimension into all initiatives of the EU institutions. • Challenges: climate change, acidification and air quality, biodiversity protection, water resource management, coastal zones, urban environment, waste management.
Sixth Programme	2001–2010	<ul style="list-style-type: none"> • Environment 2010: the future in our hands. Citizen participation. • Integrating environment into policy. • Engaging with the market; involving citizens and changing their behaviour. • Improving legislation; include land management and land-use planning.
Seventh Programme	2013–2020	<ul style="list-style-type: none"> • Its premise is: Living well, respecting the limits of our planet. • Protect, conserve and enhance the Union's natural capital. • Making the Union a hypo-carbon, resource-efficient, green and competitive economy. • To protect the citizens of the Union from environmental pressures and risks to health and well-being. • Maximise the benefits of EU environmental legislation by improving its implementation. • Improve the knowledge and information base of EU environmental policy. • Securing investments for climate and environment policy and addressing environmental externalities. • Strengthen environmental integration and policy coherence. • Increasing the sustainability of the Union's cities. • Strengthening the Union's effectiveness in addressing international environmental and climate challenges.



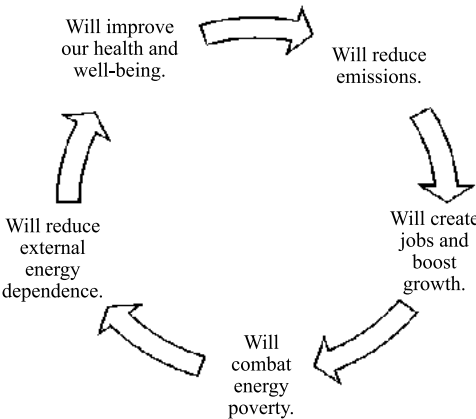
Year	Year	Highlights
Eighth Programme	2022-2030	<ul style="list-style-type: none">• Accelerate the ecological transition in a just and inclusive manner.• Proposals to achieve the goal of a Neutral Region by 2050.• Collaborate with the European Green Deal.• Objectives:<ul style="list-style-type: none">– Rapid and predictable reduction of greenhouse gas emissions.– The evolution towards a welfare economy that gives back to the planet more than it takes from it.– Zero pollution.– The protection, conservation and recovery of marine biodiversity.

4. The European Green Deal: Transforming Europe up to 2050

The European Green Deal is the European Union’s bid to become the world’s first emission-neutral region, seeking a balance with economic development, but affirming that this social transformation is a major goal for environmental protection:

The European Green Deal is our new growth strategy, growth that delivers more than it consumes. It shows how to transform the way we live and work, produce and consume, so that we live healthier lives and our businesses are innovative. We can all participate in the transition and we can all take advantage of the opportunities it offers. If we are the first to take this step, and if we do it quickly, we can help make our economy a world leader. We will do our utmost to achieve this, for the sake of the planet and the life it supports, for the sake of Europe’s natural heritage, for the sake of biodiversity, for the sake of our forests and our seas. If we show the rest of the world how to be sustainable and competitive, we can convince other countries to join us.

The main idea is that this standard will serve as a framework for action over the next 25 years to achieve clean energy, end pollution, preserve ecosystems, use energy efficiently and transform industry and mobility towards a sustainable model through:



5. The European Environment Agency

The European Environment Agency, adopted in 1990, would not enter into force until 1994. Based in Copenhagen, it is responsible, together with the European Commission, for the regulatory and political organisation of the environment in the Union. Responsible for the research and analysis of data, it proposes solutions based on the conclusions reached, seeking to halt the deterioration of the ecosystem and to improve the quality of life of citizens.

Its own founding Regulation would highlight these functions by emphasising support for the development of key global policies and processes; the provision of analytical data; and the liaison between national and international institutions in this area.

6. Conclusions

The Union's extensive work on the environment has been noted, as it can be said that this policy, together with democracy and fundamental rights, can be seen as the central elements around which all other policies pivot.

This interest on the part of the European Union is based on being able to ensure a future for the planet and optimal health for all its citizens, using all the political, legal, economic and social instruments at its disposal to preserve the ecosystem and avoid irreversible damage.

Social change and involvement has been evident in the Treaties, and this policy is now seen as a starting point for economic development, as seen in Europe's objective of zero emissions by 2050.

This is why the Union has looked to involve all social groups, with citizens playing an important role, but also companies and administrations. Awareness and collaborative work across the whole of society and Member States is considered necessary to achieve environmental goals.



ENVIRONMENT

Eurobarometer



94%

of EU citizens consider **environmental** protection to be important.



91%

of citizens say that **climate change** is a serious problem in the EU

Perception and awareness

The environment as a natural resource, perceived as an **economic resource**



Evolution towards **social awareness**, with concern for the necessary balance, giving rise to the concept of sustainable development.

EU objective

Being a **carbon-neutral region** in **2050**

Legal framework

Treaty on the Functioning of the European Union:

- **Article 4:** shared competence
- **Article 11:** the environment as a central element (sustainable development must be integrated into other policies).
- **Articles 191-193:** environmental policy



Competent institutions



Political actions are determined after consultation:

- Economic and Social Committee
- Committee of the Regions

The Commission may take on a driving role, while continuing to consult the committees.

Environmental legislation



Key areas

Climate change



Biodiversity



Water protection



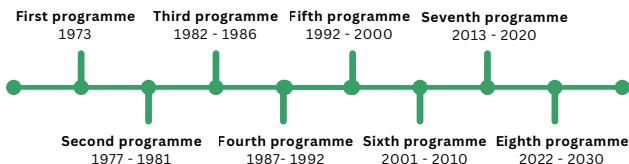
Air pollution



Chemical products



Environmental action programmes in Europe



European Green Deal

The EU's commitment to becoming the first carbon-neutral region on the planet.

Framework for action for the next 25 years



European Environment Agency



Together with the European Commission, it is responsible for organising environmental regulations and policy in the Union.

more in www.eea.europa.eu/



Bibliography

- ALZINA LOZANO, Álvaro. *El derecho penal y la política medioambiental de la Unión Europea*. Iustel. 2023.
- BORRÁS PENTINAT, Susana. «Retos de la política ambiental de la UE hasta 2020: ¿vivir bien, respetando los límites de nuestro planeta?.» *Revista General de Derecho Europeo*, 2015, No. 35, p. 4.
- CORTI VARELA, Justo. «Contribuciones de la Unión Europea a los desafíos que representa la protección del medio ambiente: la diplomacia europea en materia de lucha contra el cambio climático.» *Cuadernos europeos de Deusto*, 2017, No. 57, p. 187.
- GARCÍA URETA, Agustín. «La estrategia de biodiversidad de la unión europea 2030: entre la ambición y la realidad.» In *La estrategia de biodiversidad de la Unión Europea 2030: Aspectos jurídicos*. Marcial Pons, 2022.
- MARTÍN PASCUAL, Estela. «El pacto verde europeo: ¿posible salida verde de la crisis de la COVID-19?» *Revista General de Derecho Europeo*, 2020, No. 51.



Chapter 20

Culture and Tourism in the European Union

1. Introduction and historical development

The European Union's culture and tourism policies are key to promoting social cohesion, European integration, sustainability and global competitiveness. The Union has developed a number of initiatives to protect cultural heritage, promote cultural exchange and encourage responsible and accessible tourism.

Although the first reflections and policy programmes related to culture and tourism did not appear until the 1980s, it is true that since the enshrinement of the free movement of goods, services and persons in the 1957 Treaty of Rome, this approach became one of the main pillars of the European integration project, thus allowing it to delve more deeply into the surrounding aspects of culture and tourism over time.

As we said, it was not until the 1980s that culture and tourism were given a key role in integration. The European Commission declared the first European Year of Tourism in 1980, the first formal action linked to tourism, highlighting the importance of this sector in the economy and its capacity to promote understanding across the Member States. Since then, this day has been celebrated every 27 September.

The 1980s also saw the annual designation of a European Capital of Culture, with the designation of Athens in 1985. A European Capital of Culture is a city designated by the Union for a period of one calendar year during which it organises a series of cultural events with a strong pan-European dimension. Since then, four Spanish cities have been European Capital of Culture: Madrid (1992), Santiago de Compostela (2000), Salamanca (2002) and San Sebastian (2016).

In the 1990s, there was a tendency towards the consolidation of these culture and tourism policies, and they were mentioned in an important place, specifically in Article 151 of the Maastricht Treaty (1992). This Treaty included culture as a shared competence between the Union and the Member States, allowing legislative measures to be adopted in the cultural field.



However, the Union could not legislate directly on culture, but supported and coordinated the policies of the Member States.

This would be extended in the Amsterdam Treaty (1997) by integrating culture as an essential component for economic and social development. This Treaty established that the Union's action in this area should ensure respect for cultural diversity.

At the turn of the millennium, the Union set itself ambitious goals in the field of culture, aiming at the creation of a European cultural identity. To this end, and within the Lisbon Strategy, the Union recognised culture as a key factor for economic competitiveness, linking culture with sustainable development and innovation. Furthermore, in the tourism sector, the need for greater coordination and promotion of European tourism was recognised.

Within these policies is the Culture 2000 programme, aimed at promoting transnational cultural cooperation and strengthening European cultural identity; nine European Capitals of Culture were declared simultaneously (Avignon, Bergen, Bologna, Brussels, Helsinki, Krakow, Prague, Reykjavik and Santiago de Compostela). This common action plan for culture was established for the six-year period 2000–2006, and was funded to the tune of €236 million, underlining the importance of culture and tourism for EU lawmakers.

In tandem with these culture-focused policies, the first Commission communications aimed exclusively at tourism appeared in 2007, such as the Agenda for a sustainable and competitive European tourism, which sets out how sustainable development can ensure the long-term competitiveness of tourism and announced three-year preparatory actions.

In 2014, as the heir to the «Culture» programmes, the Creative Europe project appeared as the main tool for financing large-scale cultural projects in Europe for the six-year period 2014–2020, which was renewed for the period 2021–2027 and is currently in force, having grown from €1.47 billion in the first programme to €2.44 billion in the current one. The goals are to safeguard, develop and promote Europe's cultural and linguistic heritage and diversity; and to enhance the competitiveness and economic potential of the cultural and creative sectors, in particular the audiovisual sector. At present, the Creative Europe programme is divided into three main strands: culture, media and audiovisual and cross-sectoral, which includes, for example, the media.

One of the major achievements in this field has been the generation, in May 2018, of the New European Agenda for Culture. This Agenda proposes three strategic objectives, with a social, economic and external dimension: (i) using the potential of culture for well-being and social cohesion, (ii) supporting culture-based creativity in the fields of education and innovation and for jobs and growth, and (iii) strengthening international cultural relations.



Since 1980, culture and tourism policies have occupied an important place in the framework of the European Union, as a fundamental tool for the construction of a common identity and with the main objective of strengthening Europe's cultural heritage.

2. Legal basis

Although we have mentioned the importance of the Maastricht Treaty in terms of the value it gave to European culture, we have to dwell on the fundamental text to understand the current place of culture and tourism in European legislation: the Lisbon Treaty on European Union.

The Lisbon Treaty (2007) attaches great importance to culture: the preamble to the Treaty expressly refers to inspiration «from Europe's cultural, religious, and humanist heritage.»

The Union's key objectives, as specified in the Treaty, include, in Article 3, respecting «*the richness of its cultural and linguistic diversity*» and protecting «*the conservation and development of Europe's cultural heritage.*»

Along these lines, and as stated in Article 6 of the Treaty on the Functioning of the European Union, the Union's competences in the field of culture are to «carry out actions to support, coordinate or supplement the actions of the Member States.»

Article 167 of the Treaty on the Functioning of the European Union sets out the Union's objectives in the field of culture: «The Union shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore.»

In this regard, Article 13 of the Charter of Fundamental Rights of the European Union stipulates that «*the arts and scientific research shall be free of constraint*». Article 22 also states that «*the Union shall respect cultural, religious and linguistic diversity*».

As far as tourism is concerned, the legal framework is found in Article 195 of the Treaty on the Functioning of the European Union, establishing complementarity between the Union and the Member States in this area, focusing on promoting the competitiveness of businesses in the sector and explicitly providing for the creation of facilities for the development of businesses in the sector.



3. Programmes related to policy development of culture and tourism

3.1. *Creative Europe*

In the introduction we have looked at the main cultural programme, both in terms of funding (€2.44 billion in the current version) and in terms of results and successes of its initiatives.

The objectives are varied, across the three core areas, but the specific objectives are: (i) strengthening artistic and cultural cooperation, with emphasis on the mobility of artists and professionals; (ii) fostering cooperation, competitiveness and the potential for innovation in the European audiovisual sector; (iii) supporting the creation, circulation and promotion of European works; and (iv) promoting media diversity and pluralism, as well as media literacy.

The programme includes a wide range of measures, such as support for the translation and promotion of literary works, the development of audiovisual works, including the world of video games, innovative television content production, encouraging co-productions, and support for the marketing and circulation of works.

But Creative Europe also encompasses projects related to architecture and heritage protection, film and music festivals, the European Capitals of Culture, the EU Prize for Literature and the European Heritage Label, which are broken down in the following sections.

Culture plays a positive role in strengthening the resilience of European society and economy. The fields of culture and creation make an integral contribution to the economic growth of the European Union by producing growth and jobs.

Digitalisation and global competition make it imperative to provide stronger support for Europe's cultural and creative sectors. Europe's cultural and linguistic variety is its heritage, and it is imperative to implement appropriate solutions and tactics for European creations to spread across borders.

Finally, the Creative Europe programme prioritises female talent, and focuses its efforts on supporting women's artistic and professional careers, promoting gender equality as one of the main standards to which the programme must aspire. Similarly, the inclusion of persons with reduced mobility and socially marginalised groups is fostered through the simplification of application processes, facilitating their participation in the programme.



3.2. *European Capitals of Culture*

This programme, as mentioned at the beginning, was one of the first cultural initiatives launched by the Union. Between 1985 and 2000, one city was chosen annually to represent the values of Europe’s culture and heritage.

Since 2000, and after the selection of 9 cities, a model has been in place until 2022 in which 2 European Capitals of Culture are chosen, although there have been some exceptions: (i) 2003 when it was only the Austrian city of Graz, (ii) 2005 when it was only the Irish city of Cork, (iii) 2006 when it was only the Greek city of Patras, (iv) 2010 when there were three cities; Essen, Pécs and Istanbul, and (v) 2021 when it was extended to 2020 due to the Covid-19 pandemic.

Since 2022, three cities have been chosen as European Capitals of Culture, although by 2025 two cities will be chosen again, in this case Nova Gorica and Chemnitz. The next Spanish city will be chosen in 2031, from among the candidates Burgos, Cáceres, Granada, Jerez de la Frontera, Las Palmas de Gran Canaria or Toledo.

2031	Burgos
	Cáceres
	Grenada
	Jerez de la Frontera
	Las Palmas de Gran Canaria
	Toledo

The aim of this programme is to highlight the richness and diversity of cultures in Europe, while celebrating the common cultural characteristics of Europeans, increasing citizens’ feeling for this common cultural space, and seeking the contribution of culture to the development of the very cities that are presented as European capitals.

The application process is formalised six years before the year in which the designation is to be awarded. The Commission intervenes in this process, ensuring that the established rules are respected both for participation in the process and for the purpose of ensuring that the candidates meet the requirements for the designation. The cities are chosen by a panel of independent specialists on the basis of a cultural programme that is European in scope, and includes individuals of all ages, conducive to the city’s long-term progress.

At European level, the selected cities receive funding from various programmes, but this is not a fixed, one-off financial allocation, but depends on the needs of the city and the approach of the candidacy. Funds come mainly from



the Creative Europe programme, but can also come from the ERDF if the programme concerns the renovation of historic buildings or the improvement of tourism infrastructure.

3.3. *European Heritage Label*

The European Heritage Label is one of the programmes currently part of Creative Europe. It is a recognition awarded by the European Union to monuments, archaeological, underwater, natural, industrial, or urban sites, places of memory, cultural landscapes, contemporary heritage, or intangible heritage linked to a place that has played a crucial role in European history, European integration, or the Union.

The first use of the Seal took place in 2013, and a total of 60 sites have now been listed. The first were the Great Guild Hall in Tallinn, the Peace Palace in The Hague, the remains of the Nazi concentration camp at Westerbork and Archaeological Park Carnuntum in Austria.

In Spain, the Archive of the Crown of Aragon (2014), the Residencia de Estudiantes (2014), Almadén Mining Park (2021) and Monastery of San Jerónimo de Yuste (2023) have been awarded this Seal. The requirements for the Seal to be awarded are the following:

- i.* possess a symbolic European value, possibly due to their crucial role in European history or culture, in European integration or in the history of the European Union. The site may be associated with a crucial component or figure in European history, but it may also have had a global impact, especially in promoting shared values of coexistence;
- ii.* a project that promotes the European dimension, in an attractive and dynamic way to make the visitor aware of the European dimension of the site, as well as to coordinate educational activities and simplify access and understanding for foreigners; and
- iii.* have a clearly established work plan with actions aimed at the correct preservation and conservation of the site, and provide the visitor with accurate information and instructions.

There are, in turn, three categories foreseen by the label, namely: *(i)* single sites, *(ii)* transnational sites, and *(iii)* national thematic sites. Unique sites are places of a single State of some importance in European history, such as Robert Schuman's house in Scy-Chazelles. Transnational sites are sites located in different countries whose subject matter justifies a joint mention, such as the Constitution of 3 May 1791 in Poland and Lithuania, as a testimony of the first European constitution. Finally, national thematic sites are several sites from a single country that share a common theme and receive a joint mention, such as the European Quarter and Institutions in Strasbourg.



The European Cultural Heritage Label is a valuable initiative that plays an important role in promoting European cultural heritage and identity, as well as generating economic and educational benefits.

3.4. *Awards*

The Union's cultural policy supports various awards in the fields of culture, architecture, literature and music. The purpose of these awards is to recognise excellence and successful European actions in these areas. They also act as a showcase for Europe's rich cultural diversity and the relevance of intercultural dialogue and cultural activities at cross-border level both within the Union and abroad.

Within these prizes, and due to the interconnection of the European Union's cultural policies, we find the European Capitals of Culture or the Seal, to which we have already referred, so in this section we will mention the five other major awards, without prejudice to the fact that there are a significant number of prizes in the field of European culture.

3.4.1. *European Heritage Awards*

Also known as the Europa Nostra awards, they highlight outstanding projects, initiatives and personalities in the field of cultural heritage. They recognise a number of achievements in the field of cultural heritage, in five different categories, namely: (i) Conservation & Adaptive Reuse, (ii) Research, (iii) Education, Training & Skills, (iv) Citizens' Engagement & Awareness-raising, (v) Heritage Champions.

Up to 30 projects are awarded prizes of €10,000 each year. In addition to the jury awards, an online vote is also organised so that any EU citizen can vote for the public prize.

Spain has received several of these awards, especially in the section on conservation and adaptive reuse, including Deba Bridge in Gipuzkoa, the Illa del Rei in Menorca, the patios of La Axerquía in Córdoba, or the façade of the Colegio de San Ildefonso in Alcalá de Henares.

3.4.2. *European Union Prize for Literature*

This award is part of the Creative Europe programme, which is mainly responsible for its funding, and has been in operation since 2009 to recognise the best emerging European authors.

The Spaniards who have won this prize are Raquel Martínez-Gómez for *Sombras de unicornio* (2010), Cristian Crusat for *Breve teoría del viaje y el desierto* (2013), Jesús Carrasco Jaramillo for *La tierra que pisamos* (2016), Irene Solà for *Canto*



yo y la montaña baila (2020). Since 2022, a single award and five special mentions have been awarded. Since this change, no Spaniard has won the award and only Jacobo Bergareche has received a mention in 2022 for his work *Los días perfectos*.

3.4.3. *Mies van der Rohe Award for Contemporary Architecture*

The EU Prize for Contemporary Architecture has been awarded since 2001 to celebrate excellence in architectural works built throughout Europe. The award also highlights the contribution of quality architecture to sustainable development and the well-being of citizens.

It is named after the Prussian architect Ludwig Mies van der Rohe, recognised as a pioneer of modern architecture alongside Frank Lloyd Wright and Le Corbusier. One of his reconstructed works is housed in Spain, the German Pavilion for the 1929 International Exposition in Barcelona. It is precisely in this Pavilion that the awards gala is held.

This prize is awarded biennially to outstanding works throughout Europe, and is divided into a main prize of 60,000 euros and an emerging architect prize of 30,000 euros.

Since 2001, two Spaniards have won the main prize: Rafael Moneo for the Kursaal Centre in Donostia / San Sebastián (2001), and the Contemporary Art Museum of Castilla y León (2007), and three emerging architects: Bosch and Capdeferro Arquitectures for the Collage House in Girona (2011), Langarita-Navarro Arquitectos for the Red Bull Music Academy in Madrid (2013) and Arquitectura G for the Casa Luz in Cilleros (2015).

3.4.4. *Music Moves Europe*

The Music Moves Europe Award is the main benchmark for the Commission's support for the European music sector. As in other cases, its main objective is to promote groups or artists beyond their borders and reach European audiences, in order to form that foundation of common European cultural policy.

It also aims to promote creativity and innovation, to safeguard and enhance the diversity of European music, to advance the digitalisation of the sector, and to contribute to the post-Covid recovery of the sector.

The prize has been awarded since 2004, and since 2009 the gala has been held in the Dutch city of Groningen. Since then, artists such as Carla Bruni, Tiziano Ferro and The Fratellis have received the award.

The list of Spanish artists who have received the Music Moves Europe award includes Las Ketchup (2004), Bebe (2006), Beatriz Luengo (2007), Miguel Ángel Muñoz (2008), Juan Zelada (2013), Álvaro Soler (2016), Hinds (2017), Rosalía (2019), Melenas (2021), Queral Lahoz (2023) and Ralphie Choo (2024).



3.5. *New European Bauhaus*

The New European Bauhaus initiative was launched on 18 January 2021. The Commission's Communication, issued on 15 September 2021, defines the New European Bauhaus as an interdisciplinary and creative project and a meeting place and a space for creating future lifestyles at the crossroads between art, culture, science and technology.

Its main goal is to foster essential spaces in line with the European Green Deal, supporting (i) inclusive and accessible spaces that promote conversation between diverse cultures, disciplines, genders and ages, and (ii) sustainable solutions that respect the planet's ecosystems.

It was introduced by Ursula von der Leyen as the soul of the European Green Deal, and as the generation of a cultural project for Europe, as a space of co-creation for architects, artists, engineers, designers and students. Its name refers to the Bauhaus movement led by Walter Gropius in 1919.

The budget of this project exceeds 200 million euros and seeks to engage citizens at the grassroots level, focusing on neighbourhood development, for the transformation of built environments and lifestyles towards ecological transition.

In Spain there are currently 10 New Bauhaus Europe projects focused on the reactivation of rural communities, such as the *Tejiendo La Calle* project in Extremadura, urban gardens such as Xifre or Ulia in Barcelona and San Sebastian, respectively.

3.6. *Discover EU*

DiscoverEU is an action within the Erasmus+ programme that offers the possibility to explore the diversity of Europe, learning about cultural heritage, shared history, as well as communication between people from different backgrounds and nationalities.

The programme is aimed at 18-year-olds and offers three different routes: (i) the green route, (ii) the cultural route, and (iii) the digital route. Three Spanish cities have been chosen as part of the green route: Valladolid, Zaragoza and Vitoria-Gasteiz. The cultural route includes Seville and Barcelona, and the digital route includes Madrid, Bilbao and Badajoz.

DiscoverEU is offered to 35,500 candidates, of which Spain has almost 10% of the quota. Travel is offered for up to a maximum of one month, with the possibility of visiting an unlimited number of EU countries. The costs covered by the programme are exclusively for travel expenses, and do not include accommodation and maintenance.



This is one of the main initiatives to promote tourism among young people, with the aim of developing a common European identity among young people born in the Union.

3.7. *EDEN Initiative*

Since 2008, the EDEN initiative has focused on promoting European tourist destinations of excellence, i.e. destinations that are emerging or not yet well known, but which respect the principles of sustainability.

It is a platform for exchanging best practices in sustainable tourism at European level and promoting contact between award-winning destinations. The initiative aims to encourage other destinations to adopt sustainable tourism development models.

EDEN includes 350 destinations in 27 European countries, making it the world's largest network in the field of sustainable tourism.

Spain has had 8 destinations recommended within EDEN, highlighting the Sierra de las Nieves (2008), the Ebro Delta (2009), A Guarda (2010), the Comarca de Trasmiera (2011), Parque Natural de la Sierra y Cañones de Guara (2013), Goierri (2015) the Tierra de San Ignacio (2017) and the Ambroz Valley (2019).

4. **Conclusions**

The European Union's culture and tourism policies have evolved since the 1980s, becoming essential pillars for social cohesion and European integration, while promoting sustainability and competitiveness in the global arena.

These initiatives aim not only to protect cultural heritage, but also to promote responsible tourism, contributing to cultural understanding and identity among Member States.

The Lisbon Treaty highlights the importance of culture and tourism in European legislation, emphasising the need to respect and promote cultural and linguistic diversity, as well as to support cooperation between Member States for the development and dissemination of Europe's cultural heritage.

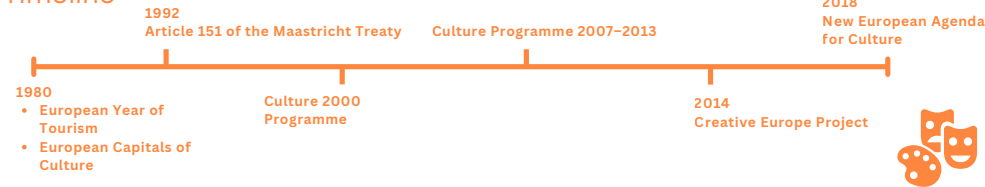
This legal framework establishes a clear commitment by the European Union to promote the flourishing of national and regional cultures, while enhancing the competitiveness of the tourism sector.

The Creative Europe programme and its initiatives, such as the European Capitals of Culture and the European Heritage Label, highlight the importance of culture in the social cohesion and economic development of the European Union, promoting cultural diversity and inclusion. Through various measures and prizes, the aim is to strengthen the European identity and to encourage the active participation of all sectors of society in cultural life.



CULTURE AND TOURISM

Timeline



Legal basis



ARTICLE 3. TREATY OF LISBON

respect for 'the richness of its cultural and linguistic diversity' and protect 'the preservation and development of European cultural heritage'

ARTICLE 6. TFEU

EU competences: carrying out actions to support, coordinate or supplement the action of Member States

EU CHARTER OF FUNDAMENTAL RIGHTS

Art. 13. 'The arts and scientific research are free.'
Art 22. 'The Union respects cultural, religious and linguistic diversity.'

Programmes

The main programmes are:



Creative Europe



European Capitals of Culture



European Heritage Label



Awards (heritage, literature, architecture, etc.)



New European Bauhaus



Discover EU

European Capitals of Culture

Spain has had four European Capitals of Culture.

Madrid
(1992)

Santiago de
Compostela
(2000)

Salamanca
(2002)

San Sebastián
(2016)



Requirements for the European Heritage Label:

1

Possess European symbolic value, due to its crucial role in European history or culture, in European integration or in the history of the European Union.

2

Be a project that promotes the European dimension in an attractive and dynamic way to raise visitors' awareness of the European dimension of the site.

3

Have a clearly established work plan with actions aimed at the proper preservation and conservation of the site.

Awards

1. European Heritage Awards
2. European Heritage Days
3. European Union Prize for Literature
4. European Union Prize for Contemporary Architecture
5. Music Moves Europe



Bibliography

- BECERRIL ATIENZA, Belén. *Hacia una política cultural de la Unión Europea*. Aranzadi, 2015.
- LINARES DIAMANT, Lucía. «Contribuciones a la arquitectura de la marca Europa: los programas Erasmus+ y Europa Creativa.» Tesis Doctoral UCM. 2020.
- MARTIN RODRÍGUEZ, Gabriel. «La ciudadanía europea digital.» In *Aspectos jurídicos de actualidad en el ámbito del Derecho digital*, ROPERO CARRASCO, Julia (ed. 2023, pp. 277-301.
- MERINO CALLE, Irene. «La protección del patrimonio cultural inmaterial en Europa.» *Revista de estudios europeos*, 2020, No. 75, pp. 261-276.
- MIRALLES, Juan. «Europa Creativa 2014-2020 empieza a ver la luz.» *Academia: Noticias del Cine Español*, 2012, No. 185, pp. 38-39.
- PÉREZ-BUSTAMANTE YÁBAR, Diana. *La política cultural de la Unión Europea*. Dykinson, 2011.
- SAINERO SÁNCHEZ, Ramón. *Los orígenes históricos y culturales de la Unión Europea*. Editorial UNED, 2017.
- SÁNCHEZ-BAYÓN, Antonio; PELLEJERO, Carmelo & LUQUE, Marta. «Una revisión de la producción científico-académica sobre turismo en la Unión Europea (2013-23).» *Iberian Journal of the History of Economic Thought*. 2024.
- VILLA, Simona. «La cooperazione nel programma Europa creativa.» *Biblioteche oggi*, 2017, vol. 35, p. 34-37.



Chapter 21

Education and Youth Policies in the European Union

1. Introduction and historical development

Education is a basic pillar of our society, the protection of fundamental rights such as freedom, democracy and non-discrimination are based on principles that must be acquired both within the family and at school, so that the authorities must ensure that citizens understand the need to continue to support education as a way of advancing the entire population.

A very important sector of the population in this regard is the youth, who are not only the future but the present, with many already embarking their working life and others still studying, but facing the same challenges regardless of the country they live in. European youth share the same values; they were born in the European Union, so they share the idea of a united Europe. Most of them have never experienced war and are interconnected thanks to social media. In many ways, there are no significant differences between young people in the Member States.

Education and youth are two interrelated policies, and also serve to consolidate the project of European citizenship. One reality is that the education models in the countries across the EU are different, but all have the undercurrent of educating in Human Rights as a basic norm of society. To this end, and along with the idea of instilling the importance of the European integration project, projects have been set up, many of which are within the framework of the Erasmus+ programme, in which European identity is promoted through education.

The Treaty on European Union approved in Maastricht in 1992 includes education, youth and training in the same Chapter, in Articles 126 and 127, specifying the work of the EU in the development of quality education and vocational training, supporting Member States. Both policies are framed within the social pillar of the European Union, with education in particular not understood as an economic pillar. The Treaty itself already calls on Member States and



EU institutions to promote the mobility of students and teachers and the recognition of academic qualifications.

Over the years, the EU policy in this area has always been based on the search for equal opportunities through education, the creation of youth employment, the implementation of actions that allow the youth of Europe to develop both personally and professionally and, in turn, allows them to believe in and support the European project. A project without which their lives would not be the same. In the words of former European Commission President Jacques Delors, «*education is the most powerful weapon for changing the world.*»

2. Legal basis

Education as a basic pillar and youth as a part of it are referred to in the Treaty on the Functioning of the European Union (TFEU). In the Declaration itself, the Heads of State and Government place on the record their determination: «to promote the development of the highest possible level of knowledge for their peoples through a wide access to education and through its continuous updating.»

Article 6 states that both education and youth are policies of the Union, in which it shall have competence in order to be able to coordinate and assist the action of the Member States. In other words, Member States are responsible for education, and the EU may help to achieve this, but it does not have the power to dictate the direction of European education.

This policy is developed in Article 165, which emphasises the Union's role in achieving quality education through cooperation, but also by making it possible to develop the European dimension in education, to promote the mobility of students and teachers as a form of European integration, the recognition of academic qualifications, cooperation between educational institutions, exchanges of young people and socio-educational instructors, and to encourage the participation of young people in the democratic life of Europe.

Harmonisation cannot be sought as it is not a policy in which the EU has competence, but it can present strategic plans that help to improve education, such as, for example, the Erasmus+ programme or the European Education Area and the European Union's European Strategy for Youth.

Furthermore, the Charter of Fundamental Rights includes education as a right in Article 14:

Everyone has the right to education and access to vocational and continuing training. This right includes the right to receive free compulsory education. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in accordance with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national legislation governing the exercise of such freedom.

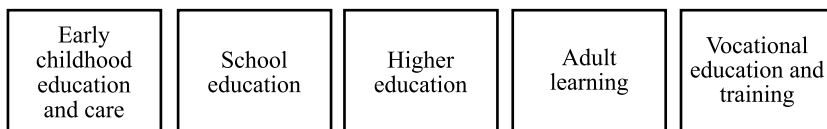


With regard to youth, the Charter makes express mention in two areas, the first in Article 24 on the protection of minors, and the second on work and its special protection:

Art.	Your right	Contents
14	Right to education	<ul style="list-style-type: none"> • Right to vocational and continuing education and training. • Free compulsory education. • Freedom to establish educational establishments in accordance with democratic principles. • The right of parents to ensure the education of their children according to their religious, philosophical and pedagogical convictions.
24	Child protection	<ul style="list-style-type: none"> • The right to protection and care necessary for the child's well-being. • The right of the child to express his or her opinion freely, considering age and maturity. • In acts involving minors, the best interests of the minor shall be paramount.
32	Prohibition of child labour and protection of young people	<ul style="list-style-type: none"> • Prohibition of child labour. • Age of admission no lower than the minimum school-leaving age (with limited exceptions). • Age-appropriate working conditions for young people. • Protection against economic exploitation and work harmful to health and safety, development or education.

3. The European Education Area

Although a European Higher Education Area has existed since 1999, and having seen how well it has worked, in 2017 the Heads of State and Government proposed the creation of a European education area encompassing all stages of education, as well as other important aspects such as digital education. The European Education Area sees it as important to continue to implement the Erasmus mobility scheme to help territorial cohesion and European identity. The stages included in this space are:



The aim of this space is to value education as an integral system, focusing on quality and ensuring that teachers and students receive the best possible training, as education is the basis for the country's economic development. To this end, they are committed to plans such as the Digital Education Action Plan, which seeks to promote the development of a high-performance digital education system based on a digital transformation plan for schools, digital connectivity between the different regions, thereby achieving common basic digital competences throughout the Union.

As in digital education, these same issues are raised for a common environment-based education, but also the Space makes it possible to bring these competences closer to third countries, in order to have more common competences in a globalised world.

3.1. *The European Higher Education Area*

The European Higher Education Area (EHEA) was created in 1999, including not only the 27 countries of the European Union at that time, but also inviting other countries in the European region to participate. This led to the creation of a similar system of studies in all European universities, known as the «Bologna Plan.» Thanks to this, a system for recognition of degrees is implemented that allows students to work in the framework of their degree in any signatory country.

This tool has enabled Europe to adapt to a globalized and competitive market, in which it would make no sense, in an area of free movement of workers, to erect obstacles to people working in another State. It has also made it possible to a greater extent to carry out joint research programmes between universities beyond the Erasmus+ programme.

4. Erasmus+

The Erasmus+ programme is one of the key actors in the achievement of the European project and identity. More than 3 million young people have participated in this programme since its inception, enabling them to travel to other EU countries to study at university, although in recent years it has also been extended to young people of school age and sports groups.





Source: European Union, 2024.

The importance of this programme as an integrating element has led the European Union to continue to promote its use since its creation in 1987. In addition to allowing students travel abroad with a grant to study at another university at the same cost as at their home university, Erasmus+ has brought these young people and the populations that have traditionally received the greatest number of these students closer to the European project. It has been noted during this time that the similarities between European citizens are greater than the differences, which makes it possible to continue to support this type of programme that helps to create a European identity of its own.

The extension of the programme to university professors has allowed the research groups of these universities to seek synergies when developing research, but, in addition, university administration and management staff have also been included as beneficiaries of the services.

Finally, the Jean Monnet Actions should be highlighted as a tool within the programme that helps to improve both research and teaching through funded projects, both for schools, teachers, university lecturers and universities. Within the group of university lecturers, a number of specific projects are worth mentioning (Jean Monnet Modules, Centres of Excellence, Jean Monnet Chairs and the Jean Monnet Networks).

5. European Union Youth Strategy (2019-2027)

Youth-focussed actions could be said to have effectively begun with the 2001 Commission Paper «A New Impetus for European Youth» COM (2001) 681 final. This document, now over 20 years old, addressed the challenges facing young people, such as the lack of job opportunities and the resulting delay in starting a family.

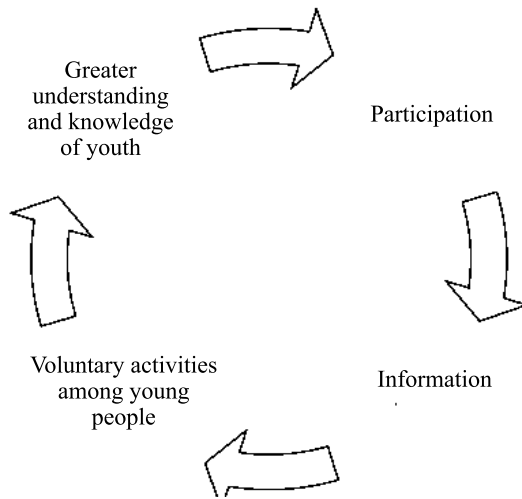
Recognising that this is a problem which affects all countries of the Union, the White Paper addresses a number of principles developed first in the framework of co-operation in 2002 and subsequently in European Youth Strategies. These principles are:

- *Providing information and active communication for young people, in their language, so that they understand the workings of Europe and of the policies which concern them.*
- Ensuring young people are consulted and more involved in the decisions which concern them and, in general, the life of their communities.
- *Developing a new and structured form of cooperation between the Member States and the European institutions, in order to find ways, at the appropriate level of accountability, of meeting the aspirations of young people.*
- *Harnessing the resource of young people so that they can respond to society's problems, so that they can contribute to the success of different policies and build the Europe of the future.*
- *Developing an overview of the various policies which concern young people and the different levels at which intervention is useful.*

With this mandate, Council Resolution of 27 June 2002 on the framework for European cooperation in the youth field was approved, working on four specific areas.

This framework would be renewed for the period 2010-2018 and it would not be until 2019 that the Council would present the EU Youth Strategy (2019-2027). The Strategy presents the youth population as a social group with specific problems to be addressed in the same way. With regard to all these challenges, the Strategy aims to *provide a framework of objectives, principles, priorities, core areas and measures for youth policy cooperation*. The objectives presented were:





- *Enable young people to be architects of their own lives, support their personal development and growth to autonomy, build their resilience and equip them with life skills to cope with a changing world,*
- *Encourage and equip young people with the necessary resources to become active citizens, agents of solidarity and positive change inspired by EU values and a European identity,*
- *Improve policy decisions with regard to their impact on young people across all sectors, notably employment, education, health and social inclusion,*
- *Contribute to the eradication of youth poverty and all forms of discrimination and promote social inclusion of young people.*

6. Conclusions

Education is a basic pillar for the development of citizens, the idea of the European Union is to progressively bring the States closer to a similar education, based on democratic values and the culture of human rights. The autonomy of each state to design its curricula is respected, but they are intended to have similar structures so that all Europeans can obtain the same level of education.

This type of measure has already been implemented at university level thanks to the Bologna Plan, which has made it possible for students from any European country, regardless of where they study, to have their degree valid in any of the other Member States. The university was also the starting point of the Erasmus+ programme, which has running for more than 35 years and has shown that it was one of the European Union's great successes in terms of integration. The number of university students (all of them considered as a young group) has led



to the development of synergies with students from other countries, but above all, it has allowed the population to understand that as European citizens we share the same culture, identity and values.

Youth is the present and the Union is aware of this, not only in the implementation of programmes such as Erasmus, but also in a series of measures to help young people to develop their lives freely, for example in the area of employment through the youth guarantee programmes.



EDUCATION AND YOUTH

Legal basis

1. Treaty on the Functioning of the European Union:

education as a fundamental pillar and youth as part of it.

- **Article 6:** education and youth as EU policies, with competence to coordinate and support Member States' actions.
- **Article 165:** outlines the EU's role in achieving quality education through cooperation, enabling the development of a European dimension in teaching.

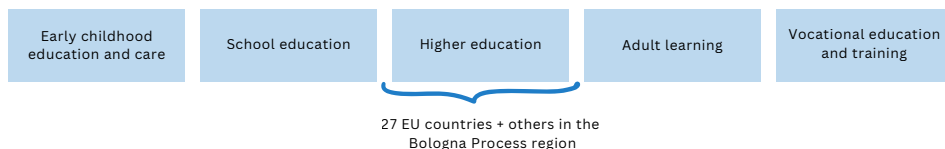
2. Charter of Fundamental Rights:

- **Article 14:** everyone has the right to education and to have access to vocational and continuing training.
- **Article 24:** protection of the child.
- **Article 32:** prohibition of child labour and protection of young people.



European Education Area

European education area encompassing all educational stages:



Erasmus+

Mobility to other EU States to study courses.

+3 Million students have participated



Integrating element
(brings young people
and communities
closer)

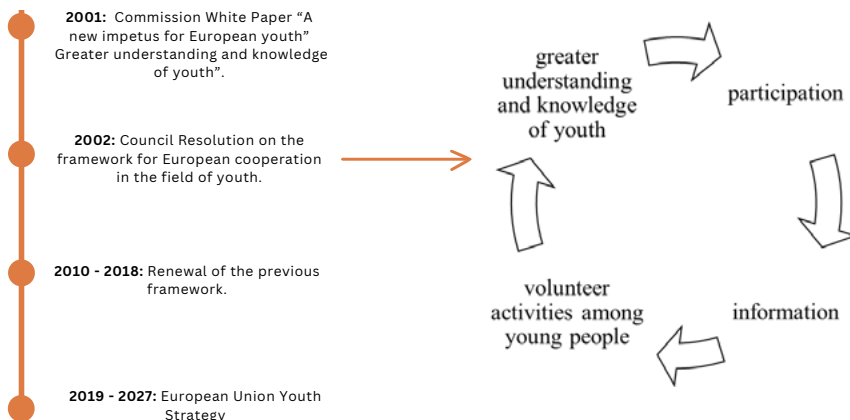


Extension to
university teachers



Jean Monet
Actions

EU Youth Strategy



Bibliography

- ARENAS, Sara. «Evolución de la política europea de formación profesional desde los principios de 1963.» *Journal of supranational policies of education*. 2017, pp. 216-228.
- EGIDO GÁLVEZ, Inmaculada. «Política educativa de la Unión Europea: principales etapas de desarrollo.» *Tendencias pedagógicas*, 1995, No. 2, pp. 19-29.
- LORENTE GARCÍA, Rocío *et al.* «Políticas de educación y formación en la Unión Europea: una historia de cambios y continuidades.» *Revista Española de Educación Comparada*, 2010.
- VALLE, Javier M. «La política educativa de la Unión Europea: fundamentos, evolución histórica y propuesta de un modelo para su análisis crítico.» *Revista española de educación comparada*, 2004, No. 10, pp. 17-59.
- NEUBAUER ESTEBAN, Adrián *et al.* «Elementos de la competencia intercultural: un análisis documental de la política educativa supranacional de la Unión Europea.» *Revista complutense de educación*, 2022, vol. 33, No. 4, pp. 713-723.



Chapter 22

Sports Policy in the European Union

1. Introduction and historical development

Sport is an activity that, as a whole, is closely linked with other European Union policies and, while providing a vocation for civic integration and health, can also be as fundamental in economic terms. Major judgments relating to freedom of movement have emerged from the world of sport, like the Bosman ruling and the Superleague and Diarra judgments. The social aspect of this policy has been seen as one of the main reasons why the European Union has included it as part of EU policies.

Involvement in sport on a daily basis has been considered by doctors to be very beneficial for both physical and mental health. According to scientific data, it can help prevent certain diseases and increase life expectancy, and have a social and integrating function at a societal level with vulnerable groups.

Sport is an important social activity that is very important in the lives of citizens. These policies have two different aspects or areas: on firstly, their social and integration work and, secondly, their economic importance. However, from the Union's own point of view, its social nature is the element that most influences its line of action.

The possibility of using sport as an integrating element in the creation of a sense of European citizenship is a goal of the Union. Events like golf's Ryder Cup and the Laver Cup in tennis are just two examples of the possibilities sport offers to further strengthen the European project, but these actions are not only found in the professional sphere, but also in the Erasmus+ programme, which serves as a programme that helps to promote, develop and strengthen European identity, promoting international collaboration between the citizens of EU Member States.

Identity in sport is one of the tools used by the European institutions to achieve greater acceptance by citizens, a process that has been carried out since the 1990s, spearheaded mainly by the European Commission and Parliament, generating content and information on the benefits of cohesion in Europe, and taking advantage of major sporting events to give the message greater impact.



The development of this policy did not begin until the Treaty of Amsterdam, when the legislators, considering the importance of this activity, included a specific provision, in the form of Declaration number 29, on the importance of continuing to promote this activity as an integrating element. But it also deals with other security issues such as doping, corruption and violence.

Previously, the work of institutions in this regard was not particularly important. The European Parliament had made some political resolutions, mainly on doping and violence in sport, while the Commission took a distant stance on developing a common policy, viewing sport as an activity that falls within the remit of Member States. So, the *Declaration of the Nice European Council on the specific characteristics of sport and its social function in Europe* recognised only the social role of sport, opening up the possibility of coordinating actions, which would not be achieved until the Treaty on the Functioning of the European Union was adopted at Lisbon in 2007.

2. Legal basis

Although the European Union had been carrying out certain actions long before the TFEU, it was not until the adoption of the TFEU in 2007, which referenced this policy directly as part of the European legal order, that the drafting of plans to promote sport began.

Sport's social dimension, as a social tool is made clear by the inclusion of this activity as a social activity, without giving excessive importance to the economic dimension of sport, which will only be subject to coordination, support and cooperation measures on the part of the Union (Article 6 TFEU). Article 165, which also deals with education, vocational training and youth, sets out the social function of sport as a central element: «*The Union shall contribute to the promotion of European sporting issues, while taking account of the specific nature of sport, its structures based on voluntary activity and its social and educational function.*»

As has already been mentioned, there are numerous issues that have a bearing on sport but which fall under other policies and which have played a considerable role in sport itself, such as the free movement of workers, security, trafficking in banned substances (doping) and free competition.

The Treaty itself makes it clear that sport as an independent policy is treated as a matter of citizens and society, without assessing professional sport, but focusing rather on amateur and youth sport. This is because professional sport has always had a «mantra» of protection in which European institutions have only been willing to intervene in the security of sporting events.

The only institution that has played a more important role has been the Court of Justice of the European Union, which has broken this «mantra» in



several rulings in different areas treating professional sport as any other economic activity.

Furthermore, the idea of sport in the social sphere is shown again in the article itself, in its provision for *«developing the European dimension in sport, by promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and by protecting the physical and moral integrity of sportsmen and sportswomen, especially the youngest sportsmen and sportswomen.»*

3. Programmes related to sports policy development

3.1. *The White Paper on Sport*

The White Paper on Sport would be the first contact of the European Union with the development of a working strategy in the field of sport, seeking greater communication and cooperation between the States in the field of sport as a starting point. It also includes a series of actions to be carried out in the annex to the White Paper known as the *«Pierre de Coubertin Action Plan.»* This plan, together with the Paper itself, would form the basis of the work that the European Union intended to establish in order to implement new actions in this area, which, we must not forget, generates billions of euros a year and has great symbolic value for society due to the way it integrates citizens from different regions and the values that this conveys.

This White Paper prepared by the European Commission focuses on the social function of sport as an element of particular importance for the fostering of a European identity, as well as for the great benefits it has for the health of the citizens of the region.

This health protection echoes the problems related to doping, which, in addition to being treated as a public health issue, are also related to sport itself due to the negative image they convey. The way to develop an effective policy in this field involves both legislative coordination between Member States in police matters for the exchange of information on new doping substances and doping practices, as well as external work with agencies and organizations outside the EU, such as the Council of Europe and, above all, the World Anti-Doping Agency.

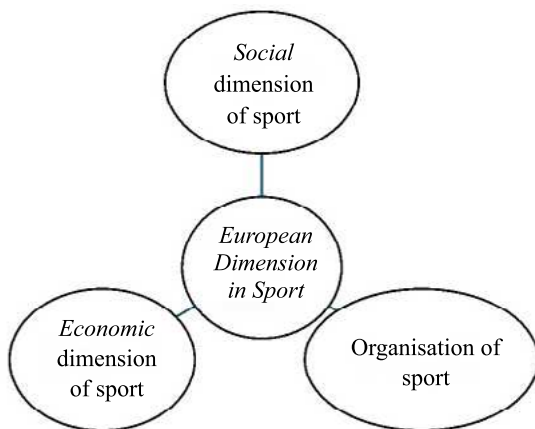
The Paper also addresses economic issues in sport from the perspective of sports organizations, establishing as fundamental topics the financing of sport as an economic activity relevant to the Union, good governance of sports clubs and federations, the transfer of minor athletes, and corruption, whether in the form of money laundering or the manipulation of sporting events. In order to achieve these objectives, the idea of the collaboration of the States with the sports federations to include mechanisms of financial control is embodied.



3.2. *The European Dimension in Sport*

Based on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions of January 18, 2011, the European Dimension in Sport was created, which represents the continuation of the EU's work in this area and serves to reinforce the provisions of the Treaty of Lisbon relating to sport.

To present the Dimension, the Commission would begin with a supporting document in the form of a Communication entitled «Communication on the development of the European dimension in sport,» which would serve as the first policy document adopted by the Commission in the field of sport since the entry into force of the Treaty of Lisbon. This Dimension can be separated into three main sections.



The idea behind the development of the European dimension in sport is to strengthen European measures to support the Member States in the challenges and actions set out in the White Paper. The Commission would corroborate the benefits of sport for society in different such as health, culture and the economy. In this context, it calls on the Member States to ensure that sport as an educational activity is included in schools and encouraging its appropriate use, calling for the construction of sports facilities in education, regardless of the age of the young people. This point is one of the most important in this plan, as the Commission values education through sport as a way of helping and integrating socially vulnerable young people.

This document also refers to the fight against doping by adhering to the Council of Europe's Anti-Doping Convention, and calling for improved EU



coordination on this issue, so that it is not only considered to be drug trafficking, but the social damage it does to sport as an activity it brings into focus is also taken into consideration. This is not just the case for doping, but also violence and corruption in sport, with calls for more support from the police and judicial authorities to curb these activities.

3.3. *Work plans for Sport*

The work plans have been approved by the Council, consisting of the ministers responsible for education, culture, youth and sport from all EU Member States.

The main idea of these Sport Roadmaps is to carry out an assessment of the challenges of cooperation in sport on a tri-annual basis, based mainly on the proposals of the White Paper on Sport and the European Dimension in Sport. The first plan was approved in 2011, and since then it has had a similar working structure, in which an analysis is made at the end of the three-year period on the actions carried out and the results obtained.

Common aspects of these plans are the social function of sport, the economic dimension and the organisation of sport.

With regard to the social function of sport, it bases its objectives on suppressing negative aspects such as doping, which mainly undermines sport itself and the work of the social function among young people. Similarly, it treats violence in sport as contrary to the values of sport. In order to strengthen social values, it is also supported by the *Erasmus+* project as part of which a sum is invested in sport and cultural exchanges related to this type of activity. Its objectives are:

- *Cross-border threats to the integrity of sport*, such as doping, match-fixing and violence, as well as any kind of intolerance and discrimination;
- Promote and support *good governance in sport and dual careers* of athletes.
- Promote *voluntary activities in sport*, together with *social inclusion, equal opportunities* and awareness of the *importance* of health-enhancing physical activity, through *increased participation* in sport.

Finally, although not considered an economic aspect, the Council includes the good governance of sport, the free movement of athletes and the rules for the transfer of athletes in order to homogenise European criteria. It also includes the integrity of competitions on issues such as match-fixing, corruption, money laundering and other forms of financial crime, as we cannot forget that as the European Union itself points out in



competition affairs, money laundering cannot be separated from the financial capacity it can give clubs. We can therefore see that with the sports policy in question, two specific approaches have been taken: one the social and health factor of sport and the other the economic factor.

Priority Issues in the Work plans for Sport (2011-2027)

Period	Priority issues
2011-2014	<ul style="list-style-type: none"> • Integrity in sport: combating doping, match-fixing and promoting good governance. • Social values of sport: health, social inclusion, education and volunteering. • Economic aspects: sustainable financing of sport and adoption of evidence-based policies.
2014-2017	<ul style="list-style-type: none"> • Integrity in sport: anti-doping, match-fixing, protection of minors, governance, gender equality. • Economic dimension: sustainable financing, legacy of major events, economic benefits and innovation. • Sport and society: health-enhancing physical activity (HPAH), volunteering, employment, education and training in sport.
2017-2020	<ul style="list-style-type: none"> • The integrity of sport. • The economic dimension of sport. • Sport and society.
2021-2024	<ul style="list-style-type: none"> • Strengthen the recovery of the sport sector and its resilience to crises (COVID-19 and beyond). • Protection of integrity and values in sport. • Socio-economic and environmental dimensions of sport. • Promoting participation in sport and health-enhancing physical activity.
2024-2027	<ul style="list-style-type: none"> • Integrity and values in sport. • Socio-economic and sustainable dimensions of sport. • Participation in sport and health-enhancing physical activity.

4. Conclusions

The European Union has always had a certain role in sport-related issues, but since 2007, with the inclusion in the Treaty on the Functioning of the European Union, it has started to take action in the social and health fields. The idea that sport can help develop the identity of European citizens, and help prevent the exclusion of certain groups, has been one of the key factors in further developing this policy.



Obviously, there are a number of challenges such as doping, violence or corruption in which the Union also wanted to be involved and to express a series of coordination measures in order to curb these negative elements, which also have a negative influence on the public's perception of sporting activities.

This policy of cooperation and coordination is not only with the member states, but also with the national and regional sports federations, which have also been subject to European judgments, such as the Bosman ruling, whereby the entire regulation of foreign footballers in every professional team had to be changed.

The development of a major policy on sport is not realistic at the present time. The specific nature of sport must be considered, and Union's idea that its main concerns are not subject to economic issues that could lead to a major intervention, but rather, understood as a social policy. It is considered to fall under the sovereignty of the Member States, but a major influence should be exercised in order to harmonise all European policies.



SPORTS

Sport in the EU



Social perspectives:

- Commitment to citizen integration
- Physical and mental well-being, improved life expectancy

The policies also recognise the economic importance of sport.



The EU primarily emphasises the **social role** of sport through its policies.



Sport as a tool for social cohesion

Legal basis



Treaty of Amsterdam: Declaration No. 29, on the importance of sport as an integrating element, also addressing doping, corruption, and violence.

Declaration of the European Council of Nice: recognition of the social role of sport in Europe.

Treaty on the Functioning of the European Union: first explicit reference to sport policy in EU law.

- **Article 6:** sport as a social tool, economic dimension limited to coordination and support.
- **Article 165:** sport as a central element in education, vocational training, and youth, highlighting its social function.

Court of Justice of the European Union: judgments equating professional sport with any other economic activity, promoting its integration into the legal framework.

Programmes for the development of sport policy

2. THE EUROPEAN DIMENSION OF SPORT

Continues the work of the White Paper and strengthens the provisions of the Treaty of Lisbon on sport.



- Sport as an educational activity included in schools, promoting its appropriate use.
- Against doping, violence, and corruption in sport

1. THE WHITE PAPER ON SPORT

Prepared by the European Commission

- First EU contact – sport strategy framework
- Action Plan "Pierre de Coubertin" (concrete actions)
- Social approach, European identity, and public health
- Economic importance: funding and good governance, combating corruption and money laundering
- Coordination against doping



3. WORK PLANS FOR SPORT

Three-year evolution (analysis of results based on objectives of the White Paper and the European Dimension in Sport).

- Social role of sport, economic dimension, and organisation
- Good governance in sport
- Integrity of competitions



Key factors in sport policy



Sport promotes European identity and social inclusion.



Combating the issues in sport (doping, violence, and corruption).



Cooperation and coordination between States and with sports federations.



Limitations on economic intervention.



European Week of Sport website

* in <https://sport.ec.europa.eu/>



Bibliography

- ALZINA LOZANO, Álvaro. «Las organizaciones internacionales europeas frente a la violencia en el deporte (Antecedentes jurídicos e instrumentos vigentes [1980-2018]).» *CEFLegal: revista práctica de derecho. Comentarios y casos prácticos*, 2019, No. 220.
- BONIFACE, Pascal: *L'Europe et le sport*. Institut de Relations Internationales et stratégiques, 2001.
- FERNÁNDEZ, Itziar. «Las políticas de la Unión Europea en el ámbito del deporte. Educació Social.» *Revista d'Intervenció Socioeducativa*, 2017, vol. 65.
- HERNÁNDEZ RODRÍGUEZ, Encarna. «El deporte como motor de identidad y cohesión social en la Unión Europea.» *Contraclave, revista digital educativa*.
- AGIRREAZKUENAGA ZIGORRAGA, Iñaki. «La transformación del Derecho Deportivo por influencia de la Unión Europea.» *Revista de administración pública*, 2016, No. 200.
- PÉREZ GONZÁLEZ, Carmen. «Derecho Internacional del Deporte. Unión Europea y otros organismos internacionales.» In *Derecho deportivo: legislación, comentarios y jurisprudencia*. PALOMAR OLMEDA, Alberto (ed.). Dykinson. 2013.
- SBETTI, Nicola. «Le identità europee nello sport.» *Altre Modernità: Rivista di studi letterari e culturali*, 2015, No. 14.
- TRUÑÓN, Jorge. «La incorporación del Deporte al Tratado de Lisboa.» *Revista Aranzadi de derecho de deporte y entretenimiento*, No. 29, 2010.



Chapter 23

Public Health Policy in the European Union

1. Introduction and historical development

The European Union endeavours to achieve high welfare standards for all its citizens, and to achieve this, one of the first things to be achieved is to maintain optimal health. States with the support of the Union have emerged as the key factor in helping to improve the health of European citizens.

This work has been ongoing since the Maastricht Treaty amended the Treaty on European Union, which includes a specific title on public health, but even before this Treaty there were already references to achieving a high level of public health. This Treaty makes specific reference to public health in Article 129: *Community action, which shall complement national policies, shall be directed towards improving public health, preventing human illness and diseases, and obviating sources of danger to human health. Such action shall cover the fight against the major health scourges, by promoting research into their causes, their transmission and their prevention, as well as health information and education.*

This idea of health is not only analysed from an individual point of view, but is a global circumstance, which affects the collectivity of all Europeans, which is why the wording of the policy itself is based on public health, a term understood as the protection of human health, but also the idea of collective improvement, whether through optimal health, cooperation between states, facing the challenges that exist in this area, for example Covid-19 or drug trafficking.

With regard to the Covid-19 pandemic, it has been a great example of the necessary collaboration in health matters, both between states and with private entities. A response that allows coordination between EU countries to help improve public health is one of the points that have been emphasised for decades, even more so with the Schengen Area and the abolition of internal borders.

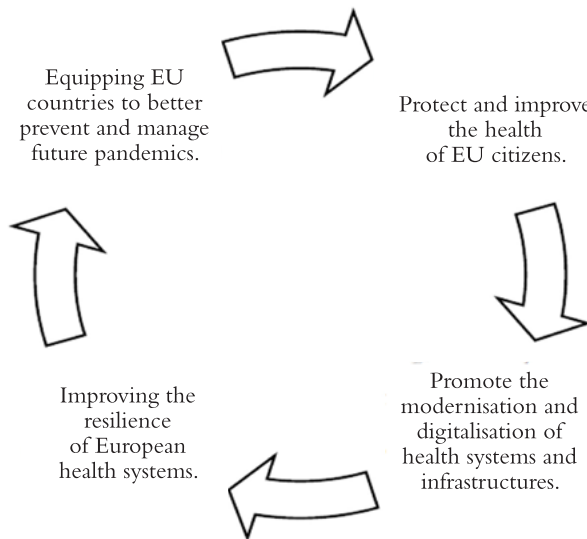
This is why, as we will see in the following pages, public health collaboration has not only focused on health services as such, as in the case of Covid-19, but also on other policies that may have a bearing on helping the EU to achieve its aims, be it for example sport and health benefits, maintaining a healthy environment or police and judicial cooperation in the fight against drugs. This issue



of the fight against drugs and drug addiction is one of the most relevant public health issues, with its own action plans that seek to reduce drug supply and demand as central elements, but which also create elementary health and police coordination mechanisms to achieve the objective.

2. Public health in the Treaties

The recognition of public health by international organisations is a reality, and the European Union has created a legislative framework for cooperation and assistance from the Maastricht Treaty on. The objectives of this policy are: The objectives of European health policy are therefore:



We must highlight the importance of health protection. Article 35 of the Charter of Fundamental Rights of the European Union, approved in 2000 and which has had the status of a Treaty since Lisbon, includes health protection in Article 35 of the Charter:

Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. A high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities.

There are several references to public health policy in the Treaty on the Functioning of the European Union, as a matter in which the European Union only provides collaboration to support and coordinate with the Member States



(Article 6), but it is also referred to from a security and the environmental perspective. Article 168 meanwhile, deals with all matters relating to health and points out the importance of this being a cross-cutting policy which:

A high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities.

This protection is carried out through the inclusion of health as a cross-cutting and mandatory element in all public policies, as stated in Article 9 of the Treaty:

In defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health.

This singularity of the different levels of protection can be seen in Article 168 of the TFEU itself, which sets out, in the first paragraph, the challenges facing the European Union, such as physical and mental human diseases, support for research, education, and cross-border health threats. In addition, the case of addiction, especially to drugs, should be highlighted here.

Cooperation between States is one of the most important points; achieving the kind of collaboration that exists in other policies is the initiative that is being pursued most in this area. To this end, as stated in the same article of the TFEU, it is necessary for the Member States, together with the Commission, to make proposals for coordination, i.e. the initiative comes from the countries themselves and not from the Union:

Member States shall, in cooperation with the Commission, coordinate among themselves their policies and programmes in the areas referred to in paragraph 1. The Commission may, in close contact with the Member States, take any useful initiative to promote such coordination, in particular initiatives aiming at the establishment of guidelines and indicators, the organisation of exchange of best practice, and the preparation of the necessary elements for periodic monitoring and evaluation. The European Parliament shall be kept fully informed.

3. Community action programmes in the field of public health

Community action programmes in the field of public health started in 2003, prior to which we find disparate measures, but not with a common nexus. These rules related to specific issues such as the 1996 Decision on combating cancer, Decision No 646/96/EC, or the 1997 Decision on the prevention of drug addiction, Decision No 102/97/EC.

Although these are disparate measures, along with many others they help to understand how the European Union has sought to create inter-state coordina-



tion frameworks. These frameworks, which would become the action programmes that are still the model to be followed today, seek above all collaboration to achieve this collective improvement in the areas of health not included in other policies.

These programmes are presented by the European Commission as the guarantor of their compliance, in addition to being responsible for organising the actions together with the States through their representatives.

They are complemented by other EU measures and reports, such as the 2010 Communication entitled: *The EU Role in Global Health*. From this Communication, the following would be highlighted: 1) access to health services for all; 2) health research; 3) the necessary joint collaboration to improve health.

Today we find the European Union Strategy based on external action and cooperation with the different regions, seeking the support of other international organisations on the understanding that the pursuit of this possibility will help its citizens to avoid risks of pandemic diseases using the concept of «one health at the global level».

3.1. *The first action programme (2003–2008)*

The first programme aims to promote a high level of public health in the European Union. The aim is to develop a series of actions that support collaboration, cooperation and the development of a high level of health and well-being. To this end, it is proposed to improve public health information and knowledge, enhance the responsiveness of institutions, coordinate health risks, promote health and raise awareness of disease prevention through action on health determinants in all policies and activities.

3.2. *The second action programme (2008–2013)*

The second programme continues the line of the first by adding new issues such as cross-border health threats, which is important as in an area without internal borders the spread of diseases can be greater.

Another objective is to improve the quality of life and life expectancy by improving health, which has two important factors; one is to give the citizens of the Union a longer life, and the other is to reduce the medical costs of people with illnesses.

3.3. *The third action programme (2014–2020)*

Entitled the Health for Growth Programme, the European Union proposes that the objectives of the third programme be aligned with the Europe 2020



Strategy, which considers health one of the challenges facing European society. The overall objective of the programme is to enable the Union to add value to the work carried out by the States.

3.4. *The fourth action programme (2021-2027)*

Known as *EU4Health*, it is entitled «a vision for a healthier European Union». Covid-19 has a strong impact as it presents cooperation and collaboration as a central element, which was called into question at certain points in the pandemic.

The cooperation that is observed to a significant extent in other policies was not the case in the health sector. This would mean that during the pandemic at certain times there was a lack of coherence between European states, leading to different ways of working.

EU Public Health Action Programmes

Year	Main objectives	Key activities
<i>First programme (2003-2008)</i>	<ul style="list-style-type: none"> • Develop a high level of health and well-being. • Improve information and knowledge to promote public health. • Rapid and coordinated reaction to health risks. • Promote health and prevent disease. 	<ul style="list-style-type: none"> • Observation and rapid reaction. • Study of health determinants. • Legislative activities. • Knowledge and information. • Awareness raising and coordination at European NGO level.
<i>Second programme (2008-2013)</i>	<ul style="list-style-type: none"> • Improve health security. • Promote health and reducing inequalities. • Disseminate health knowledge. • Improve quality of life and life expectancy. 	<ul style="list-style-type: none"> • Continuation of the first programme. • Addressing cross-border health threats. • Cooperation with third countries.
<i>Third programme (2014-2020)</i>	<ul style="list-style-type: none"> • Contribute to innovative and sustainable health systems. • Improve access to better and safer health care. • Promote health and prevent disease. • Protect against cross-border threats. 	<ul style="list-style-type: none"> • Improve the efficiency of health systems (personnel and equipment). • European health safety nets. • Exchange of information on addictions. • Coordination of states in the face of serious threats.



Year	Main objectives	Key activities
<i>Fourth programme (2021-2027)</i>	<ul style="list-style-type: none">• Improve and promote health in the Union.• Reduce health inequalities.• Protect against serious cross-border threats.• Improve the availability, accessibility and affordability of medicines and products.	<ul style="list-style-type: none">• Health promotion and disease prevention.• Coordination in access to health care.• Strengthen the responsiveness of health systems.• Cooperation in health systems at European level (lessons learned from Covid-19).

4. Public health and drugs

The fight against drugs has not only been conducted through police and judicial cooperation. Public health policy has devoted much of its work to combating drug addiction. As early as the 1980s, the first measures to combat this phenomenon, which, above all, was affecting European youth, were put in place.

From a health point of view, the emphasis was not on crime-related issues, such as money laundering or organised crime itself, but has always been based on how to help reduce supply and demand. The coordination of this matter has been carried out through the anti-drugs plans approved by the Council, the first in 1995, and this way of working has reached the present day with the 2021-2025 action plan.

Likewise, since 2005, two Strategies for the Fight against Drugs have been created encompassing different action plans, the idea being that the plans should be triennial in order to be able to study their incidence more regularly and establish new measures in the new plan for those events that have not been solved.

Plans to combat drugs in the European Union

Plan	Key areas
1995-1999	<ul style="list-style-type: none">• Reduce demand.• Illegal drug trafficking.• International agreements to reduce drug supply.
2000-2004	<ul style="list-style-type: none">• New legislative instruments (Area of Freedom, Security and Justice).• Promotion of drug research.• Reduce demand.• Strengthen international agreements.



Plan	Key areas
2005-2008	<ul style="list-style-type: none">• Coordination through the horizontal Drugs group.• Demand and damage reduction.• Supply reduction (Europol).• International cooperation with third countries.• Information and research on the problem.
2009-2012	<ul style="list-style-type: none">• Greater social commitment to reduce consumption.• Public awareness.• Understanding the problem.• Supply reduction through security.
2013-2016	<ul style="list-style-type: none">• Reduce demand and starting age.• Coordination on drugs in the EU.• Reduction of drug availability.• International cooperation.• Monitoring and evaluation of indicators.
2017-2020	<ul style="list-style-type: none">• Increase treatment to reduce demand.• Strengthen judicial cooperation.• Effective inter-state coordination.• Integration of the fight against drugs into EU foreign policy.• Continue to invest in research.
2021-2025	<ul style="list-style-type: none">• Joint implementation with the Drug Strategy.• Addressing drug-related harm.• Coordination and governance.• Prevention services to reduce demand.• Supply reduction through security.• Research, innovation and foresight.

EU Drugs Strategy (2021-2025)



5. Conclusions

The European Union's health policy has evolved into a system of strengthened cooperation. This policy, which has a strong social element, also appears across many other policies as a cross-cutting element, but it also has an important weight in itself, since health, understood as a Fundamental Right, is one of the most serious concerns of the Union itself.

This policy has been implemented through the action programmes, which serve as a basis for cooperation between states. The Covid-19 pandemic was a turning point, not only in terms of strengthening a model of universal health care throughout the European Union, but also in terms of the need for a common policy to prevent the rapid spread of diseases in an area without internal borders.

One example of the possibilities for coordination between states is the fight against drugs and drug addiction, understood from a public health perspective. In this action, joint work has been carried out with other institutions and third countries in order to tackle the disease of drug use, which has seen some spikes over the years, but which causes great harm to European citizens, mainly in terms of protecting their health.



PUBLIC HEALTH

Legal basis



Maastricht Treaty: legislative framework for cooperation and support.

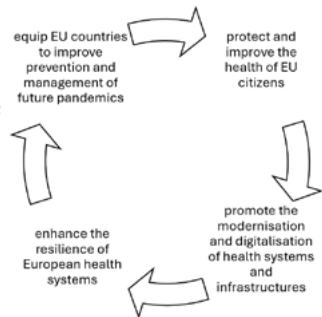
Charter of Fundamental Rights of the EU:

- **Article 35:** recognises the right to preventive and curative healthcare.

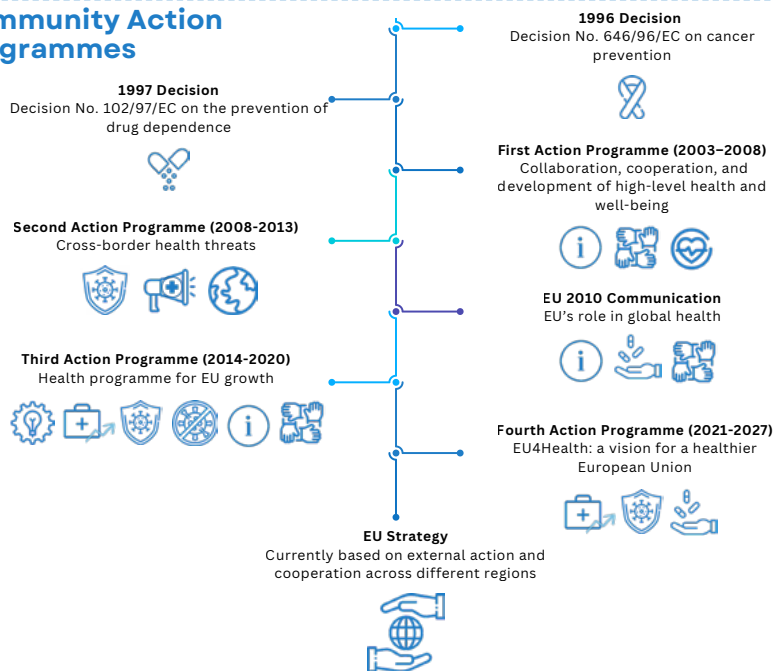
Treaty on the Functioning of the European Union:

- **Article 6:** health as a field in which the EU supports and coordinates Member States.
- **Article 9:** health as a cross-cutting and mandatory element in public policies.
- **Article 168:** provisions related to health.

Objectives of EU health policy

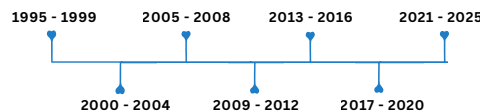


Community Action Programmes



Public Health and the Fight Against Drugs

Three-year drug action plans to regularly assess their impact:



EU Drug Strategy



Bibliography

- KICKBUSCH, Ilona. «The contribution of the World Health Organization to a new public health and health promotion.» *American journal of public health*, 2003, vol. 93, No. 3, pp. 383-388.
- LORA-TAMAYO VALLVÉ, Marta. «La protección de la salud pública en la Unión Europea.» *Revista de derecho de la Unión Europea*, 2006, No. 11, pp. 96-97.
- PONTE IGLESIAS, María Teresa. «La Unión Europea frente a las emergencias de salud pública mundial. La crisis de la COVID-19.» *Araucaria: Revista Iberoamericana de Filosofía, Política, Humanidades y Relaciones Internacionales*, 2020, vol. 22, No. 45, pp. 341-342.
- SOBRINO HEREDIA, José Manuel. «La política de la salud pública en la Unión Europea.» *Anuario da Facultade de Dereito da Universidade da Coruña*, 1998, No. 2, p. 547.



Chapter 24

Food Safety Policy in the European Union

1. Introduction and historical development

The historical evolution of food safety policies in the European Union has been a dynamic process reflecting changes in the global economy, public health concerns, and scientific advances.

When the European Economic Community was created in 1957, the main focus of the Union's agricultural policy was to secure food supplies for a growing and expanding population. During those early years, the focus was on increasing agricultural production through the Common Agricultural Policy, which was adopted in 1962.

The Common Agricultural Policy was designed to ensure a stable food supply and fair prices for producers by establishing mechanisms such as production subsidies, guaranteed prices and common tariffs for agricultural products. However, concerns about food safety in terms of public health were not a central focus at this stage.

In the 1980s and 1990s, the Union faced more serious food safety scandals, the most prominent being the mad cow disease crisis in the UK in the mid-1990s. This outbreak was a turning point, as it exposed the weaknesses of food safety policies at the time. The mad cow disease crisis led to a loss of public confidence in food safety and growing concern about health risks from food systems.

In response to these scandals, the EU began to develop stricter and more transparent policies to ensure a safe and healthy food supply. These included the creation of new regulations to control food production, processing, distribution and labelling systems, promoting product traceability and the control of food risks.

In 2002, the European Union took an important step in strengthening its food safety policies with the creation of the European Food Safety Authority (EFSA).



The EFSA's mission is to provide independent scientific advice on food risks, and it has become a key pillar of food safety decision-making in Europe.

In addition, the Union adopted the Food Safety Package in 2002, which included key legislative reforms to establish a more rigorous regulatory framework for food safety and public health. This package ensured a comprehensive management of the food chain, from production to consumption, addressing both food safety aspects and the control of contaminants and additives.

In the following years, food security policies in the EU began to incorporate a more holistic approach, recognising that food security depended not only on control systems, but also on factors such as sustainability of production and access to food.

The concept of food security came to be understood as a combination of four dimensions: (i) Food availability (production and supply), (ii) Food access (price and distribution), (iii) Food utilisation (nutrition and health), and (iv) Stability (resilience of food systems).

The European Commission also began to focus on global food security, recognising the importance of international cooperation in ensuring food security, especially with developing countries.

From 2014 on, the EU began to integrate sustainability and climate change aspects into food policies more explicitly. In May 2020, the European Commission launched the Farm to Fork Strategy, which aims to make European food systems more sustainable by promoting food production in a way that respects planetary boundaries and supporting the transition to healthier and more sustainable diets.

In this context, policies have been implemented to reduce the negative impacts of agriculture on the environment, while ensuring sufficient and safe food production. This includes measures to combat food waste, promote organic farming and reduce greenhouse gas emissions from the agri-food sector.

The Union has also placed increasing emphasis on biotechnology and innovation to improve food security, encouraging research in areas such as crop genetics, GM food safety and alternative protein production.

Today, the EU's food security challenges include security from pandemics, vulnerability to global crises (such as the war in Ukraine or climate change), and issues of access to healthy food in a context of economic inequality. The Union also faces the challenge of balancing food security with environmental sustainability, public health and competition in global markets.



2. Legal basis

Food safety in the European Union is based on the EU Treaties, in particular the Treaty on the Functioning of the European Union. Article 168 of the Treaty on the Functioning of the European Union states that the Union has competence to support, coordinate and complement national public health policies, including food safety.

Article 168 of the Treaty on the Functioning of the European Union requires the Union to ensure a high level of human health protection, including food safety, and to adopt measures to prevent health risks in the field of food and agricultural practices.

Moreover, the Union acts within a framework of shared competences with the Member States. This means that the EU can intervene in certain aspects of food safety, while member countries also retain certain competences in their national policies.

The Common Agricultural Policy, which is based on Article 38 of the Treaty on the Functioning of the European Union, is another essential pillar of the Union's food security. The Common Agricultural Policy aims to ensure a stable food supply at fair prices for consumers and to ensure a fair standard of living for farmers. This policy includes measures to ensure quality food production, sustainability of agriculture and access to natural resources in an efficient manner.

It is also worth mentioning Regulation (EC) No 178/2002, one of the most important instruments of EU food safety legislation. It established the European Food Safety Authority and the Network of National Food Safety Authorities, and regulates procedures to ensure that all food and feed placed on the EU market is safe for human and animal health.

This Regulation defines the general principles and requirements of food law in the EU, establishes that food safety should be based on a precautionary approach and traceability of food from origin to consumption, regulates risk communication in relation to food safety, and establishes EFSA to advise on food-related risks and other aspects of food safety.

Finally, also representative as part of the food safety legal framework is Regulation (EU) No 1169/2011 on the provision of food information to consumers, which obliges businesses to provide clear information on ingredients, the provenance of food, the presence of allergens and nutritional value.



3. Programmes related to the development of food safety policies

3.1. Common Agricultural Policy

The Common Agricultural Policy is one of the oldest and most fundamental policies of the Union. One of its objectives is to ensure food security in the Union by supporting farmers and producers. Through the Common Agricultural Policy, funding is provided to farmers to ensure stable, sustainable and quality agricultural production.

In the context of the Common Agricultural Policy, food security is addressed through several key measures:

- i. *Sustainability and efficient production:* The Common Agricultural Policy promotes sustainable agriculture that is not only able to produce sufficient food, but also respects the environment and ensures the health of soil and water, which in the long term contributes to food security. The responsible use of natural resources and the reduction of the environmental impact of agricultural practices are encouraged.
- ii. *Support to farmers:* Through direct payments, farmers receive financial support that enables them to continue producing food under competitive conditions and to ensure a constant supply of products on the market. This helps maintain price stability and avoid food crises resulting from market volatility.
- iii. *Promoting agricultural diversity:* The Common Agricultural Policy also supports diversity in agricultural production, which can make food supply more resilient to climatic shocks, pests or disease. This includes promoting agricultural practices that maintain biodiversity and protect ecosystems, such as crop rotation and the use of more resilient crops.
- iv. *Innovation and research:* A significant part of the Common Agricultural Policy budget is earmarked for research and innovation in the field of agriculture.

Investment in new technologies, improved seeds and more efficient farming systems are essential to increase productivity without compromising food quality.

- v. *Rural development programmes:* The Common Agricultural Policy funds rural development programmes that promote agricultural practices that contribute to food security, such as improving rural infrastructure, access to local markets, education and training for farmers, and the promotion of local production.
- vi. *Adaptation to climate change:* In the latest reforms of the Common Agricultural Policy, special emphasis has been placed on action against climate change. Policies include measures to adapt agriculture to the effects of



climate change, such as the promotion of crops that are resilient to drought and other extreme conditions. The ability to adapt to extreme climate changes is crucial for maintaining food security.

- vii. *Reduction of import dependency*: The Common Agricultural Policy also aims to reduce dependence on food imports from outside the EU. By encouraging local food production, it contributes to the stability of food supply within the region.

The Common Agricultural Policy has a significant impact on food security in the European Union, as it seeks to ensure a stable food supply, maintain the sustainability of agricultural systems and support farmers in the face of contemporary challenges.

3.2. *Farm to Fork Strategy*

The EU's Farm to Fork strategy is a key initiative within the framework of the European Green Deal that aims to transform the European food system to make it more sustainable, healthier and fairer.

This strategy was presented in May 2020 as part of an effort to reduce environmental impacts and improve public health related to food production, distribution and consumption in Europe.

Its main objectives focus on: (i) Sustainability, seeking a significant reduction in the environmental impacts of the European food system, including reducing the carbon footprint, the use of pesticides, fertilisers and food waste; (ii) Health and nutrition, promoting healthy and sustainable diets, promoting fresh, local and less processed products, to improve public health; and (iii) Equity and social justice, promoting a fairer food system, supporting producers, especially small-scale farmers, and ensuring food security for all citizens.

The main measures through which this strategy operates are:

- i. *Reduction of health risks*:
 - a) *Reduction of pesticide use*: One of the strategy's key commitments focuses on reducing the use of chemical pesticides in agriculture by 50% by 2030. This is based on the idea that pesticides can be harmful to human health and the environment, and their excessive use can compromise food safety over the long term.
 - b) *Responsible use of fertilisers*: The aim is to reduce fertiliser use by 20% by 2030. Fertilisers, although necessary for agricultural production, can contaminate soil and water, affecting human and animal health.



ii. *Promotion of organic and sustainable production:*

- a) *Increasing organic farming:* The EU wants to increase the agricultural area under organic farming to at least 25% of agricultural land by 2030. Organic farming is associated with lower levels of chemical residues, which can contribute to greater food security.
- b) *Strengthening traceability:* Measures are being implemented to improve food traceability throughout the supply chain. This means that consumers can know the origin and production conditions of food, which improves confidence and food safety.

iii. *Resilience to food crises:*

- a) *Diversification of production sources:* Encourage greater diversity in agricultural production methods to reduce dependence on a few crops and protein sources. This not only improves food security, but also makes the system more resilient to extreme events, such as climate change, wars or pandemics.
- b) *Strengthening food sovereignty:* Improving Europe's capacity to produce its own food, reducing dependence on imports and protecting food availability in crisis situations.

iv. *Combating food waste:*

- a) *Reducing food waste:* The Union has a target to reduce food waste by 50% by 2030, which will not only improve food security by ensuring better distribution of food, but also reduce pressure on natural resources and the environment.

v. *Education and awareness-raising:*

- a) *Promotion of healthier diets:* The aim is to educate consumers to make more informed and healthier food choices, thereby contributing to an overall improvement in public health and food safety.
- b) *Clear and comprehensible labelling:* Improve food labelling so that consumers can make informed choices about food safety and quality.

The Farm to Fork strategy takes a holistic approach that not only addresses food security in terms of availability and access, but also in terms of quality, sustainability and health. By putting these measures in place, the EU aims to ensure that food is not only safer for consumers, but also more environmentally friendly, promoting a more resilient and fairer food system in the long term.

3.3. Food Safety Regulation

Regulation (EC) 178/2002 on food safety in the European Union establishes a comprehensive framework to ensure that food is safe for consumers, from



production to consumption. Food safety, as we have seen, is a priority for the Union, and its legislation is designed to protect public health, promote consumer confidence and ensure the quality of foodstuffs.

It is also the basis for the creation of EFSA and the subsequent regulations that have detailed or expanded the Union's policies in this respect.

This Regulation focuses on three key aspects: (i) Precautionary principle: If there is a risk of harm to human, animal or environmental health, preventive measures are taken even if there is no definitive scientific evidence; (ii) Traceability: Food chain operators must be able to trace food backwards and forwards (from origin to consumer); and (iii) Accountability: Food chain operators are responsible for ensuring the safety of the products they place on the market.

Subsequent to this Regulation, Regulation (EC) 852/2004 on the hygiene of foodstuffs lays down rules on food hygiene throughout the food chain. Includes requirements on good hygiene practices and food safety management systems such as hazard analysis and critical control points, as well as requirements on sanitary control in the transport, storage and marketing of foodstuffs.

At the same time, in order to control the safety of food imported into the European Union, Regulation (EC) 882/2004 was adopted, on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

The next step was taken in 2005 with regard to pesticides in food in Regulation (EC) 396/2005, which sets maximum residue limits. Chemical pollutants, such as heavy metals, dioxins and other toxic products, were also regulated by Regulation (EC) 1881/2006.

Finally, in terms of food safety policies in the form of regulations, Regulation (EU) 1169/2011 sets out the rules for food labelling, which must be clear, accurate and understandable to consumers. This includes information on allergens, ingredients and nutritional value, rules on expiry date and storage conditions, and specific requirements for organic products and genetically modified foods.

3.4. *Horizon Europe*

Horizon Europe is the European Union's research and innovation programme for the period 2021–2027, with a total budget of approximately €95.5 billion.

Its main objective is to strengthen the Union's position as a global leader in research and innovation by supporting high-impact projects in key areas such as food safety.

Food security is a priority within Horizon Europe, especially due to global challenges such as climate change, increasing world population and geopolitical crises, which affect the ability of food systems to provide accessible, sufficient,



healthy and sustainable food. This objective is addressed through various initiatives and strategic approaches within the programme.

Horizon Europe promotes the transition towards sustainable, efficient and resilient food systems. Through research calls, projects are funded that address reduced use of resources such as water, energy and land, in food production, as well as improving efficiency in the supply chain.

In line with the Farm to Fork Strategy, Horizon Europe supports innovation in agricultural production, looking for greener and more efficient alternatives. This includes the development of innovative agricultural technologies and practices, such as precision farming, the use of biotechnology to improve crop and livestock resilience, and the promotion of agro-ecology.

Food security is not only about the availability of food, but also about its quality and nutrition. Horizon Europe funds projects focused on improving the nutritional quality of food, reducing food waste and ensuring that food is safe for human consumption. Alternative foods, such as plant proteins and lab-grown meat, are also being investigated.

Climate change poses a significant threat to food security, affecting both food production and distribution. Horizon Europe funds projects that focus on developing technologies and strategies to adapt food systems to new climate conditions, reducing losses and increasing resilience to natural disasters such as droughts and floods.

The Union recognises that an efficient and resilient supply chain is key to ensuring food security. Horizon Europe supports research on how to improve traceability, logistics and supply chain management, with a particular focus on reducing dependency on external markets and diversifying food sources.

Horizon Europe seeks to transform the EU's food systems through innovation and sustainability, addressing the challenges of climate change, nutrition, food security and supply chain efficiency, with the aim of achieving a more resilient and equitable system for European citizens and the world.

4. Conclusions

The evolution of food security policies in the EU has been an adaptive process that has responded to crises and changes in public perception, integrating health, sustainability and access to food.

Today, the EU faces the challenge of ensuring food security in a context of global crisis and inequality, while promoting sustainable and healthy agricultural practices.



Food safety in the European Union is underpinned by a robust regulatory framework, including the Treaty on the Functioning of the European Union and various regulations, ensuring a high level of protection of human health and food quality.

Through policies such as the Common Agricultural Policy and the creation of the European Food Safety Authority, the Union seeks to ensure a safe and sustainable food supply, while coordinating efforts with Member States.

The Common Agricultural Policy is central to ensuring food security in the European Union by providing financial support to farmers, promoting sustainable practices and encouraging innovation, which contributes to stable and resilient agricultural production. Its focus on sustainability and climate change adaptation strengthens the region's capacity to meet future challenges in food production.

The EU's Farm to Fork strategy aims to transform the European food system towards a more sustainable, healthy and equitable model, addressing key issues such as reducing pesticides, promoting organic farming and combating food waste. Through these measures, the aim is to ensure food safety and improve public health, promoting a holistic approach that benefits both consumers and the environment.

Horizon Europe is established as a key programme to address food security in the European Union, promoting innovation and sustainability in food systems in the face of global challenges such as climate change and geopolitical crises. Its holistic approach seeks to transform food production and distribution, ensuring accessibility, quality and resilience for the future.

EU food security policies encompass a comprehensive approach that includes support for farmers, protection of consumer health, promotion of sustainable diets, and support for the most vulnerable. These policies are implemented through a combination of national strategies and EU programmes to ensure the sustainability and accessibility of food systems.



FOOD SAFETY

Timeline



Legal Basis

Article 168 TFEU

The Union must ensure a high level of human health protection



Article 38 TFEU

Forms the basis of the Common Agricultural Policy, another essential pillar of the Union's food security. The Common Agricultural Policy aims to ensure a stable supply of food at reasonable prices for consumers and a fair standard of living for farmers.

Regulation (EC) No 178/2002

Established the European Food Safety Authority and the Network of National Food Safety Authorities, and regulates procedures to ensure that all food and feed marketed in the Union are safe for human and animal health.

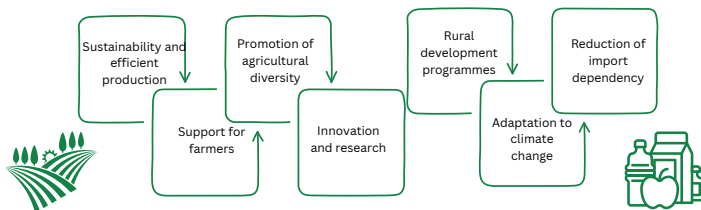


Regulation (EU) No 1169/2011

On food information provided to consumers, requiring companies to offer clear details on ingredients, food origin, allergen presence, and nutritional value.

Programmes

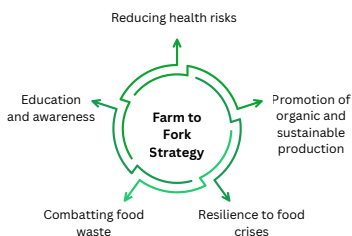
Common Agricultural Policy



Food Safety Regulation

Three key aspects:

- **Precautionary principle:** preventive measures are taken against potential risks to human, animal, or environmental health, even without conclusive scientific evidence.
- **Traceability:** operators must track food throughout the entire chain, from origin to consumer.
- **Responsibility:** operators are accountable for the safety of the products they market.



Horizon Europe

EU programme to **consolidate its global leadership in research and innovation**. Supports high-impact projects in key areas, including food security.



Bibliography

- CELMA ALONSO, Pilar. «La seguridad alimentaria y el comercio de productos agrícolas de la Unión Europea.» *Revista de Derecho de la Unión Europea*, 2014, No. 26, pp. 191-224.
- GONZÁLEZ VAQUÉ, Luis. «Objetivo: la seguridad alimentaria en la Unión Europea [el Reglamento (CE) No. 178/2002].» *Gaceta jurídica de la Unión Europea y de la competencia*, 2003, No. 223, pp. 59-71.
- GUINEA, Mercedes. «El modelo de seguridad alimentaria de la Unión Europea y su dimensión exterior.» *Revista UNISCI*, 2013, No. 31, pp. 201-223.
- HERNÁNDEZ SAN JUAN, Isabel. «La seguridad alimentaria y la biodiversidad en las estrategias del Pacto Verde Europeo: la Bauhaus de la política alimentaria.» *Anuario de Derecho Ambiental. Observatorio de Políticas Ambientales*, 2021, pp. 998-1017.
- MARTÍN LÓPEZ, Miguel Ángel & FILLOL MAZO, Adriana. *La Unión Europea y la seguridad alimentaria ad extra*. Editorial UNED. 2021.
- OANTA, Gabriela A. «La política de seguridad alimentaria en la Unión Europea.» 2006. Doctoral Thesis. Universidade da Coruña.
- SANZ, Y. & DALMAU, J. «La Autoridad Europea de Seguridad Alimentaria (EFSA) como órgano de asesoramiento científico en seguridad alimentaria y nutrición.» *Acta Pediatr Esp*, 2012, vol. 70, No. 3, pp. 269-271.
- STEVENSON, Peter. «Convertir la estrategia de la Comisión de la granja a la mesa en una reforma de gran alcance de la agricultura de la UE.» In *Animal Law. Forum of Animal Law Studies*. 2020, pp. 177-187.



Chapter 25

New EU Policies for the Digital Revolution

1. Introduction

All EU digital policies are designed to address the challenges of the Digital Revolution from a broad and comprehensive perspective. Furthermore, the above standards and strategies reflect the EU's commitment to leading global technological development while protecting fundamental rights and promoting ethical, sustainable and democratic values. Each regulation addressed, such as the General Data Protection Regulation (GDPR), the Digital Markets Act (DMA), the Digital Services Act (DSA) or the AI Act, is one piece in a broader framework that seeks to harmonise the European digital market, guarantee privacy and foster innovation.

These standards are interrelated and also interact with other key areas such as environmental sustainability and social inclusion. For example, the GDPR sets privacy standards that directly affect the use of data in strategies such as data governance and artificial intelligence. In turn, the AI Act and the Data Governance Act promote the ethical and transparent use of advanced technologies while aligning with principles set out in the Cybersecurity Act to protect critical infrastructure. This cross-cutting approach reinforces the idea that European digitalisation is not an isolated effort, but a structural project integrating economic, social and environmental sectors.

In general terms, these regulations operate as auxiliary tools that allow the European Union to strike a balance between the protection of citizens' rights and global competitiveness. The relationship between them reflects an integrated strategy that responds to the internal needs of the Member States and the urgency of strengthening digital sovereignty vis-à-vis the major technological powers abroad. This approach illustrates how Europe's digital policies draw on its legal and cultural heritage, adapting to the challenges of a constantly changing technological environment.

In the EU framework, the term policies broadly encompasses concrete actions that implement strategies, such as regulatory frameworks or specific programmes. Strategies on the other hand are general visions and proposed long-term



approaches, although in many cases both terms can be used interchangeably. In the context of the current Digital Revolution, it is arguably premature to discuss broad policies, focusing instead on strategies.

We therefore identify four major strategies that will eventually lead to policies, especially the one that encompasses Artificial Intelligence. The European Union is fully aware of the current Digital Revolution, which already goes beyond the 4th Industrial Revolution or Industry 4.0. Moreover, we are currently living through the implementation and development of Artificial Intelligence and the EU's AI Law is the result of this.

However, we look more broadly at how the Union is engaged in designing new policies to lead the global technological evolution, while safeguarding the fundamental rights and freedoms of EU citizens. Significantly, this European body of technological and digital law is imbued with the cultural DNA on display from the earliest days of the Union with the European Communities, the Treaties and the Charter of Fundamental Rights and Freedoms. This approach shows that the technological and digital developments of the coming years, mainly in the United States, China, India and the European Union, will have a different course, taking into account the historical and cultural foundations of their peoples, as well as the legal and democratic tradition of safeguarding individual rights.

Before going into the analysis of strategies, it is interesting to analyse the evolution of European policies over time in line with the enlargement and strengthening of the Union's own structures. Thus, the EU moved from ad hoc policies in specific sectors to broader and more complex cross-cutting strategies. This is the case of the Digital Single Market and the Digital Green Deal.

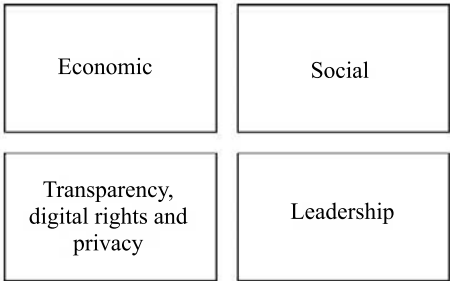
The transition from sectoral policies to comprehensive frameworks explains how the EU has moved from ad hoc policies in specific sectors, such as telecommunications or e-commerce, towards cross-cutting strategies such as the Digital Single Market or the Digital Green Deal. There is an interaction, therefore, between digital policies and other key areas such as environmental policies (green technology or the circular economy), social inclusion policies (bridging the digital divide) or industrial policies (fostering innovation and global competitiveness).



1.1. Cross-cutting strategies face a number of implementation challenges

Implementation challenges	Description	Possible solutions
<i>Regional inequalities</i>	Economic differences between Member States affect the implementation of technology and digital policies, highlighting the digital divide.	Investment in technological infrastructure and digital training programmes in less developed regions.
<i>Risks of fragmentation</i>	States with more advanced regulatory frameworks in cybersecurity, such as Estonia, can impact the cohesion of the single market.	Establishment of common frameworks promoting regulatory cohesion among all Member States.
<i>Resistance from international actors</i>	Global companies, such as Apple with the universal charger or Google in the face of the GDPR, present challenges to EU regulations.	Dialogue with international actors to find balanced solutions and foster collaboration.
<i>Relationship with national interests</i>	Some countries prioritise national policies over EU policies, creating tensions in the cohesion of the European Union.	Promoting political consensus and coordination mechanisms between national and EU policies.

Regional inequalities within the European Union, stemming from economic differences between Member States, significantly affect the implementation of technology and digital policies, with the impact of the *digital divide* being a key determinant. These disparities are also associated with *risks of fragmentation*, evidenced by the uneven implementation of advanced regulatory frameworks, such as *Estonia's* case in cybersecurity, which calls into question the cohesion of the single market. On the other hand, the *resistance of international actors*, such as *Apple's* opposition to the universal charger or the tensions generated by platforms such as *Google* against the GDPR, reflects the external pressure on EU legislation. Finally, the *prioritisation of national interests* by some states over common policies can generate internal tensions, compromising the unity and effectiveness of the European Union.



It is also interesting to consider an impact analysis from different approaches.

The analysis of digital policies in the European Union must first address their *economic impact*, considering their contribution to *European digital GDP*, as well as their influence on *e-commerce* and on the *competitiveness of SMEs*, key players in the business fabric. From a *social perspective*, the Digital Revolution has generated new *social classes based on knowledge and technological skills*, which raises the need to assess how these policies contribute to reducing the *digital divide* in rural areas. In terms of *transparency, digital rights and privacy*, it is imperative to ensure that digital strategies respect and strengthen the protection of personal data and citizens' fundamental rights against the risks of mass surveillance and misuse of information. Finally, in terms of *European leadership*, the development of technical standards such as *5G*, the promotion of *ethical AI* and advances in *cybersecurity* stand out, elements that strengthen Europe's position in relation to powers like the *United States, China, India and Russia*, and which reflect the ability to define a global regulatory and ethical model in the digital era.

1.2. Main regulatory frameworks

We find in this section: GDPR, the Digital Markets Act (DMA), the Digital Services Act (DSA) and the AI Act.

As a future exercise, especially in the field of law, it is interesting to compare data policies (Data Governance Act, Data Act) with regulations in other regions. Equally explore the principle of proportionality on how the EU balances the protection of fundamental rights with technological innovation and privacy. Also analyse the role of technology in inter-regional relations or how EU digital regulation impacts or inspires third countries.



Regulatory framework	Proposal	Main provisions	Impact on the EU	Practical example
<i>General Data Protection Regulation (GDPR)</i>	Establish standards for personal data protection in the EU, ensuring privacy and control over digital information.	Right of citizens to access, rectify and erase their data; strict security measures for companies; significant fines for non-compliance.	It has served as a global model for privacy regulation, reinforcing citizen trust in digital platforms.	Companies such as Meta and Google have redesigned their privacy policies to comply with the GDPR.
<i>Digital Markets Act (DMA)</i>	Ensure fair competition in digital markets by regulating large technology players (<i>gatekeepers</i>).	Prohibition of unfair practices such as favouritism of own products; mandatory interoperability; support for start-ups and SMEs.	It fosters innovation and challenges the dominance of large platforms, promoting a more inclusive and competitive marketplace.	Interoperability in instant messaging will allow users to send messages between different platforms (WhatsApp and Signal).
<i>Digital Services Act (DSA)</i>	Create a safe and transparent digital environment by regulating the activity of online platforms and protecting users.	Rapid removal of illegal content; transparency in algorithms and content moderation; restrictions on personalised advertising without consent.	It promotes trust in the digital environment and reinforces corporate responsibility in the protection of digital rights.	Removal of illegal content such as hate speech in record time on platforms such as Twitter and YouTube.
<i>Artificial Intelligence Act (AI Act)</i>	Regulate the use and development of artificial intelligence, promoting its ethical and safe implementation.	Classification of AI systems according to their level of risk; prohibition of unacceptable uses such as mass surveillance; transparency requirements for high-risk AI.	It positions the EU as a leader in the ethical development of AI, encouraging its safe adoption in key sectors such as health and education.	The AI Act prohibits the use of social scoring systems similar to those implemented in China.

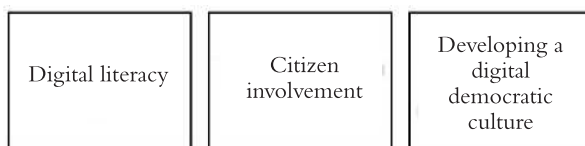


1.3. *The future of technology policies*

Generative Artificial Intelligence, represented by models such as *ChatGPT*, has generated intense debate within the European Union due to differences in approach between Member States. In this scenario, it can be argued that the AI Act should be revised in the future to explicitly include the implications associated with these advanced generative systems. In terms of *metaverses*, current EU policies face the challenge of regulating critical aspects such as *privacy*, *digital property* and the dynamics of the *virtual economy*, as these environments transcend traditional physical boundaries. For its part, *quantum computing*, still at an early stage and without a defined regulatory framework, represents a challenge and an opportunity for the Union, which will have to anticipate its potential technological and economic implications. Ultimately, digital sovereignty is a key strategic element, requiring the adoption of measures to reduce dependence on external technologies, especially with regard to data storage and processing in clouds located outside the EU. This ensures more effective control over resources critical to Europe's competitiveness and security.

1.4. *Citizen participation and digital governance*

The *democratisation of technology* is consolidated when it is made accessible to a broad spectrum of the population, becoming an engine of inclusion and development. In the context of the Digital Revolution, it is essential to establish postulates that ensure universal access.



Priority proposals include *digital literacy*, through the expansion of educational policies aimed at training citizens in technological skills essential for today's environment. Moreover, the *involvement of citizens* in technological decision-making through *digital public consultations* would encourage greater democratic participation in the creation of regulations. It is crucial to establish a *Digital Democratic Culture* that comprehensively addresses significant problems such as *misinformation* and *polarisation* on social media. This issue, given its relevance, requires a more thorough approach than specific regulations with educational initiatives and awareness-raising campaigns, which could be presented visually and effectively through infographics, emphasising the impact of these measures on social cohesion and the quality of democracy.



1.5. *The global dimension of European digital policies.*

The EU's *technological soft power* is manifested in its ability to influence other regions, such as Latin America or Africa, by exporting its *digital standards*. This strategy not only reinforces its global presence, but also promotes a regulatory model focused on values such as privacy and technological ethics. In the field of trade relations, European digital regulations have a significant impact on agreements with powers such as the United States, China and India, generating tensions and adjustments in areas such as data protection or the regulation of digital platforms, while previous relations with Russia have been marked by political and economic distancing. In the realm of geopolitical competition, the policies implemented by Europe are aimed at countering the global dominance of large US and Chinese technology corporations. This establishes an alternative model that prioritises technological sovereignty and the defence of users' rights, while enhancing the competitiveness of Europe's digital industry in a highly competitive international environment.

2. **Historical perspective on digital policies since the Maastricht Treaty**

The Treaty on European Union adopted in Maastricht in 1992 was a milestone in European integration, consolidating an institutional framework for economic, political and social cooperation between Member States. At that time, Information and Knowledge Technologies (ICTs) were seen as a key element in the development of globalisation. Although ICTs were not explicitly mentioned, the treaty laid the foundations for development through general provisions related to economic and social cohesion, competitiveness and research. Maastricht underlined the importance of strengthening the European Union's (EU) technological capacity as a tool for moving towards an efficient and competitive single market. In this context, ICTs began to be perceived as key catalysts for economic growth, infrastructure modernisation and social cohesion.

Since the adoption of the Treaty, the EU has focused its efforts on removing physical and technical barriers within the single market, a task in which ICTs have been a key ally. The European Council began to identify possible challenges related to digital technologies, as well as possibilities for the development of the economy and society, which led to the interest in digital technologies as a strategic pillar of European integration.

This recognition was evident in the 1994–1998 Framework Programme for Research and Technological Development, promoting investment in key areas such as telecommunications, e-commerce and digital connectivity. Although these actions focused more on infrastructure than on digital rights, they set a precedent for future policymaking.



A crucial breakthrough came with the Lisbon Strategy in 2000, which elevated the knowledge economy and ICTs to the forefront of European priorities. This strategy defined the objective of making the EU «the most competitive and dynamic knowledge-based economy in the world by 2010». ICTs played a central role in this framework, with initiatives aimed at improving digital infrastructure, promoting technology education and reducing the digital divide between Member States. This period marked the transition from a purely economic approach to a broader vision that incorporated the social dimension of digital technologies.

The role of ICTs in the Lisbon strategy materialised in concrete actions such as the Europe 2002 Action Plan, which would serve to bring the Internet to the whole population (schools, public administrations, citizens) and boost broadband connectivity. This effort marked the beginning of an inclusive vision of digital technology as a tool for social and economic development, an approach that continues to inform European policies.

The Lisbon Treaty (2007) represented another turning point in the evolution of digital policies, formalising specific competences for the EU in areas such as data protection and telecommunications. This treaty also reinforced the commitments set out in Maastricht on research and development, devoting a specific chapter to the European Research Area, where ICTs played a prominent role as a vehicle for fostering innovation, education and cohesion among Member States.

In the 2010s, the EU went a step further with the Digital Agenda for Europe (2010), an initiative that reflected the growing importance of ICT in the bloc's economic and social development. This programme sought to address challenges such as interoperability, digital literacy and user trust in online platforms, recognising that ICTs were essential not only for competitiveness, but also for social inclusion and sustainability. This approach culminated in 2015 with the Digital Single Market Strategy, which highlighted the removal of regulatory barriers and harmonisation of digital regulations as a priority.

The role of ICTs was not limited to being a tool for economic development. They were also integrated into the framework of the EU's fundamental values. For example, the adoption of the General Data Protection Regulation (GDPR) in 2016 underlined the importance of protecting citizens' rights in the digital environment, setting global standards in privacy and information security.

In the contemporary context, ICT remains a central focus of European digital policies. From the AI Act to the Data Governance Act, the EU not only seeks to regulate and encourage technological innovation, but also to lead an ethical and sustainable model that contrasts with the approaches of global players such as the United States and China. This vision reflects a historical continuity since Maastricht, where the EU began to integrate emerging technologies into its governance model.



We note therefore that there is a coherent line in the development of this idea, because, although the Maastricht Treaty did not expressly mention ICTs, it did establish the regulatory and strategic basis for their development in the context of European integration. Since then, the evolution of digital policies has been profoundly influenced by the growing centrality of these technologies, which have evolved from economic tools to key elements in the protection of rights, social cohesion and sustainability. This historical overview demonstrates how the EU has adapted to technological challenges, building a unique model that combines global competitiveness, innovation and core values. ICTs opened the way to network connectivity such as the Internet, and communications over IP which are the basis of today's Internet messaging applications.

3. European artificial intelligence strategy

The European Artificial Intelligence (AI) Strategy sets out the policy framework for developing, implementing and using AI for the benefit of citizens, the economy and regulation in the EU. Within the Strategy we can clearly distinguish between non-binding guidelines and legal policy elements. The European Artificial Intelligence Strategy combines non-binding guidelines and legal regulation to ensure the ethical, safe and inclusive development of AI in Europe. This distinction between regulatory and non-regulatory elements allows Member States and stakeholders involved to understand and implement policies in a coherent manner. It is the most important and pioneering initiative in the world.

3.1. *Non-regulatory elements (Policy Guidelines and Strategies)*

The European Strategy for Artificial Intelligence provides a comprehensive framework to guide the development and application of this technology in the European Union. Within this strategy, non-regulatory elements play a crucial role in providing policy guidelines and strategies that set the path towards ethical use, safe and inclusive AI, without imposing immediate legal restrictions.

These elements allow for flexible and adaptable implementation in Member States, fostering innovation and collaboration between governments, business and civil society.

A key component of the non-regulatory elements is the Coordinated Plan on Artificial Intelligence, which seeks to harmonise efforts between Member States and the European Commission. 20 billion per year in public and private investment in AI, improve interoperability between systems developed in different countries and strengthen cross-border collaboration in research and development. Another pillar of the approach is the creation of innovation ecosystems, by bringing together centres of excellence and public-private partnerships. These



initiatives not only increase the EU’s competitiveness in the global technology landscape, but also ensure that the benefits of AI are distributed equitably across the region.

Another important aspect is the promotion of digital skills and education, aiming to equip European citizens with the necessary skills to adapt to the transformative impact of AI. This includes the introduction of specific educational programmes at all levels, from basic education to advanced training in AI technologies, as well as continuous training for workers who need to re-skill in the face of automation. Reducing the digital gap is encouraged, with a special focus on rural areas and disadvantaged communities, and the active participation of women and under-represented groups in the technology field.

The strategy also emphasises the use of AI in the public sector as a means to improve the quality of essential services and reduce bureaucracy. Examples include the implementation of intelligent systems in urban traffic management, the optimisation of resources in the health sector and the improvement of public administration through automated processes. These use cases not only increase efficiency, but also demonstrate how AI can be a valuable tool for solving societal challenges and improving the well-being of citizens.

The global dimension of these non-regulatory components underlines the EU’s role as an international reference in promoting an AI-based model on ethical principles. Through international collaborative initiatives and active participation in global forums, the EU seeks to establish universal standards that prioritise human rights, privacy and transparency. This leadership not only strengthens the EU’s position in the global knowledge economy, but also underlines its commitment to an inclusive and sustainable digital future. Taken together, the non-regulatory elements of the European Strategy for Artificial Intelligence provide a solid basis for addressing the challenges of technological development while respecting the fundamental values of the Union.

Strategy	Description
Coordinated Plan on Artificial Intelligence (2021)	It sets out a roadmap for promoting AI in Europe with the aim of leading ethical development. €20 billion per year in public and private investment, ensuring collaboration between Member States and promoting interoperability.
Investments in research and innovation	The creation of AI centres of excellence is proposed, as well as the promotion of public-private partnerships to implement AI in key sectors.
Skills and education	Design of educational programmes to train the population in AI-related digital skills. Promoting labour adaptation in the face of changes brought about by AI.
AI in the Public Sector	Using AI to improve public services such as transport, health and administrative efficiency.



3.2. *Legal and regulatory elements and interplay with other legislation*

Regulations	Contents
AI Regulation	The main purpose is to classify AI systems according to their level of risk and to ensure transparency and security. In the European Union there will be a ban on systems with unacceptable risks such as mass surveillance.
Interoperable Europe Act	Facilitates interoperability between public systems and fosters digital collaboration between Member States.
Digital Services Act	Regulates the transparency and security of digital platforms.
Data Governance Act	Establishes guidelines for the ethical and secure exchange of data.
Cybersecurity Act	Strengthens the EU's cybersecurity capabilities to protect critical infrastructure and AI systems.



EUROPEAN ARTIFICIAL INTELLIGENCE STRATEGY

The European AI strategy

Establishes the policy framework for developing, implementing and using AI. The most important and pioneering initiative worldwide.

- **Non-binding** guidelines
- **Legal regulatory** elements

AI development:



Ethical



Safe



Inclusive

Non-Regulatory Elements: Policy Guidelines and Strategies

Flexible and adaptable implementation.

1. COORDINATED PLAN ON AI

Roadmap for promoting AI in Europe, leading ethical development.



20.000 M:
Annual investment in collaboration and interoperability.

2. INVESTMENT IN RESEARCH AND INNOVATION

Creation of centres of excellence in AI and promotion of partnerships.



3. SKILLS AND EDUCATION



Training in digital skills related to AI and workplace adaptation.

4. IA IN THE PUBLIC SECTOR

Using AI to improve public services.



Legal Regulatory Elements

1. IA REGULATION

Classify AI systems according to their level of risk. Ensure transparency and security.

2. INTEROPERABLE EUROPE ACT

System interoperability and digital collaboration.



3. DIGITAL SERVICES ACT

Transparency and security.



4. DATA GOVERNANCE LAW



Guidelines for the ethical and secure exchange of data.

5. CYBERSECURITY ACT

Strengthens cybersecurity capabilities to protect critical infrastructure and AI systems.



Data Sovereignty

Key areas:



Data



Cybersecurity



Semiconductors



Cloud storage

Expected impacts



Reducing foreign dependence



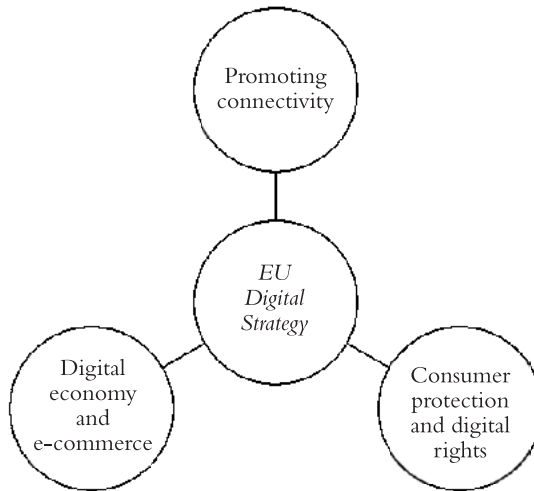
Increasing local capacities



4. Strategy for a Digital Single Market





The EU's Digital Single Market Strategy aims to create a unified digital environment that enables citizens, businesses and public administrations to access and operate in a market without digital borders. As in the case of the previous strategy, we can clearly distinguish between non-binding guidelines and legal and regulatory elements. It ensures the integration of European digital markets. This approach enables the European Union to lead global digital development, ensuring fairness, transparency and interoperability in the digital environment.

4.1. Non-regulatory elements (Policy Guidelines and Strategies)



The European Union's digital strategy focuses on a number of *key objectives* aimed at consolidating a digital single market. These include removing *digital barriers* and national restrictions on digital services, ensuring *portability of services* between Member States and promoting *interoperability* through common standards for digital technologies. These measures are complemented by initiatives to support *digital innovation* and create a competitive and fair environment for start-ups and SMEs. In the area of *boosting connectivity*, the EU is promoting the development of advanced infrastructures such as *5G* and *fibre optics*, as well as supporting the creation of high-speed cross-border networks. Also, in terms of *consumer protection and digital rights*, priority is given to strengthening *transparency* on online platforms and ensuring that citizens retain *control over your personal data*. Similarly, in the *digital economy and e-commerce* sector, an environment without administrative barriers is promoted, supporting *SMEs* to access digital services in a competitive way to expand their activity at European level.

4.2. Legal and regulatory elements

Legislation	Description	Link to the text in Eur-LEX
<i>Digital Services Act</i>	Creates a safer digital environment for users and a transparent environment for businesses, with clear rules on the liability of online platforms. Protects against illegal content on the internet and proposes transparency in the algorithms used by platforms.	
<i>Digital Markets Act</i>	Ensures fair conditions in the digital market. Regulates large platforms as <i>gatekeepers</i> . Prohibits anti-competitive practices and promotes innovation and fair competition.	
<i>Interoperable Europe Act</i>	Aims to ensure that Member States' digital systems can work together efficiently. Introduces interoperability assessments for public technologies and creates a European portal for sharing digital solutions.	
<i>Data Governance Act</i>	Fosters trust in the exchange of data and ensures equitable access. Proposes mechanisms for the secure exchange of data between sectors and protects sensitive and personal data.	



STRATEGY FOR A DIGITAL SINGLE MARKET



The Digital Single Market

Create a **unified digital environment** that enables access to and operation within a market without digital borders.

- **Non-binding** guidelines
- Legal **regulatory frameworks**

Integration of European digital markets



Equity

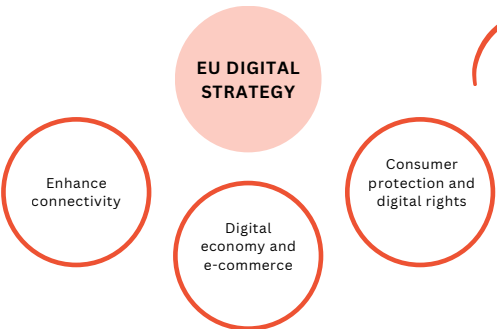


Transparency



Interoperability

Non-Regulatory Elements: Guidelines and Policy Strategies



Main objectives:



Remove digital barriers



Ensure service portability



Promote interoperability

Objectives complemented by initiatives:

- Digital innovation and connectivity promotion
- Consumer protection and digital rights
- Digital economy and e-commerce without administrative barriers

Legal Regulatory Elements

1. DIGITAL SERVICES ACT

Creates a **safer** and **more transparent** digital environment.
Protects against illegal online content.



2. DIGITAL MARKETS ACT

Ensures **fair** conditions in the digital market.
Prohibits anti-competitive practices.



3. INTEROPERABLE EUROPE ACT

Ensures that Member States' digital systems can work **together** and **efficiently**.



4. DATA GOVERNANCE ACT

Promotes **trust** in data sharing and ensures **equitable** access.



5. European data governance strategy

The European Data Governance Strategy seeks to ensure ethical, secure and fair use of data within the European Union. This strategy aims to make Europe a global leader in the data economy, promoting trust in information exchange and fostering innovation. As in the previous cases we clearly distinguish between non-binding guidelines and legal regulatory elements. True data sovereignty will be achieved by ensuring that data generated in the EU is controlled by its citizens, businesses and governments. It therefore offers trust and confidence by creating a framework where people and businesses exchange data securely. It establishes interoperability by proposing common standards for data transfer between sectors and Member States.

5.1. *Non-regulatory elements (policy guidelines and strategies)*

The European Union promotes the *creation of European sectoral data spaces* with the aim of consolidating shared data ecosystems in key areas such as health, energy, mobility and manufacturing. These spaces are designed to foster collaboration between the public and private sectors, fostering a cooperative framework to maximise the value of shared data and ensure equitable access to it. This model not only fosters innovation, but also enhances technological and economic integration within the European framework.

A central pillar of Europe's data strategy is supporting start-ups and small and medium-sized enterprises to harness the potential of data to create new products and services. This includes the allocation of funding to research projects that focus on the development and optimisation of advanced technologies, such as artificial intelligence and machine learning.

5.2. *Legal and regulatory elements and interplay with other legislation*

The *Data Governance Act* establishes a legal framework that ensures the secure and reliable exchange of data within the European Union. Among its main provisions are the creation of data intermediaries designed to facilitate the secure transfer of information and the establishment of mechanisms that protect sensitive data, ensuring the privacy of users. It also supports voluntary cross-industry collaborative initiatives to share data responsibly, building a trusted ecosystem.

The *Data Act* regulates the access and use of data in the EU, with the purpose of ensuring fairness in the relations between businesses, consumers and governments. This regulation provides clear rules on who can access data and under what conditions, encouraging access to non-personal data to drive innovation. A crucial aspect of this legislation is to ensure that businesses have fair access to



data generated by connected devices, thereby promoting a fair competitive environment.

The *General Data Protection Regulation (GDPR)* also strengthens the protection of personal data and privacy of EU citizens. This regulation establishes strict rules for the processing of personal data, giving citizens specific rights such as access, rectification and erasure of their information. It also introduces obligations for companies, including ensuring the security of the data processed and respecting the rules on informed consent.

The interplay between these regulations is evident when considering other relevant regulatory elements. The *Interoperable Europe Act* promotes technical and operational compatibility for data exchange, while the *AI Act* establishes specific rules for the use of data in artificial intelligence systems, especially those classified as high risk.



EUROPEAN DATA GOVERNANCE STRATEGY



The data governance strategy

Seeks to ensure data usage:

- Ethical
- Secure
- Equitable

Making Europe a global **leader** in the data economy.



Non-Regulatory Elements: Policy Guidelines and Strategies

CREATION OF SECTORAL DATA EUROPEANS

Consolidate shared data systems in key areas:



Health



Energy



Mobility



Manufacturing

These spaces encourage collaboration between the public and private sectors: cooperation that maximises the value of shared data and ensures equitable access to it.

CENTRAL PILLAR

Data strategy in Europe: support for start-ups and SMEs.



Allocate funding to research projects to optimise advanced technologies, such as AI and machine learning.

Legal Regulatory Elements

1. DATA GOVERNANCE LAW

Ensures secure and reliable data exchange within the EU.
Creates data intermediaries and establishes mechanisms that protect sensitive data.



2. DATA LAW



It regulates access to and use of data in the EU to ensure fairness, setting rules and conditions.
It promotes a fair competitive environment.

3. GENERAL DATA PROTECTION REGULATION (GDPR)

Strengthens the protection of personal data and the privacy of EU citizens.



4. INTEROPERABLE EUROPE ACT AND ARTIFICIAL INTELLIGENCE ACT



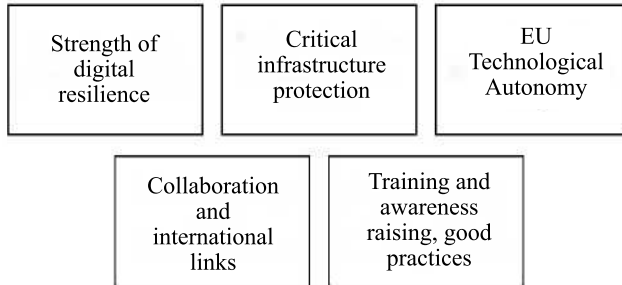
The IEA promotes technical and operational compatibility for data exchange.
The AIA establishes standards for the use of data in AI systems.



6. EU cyber security strategy

The EU Cybersecurity Strategy aims to ensure a digital environment that is secure and resilient to cyber threats, while protecting citizens and critical infrastructure.

6.1. *Non-regulatory elements (policy guidelines and strategies)*



The EU's main cybersecurity objectives focus on *strengthening digital resilience* and increasing Member States' ability to respond to cyber-attacks. This involves promoting a fluid exchange of information between the public and private sectors, ensuring effective collaboration in the prevention and mitigation of threats. A key focus is the *protection of critical infrastructure*, especially in strategic sectors such as energy, transport and health, which are priorities for the security and stability of Europe.

At the same time, it is intended to promote the *technological autonomy of the European Union* by reducing dependence on technologies from third countries. This objective is complemented with the promotion of research and development of proprietary technological solutions to boost European digital sovereignty. This promotes an ecosystem that prioritises innovation within the region and ensures more robust control over its technological resources.

In the area of *international collaboration*, the European Union is working to strengthen its alliances with key cybersecurity partners, such as NATO and the United Nations, contributing to the establishment of effective cooperation frameworks. It also seeks to lead global discussions on international norms in cyberspace, promoting a more secure and regulated digital environment world-wide.

In this line, priority is given to *training and awareness-raising*, understanding that the preparation of specialised cybersecurity professionals is essential to face emerging challenges. In this regard, education programmes are promoted aimed at developing advanced technical skills and raising public awareness of *good*

practices in the secure use of digital technologies, thus strengthening the culture of cybersecurity at all levels of society.

6.2. Legal and regulatory elements and interplay with other legislation

Regulations	Description	Important aspects
<i>Cybersecurity Act</i>	Strengthens the EU's cybersecurity capacity by certifying digital products and services.	<ul style="list-style-type: none"> • Creates a European cybersecurity certification scheme. • Extends the mandate of the EU Cybersecurity Agency (ENISA). • Coordinates efforts at European level.
<i>NIS2 Directive (Network and Information Systems Security)</i>	It ensures a high level of cyber security in the EU's critical networks and systems.	<ul style="list-style-type: none"> • Obligations for operators of essential services (energy, transport, health). • Cybersecurity incident notification requirements.
<i>Cyber Resilience Act</i>	Strengthens the security of connected products throughout the supply chain.	<ul style="list-style-type: none"> • Mandatory cybersecurity requirements for IoT devices. • Risk assessment throughout the product life cycle.
<i>AI Act</i>	Establishes cybersecurity requirements for artificial intelligence systems classified as high risk.	<ul style="list-style-type: none"> • Specific requirements for high-risk AI systems.
<i>Data Governance Act</i>	Fosters trust in the exchange of data and ensures equitable access.	<ul style="list-style-type: none"> • Mechanisms for the secure exchange of data. • Protection of sensitive and personal data.
<i>Interoperable Europe Act</i>	Ensures that Member States' digital systems can work together efficiently.	<ul style="list-style-type: none"> • Interoperability assessments for public technologies. • European portal for sharing digital solutions.



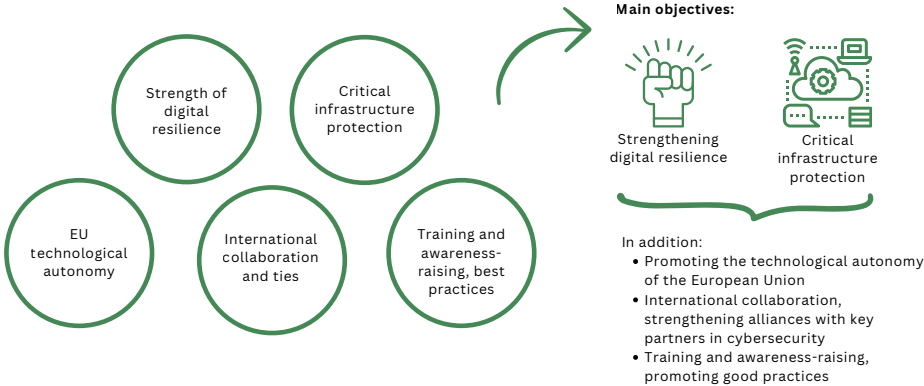
EU CYBERSECURITY STRATEGY



EU cybersecurity strategy

Ensuring a **secure** digital environment capable of **resisting cyber threats**, while protecting citizens and critical infrastructure.

Non-Regulatory Elements: Policy Guidelines and Strategies



Legal Regulatory Elements

1. CYBERSECURITY ACT Strengthens the EU's cybersecurity capabilities. 	2. NIS2 DIRECTIVE Ensures a high level of cybersecurity in critical EU networks and systems. 	3. CYBER RESILIENCE ACT Enhance the security of connected products throughout your supply chain.
4. ARTIFICIAL INTELLIGENCE ACT Establishes cybersecurity requirements for AI systems classified as high risk.	5. DATA GOVERNANCE ACT Promotes trust in data sharing and ensures equitable access.	6. INTEROPERABLE EUROPE ACT Ensures that Member States' digital systems can work together efficiently.



7. Digital services strategy

The European Union's Digital Services Strategy sets out the framework for ensuring a fair, secure and transparent digital environment for citizens and businesses across the EU.

7.1. *Non-regulatory elements (policy guidelines and strategies)*

In the field of digital services regulation, fundamental principles are established that seek to balance the protection of users' rights, the promotion of innovation and global cooperation. One of the essential pillars is to guarantee *equitable and non-discriminatory* access to digital services, ensuring that all people can benefit from the opportunities offered by the digital environment. It also emphasises the protection of consumers from *illegal content* and risks associated with the platforms, thus strengthening confidence in the use of these tools.

The promotion of innovation and competition is another important aspect. This is done by creating a *level playing field* that allows start-ups and small digital businesses to compete on a level playing field with the big players in the market. At the same time, it stimulates an enabling environment for the introduction of new services and products, which benefits both users and the wider economic ecosystem. This is complemented by the need to ensure *transparency* in the operation of digital platforms, ensuring that the algorithms used are *explainable and auditable*, with the aim of preventing bias or discrimination that may go unnoticed.

With regard to cross-border access, it underlines the importance of ensuring that digital services are uniformly available in all EU Member States. This requires the removal of *administrative and technical barriers* in order to consolidate a digital single market that favours both consumers and businesses. This uniform access is indispensable to enhance European digital integration and competitiveness.

The development of digital skills is at the heart of regulation, as it is essential for inclusion in the digital economy and society. That's why the implementation of educational programmes that promote *digital literacy* is encouraged, enabling people to use online services responsibly. At the same time, it seeks to raise awareness among citizens about the *risks* and benefits associated with the use of digital platforms, providing them with the tools to make informed and conscious decisions.

International cooperation is thus a key component of this regulation. In this globalised world, we must promote global standards for digital services in collaboration with international partners, thereby ensuring effective interoperability and regulatory cohesion.



Similarly, the European Union aims to play a leading role in global dialogues on the regulation of digital platforms, positioning itself as a benchmark in this field. The consistent application of these principles aims to build a digital environment that ensures greater security, accessibility and competitiveness for all.

7.2. Legal and regulatory elements and interplay with other legislation

Law	Description
<i>Digital Services Act (DSA)</i>	<ul style="list-style-type: none"> Regulates content and activities on digital platforms to ensure a safe and fair environment. Seeks to hold platforms accountable for the removal of illegal content. Develops rules for online content moderation. Implements transparency in online advertising and in the algorithms used.
<i>Digital Markets Act (DMA)</i>	<ul style="list-style-type: none"> Ensures fair competition between digital platforms and prevents abuses of power by gatekeepers. Regulates the commercial practices of large digital platforms. Establishes specific obligations for platforms that have a significant impact on the market. Expressly prohibits anti-competitive behaviour, such as favouring own services over those of third parties.
Related regulations	
<i>Data Governance Act</i>	<ul style="list-style-type: none"> Promotes the ethical and secure exchange of data on digital platforms.
<i>AI Act</i>	<ul style="list-style-type: none"> Establishes requirements for platforms that use artificial intelligence in content moderation and personalised services.
<i>Cybersecurity Act</i>	<ul style="list-style-type: none"> Requires digital platforms to comply with cyber security standards to protect users' data.

The *Strategy* provides a comprehensive framework for the digital transformation of European society. However, in order to reinforce their inclusive approach, it is essential to incorporate a specific dimension on the *Social Impact* and the *human dimension* of these policies. This approach not only recognises the centrality of the individual in the digital transformation, but also responds to structural challenges that could exacerbate pre-existing inequalities.

Digital literacy is presented as an essential element. The ability of citizens to use digital tools effectively and critically is a prerequisite for their full integration into the digital society. It is imperative to examine the existence of European-level education programmes that promote these competences, highlighting those that integrate technical training with the development of critical skills. Examples of initiatives such as the *Digital Skills and Jobs Coalition* can serve as a reference,



although it would be relevant to explore whether these strategies are reaching vulnerable groups, such as older people or rural populations.

The *digital divide* also represents a significant challenge to achieving equitable digitalisation. The EU should encourage studies at regional level that address not only the technological disparities between urban and rural areas, but also the *gender barriers* that impede women's access to digital technologies.



Aspect	Description	Initiatives and examples	Social impact
<i>General description</i>	The social impact and human dimension of the Digital Services Strategy addresses the challenges of inclusive digitalisation. This means ensuring that all European citizens, regardless of their location, gender or socio-economic status, have access to digital technologies and online services, as well as developing the necessary skills to use them effectively and safely.	<ul style="list-style-type: none"> The strategy includes programmes such as the <i>Digital Education Action Plan</i>, aimed at improving digital skills. Promotion of inclusive digital infrastructures, such as rural broadband funded by the <i>Connecting Europe Facility</i>. 	It also strengthens social and economic cohesion in Europe, ensuring that all citizens can benefit from digital developments in an equitable and participatory way.
<i>Digital literacy</i>	Foster basic and advanced digital skills to enable citizens to actively participate in the digital economy, protect their privacy online and access public services and job opportunities.	<ul style="list-style-type: none"> <i>Digital Skills and Jobs Platform</i>: promotes free training in basic and advanced digital skills. <i>DigComp</i>: Establishes a European framework for assessing and improving citizens' digital skills. 	Empowers citizens, equipping them with the tools they need to protect their privacy, use digital services and access educational and employment opportunities in a digital world.
<i>Digital gap</i>	Reducing technological inequalities between urban and rural regions, and ensuring the digital inclusion of disadvantaged communities through equitable access to technological infrastructure and services.	<ul style="list-style-type: none"> <i>Connecting Europe Facility (CEF)</i>: Expansion of broadband networks in rural regions. 	Closes technology access gaps, fosters territorial cohesion and ensures that the most disadvantaged communities can participate in the digital transformation.
<i>Gender barriers</i>	Address gender inequalities in access to and use of advanced technologies and encourage greater female participation in ICT sectors through training, visibility and equal employment opportunities.	<ul style="list-style-type: none"> <i>Women in Digital Scoreboard</i>: Monitoring and analysis of gender gaps in ICT. <i>Girls in ICT Day</i>: Promoting careers in technology for girls and young women through workshops and mentoring. 	Promotes diversity and equal opportunities in the ICT sector, strengthening European talent and improving competitiveness through the inclusion of women and under-represented groups.



DIGITAL SERVICES STRATEGY







The Digital Services Strategy



establishes the framework to ensure a fair, safe, and transparent digital environment for citizens and businesses across the EU.



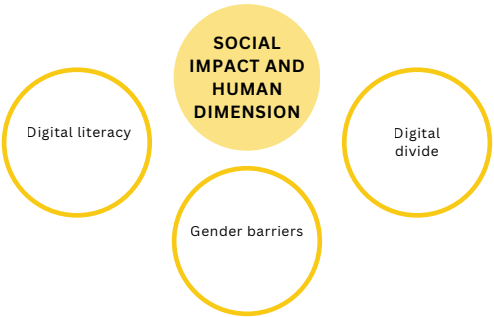
Non-Regulatory Elements: Guidelines and Policy Strategies

KEY PRINCIPLES	OTHER KEY ASPECTS		
<p>Ensure equitable and non-discriminatory access to digital services.</p>  <p>Also aims to protect consumers from illegal content and risks associated with platforms.</p>	 <p>Promote innovation and fair competition</p>	<p>Ensure transparency and guarantee that algorithms are explainable and auditable</p> 	 <p>Eliminate administrative and technical barriers</p>
	<p>Promote digital literacy and raise awareness of risks and benefits</p> 	 <p>Promote global standards for digital services in cooperation with international partners</p>	

Regulatory Legal Elements

LEGAL FRAMEWORK
<ul style="list-style-type: none">Digital Services Act (DSA)Digital Markets Act (DMA)
RELATED REGULATIONS
<ul style="list-style-type: none">Data Governance ActArtificial Intelligence ActCybersecurity Act

Comprehensive Strategy Framework



8. Final conclusions on European digital policies in the 21st century

The European Union has proven to be a pioneer in creating a regulatory framework that prioritises values such as ethics, sustainability and fundamental rights. This unique approach not only responds to technological acceleration, but also positions the EU as a necessary counterweight to more lax or authoritarian models such as those of the United States and China. We can therefore state that the EU's digital policies and strategies represent a unique Ethical Model for the Digital Revolution.

The AI Act, the GDPR and data governance strategies are clear examples of how Europe has led the way in designing regulations that protect citizens without compromising technological competitiveness. However, the challenge ahead will be to adapt these frameworks to respond to emerging technologies such as metaverses and generative AI, which challenge traditional notions of privacy, ownership and sovereignty. Here we clearly find the imprint of both the millennia-old cultural heritage of European society as a whole and the two centuries of democratic tradition and memory.

Digital sovereignty has become one of the EU's strategic pillars, defined not only by the ability to develop home-grown technologies, but also by ensuring that key decisions are taken in line with European values. This means reducing reliance on foreign infrastructures such as cloud computing and fostering the development of in-house capabilities in semiconductors, artificial intelligence and green technologies. However, digital sovereignty faces significant challenges, such as the technology gap between member states and global competition with giants such as China and the United States. Europe needs to strengthen its investment in R&D and encourage public-private partnerships to consolidate a technological infrastructure that ensures both security and competitiveness. Digital sovereignty thus represents more technological independence.

The EU's ability to influence digital policy-making outside its borders is a manifestation of its «soft power». Rules such as the GDPR and the universal charger regulation have set global precedents, inspiring other regions to adopt similar measures. This regulatory leadership offers an opportunity for the EU to expand its influence in emerging markets, such as Latin America or Africa, through trade agreements and strategic alliances. However, to consolidate this role, Europe must be able to innovate rapidly without losing its ethical approach, showing that competitiveness and sustainability are not mutually exclusive objectives. The EU's role as an exporter of standards and values is strengthened.

Despite technological and digital achievements in the EU, the digital divide threatens to exacerbate social and regional inequalities. While some regions, such as the Baltic countries, are leading the way in the adoption of digital technologies, others, especially in southern and eastern Europe, are still struggling to



ensure equitable access to basic infrastructure such as high-speed connectivity. Digital policies should prioritise initiatives such as technological literacy and advanced digital skills training, especially in rural areas and among vulnerable groups. This will strengthen social cohesion and also broaden the talent pool needed to compete in the global digital economy. Bridging the digital divide is one of the main social challenges.

The democratisation of technology is essential to ensure that European citizens actively participate in digital decision-making. However, problems such as disinformation, polarisation and electoral manipulation pose direct threats to democratic governance. At the same time, the EU must strengthen regulation of digital platforms to ensure transparency of algorithms and content moderation. Digital public consultations and other participatory tools should also be implemented to allow citizens to influence the formulation of technology policies. This approach would strengthen public trust and consolidate the EU's role as a guarantor of democracy in a digital environment. In short, it is about a new Democratic Governance in the Digital Age.

The intersection between digital policies and the climate objectives of the European Green Deal is a key area for future development. Technologies such as artificial intelligence and data systems can be powerful tools to optimise resources, reduce emissions and promote the circular economy. The design of devices and networks should focus on sustainability, reducing energy consumption and encouraging the reuse and recycling of materials. Europe has the opportunity to lead a model of digital transformation that is not only efficient and competitive, but also environmentally responsible.



Chapter 26

Sources of Information on the European Union

1. Introduction

Transparency is one of the essential principles on which the European Union is founded. Under the treaties that govern it, the EU is obliged to operate in an accessible manner and to ensure that citizens can access relevant information on the policies and decisions that impact their lives. This principle is enshrined in Articles 10 and 11 of the Treaty on European Union, which states that decisions should be taken «as openly as possible and as closely as possible to the citizen», and recognises the right of citizens to exchange views on any aspect of EU action. This openness not only stimulates citizen participation, but also strengthens trust in community institutions.

This way, access to information constitutes a fundamental principle in the functioning of Europe, ensuring transparency and promoting citizens' participation. The EU institutions generate a considerable amount of legal documents, reports, statistics and publications that are crucial for decision-making and public policy evaluation.

The Treaty on the Functioning of the European Union supports this principle in Article 15 by guaranteeing every EU citizen or legal entity the right of access to documents of the institutions, including minutes, agendas and legislative texts.

Since its inception, the European Union has worked tirelessly to ensure that relevant information about its policies and decisions is available to all citizens. Before the advent of the Internet, the management of several official European databases was the responsibility of the *European Communities Host Organisation* (ECHO), created in 1980 as a non-commercial service to promote the development of information systems in the European Community. This system provided access to more than 20 specialised databases, such as CELEX, RAPID, SCAD, CORDIS, Eurodicautom, TED and EPOQUE. Many of these databases were initially designed for the internal use of the European Commission and were only consulted by European information specialists.



In December 1990, a group of distinguished high-level experts and key representatives from various European industrial sectors were convened to discuss the directions and impact of the development of the Information Society. Martin Bangemann, then European Commissioner for Industrial Affairs under the Commission chaired by Jacques Delors, took the lead in this debate and presented a report entitled *Europe and the Global Information Society* in May 1994. This document, known as the Bangemann Report, identifies ten priority areas for action, the main objective of which is to promote access to electronic resources and to support the development of innovative services to improve the quality of life of European citizens. The fundamental objective is twofold: to democratise access to and knowledge of information technologies across Europe and to encourage the spread of technology networks in the public and private sectors.

Further on, Article 255 of the Treaty of Amsterdam enshrines the right of access to European Parliament, Council and Commission documents for any citizen of the Union and any natural or legal person residing or with registered office in a Member State.

Over time, and especially after the launch of the *Europa server* in 1995, these databases were made freely accessible to the public through web versions, democratising access and allowing for greater transparency in the EU's decision-making process. Although ECHO as such has disappeared, and its acronym has been reused for the European Commission's Humanitarian Aid Office, the impact of its legacy is still present in modern information access tools.

The European Commission has been working on improving and adapting the European Union's information policy, which has resulted in the issuing of two key documents: COM (2001) 354 final and COM (2002) 350 final. The first establishes a new framework for cooperation in activities related to the EU's information and communication policy. Adopted by the Parliament in March 2002, this document highlights concerns about the low turnout in the European elections. In response, Parliament calls for greater decentralisation of information activities, stronger support for existing information networks and the exploration of new media, such as television. It also emphasises the need to increase the use of the internet, ensuring that all printed publications are available in digital format, and proposes a reorganisation of the different European websites.

Today, this proactive approach to openness manifests itself in a variety of mechanisms designed to facilitate citizen participation in the EU's democratic process. Tools such as EUR-Lex, DORIE and the Transparency Register allow anyone to consult legislative texts, acts, publications and reports openly and free of charge. These platforms ensure that citizens can understand and monitor the decisions that affect their lives, thus fulfilling the objective of bringing decision-making closer to Europeans. This effort for transparency and universal access is crucial for academics, practitioners and citizens interested in European affairs.



2. Centralised access to information: institutional portals and databases

Centralised access to information is essential to ensure transparency and the democratic functioning of the EU. Over the years, the EU has developed a variety of portals and databases that make it easier for citizens, academics, professionals and businesses to access official resources in the legislative, policy, administrative and information fields. These platforms are key tools that bring together the information generated by the European institutions, presenting it in an organised and accessible way.

This section analyses the most relevant portals and databases that form the backbone of access to official information in the Union, highlighting their functionality, structure and evolution over time.

2.1. *The europa.eu portal*

With the Maastricht Treaty, the European institutions committed themselves to increasing openness and transparency in their relations with citizens. In this context, the Europa portal (europa.eu) was launched in 1995 during a G7 meeting on the information society to demonstrate the European Commission's commitment to these objectives. In its early years, the Europa server contained mainly information generated by the Commission itself, which limited its usefulness to a more specialised audience. However, following the reforms promoted by Romano Prodi in the early 2000s, the portal was completely revamped and transformed into a truly centralised access point to official information from all EU institutions and bodies.

Initially created for a specific event, the portal, managed by the European Commission in cooperation with the other European institutions, has developed over time into a tool for general and specialised information on all areas of EU activity. Today, the Europa portal has grown to become one of the largest presences on the web, with more than one million pages in 24 official languages. While initially the information coverage was uneven, the site now offers resources in all the main EU policy areas, although only a limited number of these documents are translated beyond the three main languages (English, French and German). This development has allowed more equitable access to public information and facilitated citizens' participation in political processes.

Europa is a comprehensive portal providing access to information generated by all EU institutions and bodies, including the Commission, the European Parliament, the Council and the Court of Justice.



There are essentially three types of services on offer:

- multilingual information services, from the most general to the most specific, depending on the different types of users (citizens, companies, associations, professionals),
- interactive services that enhance dialogue with citizens and businesses by encouraging their participation in the EU decision-making process,
- eGovernment services relating, for example, to public procurement, financial transactions with suppliers, recruitment of staff, registration for organised activities, issuing or purchasing documents, etc.

The portal offers more than one million documents, including legislative texts, press releases, statistics, but also illustrations, infographics, audio and video documents, blogs and discussion forums.

Its *structure* is as follows:

From the address <http://europa.eu> choose from the 24 languages available. A page opens (Figure 1) showing information structured into 6 thematic areas of interest including: Principles, countries and history; Institutions, laws, budget; Priorities and actions; Live, work, study; News and events; Contact the EU.

The «Principles, countries and history» tab provides an overview of the values and symbols of the EU, the Member States, official languages and basic statistics; «Institutions, laws, budget» explains how the Union's institutions work, the legislative process and the distribution of the budget, as well as including a link to EU legislation; «Priorities and actions» details the main current EU initiatives and policies, with a specific section called «Actions by topic» which allows you to consult EU measures in various areas of interest.

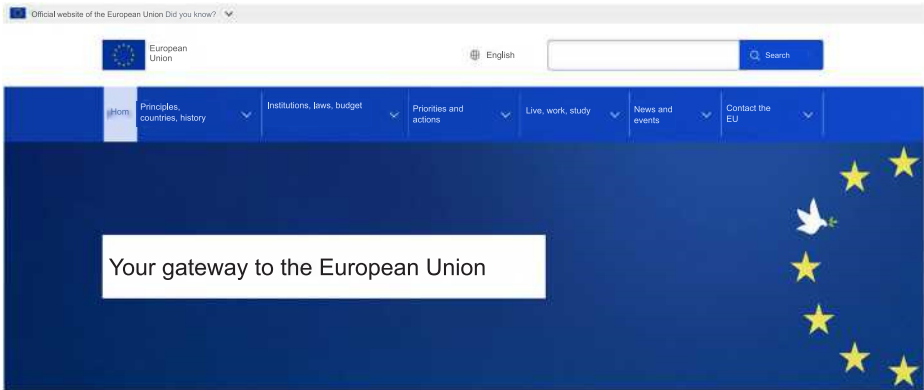
The «Live, work, study» tab is notable for its practical focus. Here you can access information related to everyday life in the EU, including study, employment, travel, grants and subsidies, as well as details on funding and business opportunities. This section is particularly useful for those seeking to establish themselves or develop professional activities in another EU country.

The «News and events» tab contains the latest news from EU institutions and bodies, as well as a calendar of the most relevant institutional events.

The European Union provides citizens with several contact channels («Contact the EU» tab). You can write via the online form, or call the free hotlines. For those who prefer face-to-face interaction, meetings can be arranged at local or international offices. Contact details of EU institutions, bodies and agencies are available, as is the option of visiting institutions in Brussels, Strasbourg and Luxembourg. Citizens can lodge formal complaints if an institution has acted improperly, or consult press contacts. The EU also maintains an active presence on social media to share information and updates.



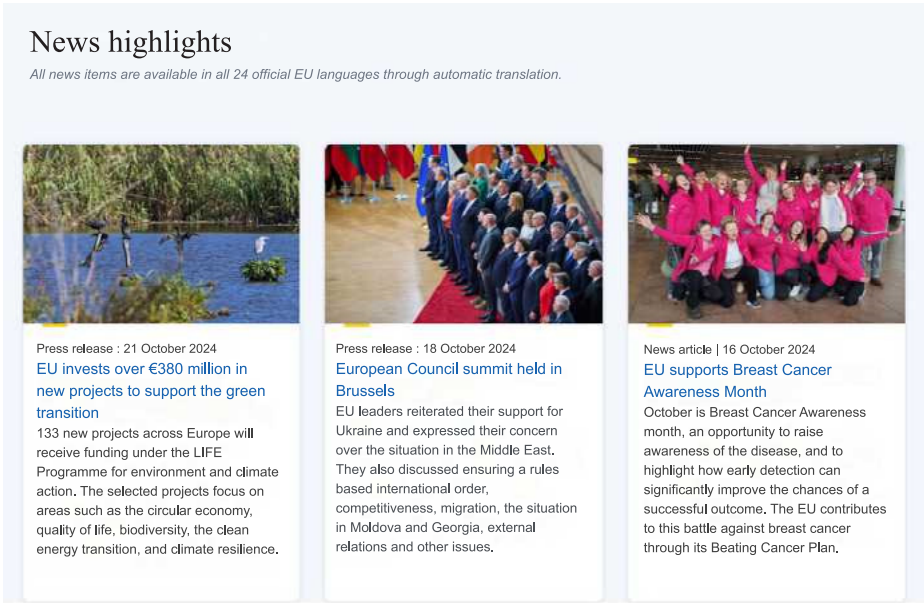
Figure 1



One of the main changes since the launch of Europa has been the introduction of thematic portals to facilitate searches and allow the integration of information from various institutions.

On the homepage, you will find the most up-to-date information on the Member States, euro area countries, Schengen area countries, candidate countries, etc. and a section with news highlights in the 24 official languages of the Union (Figure 2).

Figure 2



2.2. European Union databases

The EU databases date back to the 1960s and 1970s. Initially, they were intended for internal use by the European institutions and were consulted through specialised search languages such as Mistral and CCL(*Common Command Language*). Despite their importance, these databases were seen as rather technical and unwieldy tools, far removed from the needs of ordinary citizens. It was not until the advent of the internet and the evolution of information technologies that the EU began to transform the way it organised and shared this data, opening the door to more inclusive and democratic access.

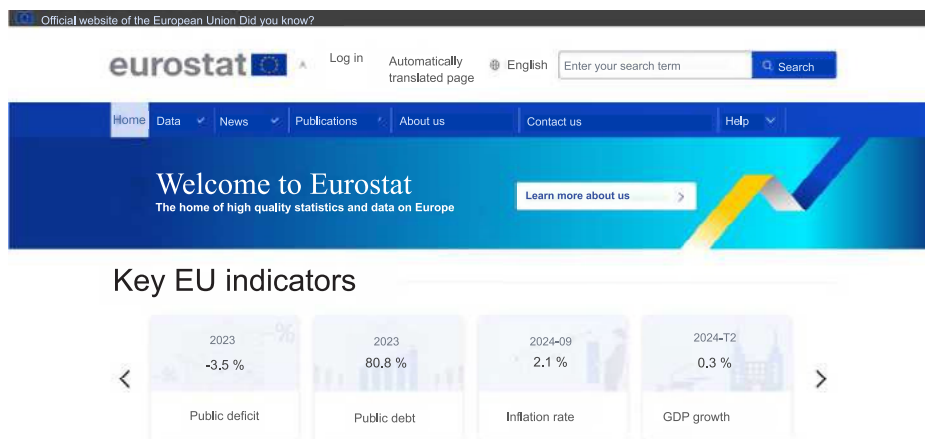
Today, these databases offer wide access to almost all the information generated by the EU, notably the official Europa website (www.europa.eu), which centralises links to the main data repositories.

2.2.1. Eurostat: statistics and data at the citizen's fingertips

Founded in 1953, it initially focused on compiling economic and demographic data to support the process of European integration. Over time, its coverage has grown, encompassing diverse issues such as health, education, environment and trade, as an essential source for the formulation of public policies.

Users can easily access detailed statistics and up-to-date reports on EU member states, making Eurostat an essential resource for researchers, students and professionals wishing to study trends within the Union.

Figure 3



Users can access statistics organised by country, region and topic, allowing for a detailed analysis of trends in Europe. The portal has been designed to be intuitive and easy to navigate, making it easy to search for specific data. Eurostat also provides reports and publications highlighting the most significant findings.

2.2.2. *EUR-LEX: access to EU law*

If Eurostat is the pillar of statistics, EUR-Lex the heart of EU legal information. In 2004, EUR-Lex was founded by merging with CELEX, a historical database which ceased its activities in 2007. Since then, EUR-Lex has evolved to provide free, direct and enhanced access to the most comprehensive collection of European Union legal texts.

This portal allows users to access a vast collection of legal documents, including treaties, consolidated legislation, international agreements and the Official Journal of the European Union.

Since its inception, EUR-Lex has been an indispensable tool for lawyers, legislators, academics and citizens interested in understanding the legal framework governing the EU. Its importance lies not only in the quantity of documents it holds, but also in the accessibility it provides, allowing quick and precise searches on any aspect of European legislation. EUR-Lex is a tool designed to optimise access to legal information through various functionalities:

One-stop shop	It centralises the EU’s legal collections in all official EU languages.
<i>Advanced searches</i>	It allows you to locate specific documents by keywords, categories, dates or official references.
<i>Interoperability</i>	It provides direct links to complementary systems such as CURIA (case law), Europe Direct and national law and jurisprudence databases.
<i>Multi-format access</i>	The documents are available in HTML, PDF, TIFF and Word, facilitating academic and professional use.
<i>CELEX code support</i>	Each document has a unique identifier that ensures its localisation regardless of language.

The portal has advanced filters for specific searches based on keywords, document number, issuing institution or date of publication. It also includes links to national systems of case law and harmonised legislation, facilitating comparative consultation. They can be found on the portal:



Treaties	• foundational and modifying.
<i>Legislation</i>	• <i>in force</i> , consolidated and repealed.
<i>Preparatory events</i>	• such as Commission proposals and opinions of the European Economic and Social Committee.
<i>Official Journal of the European Union (OJEU)</i> , available in all official languages	It includes: <ul style="list-style-type: none"> • L series (Legislation): includes legislative acts (regulations, directives and decisions), international agreements and non-legislative acts adopted before and after the Lisbon Treaty (2009). • Series C (Communications): covers resolutions, recommendations, communications, preparatory acts and opinions. • S series (Supplement): dedicated exclusively to public procurement, it publishes calls for tenders above certain economic thresholds defined by Community directives.
<i>Case law and other collections</i>	<ul style="list-style-type: none"> • Judgments and opinions of the Court of Justice of the European Union (CJEU): together with the provisional and final texts of the General Court and the Civil Service Tribunal. • <i>European Commission documents</i>: such as COM reports, SEC documents and consolidated legislative texts. • <i>Green Papers and White Papers</i>: the former are reflection texts inviting stakeholders to participate in the analysis of specific problems, while the latter contain concrete proposals for action in key areas of EU policy.

There are other systems for monitoring legislative activity in Europe: the European Legislative Observatory (OEIL) provides information on the current state of legislative procedures in the European Parliament. Users have the possibility of accessing a detailed system that includes reports, amendments, positions and debates on any legislative proposal. Meanwhile, for those who prefer more accessible information, the EU legislation factsheets portal also provides clear summaries organised by thematic area.

2.2.3. *Europe Direct: close to the citizen*

In order to promote transparency and access to the legislative process, the Commission has, since the mid-1960s and early 1970s, concentrated its efforts on creating a network of information points to give citizens open access to documents and issues related to European integration. Decentralisation has been a key aspect of this strategy, allowing information on European affairs to reach local communities, offering a service that is accessible, close and in the language of each citizen.



The *Europe Direct* network is one of the pillars of the European Union’s information proximity strategy. Europe Direct comprises the EUROPE DIRECT centres, the European Documentation Centres, and the Europe Direct Contact Centres. The network was created in 2005 and renewed in February 2009. Strengthened following the implementation of the Lisbon Strategy, this network aims to bring European information closer to citizens through an extensive local presence in all Member States. With more than 400 centres across Europe, Europe Direct acts as a bridge between the EU institutions and local communities, providing information in the language of each region and tailored to their specific needs.

Through this network, citizens can get answers to their queries on European policies, individual rights, funding programmes and administrative procedures. Europe Direct also organises workshops, seminars and educational activities to encourage civic participation and promote knowledge about the EU among young people and other social groups.



2.2.4. DORIE: an archive for EU political history

Access to information is not only limited to current statistical or legislative data, but also covers the EU’s historical memory, which is vital for understanding the political and institutional development of the European project. Within this framework, DORIE (Documents of Reference and Information on Europe) is a database developed by the Secretariat General of the European Commission, which contains key documents related to the evolution of European policies.

Figure 5

Welcome to DORIE!

What is DORIE?

DORIE (Documentation et Recherche sur les questions Institutionnelles Européennes) is a database for staff and specialists interested in institutional issues. Its purpose is to provide access, via the EUROPA server, to a collection of documents compiled over the years by the Secretariat-General's unit responsible for institutional affairs. This is not a compilation

[See more](#)

Latest additions

Title	Serial number	Date
Statement by President von der Leyen at the joint press conference with President Metsola following the Parliament's vote on the College of Commissioners	STATEMENT/24/6086	27/11/2024
Parliament approves the "von der Leyen II" Commission (Source: EP website)	PR25546	27/11/2024
Speech by President von der Leyen at the European Parliament Plenary on the new College of Commissioners and its programme / Discours de la Présidente von der Leyen lors de la session plénière du Parlement européen sur la présentation du Collège des Commissaires et de leur programme / Rede von Präsi...	SPEECH/24/6084	27/11/2024
Ombudsman criticises Commission failure to identify documents related to meeting between its President and President of Tunisia (Source: Euroean	Case 363/2024/ACB	25/11/2024
How the European Commission dealt with a request for public access to documents related to a holiday of the Commission President (Source: European Ombudsman website)	Case 208/2024/AML	25/11/2024

[See more](#)

DORIE is a specialised tool for researchers and academics interested in studying how key decisions have been shaped and negotiated within the Union.



The database includes minutes of meetings, internal communications, working group reports and other historical documents reflecting the internal dynamics of EU decision-making. Although designed for a specialised audience, DORIE can also be a reference source for citizens interested in exploring the background to major developments in European integration.

2.2.5. *The Transparency Register: strengthening public trust and confidence*

In the area of governance and participation, the *Transparency Register* is one of the EU's flagship initiatives on institutional ethics. Launched in 2011 and renewed several times, this portal aims to ensure that interactions between the European institutions and stakeholders take place in an open and accountable manner.



The Transparency Register is a tool that collects data on organisations that seek to influence the legislative and policy-making process of the EU institutions. This register reveals the interests at stake, the advocates of those interests and the funds available. It also requires stakeholders to adhere to a code of conduct, facilitating public scrutiny, giving citizens and other interest groups the opportunity to monitor *lobbying* activities.

2.3. *EU news: how to stay informed at all times*

One of the most direct and reliable ways of accessing information about the EU is through *press releases* issued by its institutions. Official publications provide a timely summary of the most relevant developments, from new legislative proposals to strategic decisions on foreign affairs. For example, the *EU News and Events Portal*, accessible through the official website, prioritises the presentation of topical issues under headings such as «Highlights» or «Latest news from EU institutions and bodies».

The main EU institutions each have their own online press section. These platforms allow users to filter information by keywords, type of publication or date, and give the possibility to subscribe to receive personalised notifications. In the case of the European Commission, the *Directorate-General for Communication* oversees and coordinates the dissemination of information on EU policies and priorities.

In a time where immediacy of information dominates, the European Union has reformulated its communication strategies to establish an active presence on social media such as X, Instagram, Facebook and LinkedIn. Through these platforms, the European institutions communicate their activities, promote dialogue with citizens and reach out to younger audiences. The official accounts of the



Commission and the Parliament disseminate news, analysis and events in real time, as well as interacting directly with users through comments and polls.

The European Union makes available a *general report*, which compiles and analyses the main actions carried out during the previous year. This report is drawn up by the European Commission and presented annually to the European Parliament in February. It is available in physical and digital formats, and can be ordered in several languages, including Spanish, through the *Publications Office of the European Union*.

The Publications Office of the European Union acts as the official provider of publishing services to all EU institutions, bodies and agencies. It is the central access point to EU law, publications, data, research results, calls for tender and other official information. Its mission is «to support EU policies as a centre of excellence for information, data and knowledge management, and to ensure that this wide range of information is available to the public in the form of accessible and reusable data to facilitate transparency, economic activity and knowledge dissemination».



INFORMATION SOURCES

Legal basis



Treaty on European Union:

- **Articles 10 and 11:** decisions must be taken in an open manner and close to citizens + right to exchange opinions about EU action.

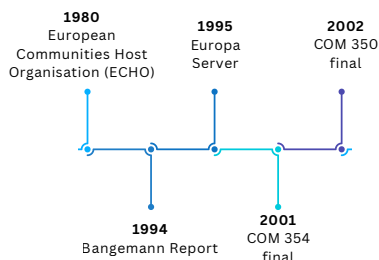
Treaty on the Functioning of the European Union:

- **Article 15:** guarantee the right of access to documents of the institutions (minutes, agendas and legislative texts).

Treaty of Amsterdam:

- **Article 255:** right to access documents of the European Parliament, the Council and the Commission

Evolution



Access to Information

1. THE EUROPA.EU PORTAL



Launched in 1995 during a G7 meeting



Centralised access to official EU information

+1M Sites

24 Official Languages



Thematic areas of interest and thematic portals

3. CURRENT AFFAIRS IN THE EU: HOW TO STAY INFORMED

1. Press Releases



2. EU News and Events Portal



3. Social media



4. General Annual Report



5. Publications Office of the European Union



2. EU DATABASES

Internal Use
Mistral y CCL → Opening of doors with
the Internet's arrival

1. Eurostat



2. Eur-lex



Other systems:

- European Legislative Observatory (OEIL)
- Portal of EU legislation summary sheets

3. Europe Direct

- Europe Direct Centres
- European Documentation Centres
- Europe Direct Contact Centres

EU Map around me



4. DOIRE



5. Transparency Register



Bibliography

- EUROPEAN DOCUMENTATION CENTRE AND EUROPE DIRECT. *Guía de políticas de la Unión Europea*. Comunidad de Madrid, 2023.
- DACHEUX, Eric. «Réflexions sur la politique de communication de l'Union européenne.» *Communication & Organisation*, 2002, No. 18.
- OVERY, Patrick y DAVIES, Eric. *European information: a guide to official sources*. European Information Association, 2010.
- RAMÓN REYERO, Eva, & LUENGO RODRÍGUEZ, Benilde. *Fuentes de información de la Unión Europea y Organismos Internacionales*. Luxembourg. European Parliament, 2011.
- VIDAL, Philippe. «Le rôle des pouvoirs publics dans la mise en place de la société de l'information: quelle perspective européenne? Avant-propos.» *Netcom. Réseaux, communication et territoires*, 2007, No. 21-1/2, pp. 5-8.





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