

# DIMITRIS-TSATSOS-INSTITUT FÜR EUROPÄISCHE VERFASSUNGSWISSENSCHAFTEN

## REPORT ON THE ACTIVITIES OF THE INTERNATIONAL ACADEMIC "STUDY GROUP ON THE EUROPEAN CONSTITUTIONAL PROCESS"

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## **Report on the activities of the international academic "Study Group on the European Constitutional Process"**

Samuele Nannoni

### CONTENTS

- A. The creation of the Study Group and its 16 thematic Working Groups
- B. The research proposal on “The European Constitution Process as a Model for Global Governance” for the Erasmus Plus Programme
- C. The Study Group’s website
- D. The Working Groups’ activity

### **A. The creation of the Study Group and its 16 thematic Working Groups**

The idea of creating a “Study Group on the European Constitutional Process” was born in the weeks following the Russian invasion of Ukraine in February 2022 and took its first steps on the input of two distinguish academics: **Andrea Bosco**, director of the Lothian Foundation and former chair of History and Theory of European Integration at the University of Florence and the South Bank University of London, and **Peter Schiffauer**, Deputy Director of the Dimitris-Tsatsos-Institut for European Constitutional Sciences at the FernUniversität in Hagen.

The aim of the initiative was to stimulate a wide debate within the European Union and have a direct impact on the European constitutional process, bringing together distinguished academics (experts on the historical, economic, political, social and juridical aspects of the process of European unification) with members of the European Parliament (being the basis of legitimacy of European sovereignty and representing European citizens in their constituent capacity), policy-makers, and representatives of the European ‘civil society’ (representatives of trade unions, industrialists, the churches, and political movements), to discuss the constitutional character of the evolving European entity.

The functioning and the procedure of the Study Group were based on the Chatham House model. That is to say that its members are firstly asked to work within thematic and autonomous Working Groups and to produce essays and documents, according to their specialization and competence, on the historical, economic, juridical, political and sociological aspects of the Constitution which the European Union needs to complete the process of European unification. The final goal of each Working Group is to create of a Policy Paper to be discussed in plenary sessions of the Study Group after the internal discussion and approval of the Working Group itself. All members of the Study Group are then asked to provide comments on the Paper, which will be included in the form of a summary in its final version, published on a dedicated website. This on-line publication of the outputs represents an invaluable contribution to the public debate on the evolution of present European institutions. It offers the most innovative character

of the project, since for the first time in the history of European constitutional debate, the public at large would be able to participate in the ambitious and crucial exercise of finding a constitutional definition of the evolving European entity. Indeed, the proceedings of the Study Group aim to help filling the existing gap between the academic community and the European decision-making process and, on the other hand, between them and European citizens, societies and public opinions, not only from the European Union, but also from non-EU states, particularly those from the Balkans and the Mediterranean area, which are not yet members of the European Union but could become in the future.

The other added value came from the fact that the Study Group would develop new interpretative lines and different approaches to the scientific core of constitutional themes, as compared to the past. The application of the Chatham House model would contribute to guarantee the scientific character of the project with a maximum degree of balanced academic expertise. In fact, the main expected impact of the activities of the Study Group was originally to establish a closer platform of intellectual and operational co-operation within the academic framework between the Jean Monnet Centres of Excellence around the world and the European University Institute. These two subjects, which were the first to be invited to join the initiative, could indeed offer a remarkable contribution to the Study Group with their competences and knowhow.

In early April 2022, 28 Jean Monnet chairholders, professors, researchers and policy makers, directly contacted, had already accepted to be involved in the creation of the Study Group. Among them: **Péter Ákos Bod**, Director of the Institute of Economics and Chairman of Economic Policy Department at the Corvinus University of Budapest, former Cabinet Minister for Industry and Trade (1990-1991), and Governor of the Hungarian National Bank (1991-1994); **Enrico Ciappi**, postdoctoral researcher, co-chair holder of the course History of Contemporary Europe, lecturer and teaching assistant in the graduate courses of History of International Relations, Integration of Europe, and Comparative History of Political Systems at LUISS Guido Carli University in Rome, Italy; **Pier Virgilio Dastoli**, Professor of EU Law, University of Reggio Calabria, President of Italian section of the European Movement, and former Assistant of Altiero Spinelli at the European Parliament; **Emanuel Rota**, Head of the European Union Center at the University of Illinois; **Katharine Sarikakis**, Professor of Communication Science and Head of the Media Governance and Industries Research Lab Media at the University of Vienna.

Thanks to the support of **Samuele Nannoni**, a former student of Andrea Bosco at the University of Florence, who accepted to serve as general secretary of the Study Group with practical and administrative tasks, in June 2022 an email inviting to join the initiative was sent to 60 members of the European University Institute and to more than 1600 Jean Monnet chairholders all around the world.

The inaugural meeting of the Study Group on the European Constitutional Process was held via Zoom on Thursday July 7, 2022 at 4.30 p.m. CEST. At that moment, the Study Group included 153 academics, policy and opinion makers from 22 EU member States (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Estonia, Finland, France, Germany, Greece, Holland, Hungary, Ireland, Italy, Latvia, Malta, Poland, Romania, Slovakia, Slovenia, Spain)

and 17 non-EU States (Algeria, Armenia, Australia, Brazil, China, Colombia, India, Iran, Kazakhstan, New Zealand, Russia, Singapore, Thailand, Turkey, Ukraine, United Kingdom, USA). Among them there were 4 professors from the European University Institute in Fiesole: **Gabor Halmai**, Research Director at the Center for Judicial Cooperation in the Robert Schuman Center; **Simon Hix**, Stein Rokkan Chair in Comparative Politics; **Stephanie Hofmann**, Director of the Europe in the World research area at the Robert Schuman Centre; **Kalypso Nicolaidis**, Chair in Global Affairs at the School of Transnational Governance. An added value was represented by the joining to the initiative from **Klemens Fischer**, Minister plenipotentiary, Head of Department at the Permanent Representation of Austria to the European Union, Vice-President for International Relations and Research at the Austrian Institute for European and Security Policy, Chairman of the Advisory Board of the Negotiation Academy Potsdam and Professor of International Relations at the University of Cologne.

During the meeting, Andrea Bosco and Peter Schiffauer proposed the creation of 15 Working Groups within the Study Group. All of them were accepted and some members suggested the creation of a sixteenth Working Group on energy policies and climate/environmental issues. Below, the final list of the Study Group's Working Groups:

1. An historical meta-analysis of the main driving forces for European unification;
2. The question of the constituent power, the constitutional form, and the established power;
3. A comparative analysis of federal constitutions and EU institutions;
4. A study of democratic representation and participation and the EU;
5. Evolution of awareness in the citizenry;
6. Evolution and democratic reform of social policy;
7. The role of communication (national media, strategic actions by the EU, citizens' assemblies) in the democratization of the polity;
8. Federal economic policy;
9. Federal foreign policy;
10. Federal defence policy;
11. Federal taxation;
12. Constitutional aspects of a concentric circles Europe;
13. Constitutional and democratic reform of other policy fields, including education, transportation, and communications;
14. Strengthening of the legal instruments for the protection of the rule of law and other common European values;
15. Digitalization and robotization in future functioning of the EU;
16. Energy Policy and Sustainability.

During the month of July 2022, it was asked to all the Study Group's members to express their preferences for their belonging to the various Working Groups, based on their expertise. Some members communicated just one Working Group as their choice – only Working Groups 10 and 12 weren't chosen as "sole preference" – while many members gave their preference as first option to a specific Working Group, also indicating other Working Groups as second or third choice – in this case, only Working Group 12 wasn't selected as first option by any member.

In terms of total adhesions, the most appreciated Working Groups were number 1, 4, 9, 10 and 14, while just four members joined Group 11. Groups 8 and 9 were the most selected as “only choice”.

Once defined the Working Groups’ composition, during the months of August and September 2022 each Group was asked to hold its inaugural meeting in order to nominate, as first task, a Chairperson and a Coordinator among its members. The only suggestion which came from the initiative’s starters Andrea Bosco and Peter Schiffauer was to establish, as far as possible, a gender balance among Chairpersons and Coordinators.

Following the Chatham House model, these two roles should guarantee the independence and autonomy of each Group. In particular, the Coordinator is the person in charge of taking the initiative for finding an agreement on the timing of the Group’s meetings, setting up the Zoom links and circulating the invitations to the Group’s members. While the Chairperson is moderating the debates, endeavouring the reaching of consensus – or where appropriate a vote – on the work plan within the Group and carrying on other procedural issues.

Below, the list of Chairpersons and a Coordinators of each Working Group:

*WG 1. An historical meta-analysis of the main driving forces for European unification*

Chairperson: **Klemens Fischer**

Coordinator: **Dorian Jano**, Research Fellow, University of Genova, Italy.

*WG2. The question of the constituent power, the constitutional form, and the established power*

Chairperson: **Andrea Bosco**

Coordinator: **Miroslava Scholten**, Jean Monnet Chair in EU Law Enforcement, Department of International and EU Law and Utrecht Centre for Regulation and Enforcement in Europe, Utrecht University, Netherlands.

*WG 3. A comparative analysis of federal constitutions and EU institutions*

Chairperson: **Antonio Pérez Miras**, Jean Monnet Chair in Constitutional Law, University of Granada, Spain.

Coordinator: **Amie Kreppel**, Jean Monnet Chair, Director of the Center for European Studies (CES), University of Florida, USA.

*WG 4. A study of democratic representation and participation and the EU*

Chairperson: **Aimee Arias**, Professor of Political Science, Florida Atlantic University, Boca Raton, USA.

Coordinator: **Cristina Matiuta**, Jean Monnet Chair in Political Science, University of Oradea, Romania.

*WG 5. Evolution of awareness in the citizenry*

Chairperson: **Yuliia Lola**, Jean Monnet Chair in European Studies, Kharkiv National University of Economics, Ukraine.

Coordinator: **Joachim Fischer**, Jean Monnet Chair in European Cultural Studies, School of Modern Languages and Applied Linguistics, University of Limerick, Ireland.

*WG 6. Evolution and democratic reform of social policy*

Chairperson: **Adrijana Martinović**, Jean Monnet Module Professor in Law, Department of European Public Law, Jean Monnet Inter-University Centre of Excellence Opatija, University of Rijeka, Croatia.

Coordinator: **Irina Bilan**, Jean Monnet Chair in Economics, University of Iasi, Romania.

*WG 7. The role of communication (national media, strategic actions by the EU, citizens' assemblies) in the democratization of the polity*

Chairperson: **Peter Schiffauer**

Coordinator: **Katharine Sarikakis**

*WG 8. Federal economic policy*

Chairperson: **Péter Ákos Bod**

Coordinator: **Maja Savevska**, Jean Monnet Chair in International Political Economy, Nazarbayev University, Nur-Sultan City, Kazakhstan.

*WG 9. Federal foreign policy*

Chairperson and Coordinator: **Yannis A. Stivachtis**, Jean Monnet Chair in Political Science, Director of the Center for European Union, Transatlantic & Trans-European Space Studies (CEUTTSS), Virginia Tech, USA.

*WG 10. Federal defence policy*

Chairperson and Coordinator: **Enrico Ciappi**

*WG 11. Federal taxation*

Chairperson: **Ana Isabel González**, Jean Monnet Chair in Tax and Fiscal Law, University of Oviedo, Spain.

Coordinator: **Samuele Nannoni**

*WG 12. Constitutional aspects of a concentric circles Europe*

Chairperson and Coordinator: **Peter Schiffauer**

*WG 13. Constitutional and democratic reform of other policy fields, including education, transportation, and communications*

Chairperson: **Natalia Cugleşan**, Jean Monnet Chair in European Studies, Babeş-Bolyai University, Romania.

Coordinator: **Özge Onursal Beşgül**, Department of International Relations Istanbul Bilgi University, Turkey.

*WG 14. Strengthening of the legal instruments for the protection of the rule of law and other common European values*

Chairperson: **Gábor Halmai**

Coordinator: **Vadim Atnashev**, Jean Monnet Chair in International and Humanitarian Law, North-West Management Institute, School of International Relations, St. Petersburg State University, Russia.

*WG 15. Digitalization and robotization in future functioning of the EU*

Chairperson: rotating among members.

Coordinator: **Samuele Nannoni**

*WG 16. Energy Policy and Sustainability*

Chairperson: **Aleš Ferčič**, Jean Monnet Chair in European Law, University of Maribor, Slovenia.

Coordinator: **Justo Corti Varela**, Jean Monnet Chair in European Climate Law, School of Law, National Distance Education University, Spain.

During the first meetings of each Working Group, all members were invited to put forward Papers or a scheme of it at their earliest convenience, for starting the discussion within the Group before presenting them in plenary sessions.

The first Steering Committee meeting, gathering just Chairs and Coordinators from all Working Groups, took place on Tuesday, December 6, 2022 and it was followed by a Plenary session of the whole Study Group on Thursday, December 15, 2022.

During the Steering Committee meeting, a first stocktaking of the work in progress in the 16 Working Groups was done.

Klemens Fischer presented the WG 1 Policy Paper in outline, which was then fully discussed at the Plenary meeting of December 15, 2022.

Andrea Bosco and Mira Scholten explained that progress and drafting of written contributions in WG 2 were delayed and that the Group was planning to have a new meeting in January 2023. Andrea Bosco and Amie Kreppel spoke concerning WG 3, informing that no follow up was registered subsequently to the first meeting and that it was necessary to re-launch the activities. Peter Schiffauer communicated that WG 4 had held its second meeting on few days before, where 5 written contributions on a joint document were considered and two more were expected in short notice.

Yuliia Lola and Joachim Fischer presented WG 5 activities, considering some contributions and working towards a Policy Paper.

Adrijana Martinović and Irina Bilan were confident that WG 6 would be in a position to contribute to a future Plenary meeting with a Policy Paper.

Peter Schiffauer communicated that the activities in WG 7 had stalled, since its Coordinator Katherine Sarikakis, who had envisaged writing a basic note, was not feeling well for some time. The hope was to re-launch the activities as soon as possible.

On behalf of WG 8, Péter Ákos Bod stated that the Group had met and had mainly discussed on the question of how to demarcate the Group's topic from that of other WGs, notably the WG 11 on taxation. On this point, Ana Isabel González on behalf of WG 11 stated that her small group – which has among its members Péter Ákos Bod himself – had already considered its work to be instrumental in the light of the outcome of other WGs. WG 8 could therefore cover the full range of economic and fiscal policy, merging its activities with WG 11.

On behalf of WG 9 and 10 (due to the absence of its Chair and Coordinator Enrico Ciappi), Yannis Stivachtis regretted that the first meetings were not followed by concrete actions, even though these two Groups counted the highest number of participants. Among members of both

Groups, it had emerged the idea of merging the two Groups, being foreign and defence policy highly related.

On behalf of WG 12, the Coordinator Peter Schiffauer presented an outline of the draft Policy Paper which resulted from written contributions by three members, which was then fully discussed at the Plenary meeting of December 15, 2022.

Natalia Cugleşan and Özge Onursal Beşgül stated that despite their own contributions for a WG 13 jointly written Paper on issues of higher education, there had not been any relevant input at that moment from other members.

On behalf of WG 14 Gabor Halmai reported that the Group did not wish to start its own work before taking stock of important research carried out on its subject matter. As next step, therefore, a representative of the ‘Reconnect Europe’ project had been invited to a WG meeting in January 2023.

Janja Hojnik and Adrijana Martinović spoke for WG 15, informing about a work is in progress on a Group’s joint Paper.

Aleš Ferčič stated that withing WG 16 there were many diverging issues about its main topics and it would have to be seen whether it was preferable to have a joint Paper presenting dissenting views or to work out two separate Papers.

During the meeting, Andrea Bosco proposed that Enrico Ciappi could set up a website for the Study Group without additional cost, as a public space where to publish the presented and discussed Working Groups’ Policy Papers. This idea was generally supported.

Moreover, Andrea Bosco suggested that a consortium of at least five Jean-Monnet-Chairs, together with their universities, could seek financing under the Erasmus+ Programme 2023 for which the deadline was open until February 2023. He proposed to present the idea to the Plenary on December 15, 2022 and to seek institutional contacts with the European Commission and the European Parliament. Many members, such as Justo Corti Varela, Aleš Ferčič and Ana Isabel González enjoyed the idea and agreed with it. Based on her own previous experience, Mira Scholten expressed doubts whether the important coordination and preparatory work for an Erasmus+ application could be accomplished between December 2022 and February 2023. At the same time, Klemens Fischer expressed doubts whether the activities of the Study Group would be eligible for financial support under the Erasmus+ scheme and questioned for which activities any credits awarded could be spent in accordance with the Erasmus+ rules. He expressed reservations about bringing the Study Group too close to political institutions that tend to seek a dominant role and he hinted to a window of opportunity for possibly including the Study Group, if until the month of June 2023 its output so justifies, amongst the civil society organisations regularly consulted by the European Economic and Social Committee. The latter idea was supported by Peter Schiffauer, who stressed that the European Union’s political institutions pursued each its own agenda regarding the European Constitutional process, and it would be wise for the Study Group not to diminish its independence.

During the Plenary meeting of the Study Group on December 15, 2022, both the ideas of setting up a website for the Study Group and seeking financing with a project for the Erasmus+ Programme 2023 were positively welcomed by most participants. Thus, it was agreed that Andrea Bosco was in charge of sending a draft research project to all Study Group’s members in the following days, in light of receiving their comments and contributions to strengthen the

application and the possible availability of their Universities and Departments to be included in the group of applicant institutions.

## **B. The research proposal on “The European Constitution Process as a Model for Global Governance” for the Erasmus Plus Programme**

On January 12, 2023, Andrea Bosco sent an email to all Study Group’s members enclosing a draft research project written by him and titled “*The European constitutional process as a model for global governance*”. It illustrated the theoretical and practical lines for the Study Group’s application to the European Commission for a possible maximum total amount of 1.200.000 € within the Erasmus Plus Programme, in the context of the “Jean Monnet Network on external policy: Values and democracy”.

Andrea Bosco was aware about the fact that many members could dissent with some statements of the draft, which could be judged as “too innovative and controversial”. Among them, the idea that the final goal of the European constitutional process is not just to create a “new State among World’s States”, but a new model of international democracy. And, considering this, the suggestion that today the G7 more than the UN is an embryo of world government and that for this reason it would be desirable applying the European constitutional model to a “renewed G7”, thus a G7 open for new membership among great democracies.

Indeed, he admitted that his goal was to try to present the Study Group’s case and activities in a form which might attract criticism but could not be attacked on the theoretical level. Nevertheless, he asked all members to provide their comments and contributions to the draft in the perspective of strengthening the application. Notable contributions were provided in particular by Peter Schiffauer, Gabor Halmai and Kalypso Nicolaidis.

The final research project was a document of 17 pages, divided into 7 paragraphs:

- I. The nature of European constitutionalism
- II. The European values and identity
- III. The European model and global governance
- IV. Aims and implementation of a study-group on the European Constitutional process
- V. The functioning of the study-group
- VI. Expected impact of the activities of the study-group
- VII. A selected bibliography of 78 publications.

The project was characterized by some main statements:

- the European Union as a “*Democracy*”, thus a constituent power in progress made up by a horizontal relationship between citizens, organizations and institutions from the different European “*demoi*” (from ancient Greek “*demos*”, people) on issues of their collective governance and common legislative, executive and judiciary institutions,
- the existence of a European Revolution, which consists in the first example of a definitive overcoming of the political division of humanity into national states and the creation of a democratic control of the supranational course of history, and the vision

of its exportability in the rest of the world – as it was for the other great European Revolutions – as a post-national political identity,

- the founding values of European civilization – such as political ideologies (liberalism, democracy, socialism and nationalism), the way of producing (capitalism), the intellectual and moral paradigms (philosophy, science, civil and social rights) – as the globally recognized constitutive values of the identity of the modern mankind and the universally accepted parameter for measuring the degree of cultural, political and moral development of people,
- the European Union’s profound reason for being which does not lie in the defense of a specific cultural, racial or religious identity, but in a specific method for the resolution of conflicts between states. Thus, the ‘civilizing’ mission of Europe towards the rest of the world which consists in exporting peace,
- the European constitutional process as a new model of international democracy and its desirable application to the G7.

The whole research project can be read and downloaded at the following link:

[https://constitutionforeuropenetwork.eu/wp-content/uploads/2023/03/Constitution-for-Europe-paper\\_Jean\\_Monnet-policy-debate-proposal.pdf](https://constitutionforeuropenetwork.eu/wp-content/uploads/2023/03/Constitution-for-Europe-paper_Jean_Monnet-policy-debate-proposal.pdf)

The project provided for the organizations of the following 17 Conferences along a period of 36 months:

1. “The Cyclades, the Aegean, and the formation of a European identity”
2. “An historical meta-analysis of the main driving forces for European unification”
3. “The question of self-determination, the constituent power, the constitutional form, and the established power”
4. “A comparative analysis of federal constitutions and EU institutions”
5. “Democratic representation and participation and the EU”
6. “Awareness in EU citizenship and democratic reform of social policy”
7. “The role of national media, strategic actions by the EU, citizens’ assemblies, in the process of democratisation of European polity”
8. “A single European economic and industrial policy”
9. “A single European foreign policy: Definition of European vital foreign interests and the areas of application”
10. “A single European defence policy: Creation of a single Army, Naval and Air Force and definition of its role within NATO”
11. “Constitutional aspects of a concentric circles Europe”
12. “Digitalisation and robotization in future functioning of the EU”
13. “The European model and the strengthening of the legal instruments for the protection and enforcement of the rule of law at the global level: The role of the courts”
14. “The European constitutional process and the G7: Towards the creation of a transatlantic single market?”
15. “The European constitutional process and regional integrations: The case of ASEAN, NAFTA, AMU, EAC, ECOWAS, ECCAS, COMESA, SICA and LAIA”
16. “The European constitutional process and the G7: Toward the creation of common parliamentary institutions?”

17. A final Conference in a round table format on “A Constitution for Europe: Debates on the future constitutional architecture of the evolving European entity among scholars, representatives of EU institutions and civil society”.

Initially, it seemed that the European University Institute could serve as the coordination Institution. Once evident that it couldn't, Professor Justo Corti Varela from the Universidad Nacional de Educación a Distancia of Madrid put forward the application on February 14, 2023 and accepted to serve as coordinator of a Consortium composed by 45 members of the Study Group who had decided to join the project. The specific role of the Consortium was to carry out several activities (conferences and publications) to mainly discuss ways in which the European evolving constitutional model could be applied to processes of regional (in North and South America, Africa and Asia) and global (the G7) economic and political integration. More in detail, the following 44 Institutions from 21 countries (Argentina, Armenia, Australia, Austria, Brazil, Bulgaria, Croatia, Cyprus, France, Germany, Greece, Italy, Japan, Netherlands, Poland, Romania, Spain, Turkey, Ukraine, United Kingdom, United States) were members of the Consortium:

1. Universidad Nacional De Educacion A Distancia (ES)
2. Universidad Nacional De Rosario – Unr (AR)
3. Florida Atlantic University Board Of Trustees (US)
4. The Research Foundation Of State University Of New York (US)
5. Universidade Federal De Santa Catarina (BR)
6. Monash University (AU)
7. Sveuciliste Josipa Jurja Strossmayera u Osijeku Pravni fakultet Osijek (HR)
8. Simon Kuznets Kharkiv National University Of Economics, S. Kuznets Khnue (UA)
9. Eurasia International University (AM)
10. Sveuciliste U Rijeci (HR)
11. Università Degli Studi Roma Tre (IT)
12. University Of Southampton (UK)
13. The Australian National University (AU)
14. Universidad Complutense De Madrid (ES)
15. Istanbul Bilgi Universitesi (TR)
16. Universidad De Leon (ES)
17. Uniwersytet Opolski (PL)
18. London School Of Economics And Political Science (UK)
19. Queen Mary University Of London (UK)
20. Virginia Polytechnic Institute And State University (US)
21. Sofia University St Kliment Ohridski (BG)
22. Universiteit Leiden (NL)
23. Universidad De Murcia (ES)
24. V. N. Karazin Kharkiv National University (UA)
25. Zaporizhzhia National University (UA)
26. Middle East Technical University (TR)
27. Trustees Of Clark University (US)
28. Universitatea Babes Bolyai (RO)
29. Shupyk National Healthcare University Of Ukraine (UA)

30. Altinbas Universitesi (TR)
31. Universitaet Potsdam (DE)
32. United Nations University (JP)
33. Szkola Glowna Handlowa W Warszawie (PL)
34. Aristotelio Panepistimio Thessalonikis (EL)
35. Neapolis University (CY)
36. Hong Kong Baptist University (HK)
37. Istanbul 29 Mayıs Universitesi (TR)
38. Kharkiv National University Of Radio Electronics (UA)
39. Ozyegin Universitesi (TR)
40. Fernuniversitat In Hagen (DE)
41. Institut D'etudes Politiques (FR)
42. Università Di Pisa (IT)
43. University of Oradea (RO)
44. The Lothian Foundation (UK)

On June 14, 2023, Andrea Bosco and Justo Corti Varela sent an email to all the Study Group's members informing that, regrettably, the application to the European Commission for a grant to carry out the research project on "The European Constitutional process as model for regional and global governance" within the Erasmus Plus Programme (Jean Monnet Policy Debate action) had not been successful.

Analyzing the Evaluation Summary Report of the European Commission, the project obtained a total score of 61 point out of a maximum of 70.

With a threshold between 15 and 25 points per Criterion, the project gained:

- A score of 13 in the Criterion 1 – Relevance
- A score of 17,50 in the Criterion 2 – Quality: project design and implementation
- A score of 18,50 in the Criterion 3 – Quality: partnership and cooperation arrangements
- A score of 12 in the Criterion 4 – Impact.

The main evidenced criticism to the project were:

"The proposed WP indicate limited scope for dialogue between the academic world and society because of the subject matter which is rather abstract."

"The project presents as largely unproblematic the 'export' of European values globally, to now comprise 'a universal model of behavior'. There is little or no acknowledgement that export was founded on multiple, consecutive imperialisms over several centuries and delivered entirely by force of arms and the subsequent gross exploitation of peoples and resources. To describe the universal application of European constitutional norms to a nascent system of global governance as being 'the crowning and completion of the (European) democratic revolution' or civilizing 'mission' is deeply problematic and academically reductive in the extreme."

“The project presents - in an unfeasibly simplistic manner - the new European constitutional model as a successor to a lesser nation-state-based model. It fails to address - or even to note - the deep complexities, contradictions and/or synergies between nationalism, national sovereignty and European construction, in favor of an almost teleological representation. Similarly, the direction of 'learning' in the proposed project is almost entirely unidirectional and euro-centric - Europe 'teaches' and the world 'learns'. No substantial space is left open to ascertain what Europe and/or the proposed new Atlantic community or world government might learn from constitutional or political realities and practice elsewhere.”

“In terms of methodology, the project proposal is based on the overriding assumption (untested and largely unproblematized) that a federalized European Union is required. The channels for interaction between members are clearly set out, but they are not innovative in their means. The structures and processes are clear and adequate for the purposes of the network. However, there is a lack of specifics on evaluation methods. The size of the network with 44 members may create problems of management that should be considered.”

“The network addresses a very wide range of subjects, and not all of them have a clear relevance to the proposed central subject of the network. While the subject of the network is the EU constitutional process and global governance, much of the proposal content is focused on the domestic EU affairs.”

“Communication, dissemination and visibility are underspecified and are defined in very limited terms by passive access to a website and the inputs of the 'Study Group' and its publications.”

The result of the application and its consequences on the Study Group’s activities and its possible alternative funding strategies were discussed in a Plenary meeting of the Study Group held on June 27, 2023.

### **C. The Study Group’s website**

The idea proposed by Andrea Bosco in December 2022 for a Study Group’s website became concrete on March 31, 2023, when the website was presented during a Steering Committee meeting.

The website developed by Enrico Ciappi was generally welcomed. Some participants made just a few suggestions for modification and restructuring.

The chosen name and address for the website wasn’t related to the concept of the “Study Group”, but it wanted to be more evocative: [www.constitutionforeuropenetwork.eu](http://www.constitutionforeuropenetwork.eu)

The first version of the website didn’t have yet a session dedicated for the publication of Policy Papers. Indeed, the generally agreed idea among the Steering Committee members was, that once the Policy Papers have been fully discussed at a plenary meeting, they would be published

on the Study Group website, together with the written comments made during the Plenary debates.

Therefore, for the time being and awaiting further advancement of the Study Group's planned work as well as further improvements on the website, it was decided to make it accessible for the public but without an active promotion of the website itself outside the Study Group's members.

Initially, the structure of the website was divided into four pages, still present in the current version: *Homepage*, *About the Network*, *Study Group's Members*, *Contact Us*.

The *Homepage* presents the European Constitution Network as "a Study Group bringing together distinguished academics from all over the world who claim a revision of the EU treaties toward a Constitution of Europe". Then, it explains in a nutshell how the Study Group is composed and structured, how it works, which are its main tasks and goals, in which fields it concentrates on, who are its members and from which countries they come from. Under the voice "Our Vision", it can be read the following statement:

"The present European Union does not constitute a real state. However, EU might and should become a federated union of free states. The European institutions offer the most advanced example of functional supranational constitutionalism. In the process of European integration, constitutionalism and democracy as empirical ideas and normative ideals have become synonymous with legitimate governance. The final goal of the European constitutional process is to create a new model of international democracy, promoting democracy and cooperation beyond the borders of the nation-state."

The website session *About the Network* reminds that the Study Group was created "on the initiative of the Dimitris-Tsatsos-Institut for European Constitutional Sciences of the University of Hagen and the Lothian Foundation, bringing together a transnational group of more than 160 Jean Monnet Professors and other distinguished academics from 22 EU member States and 17 non-EU States, divided into 16 thematic working committees, focused on the production of essays and documents, according to their specialization and competence, on the historical, economic, juridical, political and sociological aspects of the Constitution which the European Union needs to complete the process of European unification".

Both at this page, as well as at the *Study Group's Members* page, it is available the complete list of the Study Group's members and the description of all the 16 Working Groups, reporting for each of them the name of the Working Group itself and all its members divided between "Chair", "Coordinator" and "Members". For each Professor, name and surname, reference and email are provided.

Finally, in the *Contact Us* page the Network presents itself as "an open forum of ideas with wide open ears, eager to discuss with scholars, private stakeholders and policymakers". For this reason, the Network seeks to receive feedback on its Papers and projects, readings or ideas to suggest. To do so, as well as to receive more information about the Network or to apply to become a member of the Study Group, it is both possible to fill a contact form or to write to a dedicate email: [info@constitutionforeuropenetwork.eu](mailto:info@constitutionforeuropenetwork.eu). Enrico Ciappi, as webmaster, and Samuele Nannoni, as general Coordinator of the activity of the Study Group, have direct access to this email box.

During the year 2023, four new members joined the Study Group throughout the website:

- **Sergio Verdugo**, Secretary General at the International Society of Public Law and Co-Editor-in-Chief on Spanish Issues for the International Journal of Constitutional Law – who joined Working Group 2.
- **Thomas Nektarios Papanastasiou**, Associate Professor in Public International Law at the Neapolis University Pafos, Cyprus – who joined Working Group 16.
- **Václav Stehlík**, Jean Monnet Chair in EU law at Department of International and European Law of the Palacký University in Olomouc, Czechia – who joined Working Groups 5 and 14.
- **Javier Parra**, Economist and Specialist in digitalisation and Associate Professor of Administration and Economics at the University of Salamanca, Spain – who joined Working Group 15.

During the Steering Committee meeting of November 9, 2023, it was agreed that the five Policy Papers ready for publication from Working Groups 1, 2, 4, 11 and 15 should be sent to Klemens Fischer for developing a common format and subsequently be published on the website.

For this purpose, Enrico Ciappi developed a new website's session called *Policy Papers*, which was announced and presented by Andrea Bosco and Peter Schiffauer to the Study Groups' members via email on March 7, 2024.

The session presents the Policy Papers as “the intellectual products of the Study Groups' Working Groups and a contribution to the public debate on the EU reform”.

All Policy Papers are listed below, with their title, the date of publication, the Working Group they come from with its Chair and Coordinator and a clickable “read more”. Doing it, the user access to a new page with a preview of the Policy Paper and the possibility to read or download the PDF by clicking the yellow button “Download the Paper”.

On March 7, 2024, the *Policy Papers* page presented the five above mentioned Working Groups' Papers, plus the research proposal on “*The European Constitution Process as a Model for Global Governance*” elaborated one year before for the Erasmus Plus Programme and presented as a Steering Committee Paper.

With the email of March 7, 2024, Andrea Bosco and Peter Schiffauer also presented to the Study Groups' members their commonly written draft Policy Paper on “*The constituent power and the foundation of the European Federation*”. In the perspective of a possible summoning of a European Convention for the revision of the existing European Treaties following the June 2024 European Elections, they invited all members to participate in a Plenary session of the Study Group on April 16, 2024, to have an open and wide debate on the issue of their draft Paper and to include views and suggestions before publishing it online.

Indeed, the Plenary meeting of April 16, 2024 mainly consisted in the discussion of the draft Paper, which produced some reflections, suggestions and feedback. All of them, accordingly to the adopted method for all other Policy Papers, were included within an “Annex” at the end of the Policy Paper. For this reason, it was published on the website as a Plenary Meeting Paper.

The Policy Paper can be read and downloaded at the following link:

[https://constitutionforeuropenetwork.eu/wp-content/uploads/2024/05/Study-Group-on-EU-Constitution\\_plenary-group\\_Constituent-Power-and-Foundation-of-European-Federation.pdf](https://constitutionforeuropenetwork.eu/wp-content/uploads/2024/05/Study-Group-on-EU-Constitution_plenary-group_Constituent-Power-and-Foundation-of-European-Federation.pdf)

## **D. The Working Groups' activity**

The 16 Working Groups can be divided into four categories, based on their activity:

- Extremely active Working Groups, which have published a Policy Paper: 1, 2, 4, 9-10, 11, 12, 15.
- Active Working Groups, which have prepared a Policy Paper but have not finalized and published it: 6, 16.
- Almost inactive Working Groups, which have started their activity but just for a short time, without producing a Policy Paper: 7, 8, 13, 14.
- Totally inactive Working Groups, which have never started their activity: 3, 5.

### Working Group 1 “An historical meta-analysis of the main driving forces for European unification”

The Group started its activities at the end of August 2022 with an email exchange initiated by the Chair Klemens Fischer, where he proposed to his colleagues a common working method based on three steps:

- a) in a first step, each Group member should identify the different ideas and approaches of European integration and - at least roughly - cluster them and classify them in a suitable scheme provided by the Chair himself;
- b) in a second step, the Group should describe the effects of these ideas and approaches on the history of integration, in order to finally arrive at the current state of affairs;
- c) in a final step, the Group were asked to go even further and venture a look into the future. On the one hand, this would provide a perspective on the possible directions of development, but on the other hand it could also point out possible dangers for European integration.

This three-step process should result in a single document that reflects these steps.

Therefore, each Group member was firstly asked to identify the main idea/approach that he/she considered the most important and two other ideas/approaches/directions that he/she judged to be the second and third most important.

Then, the Chair would have evaluated all the submissions and summarise them to let a certain picture/pattern emerge and start to discuss it in a first meeting.

Many Group members submitted their proposals for a first collection of ideas within the deadline of September 7, 2022. These contributions gave a relatively clear picture of the priorities that the Group would identify. On this basis, the Chair prepared a first draft of an overall text, which was emailed to the Group members on September 10, 2022.

After a first meeting of the Group on September 14, 2022, the Chair prepared an adapted draft, which was sent to all Group members on October 16, 2022 for receiving their feedbacks and further contributions.

The third and final draft was prepared by the Chair and sent to the Group for final approval on October 26, 2022.

The Paper was presented, discussed and approved for the online publication (when the website would have been ready) during the Plenary meeting of the Study Group of December 15, 2022. The feedbacks and discussions emerged during the Plenary meeting were also included in the Paper.

The Policy Paper can be read and downloaded at the following link:

<https://constitutionforeuropenetwork.eu/wp-content/uploads/2024/03/Study-Group-on-EU-ConstitutionWG-01Historical-Meta-Analysis-1.pdf>

Working Group 2 “*The question of the constituent power, the constitutional form and the established power*”

The activities of the Working Group got into the heart only in September 2023 and were very brief. A couple of meetings took place between September and October 2023 for the presentation of a Policy Paper’s draft by Andrea Bosco on “***Sovereignty and Constituent power***” and its discussion. Which, however, didn’t bring to relevant comments, suggestions or contributions from the other members of the Group.

Andrea Bosco’s work was a highly technical and theoretical 10 pages long Policy Paper about:

- What is sovereignty referred to people, the State and the international system, and how it differs from the concept of power.
- The relationship between sovereignty and the question of legitimacy within the State.
- The relationship between sovereignty and the constituent power and the people as subject of the constituent power itself.

The Policy Paper was presented, discussed and generally approved during the Plenary meeting of April 16, 2024.

The Policy Paper can be read and downloaded at the following link:

<https://constitutionforeuropenetwork.eu/wp-content/uploads/2024/03/Study-Group-on-EU-ConstitutionWG-02Sovereignty-and-Constituent-Power.pdf>

Working Group 3 “*A comparative analysis of federal constitutions and EU institutions*”

This Working Group has never been activated.

Working Group 4 “*A study of democratic representation and participation and the EU*”

The first meeting of the Working Group took place on October 2, 2022. In that occasion, its members unanimously agreed that the Group, with a view to strengthen democratic legitimacy of the EU, should notably address at least the following issues:

- Reform of electoral procedure for the elections to the European Parliament, notably creation of transnational lists.
- Development of more competitive political parties at EU-level, including their role in the investiture of the Commission President (Spitzenkandidaten).

- Inquiry into the successfulness of EU citizens' initiatives and proposals for making them more effective.
- Improvement of the democratic representation of diverse parts of the society and ensuring the respect of minority rights at EU level.
- Make open consultations by the EU-Commission a regular practice.
- Need of a democratic representation legitimising the powers exercised by the Eurogroup.
- Overcoming veto-rights that allow to blackmail democratic decision making.
- Creation of a genuine European political sphere by making the contents of EU legislation subject to democratic choices only (similarly to the current intergovernmental practises of the European Council) – instead of predetermining policies by Treaty provisions (de-constitutionalising of EU policies).

The Working Group members were invited to transmit to its Coordinator Cristina Matiuta by November 8, 2022 short outline papers with their ideas on the issues they were particularly interested in. After examining whether some outlines could be merged into a joint paper and which ones would need to be discussed separately, the Coordinator would have distributed the outlines to all participants for discussion at the following meeting, which was held on November 29, 2022.

During the second Working Group's meeting, participants examined and discussed the five contributions that were provided by five members: María Victoria Alvarez, Boris Guseletov, Cristina Matiuta, Peter Schiffauer, Nicole Scicluna.

**María Victoria Alvarez**, Jean Monnet Chair at the National University of Rosario in Argentina, presented a document titled "*From the Convention on the Future of Europe to the Conference on the Future of Europe: 20 years of reflection on European integration. The turn of citizens or member states?*". Here, she remarks that citizen participation has proven to be able to go over electoral participation and be defined as the involvement of citizens in public affairs, notably in the decision-making process and in the control of public policies. Nevertheless, she also concludes that if national governments and the European institutions (in particular, the Council) are sceptical and don't want real progress, there cannot be effectively any progress in the Treaties' reform.

**Boris Guseletov**, Head of the Department of Political Science at the Institute of Socio-Political Studies of the Russian Academy of Sciences, shared some observations on strengthening the democratic potential of the European Union. Among his statements, the fact that a closer Union cannot be reached without creating a pan-European political sphere similar to the one that already exists in the member states, based on political competition and close interaction of political actors with civil society. For doing that, it is necessary to strengthen the European institutional structure and in particular, the European parties and media system. Indeed, if the introduction of the principle of leading candidates (Spitzenkandidaten) had partly reinforced the role of European parties and the European Parliament in appointing the head of the European Commission, it was weakened by at least three factors:

- 1) The absence of a direct link between the European elections and the choice of a candidate for the post of head of the Commission, due to the Council's nomination.
- 2) The absence of transnational electoral lists, which would ensure further Europeanization of the European electoral process and increase the legitimacy of the European Parliament.

- 3) The absence of pan-European media covering political issues on a wide European audience, which would help to shift the attention of voters from national issues to pan-European ones.

Cristina Matiuta concentrated her contribution on “*Reforming the European Citizens’ Initiative (ECI)*”, the first instrument of transnational, participatory and digital democracy in the world introduced by the Treaty of Lisbon. More specifically, she envisaged the necessity to revise and further refine the instrument, by measures such as:

- 1) reducing the excessive data-requirements,
- 2) providing the chance to citizens to stay in touch with ECI organizers in order to build political communities around policy issues also beyond the specific life cycle of an ECI,
- 3) reimbursing part of European Citizens’ Initiatives organizational costs for ECIs that were able to reach minimum thresholds of support as is the case for national citizens’ initiative rights in several Member States (e.g. Spain, Austria),
- 4) providing the possibility to submit successful European Citizens’ Initiatives directly to the European Parliament and the Council,
- 5) reducing the minimum age to participate in a European Citizens’ Initiative from 18 to 16.

Peter Schiffauer submitted to the Working Group an outline contribution on “*How to improve democratic representation and participation in the EU*” with some indication about the issues that the future Policy Paper should deal with. In particular:

- 1) The paper should endorse frequently shared thoughts on improving democratic representation and participation in the EU through
  - a. Search for better securing citizens’ input
  - b. Better measuring of citizens’ overall acceptance of the EU-system output
  - c. Peaceful changes of the executive power following elections
  - d. Respect of shared values
  - e. Containment of inequalities amongst citizenry
- 2) The paper should take account of specific features of EU decision making such as
  - a. Veto powers
  - b. Over-constitutionalizing of EU-policies
  - c. Representativity of political institutions
- 3) The paper should propose three complementary requirements for good democratic governance:
  - a. Ensure input of all available knowledge
  - b. Facilitate compromises to ensure coverage of a wide range of interests
  - c. Distinguish legitimate self-governance from illegitimate governance on others.

**Nicole Scicluna**, Associate Director at the David C. Lam Institute for East-West Studies (LEWI) of the Hong Kong Baptist University, concentrated her contribution on “*Reviving the Spitzenkandidaten process*”, explaining that the idea that the European Parliament’s party groups nominate leading candidates, one of whom would be chosen as the Commission President depending on which party group gains the largest share of votes and seats in the European elections, can contribute to the democratisation of EU-level politics in two ways:

- 1) by linking the electorate’s political preferences to the EU’s highest executive office, that of Commission President, via the European Parliament’s elections,

- 2) thus, establishing such a linkage could make EP elections more meaningful, thereby increasing electoral turnout.

After the failure in 2019, when the Council nominated and consequently the Parliament confirmed a candidate for the Commission's Presidency who had not been a Spitzenkandidat (Ursula von der Leyen), Scicluna explained that the goal could be reached in two possible ways:

- 1) a more ambitious, less realistic strategy: a treaty reform to change the way the Commission President is appointed. That is, formalising the Spitzenkandidaten process,
- 2) a more realistic strategy: changing the process so that the Council pre-commits to selecting one of the suites of candidates nominated by party groups. To make this acceptable to the Council, it is likely that the EP and Council would need to coordinate on the nomination of candidates. Such a process of negotiation and pre-commitment could satisfy the legitimacy concerns of both institutions, without one being perceived as usurping the competences of the other.

Despite the different understandings of the concept of democracy proposed in the academic literature, at the end of the second Working Group's meeting, members agreed that it was necessary to try to develop a joint document drawing from the available contributions. Such a document could be divided into three main chapters, addressing citizens' participation, the political space including its institutional set-up and the output performance of the governance system. The more general contributions could serve as a template into which the more specific ideas could be incorporated. To this end, the Group decided to set up a shared Google document giving access to all members, so that they could be able to directly insert their contributions.

The Working Group started to work on a shared joint draft Policy Paper by the Chair Aimee Arias and Peter Schiffauer, commented and integrated by the other members. The Group met other three times on January 19, 2023, March 30, 2023 and June 8, 2023, when the shared document already consisted of a 14 pages draft Policy Paper titled "***Strengthening Democratic Representation, Participation And Outcomes In The European Union***" with 12 concrete proposals for strengthening democratic representation in the EU, followed by explanatory considerations.

The finalized Policy Paper, approved by the Working Group, was presented to the rest of the Study Group for the general discussion during the Plenary meeting of June 27, 2023 and made available for comments and suggestions from all the Study Group's members within a shared Google Drive Folder containing all the Policy Papers ready also from the other Working Groups.

The Policy Paper can be read and downloaded at the following link:

<https://constitutionforeuropenetwork.eu/wp-content/uploads/2024/03/Study-Group-on-EU-ConstitutionWG-04Strengthening-Democratic-Representation-in-the-EU.pdf>

#### Working Group 5 "*Evolution of awareness in the citizenry*"

This Working Group has never been activated.

### Working Group 6 “*Evolution and democratic reform of social policy*”

The Working Group met for the first time on October 14, 2022. In that occasion, the members agreed to proceed by giving each one the same task, thus writing within a couple of weeks a short summary of the most important points to be developed in the future Working Group’s Policy Paper.

Each member should concentrate on his/her areas of expertise and on those aspects of the social policy development where they could deliver their strongest and best contribution.

The overarching question was “What kind of action on a constitutional/legislative/policy level is needed to further the goals of EU social policy?”. Obviously, considering the discrepancy as to how much space the Member States are willing to concede to the EU in terms of shaping their social policy, and the necessity for coordinated action at EU level to promote the common goals.

The second meeting was held on November 4, 2022, when three short summaries were presented from the Groups’ Chair Adrijana Martinović, the Groups’ Coordinator Irina Bilan and **Dimitris Tsarouhas**, Jean Monnet Chair in European Studies and Visiting Associate Professor at the Political Science Department of the Virginia Polytechnic Institute and State University, USA.

In that occasion, it was decided to create a common Google Drive folder collecting all summaries from members. Within a month, three new contributions were provided by three Group’s members:

- **Nina Didenko**, Jean Monnet Chair at the Department of Health Management and Public Administration of the Shupyk National Healthcare University of Ukraine.
- **Bhaswati Sarkar**, Jean Monnet Chair in European Studies at the Jawaharlal Nehru University of New Delhi, India.
- **Deniz Ş. Sert**, Jean Monnet Chair in Migration and Mobility within Europe at the Department of International Relations of the Faculty of Social Sciences of Özyeğin University, Turkey.

On December 4, 2022, the Chair Adrijana Martinović wrote to the Working Group’s members and presented a first draft of the joint Policy Papers collecting all the inputs received until that moment, fostering further improvements, comments and suggestions.

On March 23, 2023, the Chair Adrijana Martinović communicated to the Group the creation of a new second version of the draft Policy Papers, elaborated merging the first version and all the following suggestions. It was a 9 pages long document mainly concentrated on the issues of the labour market, social protection, social solidarity in the treaty framework, and temporary social protection for the displaced people in view of the Ukrainian refugee status in the EU. The document had the following structure:

- 1) Introduction and background
- 2) Main challenges for future development of EU social policy
- 3) Identifying the main fields for further action
  - a. Employment
  - b. Social solidarity
  - c. Social protection
  - d. Social issues of the temporary protection regime in the European Union
- 4) Recommended policy and legislative reforms

- a. Treaty revision
  - b. Expansion of QMV voting
  - c. Development of new technological tools to support Member States' activities
  - d. Enhanced cooperation
  - e. Revision of legislation to improve access of economically inactive EU citizens to minimum subsistence benefits
  - f. Improved financing and monitoring mechanisms
  - g. Develop a resilient emergency response mechanism for social emergencies
  - h. Ensuring socially inclusive digital transformation
- 5) References and recommended readings.

Despite the great job done until that moment and the initial enthusiasm among the Working Group's members, no further developments on the draft Policy Papers were made from that moment on. The Group gradually stopped its activity, and the draft was therefore never presented in a Plenary session of the Study Group to be discussed and then published.

This is the reason why here is reported the general structure of the draft but not its content.

Working Group 7 “*The role of communication (national media, strategic actions by the EU, citizens' assemblies) in the democratization of the polity*”

The Working Group met the first time on September 9, 2022. During the meeting, it was agreed that the Coordinator Katharina Sarikakis would have drafted and distributed the outline of a Policy Paper with the guiding idea of “communication as a political culture”. The other members of the Working Group would have drafted and sent short contributions to the Coordinator, on the basis of existing knowledge and of their field of expertise, namely: national Parliaments' reactions to the Conference on the Future of Europe, miscommunications in far-right politics, obstacles to good communication in the structure of institutions and media, working children and social movement. The Coordinator would have then endeavoured to merge the contributions into a synthesis Policy Paper to be discussed and finalised at the following meeting of the Working Group.

Nevertheless, the only contribution which was produced and distributed among members on November 8, 2022 was from the Chair of the Working Group Peter Schiffauer.

The contribution, in the words of the author, “propose a few thoughts about the obstacles that would have to be overcome if the Group recommended to implement forms of genuine democratic communication about the European Union institutions and between them and the citizenry”. Its main conclusions were the following:

1. If the Working Group were to plead for a better and more intensive communication policy by the European institutions, this would institutionally require the European Commission to be given the powers to carry out this task by national governments, either through the adoption of a European Union regulation under Article 352 of the TFEU or through a Treaty amendment.
2. A genuine European media landscape cannot be created through regulatory measures but can only gradually develop through initiatives by the media industry itself. If the Group considers this desirable, economic interests of the media industry that stand in the way of such a development could possibly be overcome through targeted financial support for appropriate steps. This would require the adoption of a regulation by the European Union under Article 252 TFEU or another provision following an amendment to the treaty.

3. Thought could be given to the question whether spokespersons of European institutions, when speaking under the political responsibility of elected officials, should be exempted from the duty of bureaucratic restraint and how this might be possible.
4. Politically balanced reporting on European Union affairs should be open to discussing the pros and cons of certain measures or criticizing grievances. It should not be understood in the way that equal space should be given to views opposed to the European Union in principle.

It was tried many times to relaunch the activities of the Working Group in 2023 and 2024, but with no results.

#### Working Group 8 “Federal economic policy”

The first output produced by this Working Group is “A note on the mandate and activity of Working Group 8 on European economic policy” by the Chair Péter Ákos Bod, dated March 26, 2023.

In this document, the author states that such a huge field like the “Federal Economic Policy” must be treated in separate topics, based on the field of expertise of the Group’s members. For this reason, he enumerated a set of topics and policy areas that seemed to befit the remit of the Working Group, inviting members to firstly comment on it, correct and enlarge (or reduce) this set:

- environmental issues (“green transition”),
- structural (industrial) policy, international competitiveness, energy issues,
- public health and pandemic issues,
- coping with regional and social imbalances, convergence,
- economic aspects of defence, border protection, migration,
- currency issues (maintaining the stability of common currency, road maps for countries with derogation concerning EMU); banking and capital market aspects,
- stabilization policy for the Union and its main regions.

After this first attempt to launch the Working Group’s activity, some meeting among the members followed, but no progress was made in the direction on realizing a first Policy Paper.

#### Working Group 9-10 “Federal foreign and defence policy”

Originally, there were two different Working Groups: Working Group 9 on “Federal foreign policy”, with Yannis A. Stivachtis as Chair and Coordinator, and Working Group 10 on “Federal defence policy”, chaired and coordinated by Enrico Ciappi.

Both Working Groups started their activities in Autumn 2022, but many members of one Working Group were also members of the other, included the two Chairs.

For this reason, as jointly agreed, in January 2023 the two Working Groups decided to work together and form one unique Working Group on “Federal foreign and defence policy”.

The new Group started to meet with an organized calendar every last Friday of the month for discussing on the various and heterogeneous fields of the Working Group’s macro-theme. In particular, three topics were faced by the Group:

- the European Defence Industry and the issue of the “optimization of the common European resources in the military field”, mainly sponsored by two members: **Maria Isabel Nieto Fernandez**, Jean Monnet Chair on European policy at the Universidad Complutense of Madrid, Spain and **Rémy Davison**, Jean Monnet Chair in Politics and Economics at the Department of Politics and International Relations of the School of Social Sciences at the Monash University, Australia,
- the concept of the EU Strategic Autonomy, highly supported by Yannis A. Stivachtis and Enrico Ciappi,
- the American role and the interference within the European Defence System, promoted by Yannis A. Stivachtis himself and **Alper Kaliber**, Jean Monnet Chair in Security, Migration and Society in Europe at the Altınbaş University, Turkey.

In May 2023, the Group commonly agreed to start preparing a draft Paper which could consider, as much as possible, the various issues discussed among the members until that moment. Enrico Ciappi proposed to write a first draft taking inspiration from a 4 pages long document of March 2022 by Andrea Bosco titled “*Appeal For The Immediate Creation Of A European Federal Army And Fleet*”, which consisted in a proposal for the achievement of a single Army and Fleet in three stages.

The first draft was presented to the Group by Enrico Ciappi in June 2023. The 11 pages long document was titled “A Roadmap Toward A European Common Army” and it was divided into 6 paragraphs:

- 1) An Overview of European Defence
  - a. The Current State Of CSDP/CFSP
  - b. UN, NATO And Collective Security
- 2) Peace, Independence and Strategic Autonomy
  - a. Peace As the Core Value
  - b. A Planning Cell for Strategic Autonomy
- 3) Toward An Integrated and Consensual EU Security
  - a. Beyond National Vs. Supranational Clash
  - b. The Areas of National Defence
- 4) A New Institution Framework for Common Security
  - a. A New CSDP: The European Defence Union
  - b. The Common Army
- 5) The Common Army: A Tentative Road Map
- 6) The Goals Of The European Security And Defence Policy.

Between June and December 2023, an intense exchange on the draft Paper between the members of the Working Group took place. The most active in writing and reporting comments, modifications and integrations were the above mentioned, but also Boris Guseletov and **Nuria G. Rabanal**, Jean Monnet Chair in Economics at the University of León, Spain.

Despite the suggestion from some members of deepening specific themes such as the military industry, the Group generally agreed to produce a much more strategic than detailed Policy Paper, in the prospect of future Policy Paper which could eventually be more technical.

The second draft ready in December 2023 was a longer document made up of 14 pages. It contained some relevant changes in the structure and in the choice of used words, as it could be seen from its new title “A Roadmap Toward A European Common *Force*” and summary,

where the concept of “Army” was substituted with “Force” as well as the concept of “Security” was replaced with “Defence” and the notion of “Euroforce” was introduced in the text:

- 1) Peace, Independence and Strategic Autonomy
  - a. Peace As the Core Value
  - b. Strategic Autonomy
- 2) An Overview of The Current European Defence System
  - a. CSDP/CFSP
  - a. UN, NATO And Collective Security
- 3) Toward An Integrated and Consensual EU Security
  - a. Beyond National Vs. Supranational Clash
  - b. The Areas of National Defence
- 4) A New Institution Framework for Common Defence
  - a. A New CSDP: The European Defence Union
  - b. The Euroforce
- 5) The Euroforce: A Tentative Road Map
- 6) The Goals of The European Defence Policy.

Since early 2024 it appeared evident that some logistical difficulties could emerge in setting up soon a Plenary meeting of the Study Group for discussing the new version of the Working Group 9-10 Policy Paper, the Group decided to proceed again with a work of refinement of the Paper itself. The new and last version that emerged was a 16 pages long document titled “**A Roadmap Towards A Joint European Armed Force**” which in particular introduced a clear distinction between two concepts: The European Defence Union (EDU) and The European Armed Force (EAF), that replaced the concept of “Euroforce” present in the previous Paper’s version. The new summary, reported below, was followed by this claim: “The Paper results from a series of meetings and discussions among members of the W9 and W10 committees of the Study Group on EU Constitution. The opinion expressed in this Paper represents the author's personal views”:

- 1) Peace, Independence and Strategic Autonomy
  - a. Peace As the Core Value
  - b. Strategic Autonomy
- 2) An Overview of The Current European Security System
  - a. The Eu Foreign and Security Framework In Short
  - b. UN, NATO And the EU
- 3) The Rescue of National Armies
  - a. Beyond National Vs. Supranational Clash
  - b. The Areas of National Defence
- 4) A New Institution Framework for EU Defence
  - a. The European Defence Union (EDU)
  - b. The European Armed Force (EAF)
- 5) The European Defence Union: A Tentative Road Map
- 6) The Goals of The European Defence Union.

On May 31, 2024 a new Plenary meeting of the Study Group was convened for the June 11, 2024, to discuss on the upcoming European elections of June 6-9, 2024 and on the Policy Paper from the Working Group 9-10.

The presentation of the Paper by his author Enrico Ciappi was followed by a long and intense debate, where many comments, inputs and suggestions came from various members of the

Study Group. Indeed, all of them were reported under a new paragraph titled “Report of The Plenary Meeting” at the end of the very last version of the Paper, published on the website on July 2024.

Among these feedback, particular attention was paid to those from Maja Savevska regarding the financing and budgeting of a European Armed Force (EAF) and Klemens Fischer on the constitutional obstacles existing in some Member States for reaching the Paper’s goals.

The Policy Paper can be read and downloaded at the following link:

<https://constitutionforeuropenetwork.eu/wp-content/uploads/2024/08/Study-Group-on-EU-ConstitutionWG-0910European-Armed-Forces1.pdf>

### Working Group 11 “Federal taxation”

This Working Group was born as the smallest in the Study Group, with only four members joining. Maybe thanks also to its small size, the Group worked very well and produced a Policy Paper in a few months, even if involving just three of its members.

During the first meeting held on October 3, 2022, it was agreed to await the orientation from the other Working Groups dealing with basic institutional/constitutional issues, in order to be in line with them. In that occasion it was also asked to the general secretary of the Study group Samuele Nannoni to serve as Coordinator of the Working Group.

Since in January 2023 no relevant progresses had been made within the other Working Group, thus neither in Working Group 11, the Chair Ana Isabel González and the Coordinator Samuele Nannoni agreed to start the Group’s activities.

Ana Isabel González prepared a 5 pages long draft document with a brief study on the possibility of deepening the EU own resources system, with a certain fiscal capacity, collecting the background, the limitations of the current model and some proposals for future action, and she sent it to the Coordinator on February 12, 2023.

Samuele Nannoni created a Google Drive folder shared with the Working Group, containing the draft document open to receive comments and inputs from the other members, inviting all of them by email to provide their contributions.

On March 16, 2023 the draft had been enriched by the integrations and considerations from **Dimitrios V. Skiadas**, Jean Monnet Chair in Economics at the Department of International and European Studies of the University of Macedonia in Thessaloniki, Greece. In particular, he added some reflections on the “Future perspectives” section of the draft document regarding:

- the distinction between the three criteria that the EU must met for the introduction of new own resources: the substantive, the budgetary/financial, the procedural,
- the “constitutional challenge” of EU taxation, which should imply the involvement of other actors in the decision-making process. *“Based on the axiom “no taxation without representation”, which is one of the foundations of modern western democratic regimes, the participation of the European Parliament in the relevant procedures should be reinforced and increased from the level of “consent” (as provided for in the current provisions of the Treaties) to the level of “co-decision” as an equal actor, along with the Council”.*

A meeting for discussing this updated draft took place on March 24, 2023, when the third active member of the Group, Péter Ákos Bod, provided his oral comments, contained in a written document shared one day later with his colleagues.

On April 21, 2023, the Chair completed the integration of Péter Ákos Bod's comments within the last draft version, introducing some new elements in the "future perspectives" section", in particular:

- the challenge of financing key policy areas in a sustainable way, from a stable pool of own resources,
- the challenge for the EU to not copy the pattern of the member states, mostly taxing labour and consumption, but corporate income and property,
- the challenge of a federal corporate tax framework, including supervision.

A new meeting for discussing the updated draft was convened for May 12, 2023. It was agreed that a few final adjustments to the text were needed and that the Chair would have dealt with them. Then, Péter Ákos Bod would have done a revision and a work of general harmonisation of the text, to be presented at the Plenary meeting of the Study Group set up for June 27, 2023.

The final Policy Paper was ready on June 1, 2023, and it consisted in an 8 pages long document divided within four sections: Introduction, Background, Current Status, Future Perspectives. This last paragraph contains 24 ideas and recommendations for the general purpose of "strengthening the EU financing capacity".

The Paper was presented during the Plenary meeting of the Study Group of June 27, 2023 and a vivid discussion among the Study Group's members on the scope, the limits of EU taxation and the interlinks with economic and fiscal policy followed. At the end, it was generally agreed to public it on the Study Group's website.

The Policy Paper can be read and downloaded at the following link:

<https://constitutionforeuropenetwork.eu/wp-content/uploads/2024/03/Study-Group-on-EU-ConstitutionWG-11Federal-Taxation.pdf>

### Working Group 12 "Constitutional aspects of a concentric circles Europe"

The first meeting of the Working Group took place on September 12, 2022. It was agreed that every member was in charge of sending to the Chair and Coordinator Peter Schiffauer some written inputs, ideas and comments on the Working Group's field, in order to allow him to merge all of them into a first draft Paper to be then circulated among the Groups' members. A second Group's meeting was convened for October 12, 2022.

This first draft Paper was sent by Peter Schiffauer to his colleagues on October 9, 2022. It was a 6 pages long document written thanks to the contributions from Peter Schiffauer himself and **Kinga Brudzinska**, I CC Director at the Institute for the Danube Region and Central Europe of Vienna, Austria. The document was divided into two paragraphs: Background and Fields of possible action.

The draft document was presented and discussed during the second Working Group's meeting on October 12, 2022. In that occasion, Maria Isabel Nieto Fernandez provided some new inputs

which were sent the following day in a written form to the Group's Chair Peter Schiffauer for their incorporation within the draft Paper.

The second version was ready on October 14, 2022 and sent to the Group. Some adjustments from other members were suggested by email and added to the document. The final approval from the Working Group came up without convening a third meeting and on November 21, 2022, the Group had reached a final version of the Policy Paper. It was a 8 pages long document, divided into the same two original paragraphs and some point: 15 for the "Background" session, 9 for the "Fields of possible action" one. Among the latter: foreign and security policy, defence, fiscal and economic policy.

The Paper was presented, discussed and approved for the online publication (when the website would have been ready) during the Plenary meeting of the Study Group of January 15, 2022.

The Policy Paper can be read and downloaded at the following link:

<https://constitutionforeuropenetwork.eu/wp-content/uploads/2024/07/Study-Group-on-EU-ConstitutionWG-12Constitutional-Aspects1.pdf>

*Working Group 13 "Constitutional and democratic reform of other policy fields, including education, transportation, and communications"*

During the first meeting of the Working Group in Autumn 2022, only its Chair Natalia Cugleşan and Coordinator Özge Onursal Beşgül attended. In order to start as soon as possible the activity of the Group, they agreed to launch the Group's work taking the steps from a draft document prepared by Özge Onursal Beşgül herself.

The draft was based on an academic work which she had previously published on the "Bologna Process": a series of ministerial meetings and agreements between European countries to ensure comparability in the standards and quality of higher-education qualifications, which had brought to the sign of the "Bologna Declaration", stressing three main objectives: international competitiveness, mobility and employability.

However, unfortunately, no other member of the Group but its Chair and Coordinator attended the following scheduled meetings of the Working Group. And no inputs, feedback or comments were provided by the Group's members to the draft by email.

During the Steering Committee on March 31, 2023, the Chair and Coordinator of the Working Group, finding themselves alone with their intention to elaborate on education issues, proposed to integrate their work into another Working Group with a similar subject, but no progress were made in this direction.

Therefore, we can say that this Working Group has never been truly active.

Working Group 14 “*Strengthening of the legal instruments for the protection of the rule of law and other common European values*”

The first meeting of the Working Group took place on October 13, 2022. It was agreed by the members that initially the Group should focus its attention on Article 2 and 7 of the TEU, about the infringement procedure and the conditionality mechanism. And it was also suggested to consider both the internal and external aspects of protecting the common values, including the challenges in the context of future enlargements of the EU.

There was a general agreement that the work of recent research should not be duplicated. To that end, the Chair of the Working Group Gábor Halmai proposed to invite representatives of the research project “Reconnect Europe” to present the findings to the Group.

On October 17, 2022, Gábor Halmai informed the Group that Professors Laurent Pech and Petra Bárd from the research project “Reconnect Europe” had agreed to present their report on “*EU Rule of law enforcement mechanisms, with a special focus on the Conditionality Regulation*” and discuss it in January 2023 with the members of the Working Group. It was found an agreement to schedule this meeting for the day January 26, 2023.

In that occasion, Gábor Halmai shared with his colleagues of the Working Group a draft paper prepared by him, which dealt with the same topic of the “Reconnect Europe” research project, but with a specific focus on the case of Hungary. It was a 21 pages long document titled “*The Fall of the Rule of Law and Democracy in Hungary and the Complicity of the EU*”.

The second meeting of the Working Group was held on January 26, 2023 as agreed, with the participation of Petra Bárd, Professor of Sustainable Rule of Law at the University of Radboud in NiJean Monnetgen and Professor at the Central European University of Vienna.

Nevertheless, maybe also due to the fact that for personal reasons in March 2023 Gábor Halmai wished to step down as Chair of the Working Group, no further activities were carried on from that moment on.

Therefore, we can say that this Working Group has been only partly active at the beginning of its activities.

Working Group 15 “*Digitalization and robotization in future functioning of the EU*”

The Working Group met for the first time on October 7, 2022. During the meeting, all members agreed to start the Group’s activity with a written contribution produced by all of them to be discussed in the following meetings, with the aim of funding a common ground for the creation of a first Policy Paper. For this reason, it was created a common shared Google Drive folder.

The first essay was shared with the Group in December 2022 from **Georgios Pavlidis**, Jean Monnet Chair on International and EU law at the Neapolis University of Cyprus. A 3 pages document titled “The EU approach to Artificial Intelligence” divided into three paragraphs – State of play, Weaknesses, The way forward – with the latter containing six generally agreed principles that should be considered when developing regulations for Artificial Intelligence.

In January 2023, two more contributions were provided by two other Group’s member. One from **Igor Merzlov**, Professor of Economics at the Perm State University in Russia: a single page document titled “Digitalisation: measuring and managing” with a short Introduction about the Digital Economy and Society Index (DESI) – the official approach for

measuring the level of digitalisation in the EU since 2014 – and a Discussion section with 7 questions the Working Group could try to find answers to.

The second contribution, written by Adrijana Martinović, was a 2 pages document titled “Digital transformation of labour relations” containing two sections: State of play, Weaknesses and a way forward.

The last contribution was shared with her colleagues in February 2023 by Nuria G. Rabanal and consisted of a 3 pages document titled “Digitalization and robotization from an economic perspective” and divided into three paragraphs: Introduction, The general implications in the economic field, Impact on employment and discussion points.

On February 15, 2023 the Working Group met for discussing the contributions and try to find a way to include all of them within a draft Policy Paper. Nuria G. Rabanal had already prepared a first attempt in this direction: a 8 pages long document divided into nine sections, which she presented to her colleagues and shared with them. The Group agreed to start the work from that and asked Georgios Pavlidis to be the person in charge of writing a first essay.

The following meeting was arranged for exactly one month later, on March 15th. In that occasion, Georgios Pavlidis presented to his colleagues a 19 pages long document shared with the Group within the Google Drive folder, with the following structure:

1. Introduction
2. Support for innovation and capacity building
3. Guiding principles: protection of human rights, data protection, legality and transparency
4. EU competition rules for the digital age
5. Role of large online platforms as network gatekeepers
6. Digital transformation of labour markets
7. Secure digital finance, including crypto assets
8. Binding digitalisation with green deal goals
9. Concluding remarks and policy recommendations
10. Further readings.

The author of chapter 6 “Digital transformation of labour markets” were Adrijana Martinović and Nuria G. Rabanal, while the other parts were written by Georgios Pavlidis.

During the meeting, two other members asked to contribute to the draft Paper, having not been able to do it before for academic commitments. The Group accepted and convoked a new meeting for discussing the document’s updated version on April 13, 2023.

During that month, the draft was enriched by two new chapters:

- The new chapter 2 “Digitalization as overall strategic goal: ethical issues” by **Silvia Salardi**, Jean Monnet Chair in Philosophy of Law and Bioethics at the School of Law of the University of Milano Bicocca, Italy.
- The new chapter 9 “Binding digitalisation with green deal goals” by **Mirela Župan**, Professor of Private International Law and Jean Monnet Chair on Cross-border movement of a granted child at the Faculty of Law of the J. J. Strossmayer University of Osijek, Croatia.

In the meeting of April 13, 2023, the Group discussed the new contributions and their integration within the document and generally approved the new draft.

As next step, the Group agreed that two members would have been in charge of a review work, thus evaluating if the draft was fine, if it lacked something and to give their comments and suggestions about it: Javier Parra and **Lina Papadopoulou**, Jean Monnet Chair in European Constitutional Law at the Aristotle University of Thessaloniki, Greece.

Javier Parra shared his deepened considerations with his colleagues explaining them in a document, divided into two parts: the vision he observed when reading and reviewing the document, in order to let his colleagues understand what he had mainly drawn from the document, and a session of minor comments and suggestions. He also suggested to incorporate a specific aspect: the incorporation, in a concrete way, of the Markets in Crypto-Assets Regulation (MiCA).

The following meeting was held on May 19, 2023 for discussing the last version of the draft Paper, after the modifications and incorporations which had followed the review work. The Group generally approved the document and Georgios Pavlidis oversaw the final proof-reading.

On June 6, 2023 Georgios Pavlidis informed the Group that the Policy Paper was ready to be shared with the rest of the Study Group. It consisted in a 19 pages long document divided into the following paragraphs:

within the Google Drive folder, with the following structure:

1. Introduction
2. Digitalisation as overall strategic goal: ethical issues
3. Support for innovation and capacity building
4. Guiding principles: protection of human rights, inclusiveness, data protection, legality, and transparency
5. EU competition rules for the digital age
6. Role of large online platforms as network gatekeepers
7. Digital transformation of labour markets
8. Secure digital finance, including crypto assets
9. Binding digitalisation with green deal goals
10. Digitalisation in judicial cooperation
11. Nine concluding remarks and policy recommendations
12. Bibliographic references.

The Policy Paper was presented, discussed and generally approved during the Plenary meeting of April 16, 2024.

The Policy Paper can be read and downloaded at the following link:

[https://constitutionforeuropenetwork.eu/wp-content/uploads/2024/08/new\\_Study-Group-on-EU-ConstitutionWG-15Digitalisation-and-Robotisation\\_latest-version.pdf](https://constitutionforeuropenetwork.eu/wp-content/uploads/2024/08/new_Study-Group-on-EU-ConstitutionWG-15Digitalisation-and-Robotisation_latest-version.pdf)

### Working Group 16 “Energy Policy and Sustainability”

The Working Group started its activities in November 2022, when it was agreed among members that the Chair Aleš Ferčič and Coordinator Justo Corti Varela would have prepared a draft Policy Paper to work on.

The draft was a 15 pages long document titled “*The Field of Energy and Sustainable Development*” and divided into two chapters, “The Field of Energy” and “The Sustainable

Development”, both structured in an introductory Background section, a second section describing the state of play and present constitutional framework, and a final section with proposals on how to improve the present rules.

In the first chapter on Energy, the authors point out the need for an effective energy policy which should primarily ensure the energy security as principal aim, while other goals should be considered as supporting the energy security, such as energy market, renewables, energy efficiency, trans-European networks, innovations etc.

In the chapter, the authors argue that the present concept of Sustainable Development, although being principally in line with UN documents and declarations, is not totally capable to effectively protect the natural foundations for life, which in the last fifty year have been constantly reduced. Since the present constitutional framework seems to be incapable to stop this fatal process, it therefore needs to be deeply reformed.

During 2023, some meetings took place with the participation of almost all seven Working Group’s members, which provided inputs and comments on the draft but no written contributions.

The latest version of the document is dated February 1, 2024.

A new Working Group meeting should take place in September 2024 to internally approve the final version of the draft, in order to be able to present it in a following Study Group’s Plenary meeting for the general discussion.