


Giulia Rossolillo


Own Resources, Democracy and Autonomy: The Role of Institutions and Member States in Determining the Union's Revenue



The mechanism for determining the European Union's own resources, now provided for in Article 311 TFEU, has remained unchanged since 1957. Through an analysis of the attempts at reform from the late 1960s to the present day, an attempt will be made to show how it raises problems of democratic legitimacy, as it envisages a mere consultation of the European Parliament, and of dependence of the European Union on its Member States, as it is based on a unanimous consensus of the latter both in the Council and at national level; and to provide some directions for reform that can make the Union capable of facing the challenges of these years.

Antonio Lazari


The European Network Protection of Digital Rights on the International Scenario: A Question of Identity (Part I)



The heralded ‘digital tsunami’ is the result not only of the opportunities provided by technology, but also of the fact that personal data are drawn into the omnivorous orbit of security companies and organisations. A new space has been constituted which is hard to define according to the traditional frames of public/private reference. In this work we analyse comparatively some solutions offered by the great political and legal models: the Chinese panopticon models, that recently is introducing some elements of individual protection à la européenne, untied, however, by the operational jurisprudential dynamics, and the paradigm of US governance, based on a capitalist model, to which State measures to protect national security have recently been added. They lack, however, the balancing dynamic of constitutional jurisprudence.

Alessandra Mignolli

European Peace Facility and the Provision of Weapons to Ukraine: The European Union Between Peace and War



The article examines the EU Council's decisions that financed the provision of weapons conceived for the lethal use of force to Ukraine, in the aftermath of the military aggression perpetrated by the Russian Federation on February 24th, 2022. The instrument that was used, the European Peace Facility, or EPF, was created in 2021 as a flexible, off-budget instrument for financing Common Foreign and Security Policy actions, both missions and measures of military assistance to third countries. For the first time, this instrument was used to finance the provision of weapons to a belligerent third country. This article argues that, on the basis of an analysis of the relevant EU acts in the light of the Treaties, this procedure raises many legal questions, given the lack of democratic legitimacy and accountability in the adoption and implementation of such measures. The decisions ultimately bring the Union and its Member States, almost unintentionally, on the brink of war, while the EU Treaties establish that the first and most important task of the EU is to pursue, and work towards, peace.

Criseide Novi

Autonomous Sanctions as an Instrument of the European Union's Foreign Policy




For the European Union, sanctions represent the main foreign policy instrument, used to promote the values enshrined in Article 2 TEU and to preserve peace, prevent conflicts and strengthen international security alongside the United Nations.

The practice relating to autonomous sanctioning regimes created by the European Union since the 2000s shows how the Union is succeeding to establish itself both as a regional power on the European continent and as a global player in the international community. However, there are critical elements pertaining the procedures for adopting the decisions that impose the sanctions, which prevent this instrument from fully expressing its potential.

Francesco Buonomenna


The Digital Space in the European Union: Towards a Digital Federalism?



The interest of the European Union for the digital space is ever increasing in the perspective of a systematic regulation of some sectors, which are pillars of the digital relations working in a regulatory framework *in fieri*. Relevant is the declaration on digital sovereignty by the European Union. This study aims to provide an overview of the key elements of a digital space, in a perspective of a possible development of a digital federalism of the European Union.

Domenico Pauciulo


No Longer Friends? Remarks on *post-Brexit* Protection of Foreign Investments under the Trade and Cooperation Agreement



Since May 2021, the relationship between the European Union and the United Kingdom has been regulated by the Trade and Cooperation Agreement. Notwithstanding extensive provisions on trade in goods and services, IP rights, fisheries, social security, and rights of nationals established in the territory of the parties, the Agreement lacks a significant regulation of foreign investments. Standards of treatment of foreign investment operations are extremely limited and no ISDS mechanism is established by the Treaty, moving away from the long-lasting conventional practice on the matter. This study, therefore, highlights similarities and differences of the TCA with other trade and investment agreements concluded by the EU or by the UK with third States, exploring consequences upon investors of such narrow *post-Brexit* regulation.

Marcella Ferri


The (Extreme) Exceptionality of the Limitations to the Principle of Mutual Trust in the Area of Asylum: According to the Court of Justice, the Only Relevant Exception Is the Risk of Violation of Article 4 of the Charter



Firstly, the paper will frame the specificities characterising the principles of mutual trust and mutual recognition in the area of asylum. Secondly, an overview of the exceptions to the principle of mutual trust elaborated by the European Court of Justice in its case-law will be provided. Thirdly, the paper will analyse the diverging positions of the Advocate General and the Court in the XXXX case which dealt with the interplay between the principles of mutual trust and the risk of violation of the right to respect for family life and the best interests of the child. Finally, the paper will discuss how this judgment will impact the principles of mutual trust and mutual recognition.

Mariaida Cristarella Oristano

The European Union and Food Security: The Contribution of the New Common Agricultural Policy and the Recent Environmental Strategies Drawn up by the Commission



The purpose of this contribution is to analyse the main characteristics and possible weaknesses of some instruments recently adopted by the European Union to achieve the objective of Food safety and Food security. In particular, given its important role in this area, the focus is on the common agricultural policy and on its secondary legislation sources adopted in 2021, which is studied in their interaction with some important Commission communications on the environment, functionally linked to the well-known European Green Deal. It will thus be possible to understand whether they can affect the original configuration of this policy, foreshadowing for it a wider role in light of the need to protect the ecosystem.