



# FUTURE OF EUROPE OBSERVER

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## UNITED IN DIVERSITY - RESILIENT AND CONSISTENT WAY OF LIFE

In this final issue of the Future of Europe Observer, ZEI and its research network takes a final look at one of the six substantive priorities of the von der Leyen Commission as part of the research project „Governance and Regulation in the EU“. Before a full assessment of the von der Leyen administration’s term of office is published in September, this issue looks at the „European way of life“, what constitutes it, what threatens it and how the Commission has tried to shape it politically over the past five years. In addition to an outlook on the upcoming European elections and the concept of European identity, the topics of migration, health and security, which were at the centre of the Commission’s priorities, are discussed.

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### FUTURE OF EUROPE OBSERVER

accompanies the debate on governance and regulation in the European Union. Authors are ZEI Scholars, Master of European Studies Fellows, and Alumni.

The end of the mandate of the current EU Commission under Ursula von der Leyen is drawing closer. It is time to look back and take a final assessment of the Commission’s political work over the past years. How successful the implementation of the annual work program has been, against the backdrop of ongoing crisis situations, will be illuminated in the upcoming ZEI anthology, “The von der Leyen Commission - Geopolitical Commission under the Pressure of Crises (2019-2024)” coming out in September 2024. But before the final evaluation of the entire work of the von der Leyen Commission is due, this final FEO takes one last detailed look at one of the six thematic priorities of the European Commission.

The history of European integration has many successes to show over the years. From the pacification and stabilisation of a continent that had been at war for centuries, to the realisation of comprehensive freedom rights, up to the creation of the largest single market in the world, which is the prerequisite for our prosperity. But has a typically European way of life also developed in the course of this integration process, one that connects people across national borders? Ursula von der Leyen at least implied this by naming one of her six priorities “Promoting our European Way of Life”. However, the Commission President, who is now standing for re-election, never offered a concrete description of what she means by this, leaving the term somewhat unspecific in a vacuum.

The question of identity is already extremely difficult at a national level and even more so in a European context. Identities are highly individualised and different forms of identity such as regional, national or European identities can overlap or complement each other in one person (Chardon, 2020). However, despite the complexity of identity, two core areas can certainly be identified with a shared set of values and a common history, which are decisive as a unifying element. Within this framework, the European Union, with its motto “United in diversity”, offers the

decisive content that the people of the EU make their own. Diversity of cultures, languages, religions and origins. Diversity and its tolerance, acceptance and appreciation as an integral part of European identity. According to the Eurobarometer figures, 87 per cent of people living in the EU stated, that they feel attached to the EU, although only 19 per cent stated a strong attachment. Only 11 per cent stated that they felt no connection to the EU. In addition, a clear majority of 72 per cent consider themselves to be EU citizens (Eurobarometer, 2023). These indicators can be interpreted as a clear sign that a significant number of people do indeed have a substantial relationship with the EU and what it stands for.

However, it must also be recognised that there are increasing developments that are attacking European values and way of life. Be it in the form of growing populist and neo-fascist political groups on the rise throughout Europe, religious fundamentalists or even a direct attack by Russia on our security and values. The liberal and democratic European way of life is under pressure everywhere and must assert itself.

The European Commission focussed primarily on the topics of health, migration and security in the aforementioned priority and attempted to shape the area politically. The topic of democracy was given its very own priority and area of work by the Commission, which is why it was not structurally in the centre of attention at this point. The contributions in this issue are organised accordingly and are supplemented by the personal voices and impressions of our authors regarding the European way of life.

With this issue of the Future of Europe Observer, ZEI takes one last look at the work of the European Commission, as part of this publication series, before it is comprehensively categorised in the forthcoming anthology.

**Henrik Suder**, *Research Fellow at ZEI, University of Bonn.*

### WHY THE 2024 EUROPEAN ELECTIONS ARE THE MOST IMPORTANT EVER

It has become somewhat familiar. Every five years, we pro-Europeans say: “This European election is the most important ever.” We remember a few months before the 2009 European elections, Lehman Brothers had just collapsed, and a serious financial crisis hit first the USA and then the old continent. A united European Union seemed more important than ever to cushion the stumbling banking sector. By 2014, the global financial crisis had long since become a European sovereign debt crisis, which had led to polarisation and rifts. It, therefore, seemed all the more important that the EP elections send a signal of European unity, which did not really happen. More recently, in 2019, Donald Trump had been US President for two years, the British had voted for Brexit, the “refugee crisis” had reached its peak, and it was becoming increasingly obvious that the EU had a problem with upholding the rule of law within its own ranks. Once again, according to the tenor of the time, the upcoming European elections were the most important ever to successfully counter centrifugal forces at a critical juncture. It’s now old hat to claim that the upcoming European elections are particularly important. And yet, it is true. Once again. This time, especially so.

Why? Let’s have a look at where the EU stands today. The situation is serious. It was serious five years ago, but the stakes are even higher this time. It is fair to say that the EU is possibly in the most decisive phase in 70 years of integration history. The number and severity of the many crises, challenges, and upheavals it is facing at the same time are unprecedented. Taken together, they have the potential to shake elementary pillars of the European order. Russia’s attack on Ukraine has ruthlessly revealed that Europe’s security needs to be completely reorganised. Both militarily and economically, the EU must invest massively to reduce critical dependencies. This is all the more true now, as the transatlantic future is uncertain, and China is becoming an increasingly obvious systemic rival. The fight against climate change requires even greater efforts than we have been prepared to accept to date. At the same time, we have a lot of catching-up to do in the digital transformation, which, together with the shift towards greater sustainability, will massively change the European economic order. Nothing less than our future competitiveness and Europe’s economic cohesion are at stake here. Enrico Letta’s recently published Single Market report has shown how great the need for action is.

#### New challenges compounded by old ones

All of this would be grave enough. However, the EU still

has several legacy issues to deal with as well. Some crises and problems we discussed in 2009, 2014, and 2019 have still not been adequately resolved. The eurozone is still not sufficiently crisis-proof. The banking union and the capital markets union remain unfinished. The latest compromise on asylum reform is probably not adequate for solving the problem in a sustainable manner. Relations with the United Kingdom, which are becoming more important in the geopolitical age, are insufficiently managed. Last but not least, parts of the EU governance are simply no longer suitable for successfully tackling all these grand challenges.

For example, moving away from the principle of unanimity in foreign and security policy is no longer just a dream of European federalists but a political necessity. The same applies to enforcing the principle of the rule of law, which must be a non-negotiable nucleus of the EU’s internal order. Both priorities – an enforceable strengthening of the rule of law and the expansion of majority decisions – are central pillars of long-overdue reforms that must be accompanied by more flexible cooperation possibilities (keyword “coalitions of the willing”).

This is even more important if the EU, for good reason, wants to seriously push ahead with its enlargement to include the Western Balkan states, the Republic of Moldova, Georgia, and hopefully Ukraine in the next legislative period. A report by independent French and German experts in September 2023 made a very clear case for the link between enlargement and reform – and was fortunately heard at last year’s European Council in Granada. But how long will this recognition last, and how solid will it be in the coming legislative period? Will the EU really have the strength in the next five years to successfully tackle all the challenges and reforms upon which its fate depends?

#### A shift to the right changes the dynamics of political action

This question brings us back to the European elections. According to current polls, parties on the far right are expected to make gains, while social democratic, liberal, and green parties are likely to lose ground. If the two right-wing camps “European Conservatives and Reformists” (ECR) and “Identity and Democracy” (ID) were to join forces, as Hungary’s Prime Minister Viktor Orbán has had in mind for quite some time, they could together be the second-largest EP group. Some pollsters think they even might gain enough support to form the largest.

Given the historic track record and still considerable differences of opinion in Europe’s right-wing populist party landscape, it seems doubtful that such an alliance will actu-

ally emerge. Furthermore, the centrist groups are likely to continue to have an absolute majority, even if this will turn out to be tighter. But there are no fixed coalitions in the European Parliament and the degree of party discipline is significantly lower compared to national politics. Therefore, it is to be expected that a lurch to the right will change the dynamics of parliamentary work and will make it more difficult to find political solutions. If right-wing populist voices become louder on key issues such as migration, support for Ukraine, or the Green Deal, this will increase the pressure on centre-right parties. Against this backdrop, the manoeuvring of the European People's Party (EPP), which has often voted with S&D and Renew in the current term, will be of particular importance in the next legislative period. As the presumably strongest force, will it move closer to the positions of the right-wing fringe, for example, on migration or climate issues? Or could it look for majority options beyond the liberal, socialist, and green camps, particularly among parties of the ECR? Either would qualitatively increase the significance of the quantitative gains of the right-wing camp. In any case, it could prove to be ground-breaking that the EPP party and group leader, Manfred Weber, has been in talks with some ECR parties, such as Georgia Meloni's Brothers of Italy, for some time. And it was widely noted that Ursula von der Leyen did not categorically rule out parliamentary cooperation during the so-called Maastricht debate.

Admittedly, the future of Europe does not depend solely on the European elections. The national elections taking place in the super-election year of 2024 and over the next legislative period are at least as important. In 2025, for example, a new German Bundestag will be elected, followed two years later by the French presidential election (not to be ruled out that Le Pen is taking over...). In addition, Americans will cast their vote in November to elect a new president, which will have a massive impact on the EU.

Nevertheless, the European Parliament has become an important power factor that many European citizens underestimate, and so its composition for the next legislative period is of the utmost importance. It is an equal legislator with the governments of the member states in almost all key areas and will play a crucial role in shaping European policy for almost all of the challenges described above. It must confirm

the new Commission and its President; it co-decides on the multi-annual EU budget; it must approve all EU reforms and amendments to European treaties; and, finally, it must support enlargements to include new members.

The majority ratios and the culture of debate in the European Parliament have a direct influence on how united and capable of action the EU will be in the coming years. The greater the headwind against the necessary steps towards integration and the more polarisation emanating from the EP, the more difficult it will be for Europe to guarantee its basic promises of peace, freedom, and prosperity in the future.

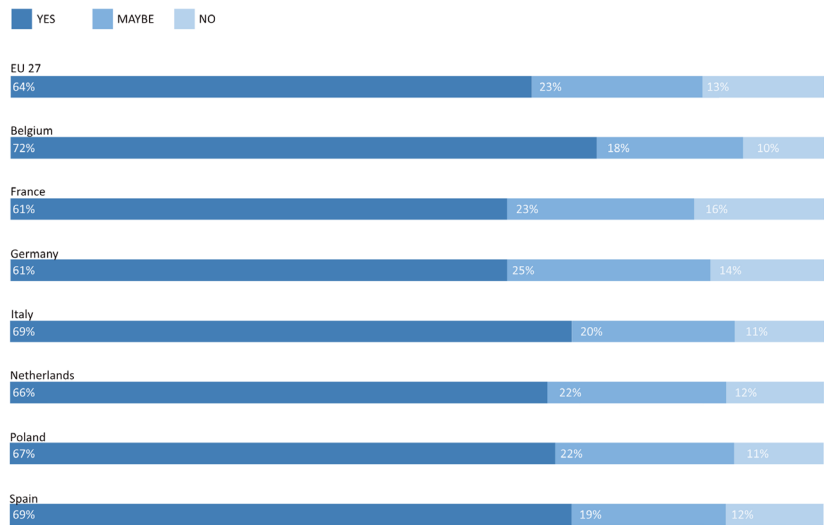
That has always been the case. But this time it's especially so. Encouragingly, 64 per cent of Europeans say they want to take part in the election. Interpreted with a little optimism, these numbers might indicate that we, the EU citizens, may be more aware than in the past of what is at stake. The days from June 6 to 9 will give the answer.

Dr. Malte Zabel  
ZEI Alumnus, Master of European Studies "Class of 2011", Co-Director of the Future of Europe programme at the Bertelsmann Stiftung.



### LIKELIHOOD TO VOTE

in 2024 European Parliament Elections



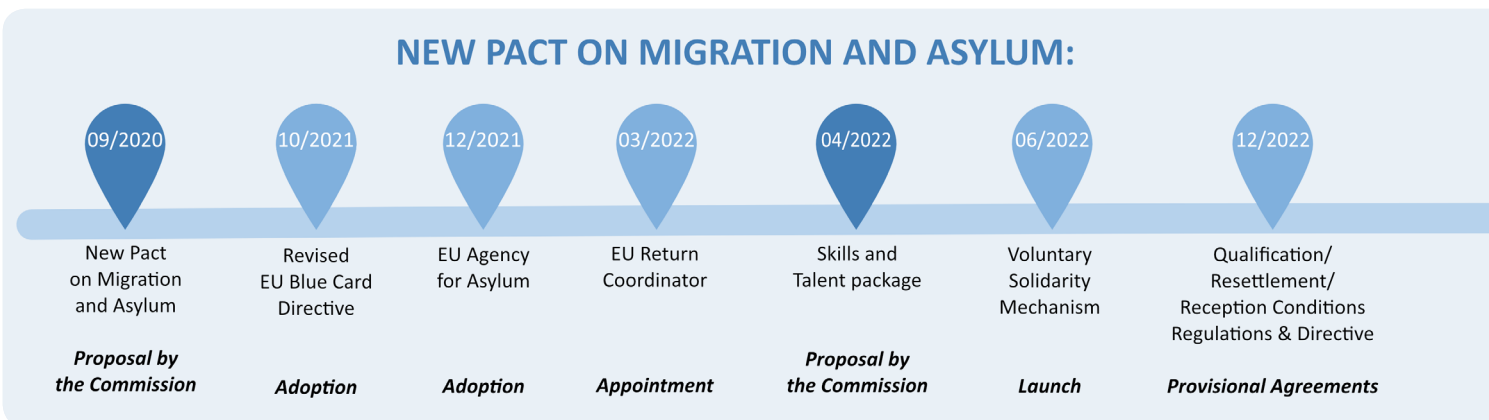
(Bertelsmann Stiftung, eupinions, 2024)

**THE EUROPEAN WAY OF LIFE:  
WHERE DOES THE FIELD OF MIGRATION  
AND ASYLUM FIT IN?**

When Ursula von der Leyen became President of the European Commission in 2020, she acknowledged, “Migration is complex. The old system no longer works” (European Commission, 2020). As a result, her Commission proposed the New Pact on Migration and Asylum in order to overhaul the EU’s migration and asylum system. Under the Juncker Commission, the Common European Asylum System (CEAS) and related policies had entered into a political deadlock after the migration crisis with almost no progress made since. The EU has been criticised for many years for not having had a European approach, leaving the member states to come-up with isolated, often inefficient measures in response to a problem of global dimension. After three years of negotiations, it was announced, on 20 December 2023 that the Council and the European Parliament had formed political agreement on the main issues of the Pact. While this is not the end of formal negotiations, as technical issues still need to be resolved and formal adoption still needs to take place, it is a milestone in itself. The Pact is not only important but also extremely complex, ranging from legislative proposals and policy recommendations in the areas of migration to asylum, integration as well as border management. The impact that the Pact will have makes it just that much more important that the EU gets it right this time around. Overall, it is a meaningful sign that both the Council and the Parliament have managed to compromise on their initial differing starting points, regarding issues like the length of detention, racial profiling, treatment of unaccompanied minors, management of search and rescue operations and border surveillance. Nevertheless, the contents of the Pact have human rights organisations voice criticism over the long-term impacts on the future European migration and asylum system (International Rescue Committee, 2023).

In September 2023, global displacement reached a record of 114 million men, women and children being displaced from their homes due to war, climate change as well as economic turmoil (International Rescue Committee, 2023). The UNHCR’s global planning figures are even proposing an increase to 130,8 million in 2024 (UNHCR, 2024). While most men, women and children who have been forced from their homes remain within their own region or country, developing countries still host the vast majority of global refugees and asylum seekers with proportionally small numbers seeking protection in the EU (International Rescue Committee, 2024). For example, in late 2021 less than 10 per cent of global refugees and only a small amount of internally displaced persons were living within the EU. The percentage of refugees living in the EU increased to more than 20 per cent in 2022 as a direct result of the war in Ukraine (European Commission, 2024c). Over the last decade, member states have frequently failed to agree on how to deal with those seeking protection on EU territory resulting in increased polarisation, member states diverging from EU and international law, excessive human rights violations at the EU’s borders and enormous suffering endured by people on the move.

The New Pact on Migration and Asylum is a set of interrelated regulations geared towards creating a “fairer, efficient, and more sustainable migration and asylum process for the European Union (European Commission, 2024a).” The Pact focuses on five main areas, including: (1) the Screening Regulation, (2) the Eurodac Regulation, (3) the Asylum Procedures Regulation (APR), (4) the Asylum Migration Management Regulation (RAMM), and (5) the Crisis and Force majeure Regulation. However, as it stands now, the Pact exposes rather than solves some existing challenges, including the fact that the responsibility for receiving refugees will continue to lie with the member states at the EU’s external borders, which in turn will increase the risks of pushbacks and violence. Especially here, the new Instrumentalisation Regulation can potentially completely undermine the European Asylum system as discussed below.



It should be clear to all that the Pact itself is strictly geared to regulate the EU's internal dimension of migration and asylum, with the EU's external dimension concurrently being managed through bilateral agreements with third countries, as has been practiced over recent years.

Looking at the five main areas of the Pact in more detail (European Commission, 2024d):

1. **The Screening Regulation:** introduces a pre-entry procedure for profiling and data collection.
2. **Amended Eurodac Regulation:** update of the current Eurodac regulation, database that stores the biometric data collected throughout the screening process. The main update lies with the database no longer counting individual applications in order to make multiple applications under the same name no longer possible.
3. **Amended Asylum Procedures Regulation:** now foresees two possible stages for asylum seekers: an accelerated process (up to 12 weeks), and the traditional asylum procedure which is longer.
4. **The Asylum and Migration Management Regulation:** building compulsory solidarity between member states. Here, member states are now obliged to support other member states experiencing increased influx by choosing one of three options of intervention: relocating a specific number of asylum seekers, paying a contribution of € 20,000 for each asylum seeker they are refusing to relocate, or financing operational support (not yet defined).
5. **Crisis and Force majeure Regulation:** creates exceptional rules that member states can apply when the EU system is being put under pressure by extreme numbers of arrivals or by a situation of force majeure, like for example the COVID-19 pandemic. If applied, member states have a greater range of applying stricter measures, including extended periods of detention.

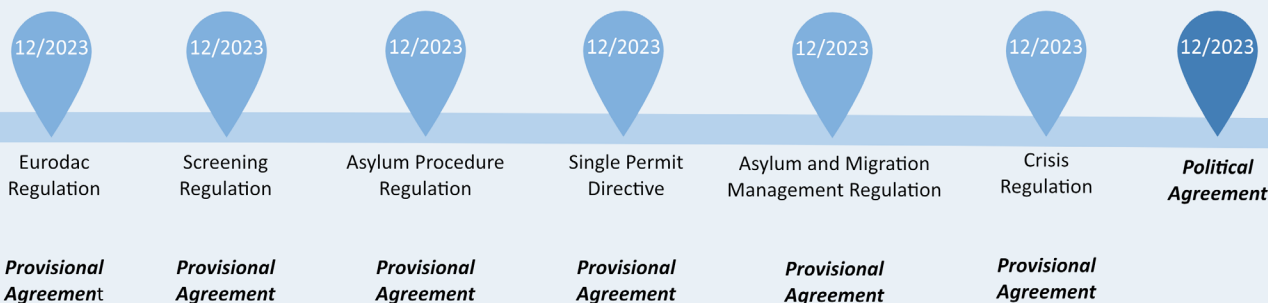
To a degree the New Pact can be seen as a positive development, especially the fact that political agreement has already been accomplished given the resistance from both the Parliament and certain member states.

However, technically four main issues remain (Centrum für Europäische Politik).

First, the New Pact would define the principle of solidarity as compulsory in theory but again voluntary in its implementation as it is up to the member states to choose the number and type of asylum applications admitted. The problem of unfair distribution of those in need between member states in cases of increased arrivals will as such still remain with the member states located at the EU's external borders, which can again increase pushbacks and violence. In essence, the new mechanism provides member states with new ways to circumvent responsibility sharing. In addition, the options of paying financial support needs to clearly define how financial support is to be used, i.e. for measures such as integration, reception and asylum procedures rather than containment or deterrence (International Rescue Committee, 2023). Furthermore, the definition of family criteria should be expanded as has been proposed by both the Commission and the Parliament.

Second, in terms of protection, the agreement leaves room for concern regarding the guarantee of respect for fundamental rights. The option of implementing accelerated procedures for the examination of asylum applications has been greatly criticised for violating fundamental rights of those in need, in addition to violating the basis of European values and principles, including the respect for life and human dignity (International Rescue Committee, 2024). In practice, this could decrease safeguards and increase risks for mass detention at borders, including for those with special vulnerabilities like children. The Independent Border Monitoring Mechanism (IBMM), introduced in the Screening Regulation, would work as a monitoring mechanism to ensure people's

### TIMELINE AND MAIN ACHIEVEMENTS



(European Commission, 2024)

fundamental right to asylum. However, in order to be effective, its scope and independence would have to be increased and guaranteed, while consequences for non-compliance would have to be heightened for governments.

Third, concerning the external dimension of migration management, also a pillar of the New Pact, agreements and “partnerships” with third countries need to be carefully examined in order to not recreate similar scenarios to the EU Turkey Agreement. Priority should not only be given to stopping people from reaching the EU, which can increase vulnerabilities of those in need but additionally weaken efforts undertaken to address drivers of migration (International Rescue Committee, 2023). The New Pact redefines what constitutes a safe third country and leaves the application of the concept up to the member states themselves, increasing the risk of refoulement as well as deportations.

Fourth, the most critical of all, however, is the Regulation on Exceptions in Cases of Crisis, Instrumentalisation and force majeure, which was put forward by the Commission in December 2021 to address increased border crossings into the EU “facilitated” through the Belarussian regime (EPRS, 2023). In response to EU sanctions imposed on the Belarussian regime in 2021 after the manipulation of elections and violent repression of civil society, Belarus started proactively attracting migrants through simplified visa procedures and promises of entering the EU safely. Belarus then forced them to cross borders into the EU without letting them return to Belarus after failed entry attempts (in Latvia, Lithuania and Poland) in order to increase pressures on its neighbouring countries and the EU as a whole (European Parliament, 2022). This, for example, resulted in over 23,000 irregular and illegal attempts to cross the Polish border in October 2021 alone.

According to an impact assessment requested by the EU Parliament, basic issues of the Regulation already begin at the lacking definitions of “crisis”, “instrumentalisation”, as well as “force majeure”, leaving interpretation and scope up to the member states. This would give member states the opportunity to severely restrict procedural standards, instead of preparing for a scenario of increased influx. For example, member states would be capable of extending registration deadlines and processes (applications could be delayed for up to 10 days), which in turn would leave those in need without a clear status and as such without the rights associated with such a status. As the presence of those unregistered is difficult to prove, unregistered people are by far more vulnerable to illegal pushbacks and deportations. At the same time, border procedures could be expanded under the Regulation for both asylum and return procedures by an

additional six weeks, while the threshold for the border procedure would be applied to applicants with up to 50 per cent recognition rate (situations of mass influx) and applied to all arrivals in situations of “instrumentalisation”. In practice, this would translate to people applying for asylum being treated differently based on when they happen to arrive at an EU border instead of on their actual needs of protection. The amended provisional agreement has passed the Council and the Parliament committee, and is now to be confirmed by the plenary (March 2024).

In addition to the Pact, a Union Resettlement Framework was agreed upon in late 2022, which if adopted could have a positive impact on safe and structured arrivals to the EU. After years of deadlock, the adoption of the Union Resettlement and Humanitarian Admission Framework could be the missing piece within the Unions asylum and migration policy and have harmonising effects on the patchwork of processes and policies and become a catalyst more programmes focused on the creation of safe routes to protection.

### Conclusion

The New Pact on Migration and Asylum still needs to be translated into legal texts for approval by the Council and the Parliament and last-minute changes to amendments through member states are still possible. Nevertheless, the Council will approve the Pact through qualified majority voting and as such individual member states will not be able to veto. It will be up to the Belgian Presidency to ensure that the implementation of the Pact is complete prior to the elections in early June. Overall, the political approval itself is leaving those who would have preferred failed negotiations in order to promote nationalist strategies within the new election cycle on the side-lines and shows that Brussels can be pragmatic. The question that remains is at what costs. The von der Leyen Commission has truly accomplished more than critics thought possible. However, EU policies are now at a crossroads, progress achieved can be used to further advance policies of safe pathways and safeguarding the rights of refugees and asylum seekers in the spirit of upholding European values and norms and show global humanitarian leadership or focus on deterrence and exclusion and further undermine European identity value claims.

#### Liska Wittenberg

*ZEI Research Fellow and PhD candidate in Political Science at the University of Bonn under the supervision of Prof. Ludger Kühnhardt.*



**EUROPEAN IDENTITY:  
IN THE MIDST OF AMALGAMATION**

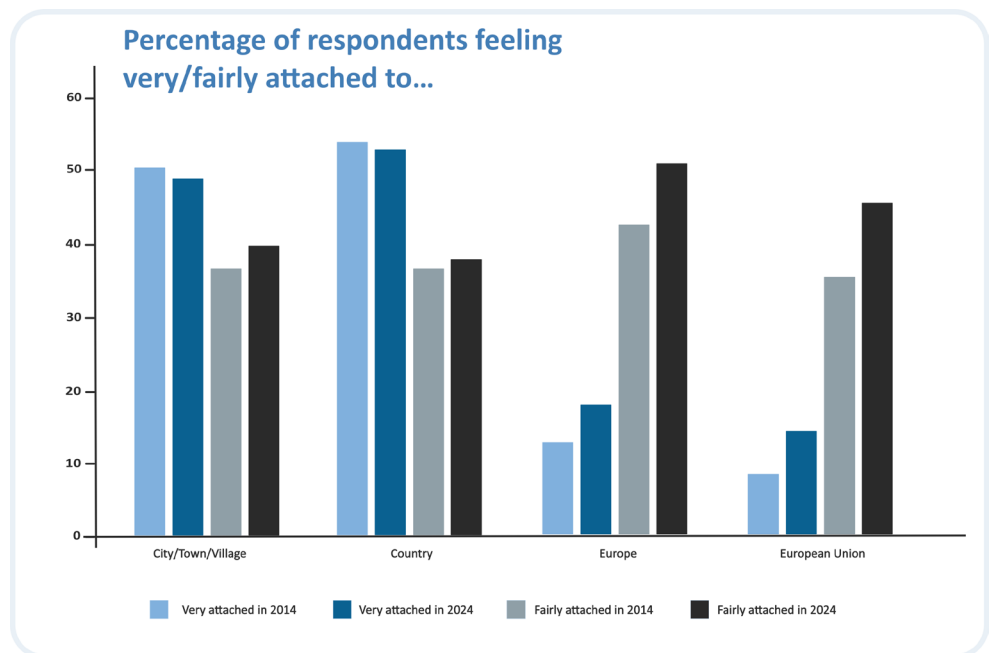
In the early years of the European Communities, Jean Monnet, the spiritual father of the European Coal and Steel Community, summarised the basic objective of the integration process in a succinct formula: “We do not unite states, we unite people.” Consequently, in order to guarantee peace, freedom and prosperity, the Communities, and later the Union, have not only developed based on intergovernmental agreements or the strengthening of supranational institutions. Rather, as the integration process has progressed, citizens have increasingly been taken into account and involved. The introduction of direct elections to the European Parliament in 1979, the establishment of the Erasmus programme in 1987 and the introduction of a European citizenship with the Maastricht Treaty in 1993 can be seen as some of the major milestones in this regard. All these steps have two intentions in common: the citizens of the Communities and the Union are to be strengthened in their political rights and they are to be brought closer together. This is even more necessary in view of the fact that, according to popular opinion, political Europe in the form of the European Union continues to lack a European public sphere. But despite spreading populism and signs of crises – of social, political or institutional nature – there are also clear signs of a continuously evolving European identity and thus a strengthening of the foundations for a European public sphere.

**The multi-layered nature of European identity**

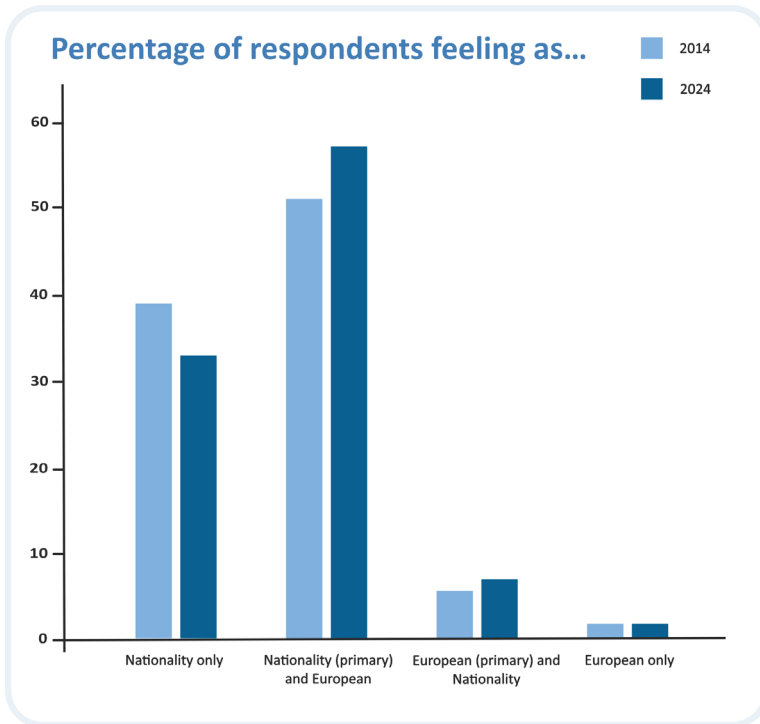
There are numerous ideas and concepts as to what could constitute a European identity. Already Eurobarometer data points to the multi-layered nature of such an identity: local, national and European affiliations do not stand side by side and are not mutually exclusive, but can merge to create something new. However, the feeling of sharing a European identity emerges extremely slowly, as can be seen by contrasting today’s survey results with those of ten years ago. Then as now, Europeans feel very or fairly attached to their own city, town

or village (89 per cent) and to their own country (91 per cent). Respondents have been significantly less attached to Europe or even the European Union. However, while there has been no overall change over the past ten years in terms of attachment to their own town or country, attachment to Europe and the European Union – which is still significantly lower – has risen significantly: While 56 per cent of respondents stated in 2014 that they felt very or fairly attached to Europe, this figure has risen to 69 per cent by 2024. When it comes to the European Union, the increase is even more pronounced: in 2014, 45 per cent of respondents felt very or fairly attached to the European Union; in 2024, the figure is already at 61 per cent.

The fact that European and national identities do not have to be mutually exclusive and can lead to hybrid identities is illustrated by looking at the answers to the question – featured in the Eurobarometer for just more than ten years – as to whether respondents see themselves (1) exclusively as nationals of their own country, as (2) nationals of their own country and as Europeans, as (3) Europeans and as nationals of their own country or (4) exclusively as Europeans. Here, too, there is a certain shift in favour of Europe, albeit even more restrained: from spring 2014 to spring 2024, the proportion of those who see themselves (1) exclusively as nationals of their own country decreases by six percentage points; in the same period, the proportion of those who see themselves as (2) nationals of their own country and as Europeans increases by six percentage points. Feeling attached to a country is therefore increasingly complemented by also



(European Commission, Standard Eurobarometer 82, 2014 & Standard Eurobarometer 101, 2024)



(European Commission, Standard Eurobarometer 81, 2014 & Standard Eurobarometer 101, 2024)

feeling attached to Europe; however, a leading position of a European sentiment versus national feelings is as marginal in 2014 as in 2024: a total of 8 per cent of respondents in 2014 see themselves – in this order – as (3) Europeans and nationals of their own country or (4) exclusively as Europeans; in 2024, the figure is slightly higher at 9 per cent.

### Promoting European identity: top-down, peer-to-peer and bottom-up

The development of a European identity and, as a result, a European public sphere is by no means inevitable. Rather, it is the result of active efforts to create or strengthen Europe’s societal foundations in order to increase European cohesion and the European Union’s capacity to act. “Promoting our European way of life” is an expression of this endeavour on the part of the European Commission, which, however, cannot be viewed in isolation and cannot only be driven from the top. To be successful, measures need to manifest themselves in many places and lead to manifold individual experiences. Hence, initiatives and starting points for strengthening a European identity can be very diverse. Approaches can be top-down, peer-to-peer and bottom-up. This will be illustrated by pointing to just a few examples from recent years.

The Conference on the Future of Europe initially followed a top-down logic in that it was set up as a discussion and dialogue format from above. In the course of the Conference, however, individuals, local and regional stakeholders were

able to articulate and contribute in a variety of ways. It was no coincidence, that alongside the presentation of the final conference proposals in 2022, voices from the Council of European Municipalities and Regions suggested making the conference “a permanent body” in order to consolidate the dialogue between “local authorities, citizens and the European institutions”. In addition, municipalities and regions have repeatedly called for the formal strengthening of their participation rights within the framework of European legislation, which they linked to the call for the convening of a convention to amend the treaties. While the European Parliament and the European Commission were open to initiating a treaty amendment procedure, member states made it clear that the follow-up measures to the conference should remain within the framework of the existing treaties. Strengthening the formal participation rights of local and regional authorities in European legislation therefore remains a desideratum of local and regional authorities for the time being. Fulfilling this demand could help to bring European decision-making processes closer to citizens.

Numerous European funding programmes focus less on political decision-making processes but on facilitating individual European experiences. The Erasmus programme, to name only the most prominent programme, has had a broad impact in this area, especially as the target groups have been increasingly expanded in the further development of this and other programmes. A new quality has been achieved in the promotion of individual mobility throughout Europe by providing travel passes to 18-year-old Europeans for the first time in 2018. Irrespective of qualifications and professional intentions, more than 70,000 travel passes are now awarded each year among almost 300,000 applicants (as of 2023). Since the start of the programme, over 300,000 travel passes have given young adults the opportunity to experience Europe’s unity in diversity at first hand. However, in order to have a real impact on society as a whole and to particularly reach young adults who – at least initially – might not think of travelling, it would be desirable to make travel passes available to everyone in an age cohort.

A priori, independent of supranational support measures, initiatives at intergovernmental level and, in particular, at interlocal level – which is even closer from a citizens’ perspective – also play an important role in the development of a European identity. City networks such as the Pact of Free Cities, which was founded in 2019 as an informal alliance of the

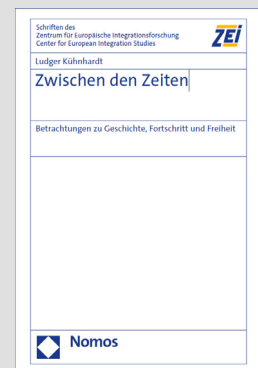


Schriften des ZEI, Band 86

Zwischen den Zeiten. Betrachtungen zu Geschichte, Fortschritt und Freiheit  
- Ludger Kühnhardt

Baden-Baden: Nomos, 2024, Schriften des Zentrum für Europäische Integrationsforschung,  
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*The subtitle of this collection could also be 'Reflections on transience, futility and new beginnings again and again'. One senses this attitude in some of the texts collected here. At the same time, there is also a sense of confidence throughout the texts. Even 'between times' and 'between chairs', as Ludger Kühnhardt describes his academic work, positive and constructive impetus can be given: impetus for enlightenment and in classifying the events that shape life. The articles in this anthology were created for a wide variety of reasons, but they are interrelated building blocks of Ludger Kühnhardt's struggle with Europe and globality. The articles and essays are framed by tributes which the author has dedicated to important companions and by reflections on his own efforts and their intentions. The texts are snapshots from the years 2020 to 2024, the year Kühnhardt retired as Head of the Center for European Integration Studies (ZEI).*



mayors of the Visegrád states – Bratislava, Budapest, Prague and Warsaw – are in fact an expression of local foreign policy. Committed to strengthening democracy and the rule of law in Europe, the interlocal efforts of the Pact, which has been growing ever since, complements efforts that are not easily implemented within the supranational structures of the European Union. Likewise, approximately 20,000 twinnings between cities and municipalities throughout Europe constitute a diverse network of local foreign policy. Twinned towns regularly bring together an uncounted number of people from across Europe. They thus contribute to the development of a – shared – European awareness at the local level. However, under the conditions of often very tight municipal budgets, such measures are repeatedly called into question, especially locally. It is therefore necessary for resources to be made available for inter-local partnerships by regional or national authorities. In this sense, the Franco-German Citizens' Fund has recently created easy access to funding even for smallest projects. Such instruments should also be transferred to other bi- or multilateral relationships in order to make a difference across Europe and to reach citizens in the most diverse corners of Europe.

From a bottom-up perspective, a finding from a 2019 study by Bertelsmann Stiftung should also not be ignored: Citizens who feel involved in local decision-making processes not only have an above-average level of trust in local politicians and elected representatives, but also have an above-average level of trust in regional, national or European politicians. In view of a rather low level of trust in many political institutions – and political parties in particular, as the Eurobarom-

eter surveys indicate – a contribution to strengthening European cohesion can therefore – almost paradoxically – be expected from local politics.

*L'identité européenne ne se fera pas d'un coup*

All in all, these few considerations already should show that a European identity cannot only be thought of and shaped by Europe or the European Union, i.e. it cannot simply be set and promoted from above. Rather, it implies a much broader perspective, the process must also be driven from below by many communities and supported by numerous individuals. What has applied to the political integration process since Robert Schuman's declaration, therefore, also applies to the development of a European identity: It "will not be made all at once, or according to a single plan. It will be built through concrete [and multiple] achievements".

**Prof. Dr. Andreas Marchetti**

ZEI Senior Fellow, Founder and Director of politglott GmbH in Bad Honnef and honorary Professor at the University of Paderborn.



*Note: Parts of the text are based on the author's annual – 2022 and 2023 – assessment „Europa der Kommunen“ in „Jahrbuch der Europäischen Integration“, edited by Werner Weidenfeld and Wolfgang Wessels and published with Nomos in Baden-Baden.*

## BUILDING THE EUROPEAN HEALTH UNION - HEALTH AS A DEFINING PART OF THE EUROPEAN WAY OF LIFE

In recent history, probably no event has defined and changed public life in the EU and the world as much as the COVID-19 pandemic. Existing inequalities have become more apparent as a result of the crisis and have increased the pressure on the EU to take actions to address these problems. With the establishment of the European Health Union, the first steps have now been taken in recent years to drive European integration forward in this area as well. The right lessons had to be learnt from the pandemic and the quality of life of EU citizens had to be permanently improved.

### Initial situation of European health policy

In Ursula von der Leyen’s first published agenda, health policy was only a rather insignificant marginal aspect, which was only mentioned somewhat more explicitly in the area of combating cancer. Under the priority of “Promoting our European Way of Life” or, as it was still called in this first draft, “Protecting” instead of “Promoting”, health issues did not even appear (von der Leyen 2020). However, in the wake of the COVID-19 pandemic, which broke out shortly after the von der Leyen Commission took office, health policy became

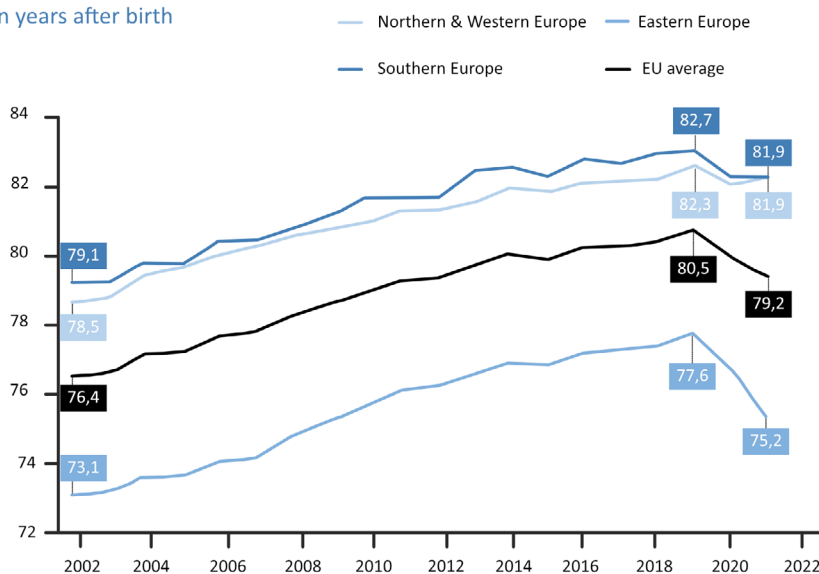
the most important component of the Commission’s fifth strategic priority alongside asylum and migration policy. In addition to the fight against cancer, the creation of a European area for health data and, above all, the establishment of a common European Health Union now took centre stage. This was announced by von der Leyen in her 2020 State of the EU address and is intended to create a superstructure for health policy so that “EU countries prepare and respond together to health crises, medical supplies are available, affordable and innovative, and countries work together to improve prevention, treatment and aftercare for diseases such as cancer” (European Commission 2024). However, in light of the fact that, according to the Treaty on the Functioning of the European Union (TFEU), competences in the area of healthcare lie entirely with the member states (TFEU Art. 168, para. 7). Although the EU is granted a certain amount of room for manoeuvre with regard to common safety concerns in the area of public health (TFEU Art. 4) and the general protection and improvement of human health (TFEU Art. 6), the establishment of a genuine Health Union is based on an extremely limited treaty basis. The EU is only granted the role of a complementary actor, which is to act in particular when it comes to monitoring, early detection and combating serious cross-border threats to health (TFEU Art. 168). Accordingly, the mandate granted relates primarily to the areas of health risk management and crisis management (Beaussier & Cabane 2021).

### The asymmetry of European healthcare

The pandemic and the resulting establishment of a European Health Union has led to major inequalities in healthcare provision in the EU, both between and within member states. For example, life expectancy varies significantly depending on the level of education in individual member states, with seven years for men and three years for women. The higher the level of education, the higher the life expectancy (OECD & EU 2020). Average life expectancy also varies greatly from region to region (see figure below). In individual Eastern European countries in particular, life expectancy is much less stable in comparison and is significantly

### EXPECTATION OF LIFE

in years after birth

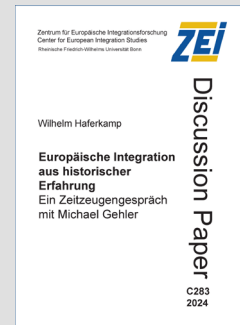


(Bayerlein, 2023)

### ZEI Discussion Paper C 283 / 2024

#### Europäische Integration aus historischer Erfahrung. Ein Zeitzeugengespräch mit Michael Gehler - Wilhelm Haferkamp

*This interview takes place within the framework of the contemporary witness interviews „European Integration from Historical Experience“, which attempts to record all former commissioners from Germany in interview form. In the case of already deceased commissioners, the conversations were reconstructed retrospectively on the basis of their contemporary interviews, publications, writings and works. In the footnotes to the answers, the year of the statement is given in brackets, so that a historical classification is possible. The answers have been taken over tel quel as they were in the original.*



lower (Bayerlein 2023).

In addition, economic and structural factors, such as the population density of a region, also play an important role in the quality of healthcare, resulting in significant differences across the EU. In Bulgaria and Cyprus, a considerable group of the population is even completely excluded from universal healthcare and the total expenditure on healthcare in the European member states also varies greatly (Brooks 2022).

With regard to the numerous influencing factors such as education, income or housing, the issue of health is dependent on much more than just direct healthcare and has a multitude of consequences. The disparities in European healthcare described above not only affect the individual well-being of EU citizens and their economic productivity, but also undermine fundamental EU values such as equality, non-discrimination, solidarity and justice (Euro HealthNet 2019). However, similar to healthcare, the competences for shaping the extended influencing factors, such as social policy, essentially lie with the member states. Here, too, the EU plays a complementary role and endeavours to use its market and fiscal power to its advantage (Brooks 2022). This discrepancy between the EU's far-reaching economic competences, but without the necessarily associated areas of welfare state redistribution and healthcare, is also referred to as constitutional asymmetry. The result of this is an inadequate expansion of comprehensive and robust public health and healthcare (Bayerlein 2023).

#### Under the pressure of the pandemic

Although the role of the EU in the preparation, monitoring and coordination of health emergencies had already been strengthened before the outbreak of the pandemic, the member states reacted in a surprisingly uncoordinated

manner when the virus broke out. For example, border closures, different exit restriction and testing strategies, and national measures to restrict the free circulation of masks were taken (Beaussier & Cabane 2021). Initially, there was an apparent lack of coordination and solidarity. However, this changed quite quickly due to the need for common trade (de Ruijter and Greer 2021). Member states quickly realised how interdependent their healthcare systems and economies had become. For example, Italy was the main producer of several highly relevant medical products, so the country's isolation was ill-conceived. The brief period of border closures was immediately economically damaging, at a time when governments were frantically trying to prevent a wider economic crisis (Brooks et al. 2022).

However, despite increasing coordination, the EU's crisis management capacities proved to be inadequate in some areas. The systems for civil defence and health emergencies in particular revealed conspicuous shortcomings. For example, there was no common stockpile of medical equipment and medicines, the joint procurement of medicines was too slow and the Centre for Disease Prevention and Control (ECDC) had only a very limited mandate to engage in risk management (Ruijter et al. 2021; Paces and Weimar 2020). Despite the shortcomings, the joint procurement of vaccines was successful, making the EU responsible for the purchase, distribution and availability of a medicine for the first time in the healthcare sector. Furthermore, the EU developed two important economic instruments for overcoming the crisis in the medium and long term in the form of the short-time work allowance programme (SURE) and the Next-Generation EU recovery fund (NGEU) and its Recovery and Resilience Facility (RRF) (von Ondarza 2023).

Nevertheless, the impact of the pandemic was enormous

despite the measures taken. Over one million coronavirus-related deaths were recorded in the EU between 2020 and 2023 (WHO 2023). In the first year of the pandemic alone, economic output in the eurozone fell by 7.4 per cent and the absolute global economic losses were estimated at around 10 trillion dollars (Gontermann 2021). In addition, the pandemic emphasised the already underlying asymmetry of healthcare provision in the EU.

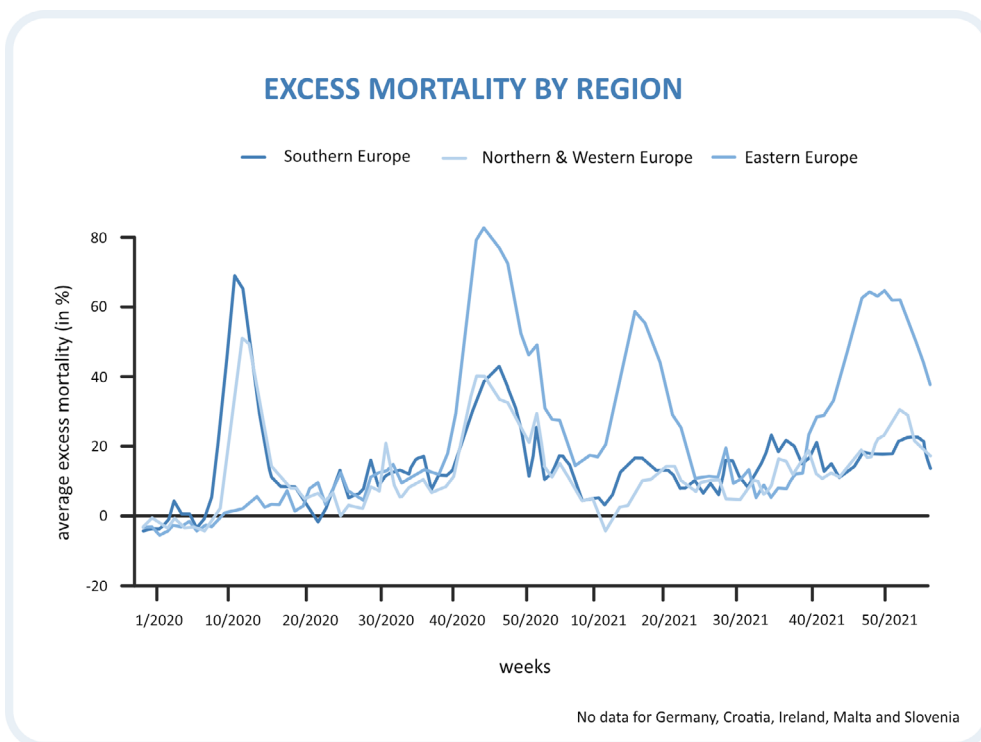
Although the healthcare systems of some member states that were considered weak, such as Hungary or the Czech Republic, initially showed a fairly resilient response to the pandemic (Löblova et al. 2021), the duration of the crisis and the overall picture that emerged increasingly reflected existing health inequalities (Brooks 2022). This is clearly visible in the observed intra-EU variance in excess mortality during the pandemic. Excess mortality is defined as mortality that exceeds the value that would be expected on the basis of the non-crisis-related mortality rate in the population concerned. In general, the variance in excess mortality shows an existing gap between northern and western European, as well as southern and eastern European member states. This gap is also partially evident along urban and rural structures. However, it is not rurality per se that can be associated with higher excess mortality, but rather the pandemic has revealed differences that are rooted in regional economic development. Therefore, in addition to the basic healthcare

infrastructure, such as the availability of hospital beds or medical staff, structural factors also played an important role in the impact of the pandemic (Bayerlein 2023).

In addition to the acute illness and its sometimes life-threatening consequences, the pandemic has also had a negative impact on the quality of life. Social distancing, working from home and other measures to contain the pandemic have essentially dominated daily life. Studies have shown that women, younger people and jobseekers or people whose working hours were reduced or who were unable to pursue their regular work suffered from a lower quality of life (see Eicher et al. 2021). In addition, even after the end of the acute crisis, it must be noted that with millions of cases of long-term COVID and a significant increase in mental illness as a result of the pandemic, European health policy is facing major challenges.

### Building the European Health Union

To tackle the crisis, treaty amendments were initially considered to strengthen the EU's competences in health policy (Stone 2020), but these ideas were rejected. Instead, a first step towards a Health Union was created in secondary legislation through the sum of several legislative proposals (COM(2020) 724 final). With the most important components of this package, the EU has permanently strengthened public health in terms of combating communicable and non-communicable diseases. This includes the expansion of the European core agencies in the field of health; the European Medicines Agency (EMA) and the European Centre for Disease Prevention and Control (ECDC) (EU 2022/123). In addition, a new agency was created with the European Health Emergency Preparedness and Response Authority (HERA) (EU 2022/2370) and the existing legislation on communicable diseases was revised (EU 2022/2371). Furthermore, the multiannual financial framework (2021-2027) has increased the funding available for health research. Moreover, the EU has recognised that collecting and sharing data at all levels is a great advantage for good research and policy-making.



(Bayerlein, 2023)

ing in the health sector. However, this is hindered by the GDPR, which restricts the collection and sharing of health data from European citizens. Additionally, data from healthcare systems is not standardised and aggregated data on research and development at public and private level is not available at either national or EU level, which proved to be a major obstacle during the pandemic response (Spiczki & Lannoo 2021). To remedy this situation, the Commission has drafted a proposal for a common European area for health data (COM(2022) 197 final). The aim is to improve the functioning of the internal market for the development and use of innovative health products and services based on health data and to ensure that researchers, innovators, policy-makers and regulators make the best use of available health data for their work, while maintaining trust and security.

With regard to improving medical infrastructure and access to healthcare services, the European Care Strategy (COM(2022) 440 final) is particularly worth mentioning. This aims to improve standards for both carers and those in need of care. To this end, access to care services is to be improved, working conditions raised and the work-life balance for carers improved. Increasing the availability of care services should go hand in hand with improving their quality and affordability. Furthermore, it is crucial for EU member states to improve access to and the quality of early childhood education and care.

It is also worth noting that in the course of the Conference on the Future of Europe, mental health was identified as a gap in European policy, which the Commission is trying to close with its comprehensive approach to mental health (COM(2023) 298 final). However, action in this area is only just beginning and it remains to be seen whether it can provide significant help in dealing with the long-term consequences of the pandemic. The long-term goal is to ensure affordable, preventive and curative mental health.

In order to overcome the constitutional asymmetry of the EU and improve national healthcare systems, EU funds are primarily being used in the context of the Health Union. This governance instrument co-finances projects in member states and thus incentivises investment in various areas. There are a total of five European Structural and Investment Funds (ESI), of which the European Regional Development Fund (ERDF) and the European Social Fund (ESF) are of particular interest for cohesion policy, as they contain specific mechanisms for the economic promotion of disadvantaged sub-national territorial units. Rural areas near urban centres in particular have demonstrably benefited from these funds (Pellegrini 2013). During the pandemic, national authorities have also used the available funds to contain the virus,

among other things. However, there are also doubts about the widespread effectiveness of ESI funding, with the mechanism of action and the quantification of success being criticised in particular (Crescenzi 2020; Bachtler & Wren 2006).

In addition to the ESI, there are other important funds in the area of health promotion, such as EU4Health, Horizon Europe, InvestEU and the Recovery and Resilience Facility. EU4Health, which is now the EU's fourth health programme and aims to improve health, combat cross-border health threats, implement the pharmaceutical strategy and strengthen healthcare systems, is central to the development of the Health Union. The fund also has a significantly larger budget than its predecessors. While its predecessor only had a budget of 46 million euros, the new EU4Health Fund has a budget of 5.3 billion euros. This enormous increase in the budget is directly attributable to the pandemic, as there were discussions about cancelling the EU health programme altogether before the outbreak of the virus (Bayerlein 2023).

### High expectations

As essential as the EU's capacity building in the area of health is, building the European Health Union solely through secondary legislation without adapting the EU's primary law will always remain piecemeal. Beyond complementary mechanisms and more resilient systems that are better able to withstand health crises, the structural problems and inequalities in European healthcare will be difficult to resolve. Although the European funds are already being used for this purpose, they will certainly not be able to remedy the asymmetry. In general, the Commission must be careful not to raise expectations that it may not be able to fulfil due to its limited mandate and limited data, resources and capacities. While pressure has rightly been used in the face of the recent health crisis in the form of the pandemic to further integration in this area, open debate and proper democratic processes that could lead to fundamental treaty changes should not be shied away from in order to build a true Health Union.

#### Henrik Suder

*ZEI Research Fellow and PhD candidate in Political Science at the University of Bonn under the supervision of Prof. Ludger Kühnhardt.*



**THE EUROPEAN WAY OF LIFE - UNITED IN DIVISION?**

The fact that the first von der Leyen Commission devoted an entire Commissioner’s portfolio to this – for want of a better word – slogan, probably did not help in making the European Union appear closer to its citizens. If we are lucky, most people in the EU have not noticed. “United in diversity,” is another of these catchy mottos and it can certainly be argued that Europe’s diversity is characteristic of the continent and certainly plays into the European way of life. With 27 member states and 24 official languages, the European Union is an eclectic creature whose diversity means often enough: a large number of stark differences with plenty of opportunity for dissent. A glance back at European history might suggest that division is the unifying element between the many peoples of this continent. Centuries of bellicose power play and two world wars, fought over inherited enmity, reduced the continent to ashes. At the same time, Europe’s history is also one of alliances and collaboration between rulers and countries. In any case, the

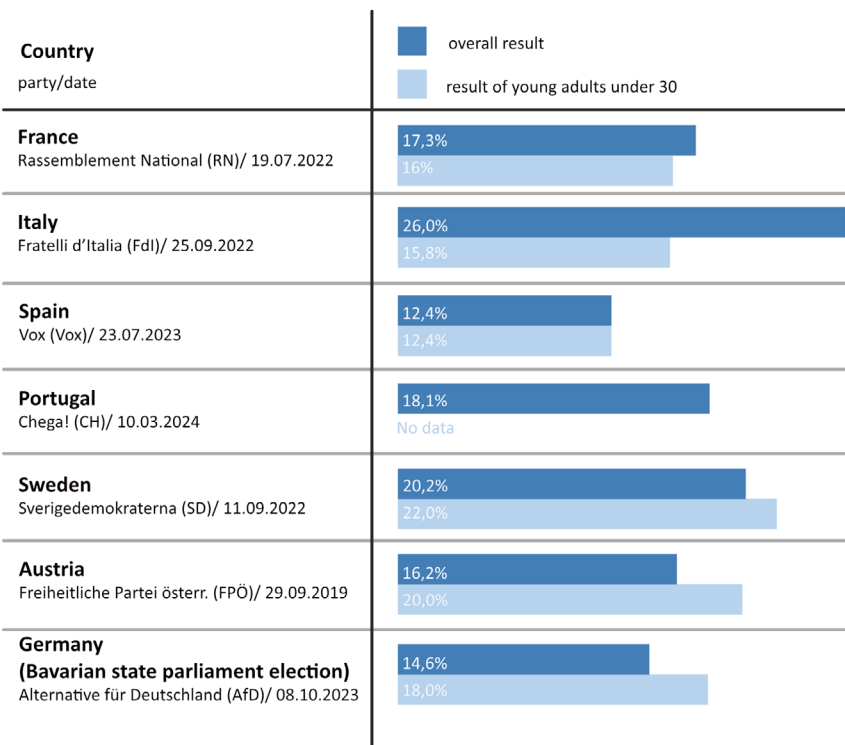
shared history of conflict and alliance has had a unifying effect on the continent. This shared history is perhaps the most tangible element of what shapes our European way of life. History has happened. It cannot be changed. The situation is different when it comes to interpretation and the impact on the present, and here too, European diversity offers a multitude of possibilities.

We, who live on this continent today, benefit from the fact that after World War II – the darkest period in European history, marked by the Nazi regime’s desire to eliminate any form of diversity – decision-makers, thinkers and societies were willing and able to place a stronger focus on what unites us than on what divides us, and created a period of peace, prosperity and friendship; a period in which cultural differences have sparked curiosity for each other rather than animosity; a period in which European diversity has indeed been uniting. One characteristic of the early European Union was the unwritten law that in the case of diverging positions, ultimately consensus was to be achieved. Given those circumstances, it is understandable that the policymakers at the time introduced the principle

of unanimity. That principle bore no risk in a small group of like-minded partners. We know that the situation looks very different today and the principle of unanimity is often misused for the power play or even blackmail of individual member states. So yes, the power game is back. It goes without saying, that member states have always had their own interests at heart and have tried to implement them, sometimes by more subtle means, sometimes through brute force. However, the unwritten law of consensus seems to have been lost. We are hearing the cacophony of dissent more often again, and while the period after the outbreak of the Ukraine war was a brief spell of renewed unity, the EU’s unity is crumbling.

The question is, why a considerable number of people

**Result of right-winged parties in national parliamentary elections**

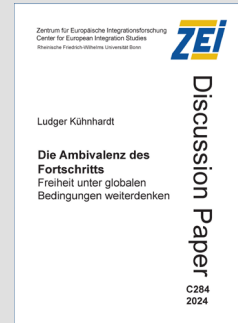


(Handelsblatt, 2024)

**ZEI Discussion Paper C 284 / 2024**

**Die Ambivalenz des Fortschritts. Freiheit unter globalen Bedingungen weiterdenken  
- Ludger Kühnhardt**

*ZEI Director Prof. Dr. Ludger Kühnhardt looks back on his inaugural lecture at the University of Bonn in 1987. The lecture was about political thinking in the southern hemisphere. In the spirit of the time, his analysis was cautiously optimistic with regard to the perspective of a gradual universalization of Western-based political norms. The silent recapture of power by the Taliban in Afghanistan in 2021 and the aggressive Russian war of vengeance against Ukraine in 2022 demonstrated the ambivalence of the concept of progress in all its sharpness. Kühnhardt recalls the analyzes of his doctoral supervisor Karl Dietrich Bracher on the refractions in the modern concept of progress. Kühnhardt, shortly before his retirement, sees enormous challenges for the concept of progress and freedom as developed in Western civilization during the age of enlightenment. He pleads for maintaining the idea of human dignity against all old cultural doubts and new ideologies as the unalterable standard for a humane world.*



in Europe and beyond are concluding, that it is no longer advantageous to join forces. This is striking for two reasons. One is the fact, that the decades since the end of World War II have been the most peaceful and, until the financial crisis, the most prosperous ones in our common history. The other is that, the phenomenon of a renewed turn to the nation state is taking place in parallel in large parts of the world. Ironically, some people seem to be united in their desire to separate again. Moreover, and sadly enough, some movements are directed not only against multilateral structures like the European Union, but also against states and the values on which these are based, including democracy, the rule of law and equality. Conspiracy theories that delegitimise the structures and intentions of governments are booming, often with the goal or at least the effect of cementing we-against-them sentiments. Being able to live in a free world, express one's opinion freely and to engage constructively with others – all things that could be said are part of the European way of life – no longer seems to appeal to a certain number of people. Or rather, this group of people believes that it is no longer possible to express an opinion freely and that society has become too uniform.

At this point, it must be stressed that the majority of people in Europe still cherish our freedoms and the picture might sometimes be painted in a gloomier way than what the reality actually is. Yet, dissent is back and seems to be growing stronger, and I cannot help but wonder whether the European way of life is in some sense a constant, moving through varying degrees of unity and difference. At the moment, the dissent camp seems to be gaining followers

and I look with some concern at the readiness with which so many aspects of what I consider to be the European way of life are being carelessly dismissed. At the same time, I take comfort in the fact that I still see and meet many people who are willing to hold on to the European Union with all the constructive criticism it needs, and I remain optimistic that this continent has at least to some extent learnt from history and will not slide into the depth it has seen before.

**Jette Knapp**

*ZEI Alumna, Master of European Studies "Class of 2020", Accredited Parliamentary Assistant of the European Parliament.*



*The views and opinions expressed are those of the author and do not necessarily reflect the official policy or position of any EU institution.*

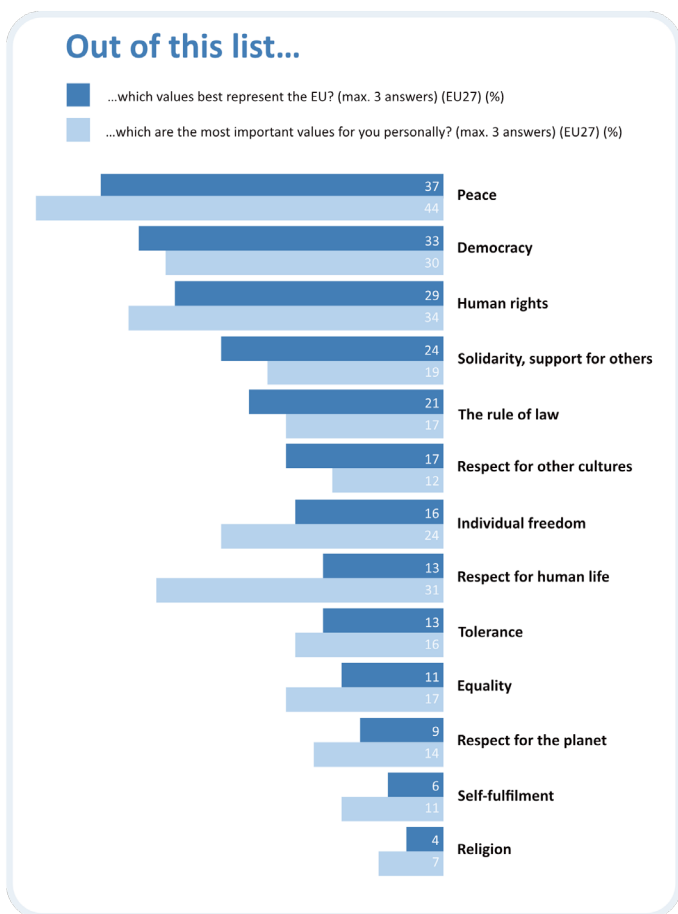
**THE EUROPEAN WAY OF LIFE -  
EU MIGRATION MANAGEMENT  
AS CONTRADICTION**

Defining the ‘European Way of Life’ is a complex endeavour, as it is inherently subjective and varies among individuals. However, it can be understood as encompassing the core values of the European Union (EU), including peace—the very foundation upon which the Union was built—alongside democracy, the rule of law, human rights, and non-discrimination. Despite the EU’s diversity, the European Way of Life serves as a unifying concept, symbolizing shared values and principles across member states, often associated with certain privileges such as the ease of travel and cultural exchange facilitated by EU membership. In discussions surrounding European identity, which intersects with the concept of the European Way of Life, the notion of a singular, overarching identity proves elusive. While historical connections, certain cultural heritage, and shared values contribute to a sense of collective identity, strong national identities persist, reflecting the unique heritages of individual member states. Article 49 of the Treaty on European Union (TEU)

elaborates on accession criteria for states wishing to join the European Union. It states that applicants should be a ‘European State’, though not defined what makes a state a European one, and that the applicant respects and is committed to promoting the values as stated in Article 2 TEU which include, but are not limited to respect for human rights, pluralism, rule of law, democracy. There is not one specific way to be European. However, there are specific threats to this European Way of Life. Particularly in the face of rising populist movements and Euroscepticism economic disparities, political divisions, and external geopolitical pressures strain unity among member states. For certain members, migration also poses a threat, would increase terrorism and crime.

But as difficult as it is to grasp what the European way of life is in a positive sense, it is sometimes quite obvious what it is not in a negative sense when looking at European migration management. Despite the EU’s commitment to diversity and inclusivity, its migration policies frequently fall short in ensuring basic human rights for all individuals. Acknowledging and addressing this disparity is imperative in the pursuit of progress and inclusivity, as the principle of “United in Diversity” should extend to all. Migration contributes to that very diversity. Promoting integration means fostering solidarity, something of utter importance in the Union, that should be more than just a buzzword. Integration, understood like this, is key to overcome challenges like economic disparities, social tension, and concerns about security and identity – and not just in regards to migration. As stated previously, there is not the one way to be European; not the one language, the one culture, that makes someone or something European. In her candidate agenda of 2019, von der Leyen stated, that “European leadership also means working hand in hand with our neighbours and our partners”. What is barely talked about is that she did not choose to include migration in the European Way of Life initially. In 2019 von der Leyen voiced her intent for a more resilient border, investment in countries of origins, and resettlement, while the situation of migrants within the EU was not mentioned. In fact, migration was used as a synonym for ‘illegal’ refugees only. If a migrant, no matter if they are a (‘illegal’) refugee, forced to flee and cross international borders in order to survive, or if they are migrating in hopes to find work, they should have the chance to be considered a part of the diversity that makes the Union.

The EU’s latest attempt to reform migration policy with the new Pact on Migration and Asylum (COM(2020) 609 final), which was adopted on the 10th of April 2024, shows only limited willingness to promote European values. In the course of the negotiations on the new approach, the focus increasingly shifted from protection and access to detention



(European Commission, Standard Eurobarometer 99, 2023)



and containment outside the Union. Several Regulations are now being implemented, such as the Screening Regulation determining the procedures for irregular arrivals, the revised Asylum Procedures Regulation (APR), the Asylum and Migration Management Regulations (RAMM) determining solidarity measures, the Crisis and Force Majeure Regulation and a Resettlement Framework. While one has to acknowledge the difficulties of the Union to agree on such a sensitive topic, certain worries exist with this Pact adopted. The International Rescue Committee voiced some worries: 1) Until the screening procedure is completed, people will not be considered as having entered the EU, leading to a high risk of mass detention. 2) Under RAMM the first country of entry principle remains. Not only will applicants be stuck at the border countries, those member states would also be responsible for arrivals for longer than before, potentially leaving to a higher dissatisfaction than before. 3) The Crisis and Force Majeure Regulation allows to, for example, extend registration processes, in times of crisis. The Regulation however, does not explain what such a crisis would entail, leaving it to national interpretation; in practice, peo-

ple might be treated differently based on when they arrive rather than on their protection needs 4) The solidarity mechanism allows for members to pay if they do not wish to shelter people. Where this money would be allocated to is unsure, it could even be used to sponsor deportation, and, even worse in my opinion, it gives each human being arriving a price: 20,000 euro.

In conclusion, the idea which the European Way of Life tries to embody, is put to the test by contemporary issues. Addressing the complexities and disparities in, for example, migration policies is crucial to ensuring that the EU's commitment to "United in Diversity" is more than just rhetoric.

**Viola Parma**

*ZEI Student Assistant and Student of Politics, Social Science and Psychology at the University of Bonn.*



### THE EUROPEAN WAY OF LIFE: A REAL MESS?

“Freedom from Want”. One of the most famous paintings by Norman Rockwell, published during World War II in a series of patriotic posters, the four freedoms. This painting depicts an American way of life marked by wealth and abundance, shown by the massive turkey and the happy family gathering for Thanksgiving. The freedom of speech, freedom of worship and the freedom from fears complete this series of paintings, representing some of the core values of an American way which seduced and conquered Europe, or at least its western half, after the war.

The same period was also marked by the construction of a European entity, from communities to a union. But while Europe is certainly the one other geographic area most standing for freedom and humanistic values in the world, it has so far not been able to impose the concept of a “European way of life”.

Brussels, 2019. When the newly appointed President of the European Commission, Ursula von der Leyen, presented her priorities for a five-year term, the inclusion of a “European way of life” as one of the major work streams, managed by Commission Vice-President Margaritis Schinas, came to

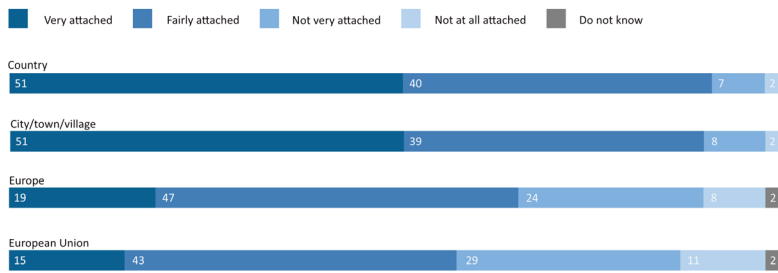
many EU observers as a surprise. Was there such a thing as the European way of life, we asked ourselves? Was this expression not just emphatic and meaningless?

The use of this expression raised many questions, as the concrete portfolio was more about migration issues, protecting Europe from the outside world, than about uniting Europeans and reinforcing a community of values. For sure, the previous legislative term had seen Europeans facing deadly terrorist attacks, in Paris, Brussels, Nice, Berlin and too many other cities. Europe had been attacked by external forces and internal groups rejecting its values and its way of life. So there was in fact a European way of life, defined in a negative format by those opposing it.

Defining it in a positive way is a difficult challenge. It is based on humanistic values, inherited from a history rich in conflicts and culminating with World War II and the Holocaust. Values shaped by religions but also strongly secular principles, human rights, progressive labour rights, ecological awareness, gender equality, tolerance and respect for minorities. Principles continuously developed along a history of cultural, political and societal fights against all forms of discrimination, as well as the experience of multiculturalism.

But if the United States are a recent entity compared to European countries, they form a nation. This is not the case

### Attachment of EU citizens to the EU, their country and their city (%)



(European Commission, Standard Eurobarometer 99, 2023)

for Europe. Europe has never been an obvious entity. It is a complex continent with unclear borders, some of which are crossing countries, Turkey or Russia, whose Europeanness is thus always up for debate. Unlike America, no language has imposed itself throughout the continent. Vernacular languages and cultures play a major role in defining Europeans' identities – whether they consider this Europeanness as part of their own identity or not.

Ironically, “Europe” as the “European Union” possesses some attributes of a nation, with joint competences, an internal market, a common currency; concrete elements which make Europeans closer to each other. An entity which is, however, often perceived as artificial, too far from its citizens' concerns, and which imposes unneeded regulations and challenges peoples' lives. But the essence of a European way of life goes beyond the institutionalised EU. It is for me something appealing to the feelings of belonging, to culture.

The European way of life is first and foremost **something that shapes our beliefs**: a set of values which ambitions to be universal – reflected in the Treaty on the European Union or the Charter of Fundamental Rights proclaimed in 2000. We share many of these values with other democracies across the world. But our approach to equality or the importance of the welfare state are more specific to Europe.

Ukraine's strong resistance to the brutal Russian aggression since 2022 is a powerful signal that the values behind this European way of life do matter – at least on its front line. The Ukrainian people had repeatedly shown its attachment to freedom and democracy, from the 2004 Orange Revolution to the 2014 Euromaidan. Since the start of the war, it has paid a horrible price to defend these values against an autocratic regime with a clearly diverging approach to values, including the freedom of speech or the freedom of

media. Ukraine, as well as Estonia or Poland, are the new frontier for the European way of life.

Europe and the European way of life are also for me **something that needs to be experienced**. “*I am like Europe; I am all of this; I am a real mess*”, as the main character says in Cédric Klapisch's *L'Auberge espagnole* movie about Erasmus students. As in the movie, a concrete experience of Europe can be to learn that the French slang word for university may sound like it, but is not spelt “f\*ck” – and that it is by no means an insult. As a former student at

the ZEI Master of European Studies, I have come across experiencing Europe for real, learning about our differences, being astonished at some of my neighbours' habits, while embracing others as a constant enrichment of my own culture. And I was lucky enough to continue this experience in my professional life, always working with colleagues from multiple geographical and philosophical horizons. The European way of life is for me an expression best used in the plural form.

The current geopolitical challenges may at least, hopefully, give Europeans a chance to appreciate this “merry mess” which makes our European way of life so special, giving them a more acute sense of belonging together and of the need to cooperate ever closely. When the tolerance and humanistic values described earlier are threatened by a frontally opposing regime, such as Vladimir Putin's Russia nowadays, the European way of life is **something that is worth fighting for**.

There is still much to do before seeing a European Norman Rockwell depict “our” way of life, but, at the time more than 400 million EU citizens will make it to the polls and elect a new European Parliament, it is time for us Euro-supporters in Brussels and elsewhere to stand up for a project that is worth defending. A Europe which is strong from – but also beyond its economic integration. Strong from the values it embodies. A Europe which speaks to its peoples, and which can defend its way(s) of life.

#### Tristan Suffys

ZEI Alumnus, Master of European Studies “Class of 2003”, Secretary General at Eurogypsum.



**THE EUROPEAN WAY OF LIFE AND CURRENT CHALLENGES**

Growing up in the border triangle, it was the most normal thing for me to go shopping in the Netherlands on Sundays. Having to show my ID at border crossings, was unimaginable. Is that what our European way of life is all about? The European way of life is based on the idea that the member states share common values and principles. But what are those?

**The value foundation of the European way of life**

The European Way of Life embodies a set of values and principles that emphasise democracy, human rights, and the rule of law, forming the foundation of European societies. It embraces the pursuit of social justice, equality and solidarity that enable all people to flourish and participate in life. Furthermore, it is characterised by mutual exchange, cooperation, understanding and compromise. Thus, cultural diversity, tolerance and inclusion are central to this ethos.

These qualities are strengthened and promoted by the EU, which gives the European Way of Life a legal framework. The Union serves to protect peace, stability and security within Europe’s borders. Art. 2 TEU standardises the EU’s foundation of values. The European rule of law is defined in more detail in Art. 19(1) subpara. 2 TEU and guarantees respect

for the rights and values of the European community and defends European justice.

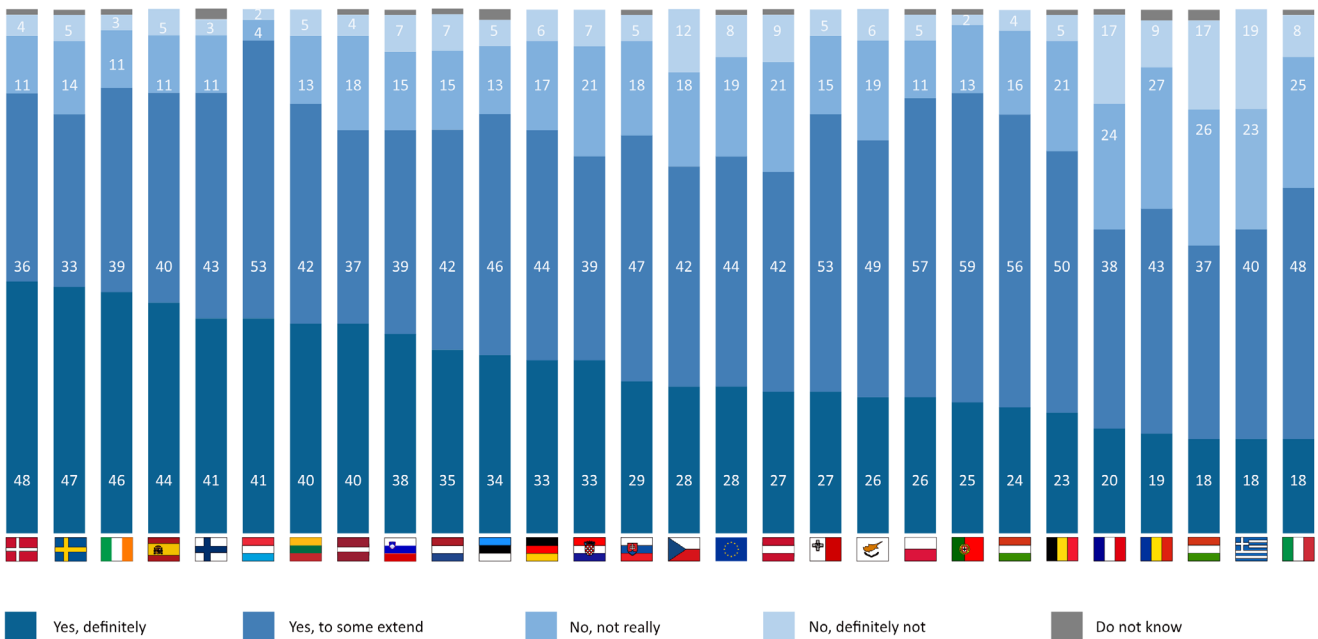
**European identity**

Everyone who is a citizen of a European state is part of the European community of destiny. A European identity can only arise from an awareness of belonging and solidarity. Europe has a normative and historical foundation. Besides the general values of Christianity, Greek philosophy and Roman law, it is Europe’s shared historical experiences – from the Enlightenment to the development of the rule of law and democracy – that distinguish us from many other countries in the world. As a community of shared Western values, European identity only encompasses those nations that open themselves unreservedly to democratic culture and celebrate the richness of European cultural heritage.

**Challenges facing our European way of life**

Threats to the rule of law and democracy are shaking the EU’s fundamental values. Crises and war are putting the EU under increasing pressure to defend European values and interests. In particular, the war in Ukraine, the energy crisis, climate change and inflation pose major challenges for the European economy. The EU is an area of freedom, security and the rule of law. The attack on Ukraine in February 2022 has not only shaken the European peace order, but also the EU’s values.

**YOU FEEL YOU ARE A CITIZEN OF THE EU (%)**



(European Commission, Standard Eurobarometer 99, 2023)

### 1. Migration

With regard to migration, the EU faces the challenge of managing migration flows and dealing with humanitarian crises, particularly those resulting from conflicts and instability in neighbouring regions. A balance must be achieved between upholding humanitarian values and ensuring effective border controls, while enabling the socio-economic integration of migrants. Furthermore, promoting stronger solidarity and sharing between member states in managing migration remains a persistent challenge amid diverging national interests.

### 2. Climate change

In the area of climate change and adaptation, the EU faces the challenge of implementing ambitious climate targets while ensuring a just transition for all member states and sectors of society. Addressing the impacts of climate change in the different regions within the EU requires targeted policy action and investment in resilience-building measures. Coordinating efforts to mitigate the effects of extreme weather events, sea level rise and other climate-related threats requires enhanced cooperation and targeted and adequate regulation. However, environmental pollution and destruction can no longer be combated and prevented locally, therefore international negotiations to advance global climate action are crucial while safeguarding EU interests and values.

### 3. Foreign and security policy

The EU faces the challenge of navigating geopolitical shifts while maintaining unity among member states, especially when it comes to responding to international crises or conflicts. In addition, the EU needs to address the impact

of technological advancements on security dynamics, including cyber threats and hybrid warfare. The EU's ability to assert its influence globally while balancing the interests of its diverse member states remains an ongoing challenge in shaping a coherent and effective foreign policy agenda.

### Outlook

Given the diversity of cultures, languages and histories in Europe, the idea of a European way of life and a coherent European identity is very complex. Future challenges, such as dealing with the consequences of globalisation, managing migration flows, combating climate change, ensuring economic stability and overcoming geopolitical tensions, require collective action, innovative solutions and the preservation of the EU's fundamental values. The promotion of intercultural dialogue, collaborative projects in the fields of science, economy and culture, as well as technological developments could help to maintain the balance between unity and diversity, overcome borders and facilitate cooperation between the member states. Through Erasmus+ educational programmes, such as scholarships abroad and the Interrail programme DiscoverEU, young people in Europe are experiencing a sense of unity and connection like never before. This could also pave the way for further integration within the EU in the future.

#### Filipa Sacher

*ZEI Student Assistant and Law Student  
at the University of Bonn.*



## THE EUROPEAN WAY OF LIFE - A LEGAL PERSPECTIVE

The European Commission has declared the promotion of “the European way of life” as one of its priorities for its term of office from 2019 to 2024. Whereas other priorities such as the European Green Deal or the EU's digital strategy are promoted by numerous legislative and political measures, the notion of “the European way of life” remains rather vague. With the current term of office coming to an end, it is about time to take a closer look at this priority.

This article approaches “the European way of life” from a legal perspective, taking a closer look at the rule of law as its core legal guarantee.

### The European way of life according to the Commission...

According to the Commission, promoting the European way of life refers to the protection of the European people and values. This is seen to be nowhere more important than with respect to the rule of law (Political Guidelines of the Commission 2019-2024, p. 14).

In a Communication of 2019, the Commission identified the rule of law as “one of the founding values of the European Union, as well as a reflection of [its] common identity and common constitutional traditions”. It is “the basis of the democratic system in all Member States” and “central to making the European Union work well as an area of freedom, security and justice and an internal market” (COM (2019) 163 final, p. 1). In short, the rule of law imposes a central pillar for the future of Europe (ibid., p. 3).

### ...and to the Treaties...

According to Art. 2 TEU, the European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights. These values are common to the Member States and, therefore, define the very identity of the European Union as a common legal order.

### ...has the rule of law at its centre...

The European Court of Justice (ECJ) has derived various legal (sub-)principles from the rule of law principle. These include the principles of the protection of legitimate expectations, of non-retroactivity and of legal certainty, as well as the guarantee of judicial protection.

Regulation (EU) 2020/2092 of the European Parliament and of the Council of 16 December 2020 (the so-called Conditionality Regulation) now contains a definition of the rule of law. Although secondary legislation cannot specify the primary law in a legally binding manner, it can be used as a reference point for interpretation. According to Art. 2(a) of the Conditionality Regulation, the term includes the principles of legality implying a transparent, accountable, democratic and pluralistic law-making process; legal certainty; prohibition of arbitrariness of the executive powers; effective judicial protection (including access to justice) by independent and impartial courts, also as regards fundamental rights; separation of powers; and non-discrimination and equality before the law.

### ...which requires comprehensive legal enforcement!

The EU, within the limits of its powers as conferred by the Treaties, must be able to defend and promote its fundamental principles. There is an expanding toolbox for safeguarding and strengthening the values of the EU, including the rule of law.

The TEU itself provides for two mechanisms: According to Art. 49 TEU, only states that respect and promote the values set out in Art. 2 TEU may become a member of the EU. The legal significance of these values as the legal basis of mem-

bership is confirmed by the sanctions procedure provided for in Art. 7 TEU, according to which a member state that threatens to move away from the common values is warned and, if this has no effect, gradually restricted in its membership rights. The sanctions can ultimately lead to the state being “forced” to exit.

According to the established case law of the ECJ, the principle of effective legal protection enshrined in Art. 19 TEU gives concrete expression to the rule of law according to Art. 2 TEU. As such, it is a suitable standard of review for infringement proceedings against member states (cf. Commission v Poland, case C-619/18, rec. 47). In December 2022, the Commission for the first time initiated an infringement proceeding based on Art. 2 TEU alone (cf. Commission v Hungary, case C-769/22). It remains to be seen if the ECJ will follow the disputed idea of direct enforceability of Art. 2 TEU.

In 2019, the Commission launched a comprehensive Rule of Law Mechanism under which it is to report every year on the condition of the rule of law across the EU. On this basis, reports that monitor both positive and negative developments in all member states have been published annually since 2020.

Since January 2021, the EU budget has an additional layer of protection in cases when breaches of the rule of law risk affecting the EU financial interests. The above-mentioned Conditionality Regulation allows the EU to take measures to protect the budget, such as suspension of payments or financial corrections.

## Conclusion and Outlook

From a legal point of view, the European way of life implies alignment with the principle of the rule of law. Overall, in view of past attacks on this fundamental principle, the EU is well advised not to rely solely on soft law measures, but to impose serious legal consequences to any violation. In this respect, important steps have been taken already. However, there certainly is room for development as regards the promotion and protection of the rule of law, which should be tackled by the next Commission.

### Krisztina Mezey

*ZEI Research Fellow and PhD candidate in Law at the University of Bonn under the supervision of Prof. Christian Koenig.*



## FREEDOM AND LAW: PRESERVING AND DEFENDING THE EUROPEAN WAY OF LIFE?

Since decades, the way of life for those European citizens who have been living on the lucky side of history has been marked by peace, stability and prosperity. Those who have been fortunate to enjoy personal freedom, legal order and political pluralism enjoy a way of life which has come with European co-operation and integration. For the first European societies, it began in 1957, others followed, up until 2004, 2007 and 2013. Since Croatia entered the EU, no other new country was allowed to join. The waiting room for the EU remains crowded and full of frustrations. Brexit has demonstrated that the links between a European way of life and European integration under the roof of the EU are not necessarily identical.

Even within its boundaries, the EU continues to struggle over its identity. Europe, that is a myriad of diversity, a huge set of contradictions and a cascade of decisions which often square circles by way of producing ambiguities. But Europe, that is also clarity about some basic insights which originate in the idea of human dignity. The EU today, that is the recognition of a multitude of life styles, historic memories and political attitudes. Europe as a whole, that is culture at its best and dehumanization at its worst. Europe has seen it all and Europe has risen again as a learning community. The European Union is not all that defines Europe but the EU remains the most advanced of Europe's joint learning communities.

Shaping and defending the European Way of Life is therefore much more than one priority of one EU administration. Shaping and preserving freedom and law, diversity and unity in diversity is a permanent challenge, a genuine plébiscite de tous les jours, to paraphrase Ernst Renan. "Varietate in Concordia" is a perfect motto for the EU. A common flag, an anthem without text, a common currency but not for all EU societies yet, a myriad of democratically legitimate institutions – Europe has it all and yet struggles time and again to live up to its potential and the expectations of its own citizens and many external observers. The EU knows how to define its territory and its political order. But it struggles to define who is European and

### Prof. Dr. Ludger Kühnhardt

*has been director at ZEI since 1997. With his retirement in July 2024, the „Future of Europe Observer“ and ZEI's monitoring of EU progress comes to an end.*



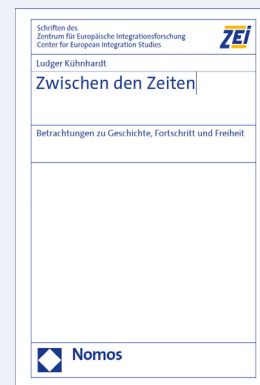
who not. Migration in all its aspects remains the core challenge for a continent who has turned from being a continent of emigrants for centuries into a continent of immigrants, too often without successful strategies to integrate and temper disputes and conceptual cleavages. The so-called populist backlash across the EU is first and foremost the result of leadership failure in addressing this core question for the future of Europe's Way of Life.

In the meantime, Europe is more exposed to the world than it obviously can manage. In the 1980s, the then economic polycrisis initiated the vision of establishing a common currency. Since then the EU has dealt with one crisis after the other, often with success. But a clear vision for the EU and a leadership promoting it has been a void for almost thirty years now - with the exception of the opening of the Brussels-based European House of History, the first supranational museum in the world. A resolute decision along with a convincing timetable toward a European army, including EU atomic bombs, is missing. A new impetus for a European constitution is far away, so it seems. A clear road-map toward full membership of all countries of South East Europe, including Kosovo and Ukraine, is pending. But more than ever the EU needs the strongest possible set of decisions to reinforce what has been achieved in 75 years, shall it reach the age of 100 in dignity and strength, without lecturing others but being fully respected by them as a world power among world powers.

The way forward for Europe's way of life is strategic foresight in all its aspects. It therefore comes as a timely change of generations that the content of ZEI's

“Future of Europe Observer” and our ZEI project of monitoring EU progress will from now on be included into the portfolio of CASSIS, the Center for Center for Advanced Security, Strategic and Integration Studies at Bonn University. I want to take this opportunity to thank all those who have inspired my work and that of many colleagues at ZEI, including alumni and external fellows, who have shaped the “Future of Europe Observer” and enriched the only monitoring of EU prog-

ress across the European Union. Bonn University, in reacting to generational change within its faculty, shows the way forward for the EU at large: renewal through creative transformation and new leadership as guarantee for fresh scientific findings. As Giuseppe Tomasi di Lampedusa so rightly put in his wonderful novel “Il Gattopardo”: “Everything must change for everything to remain the same.” Viva Europa!



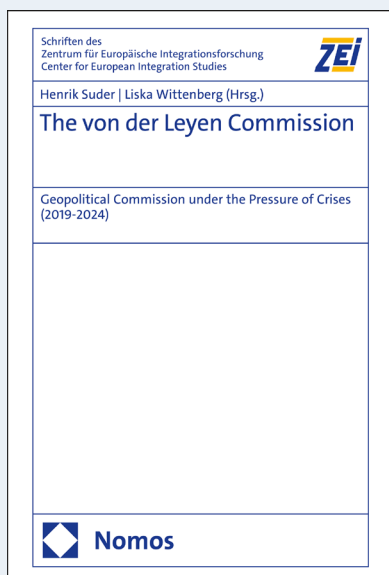
Ludger Kühnhardts recent publications include: Das politische Denken der Europäischen Union (2022); Impulsgeber zwischen Wissenschaft, Politik und Publizistik. Eine Werkbiographie (2023); Zwischen den Zeiten. Betrachtungen zu Geschichte, Fortschritt und Freiheit (2024).

The Center for Advanced Security, Strategic and Integration Studies (CASSIS) is an interdisciplinary research center at the Rheinische Friedrich-Wilhelms-Universität Bonn in the field of strategic foresight, European and security policy research. Committed to the approach „Global Challenges Need European Responses“, CASSIS contributes interdisciplinary and inter-institutional work to develop, evaluate and publicly discuss European strategies to current challenges in the field of foreign and security policy.

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# The von der Leyen Commission - Geopolitical Commission under the Pressure of Crises (2019-2024)



In 2019, Ursula von der Leyen replaced Jean-Claude Juncker as President of the European Commission. When she took office, she announced new major projects, such as tackling the ecological transformation through the European Green Deal. She set-out six strategic priorities under which the Commission drove forward its political agenda and implemented numerous legislative projects. However, the past five years have been characterised by multiple crises, of which the COVID-19 pandemic and the war in Ukraine were only the two biggest, but also the most drastic. The Commission was forced to manage parallel crises without losing sight of its original ambitions. During the five-year term of office of the von der Leyen Commission, a team of researchers at the Centre for European Integration Studies (ZEI) reviewed the implementation of the EU Commission's work programmes. Whereby, interim reports formed the basis of this research. This anthology examines and evaluates how the Commission under Ursula von der Leyen has fared in overcoming the crises and whether it has been able to successfully implement its legislative plans.

## CENTER FOR EUROPEAN INTEGRATION STUDIES

The Center for European Integration Studies is a transdisciplinary research and post-graduate education institute of the Rheinischen-Friedrich-Wilhelms University Bonn. It provides future oriented research on unresolved questions of European integration and the global role of Europe with focus on „Governance and Regulation in the EU“.

## RESEARCH PROGRAM

ZEI's research and teaching focus on „Governance and Regulation in the EU“ brings together two aspects whose critical interplay shapes the EU: The impact of the European Union on the lives of citizens and the role of the EU in the world. Transdisciplinary perspectives on the important relationship between governance and regulation thereby offer more insight and clarity into the increasingly complex process of European integration.

The Future of Europe Observer accompanies the debate of governance and regulation in the European Union. It is published three times a year. Authors are responsible for the views expressed in their contributions.

## CONTACT

henrik.suder@uni-bonn.de

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Center for European Integration Studies  
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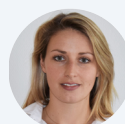
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## THE EDITORS



*Henrik Suder is a ZEI Research Fellow and a PhD candidate in political science at the University of Bonn under the supervision of Professor Dr. Ludger Kühnhardt.*



*Liska Wittenberg is a ZEI Research Fellow and a PhD candidate in political science at the University of Bonn under the supervision of Professor Dr. Ludger Kühnhardt.*