

## Introduction

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**Abstract:** Following the European elections of May 2019, the European Union (EU) opened a new institutional political cycle for the period 2019-2024. The year 2020 initiates a new time when the EU will have to tackle pending issues, such as United Kingdom's exit or the 2021-2027 multiannual financial framework, while addressing new challenges, such as the achievement of climate neutrality or the development of the European Defence. In addition, the EU will commemorate the 70<sup>th</sup> anniversary of the Schuman Declaration on 9 May 2020, which will be an important and propitious event to take stock of the European political project and look to the future. This issue 62/2020 of *Deusto Journal of European Studies* includes contributions that deal with some of the issues and challenges the EU will face in the coming years.

**Keywords:** Berlin Wall, EU and OSCE, Global Strategy on Foreign and Security Policy, strategic autonomy, duty of information, accountability, globalization, same-sex marriages, free movement and right of residence, Insurance Law, personal data protection

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The year 2019 opened a new political institutional cycle in the European Union (EU) for the period 2019-2024. The year 2020 comes full of challenges and critical changes that the new EU political and institutional leadership will have to address. A challenge that is not new, but not for that irrelevant, is the United Kingdom' exit from the EU. Once this country left the EU on 31<sup>st</sup> January 2020, negotiations will still have to establish the conditions of the British withdrawal throughout 2020 (trade agreements, access to internal market, external borders, etc). Another major challenge will be the renewal of the EU's decarbonisation commitments for 2030 and 2050 to meet the objectives of the Paris Agreement. Although the EU aims to lead the international action against climate change, it will still have to overcome the reluctance of some of its State Members so that its strategy towards climate neutrality turns out to be credible and feasible. The definition of a new strategic framework for the next ten years, which will replace the current 2020 Strategy, and the adoption of

the new multiannual financial framework 2021-2027, are also key issues in the EU agenda for 2020. Strengthening democratic legitimacy of the European institutions, bringing citizens closer to the EU in an environment of increasing Euroscepticism and social inequality, as well as enhancing EU's action in the world also stand out as immediate ambitions, whose accomplishment goes beyond 2020.

Immersed in this maelstrom of challenges and ambitions, the EU will commemorate the 70<sup>th</sup> anniversary of Schuman Declaration on 9<sup>th</sup> May 2020. With no doubt, that will be a momentum to celebrate the continuity of the European political project, while providing an opportunity to look to the future and undertake a thorough Treaty revision to consolidate the European construction process in the coming decades. In this evolving context, this issue 62/2020 of *Deusto Journal of European Studies* includes five contributions that deal with some of these challenges and issues the EU will face in the coming years.

**Alberto Priego**, Senior Lecturer of International Relations at the Comillas Pontifical University delves into a relevant issue in the current and future history of the EU, such as security. Under the title "*La transformación de la seguridad en Europa tras la caída del muro de Berlín. Una revisión crítica*", the author provides a global overview of the European security evolution over the last three decades. Relying on a selected and interdisciplinary scientific literature, the article describes the main facts that triggered the changes in the European security. To that end, the analysis is structured in four periods running from 1989 until 2019. The author concludes that after 30 years since the end of the Cold War, Europe continues divided in two blocs, although the geopolitical border of division has shifted towards the East, to wit, the Russian border. To the author's view, the Russian aspiration to recover a hegemonic role, as well the incorporation to the Euro-Atlantic structures of many countries from the former Soviet orbit, are some of the factors that explain the tensions between the EU and the Russian Federation over the last six years.

**María José Molina García**, Program Manager at Garrigues Studies Centre, y **Miguel Ángel Benedicto Solona**, Senior Lecturer at the European University and the Complutense University in Madrid, focus their analysis on the EU Global Strategy for the Foreign and Security Policy, while assessing the challenges ahead and potentials to develop an strategic autonomy for the EU. Under the title "*Autonomía estratégica bajo el prisma de la Estrategia Global europea: directrices de su marco regulatorio*", the authors start by recalling the changing geopolitical context in which the Global Strategy emerged. Then, they precise the extent of the

strategic autonomy concept, as one of the Strategy's aspirations and analyse the legal support and the available instruments to achieve it. The authors hold that financial and multilateral cooperation instruments are required for the EU to be able to address crises and events that threaten peace and security with its own means and response capacity. Yet, the most urgent need is a common political will that may lead such a qualitative step. In this context, important developments have been undertaken within the Common Security and Defence Policy over the last four years. However, in the short term, the weakness of the French-German axis on defence and divisions between North Europe Member States and those from the South, due to economic gap, as well as between Eastern Europe Member States and those from the West, due to immigration pressure, slow down and condition a greater integration in the area of security and defence.

**José María Porras Ramírez**, Professor of Constitutional Law at the University of Granada, analyses the extent of the European Parliament (EP)'s control mechanisms with respect to the European Commission, the European Council and the Council within the EU institutional framework. Under the title "*Sin información no hay control: la Comisión Europea, el Consejo Europeo y el Consejo ante el Parlamento Europeo. Posibilidades y limitaciones de un modelo imperfecto de fiscalización política*", the author compares the accountability instruments applied to the European Commission, the European Council and the Council. Relying on the specific legal provisions, chiefly the internal Regulation of the EP and the current EU Treaties, Professor Porras finds that whereas the European Commission is subject to a constant obligation of rendering information and responding to questions and interpellations from the EP, the Council and, especially, the European Council is accountable under more limited conditions, established by their respective internal Regulations. The author concludes that this asymmetry in the forms and scope of the parliamentary control results in a different degree of political accountability by the institutions that are key in the EU legislative and decision-making processes.

**María Dolores Ortiz Vidal**, Senior Lecturer at the University of Murcia, offers an analysis about the problems posed to the exercise of the free movement and the right of residence deriving from the normative diversity on the recognition of same-sex marriages in the EU. Under the title "*El derecho de residencia en la Unión Europea de matrimonios entre personas del mismo sexo*", the article assesses whether a sexual orientation-based discrimination may drive Member States to review the regulation of marriages when it leads to a restriction of the free movement and residence

right. The issue is especially relevant for the citizen of the Union, spouse of a national from a third country, both of the same sex, when they got married in a Member State that recognises same-sex unions and move to another Member States whose legislation prohibits the celebration of such unions. After analysing the written EU law, the author goes into the recent case law of the EU Court of Justice (EUCJ), which considers that the term “spouse” must be interpreted regardless of the sexual orientation. Yet, the EUCJ does not clarify other aspects linked to the spouse condition that are also determinant for the exercise of the free movement and residence right. The author concludes that a larger harmonization of the national provisions on Family Law would contribute to reinforce the social dimension of the concept of Union Citizenship.

**Dolores Mas Badia**, Associate Professor of Civil Law at the University of Valencia, analyses the requirements and limits to which the use of costumers’ credit history data by insurance companies must be subject within the EU. Under the title, “Credit-based insurance scores: some observations in the light of the European General Data Protection Regulation”, the author highlights the risks posed to the use of personal data by the digitalization of the economy. In particular, the analysis focuses on the practice known as “credit-based insurance scoring”. It consists in developing customers’ profiles by using their personal data in order to determine the premium they should pay or decide simply whether or not to subscribe an insurance policy with them. The author assesses the compatibility of this practice with respect to EU law, chiefly Regulation EU 2016/679, on the protection of natural persons with regard to the processing of personal data. In order to ensure transparency and avoid consumers being unprotected, the author concludes that the insurers should permit their clients to access their profiles, while informing them about the criteria used to adopt the contract decisions.

### About the autor

**Beatriz Pérez de las Heras** is Professor of European Union Law and Jean Monnet Chair on European Integration at the University of Deusto (UD). PhD in Law (UD), she accomplished post-graduate studies at the Centre Européen Universitaire de Nancy (France), where she obtained the DESS and DEA en Droit Communautaire. She was Director of the European Studies Institute at UD from 1996 to 2009, and Academic Coordinator of the Jean Monnet Centre of Excellence on European Union Law and International Relations from 2013 to 2016. She also served as

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