



EU: a sovereign power for the XXI Century?

European multilevel governance: a system to ensure the European Sovereignty

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EXECUTIVE SUMMARY

The objective of this paper is to analyse if the European Union can finally become a Sovereign Power on the XXI century. With that purpose, analyses how local administrations play a fundamental role to ensure democracy and equality in modern liberal societies. Furthermore, it analyses how the guiding principle of subsidiarity needs to be reinforced with stronger European structures, and how some of the European powers need to be rethought and modernized. With the analyzed data, proposes a multilevel governance model on which local regions and euroregions should play a leading role on the contact with citizens, and a model based on a bigger participation and stronger democratic commitment.

Social Media summary

Local administrations play a fundamental role in ensuring democracy and equality in modern liberal societies.

Keywords

#multilevel #europe #euroregions #smartgovernance #localgovernance #participation

Shortbio

Asier Areitio, the current president of the YDE, has a bachelor in business administration and a bachelor in laws on the UPV/EHU. He is committed to European politics and has taken part in many movements in favour of the integration and federalism of the EU. Nowadays he works in a public-private hedge fund focused on the investment for the creation of technological or innovative start ups on the territory of Biscay.

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1.Introduction

The current status and political structure of the European Union (EU, from now on) has been called into question during the Coronavirus crisis. The European management of both the vaccination campaign and the economic impact plan, the so-called Next Generation EU, have brought the EU closer to its citizens, and allow them to observe the weaknesses and strengths of the current model of the European Union.

The topic regarding the European Union's model has many ways on which it can be hold (European monetary unification, European Army, European geostrategy, etc.) but the Institute of the European Democrats has unified most of these discussions on the Sovereign power of The European Union on the XXI century. Therefore, the goal of this paper is to analyze the role of different administrative structures that exist in the member states of the European Union. For that purpose this paper will analyze how the existence of different administrative structures affects their cooperation in a multilevel government model in order for them to offer a more efficient policy making for the European Citizens. Showing finally, how this enclosed multilevel governance model could be the necessary step to enforce and ensure the role of the European Union as a sovereign power of the XXI Century.

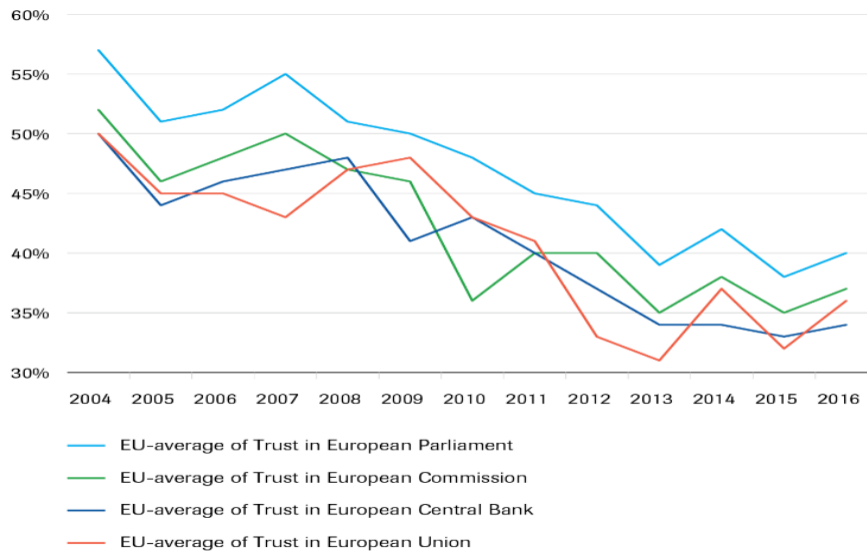
To reach that goal, this paper will first analyze the current situation of distribution of powers between the European Union and its member states and regional/local level administrative entities. It will then focus on the role local administrations play in order to offer citizens policies which are more personalized and closer to their needs. Thirdly the role of multilevel government and sharing of powers will be observed. Finally, this paper will list some political proposals to develop a multilevel government scheme for the European Union.

2.Current situation: non delimitation and lack of flexibility

The current situation of power distribution in the European Union is not totally clear, neither in the European Treaties nor in the national constitutions. Depending on which political area we are analyzing the distribution of power; we might find State level exclusive areas, European Union exclusive areas, and regional exclusive areas or shared powers between all of the entities previously mentioned. As a matter of fact, the Presidency Conclusions of the European Council meeting in Laeken, on December 2001 underlined the need to bring Europe closer to its citizens' but at the same time recognized that there is a fundamental mismatch between what the Union actually does and what its citizens believed it should do. This declaration concluded that it was necessary to improve the divisions and definitions of competence in the EU and to make them more transparent. European constitution project established more clear rules for distribution of powers among EU institutions and member states, but the current system established by treaties after the failure of the European Constitution, establishing exclusive competence for EU institutions, Member States and Shared competences, has created a frame on which many times is difficult to draw differentiating lines among the different competences.

The integration process that began after World War II has characteristically been an *ex post* process. This process took place on reaching the objectives agreed by the Member States on a specific economic and geostrategic situation (Murillo 1999). This working frame has led the European Union to become a relevant supranational political institution, but has also led the EU to become an institution with lacks of power and is always dependent on what the member states are willing or not to share.

Figure 1. Public support for European Integration

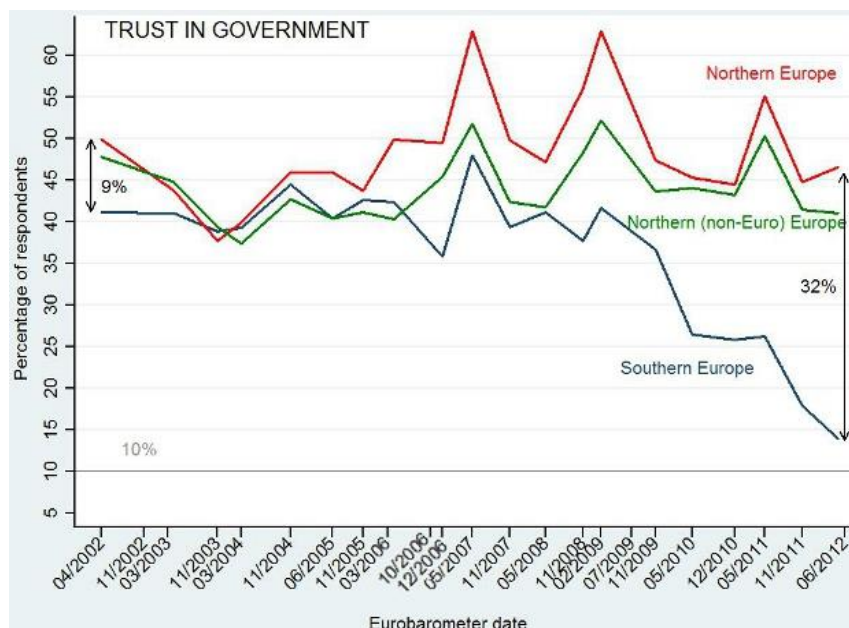


(Schout y Holderied 2018)

As a matter of fact, the two biggest crises during the 21st century have shown one of the biggest problems of the EU and its institutions, meaning the lack of flexibility on decision making and execution. These two crises have had as a result a loss of faith in the European Institutions and in the political representation system that liberal democracies represent in Europe.

The centralization of the vaccine purchase and allowance by the EMA, joint with the sanitary elements purchase system has shown how the European Union can act faster and stronger in some areas, especially in geostrategic and global scenarios, rather than trying to give specific state level coordinated answers (Renda y Castro 2020). This recent example shows how the European Union should count not only on its institutions, but on institutions that can deploy real executive power

Figure 2. Trust in Government, Southern and Northern Europe (2002-2012)



(Alonso, 2013)

The answer given to the financial crisis was completely different. The European Union did not

count with proper institutions to solve the crisis. The lack of power of the European Institutions to force some of the Member States to take structural changes, and the absence of consensus on the European Council to adopt decisions, especially when deficit rules and expenditure cuts were imposed to southern Member States, forced the European Union to create a non-official institution with the biggest power rates the European Union has ever seen (Lekakis y Kousis 2013).

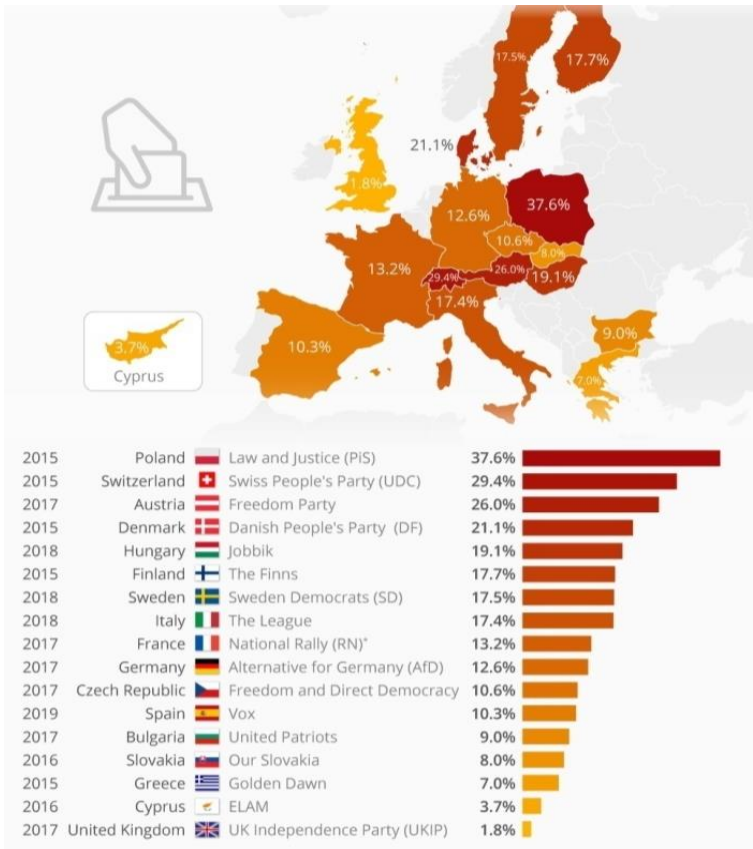
This decision has mainly been treated as a mistake by a big part of the academia. The creation of a non-official institution and the big self-attribution of powers, taking among others capability to force countries like Spain to change their constitutions or others like Greece to change their financial system from top to bottom, created a great mistrust towards European Institutions and even public rejection of the so-called troika.

While the previous feeling is truly shared among some of the European citizens, a further analysis shows us that the root of the problem is the non-definition of financial/economic powers among the European Institutions and state level or smaller institutions.

3. Technocracy, fishing ground for populism in Europe

As previously mentioned, the 2008 debt crisis and the techniques used to tackle it provoked a loss of faith in European and state level institutions, as Figure 1 can show. These technical decisions of public expenditure cuts and other contractive decisions provoked a loss of faith in the modern liberal democratic system, and carried as a consequence the creation of new populist movements, both in left and right wings of the political scenario.

Figure 3. Results of far-right parties in most recent legislative elections



(Statista 2019)

As a matter of fact, most affected countries by the economical crisis, and the ones on which bigger cuts were taken, were the countries where these movements found their seed. In Greece, Syriza

stepped up in the government and began a defying campaign against not just the Troika, but against European institutions (Lobera& Parejo, 2020). Following this movement, Spain saw the creation of Podemos, which now is a ruling party. These two examples are nowadays considered the crystallization of the electoral protests that were born in Spain, with the so-called 15-M movement (Lobera, 2015).

As it is well studied in sociological history, the creation of these radicalized movements easily provokes a counter-reaction. These far right movements find topics of special interest on which they confront complex situations with easy and simple ideas. Their political thesis is based on a mixture between populism, extreme nationalism and the existence and defence of traditional ideals (Rodriguez 2006). It is easy to identify the topics on which they have traditionally focused to expand their strategy such as civil rights, religious education or immigration (Edo, y otros 2019).

Nevertheless, far right movements have also found new strategies and communication techniques with a double purpose, first, the dissemination of their message among young voters, and secondly, the populist non based answer to modern challenges such as the globalization, free market and European Institutions (Froio 2019).

As a conclusion to this short analysis, we can relate how European Institutions failed to adopt decisions with such non-representative technocrat institutions. The decisions adopted may or may not have been the perfect ones, but the decision process was genuinely wrong.

The lesson this process gives, in the view of the article's author, is that the political decision process must take citizens into account, and make them participants of the decisions. Europe should be a step closer to their citizens, and make them a part of the decision making, especially in such transcendental decisions of economic model, European integration process or power distributions among different institutions, both at European and state level.

4. Local administration: democracy and efficiency

On the opposite side of what we have analyzed in the previous point, we find the local administrations. The concept of local administration that this paper focuses on refers to the administrative entities that have smaller size than the state level administration. Shortly, we describe the local administration as the public administration of towns, cities, counties and districts and the *Länder* or autonomous regions in federal or autonomic states (Bryce 2021).

Citizens tend to have bigger contact with local administrations than with state or supra-state level administration as many studies show; these analysis shows that particularized referent contacting is best explained by an interaction effect between an individual's perceived needs and political ties, while perceived efficacy is the most significant predictor of general referent contacting (Hirlinger 1992). Therefore, local administration has bigger contact with citizens mainly based on two reasons, closer contact with the citizens, and the perception of bigger efficiency than other administrations as local government is designed to enable citizens to solve their practical and daily problems through local bodies, in contrast to the central level which deals with political power and the preservation of state sovereignty above all.

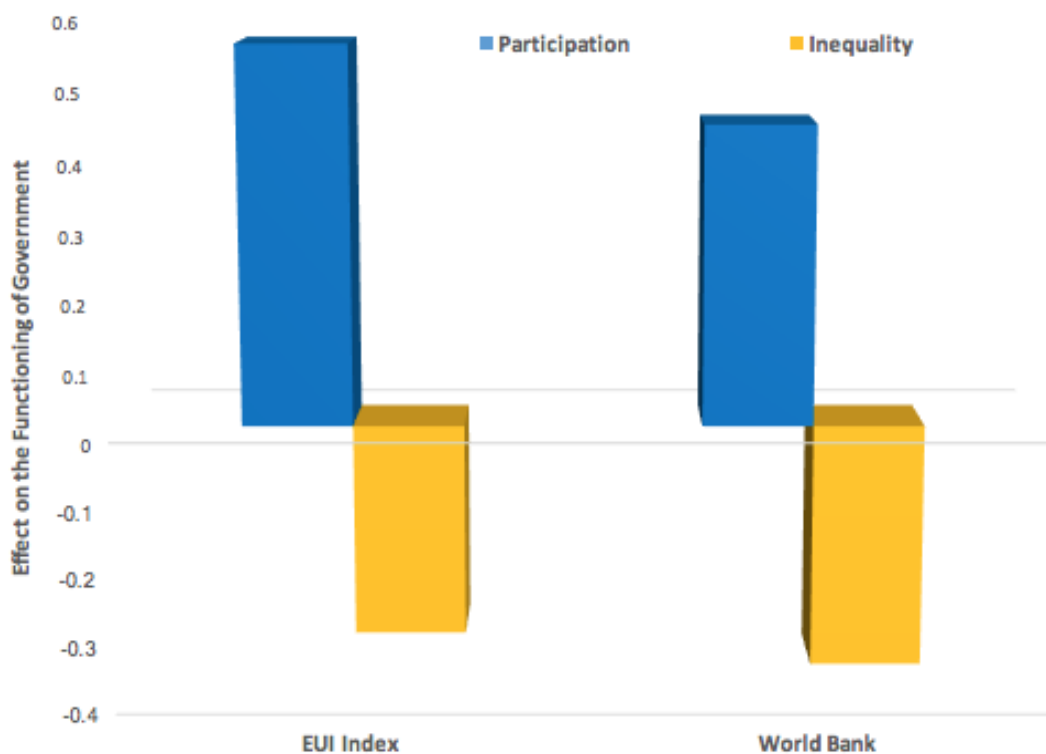
Regarding the first of these two aspects, academia has treated this closeness of local administration to their citizens as one of the ways on which democracy is developed in the purest essence of it. As a matter of fact, local authorities enable citizens participation in the policy making process, and are therefore, a mechanism not only for established democracies, but for new born democracies. In this particular field, local authorities have shown strength to ensure democratic mechanisms in two cases that are worth to mention:

- Local self-government ensured widespread citizen participation in government and realized the democratic principle of participation, a wide participation of citizens in governance was ensured. For instance, in the area of former Yugoslavia, the local self-government in Kosovo enabled Kosovo citizens to become part of a democratic process

(Hajdari 2021).

- The Democratic confederalism system in Syria has been presented as one of the way outs for Syria's civil war. Its evolutionary pattern aims to include heterogeneous local communities living in the same territories, with the objective of becoming an administrative model for the whole Syrian country. This model would ensure the participation of all ethnicities in Syria in the policy making process, focusing on the decision making and problem solving at a local level, where cultural differences show to be smaller and less conflictive (Colasanti, y otros 2018).

Figure 3. Relation between participation and inequality in World Bank member countries (2017)



(Democratic Audit 2017)

Therefore, we can ensure that local administration provides a democratic participation of citizens in the administrations, and a way out for conflict, with democratic solutions.

Finally, it is interesting to mention that local governments' strength is closely related to citizens' participation in the political process. Many examples can be found in this area. The classical one being the participative budget processes in local administrations. These participative processes not only ensure a democratic exercise, they also offer cohesion tools for democratic societies.

Figure 4 shows how those countries in which democratic participation is bigger get lower rates of inequality. This idea is mainly related with the second aspect that was mentioned, the relationship between closeness and efficiency in the administrations. Smaller administrations are closer to their citizens, and can offer better and faster solutions to their needs.

This idea finds various examples inside the European Union, such as the following ones:

- The decentralization of Slovakia provided local governments with additional flexibility in the policy processes. This flexibility proved to be instrumental in the facilitation of coordination with other policies, adaptation to local conditions, and participation in decision-making. Decentralization has allowed the local governments to improve quality of life for the citizens, influence changes in the law, improve the quality of government-provided goods and services, and enhance the representation of the interests of the people. All in all, sub national governments in the Slovakian context represented a substantial force in improving the quality of government in Slovakia (Čapková 2010).
- Taxation regulation. Sweden gives its local authorities and counties legislative autonomy in the taxation area (European Committee of the Regions, 2020). Local governments are entitled to levy taxes on citizens' income to meet their financial obligations and are free to decide on their own tax levels; at the aggregate level, the municipality tax rate is around 20%, while the county rate is around 10%. Technically, taxes are collected by the central government and then redistributed on the basis of each tax (European Committee of the Regions, 2017). This criterion gives local authorities leverage to measure their deficit capacity in a more efficient way, but gives them also the chance to develop fiscal equalization mechanisms that are closer to the reality of their specific area.

Summarizing this chapter, local authorities are key administrations needed to transform the citizens into participants of the democratic system, to defend these values, and also are the most efficient administrations in those areas where proximity gives a knowledge that is essential for the correct application of policies.

5. Power conflicts

The previous chapter shows how some policies are better executed with local administrations, but it is well known that some of the state level policies, or European Level policies or regulations work in a similar way. Among these policies we could mention home affairs, diplomacy, trade regulation, or international treaty signature and negotiation. This *status quo* duplicates situations in which the borders between who is the administration in charge of one or other power, or in the most complex cases, which part of the power belongs to each administration become fuzzy at best.

Among those policies, we have to take into account that citizens' problems have really diverse and different scopes from which institutions can work on. In fact, a unique problem might need different political/administrative proposals to be solved. As an example, we can mention the recent case of the eruption of volcano on the Canary Island of La Palma. The detection of the volcano's imminent explosion and the alert call was made by local authorities, who were also the ones responsible for evacuating the households near the volcano and forgiving a swift response to the needs of these families. State administration has taken charge of military deployment on the ground, and of emergency assistance. Finally, European institutions were taking charge of a recovery fund for La Palma Island and of a recovery plan based addressed to the tourism sector, funded by the European Union Solidarity Fund (Heller 2021).

As we can see in the previous example, different level institutions have taken part in a single civil problem, in order to give a coordinated and effective response. Many times, the understanding of this co-governance is not that simple, and multiple administrations understand they have the power to execute a certain power, creating a competence conflict among them.

This complex scheme requires many mechanisms that can avoid constitutional court's ruling for or against any administration. These mechanisms could be encompassed in a ruling structure called the "multilevel government". Classical conception of multilevel governance was based on

the participation of different actors, with different ranks of power, which follow a single purpose, guided by the strongest administrative power.

European integration has worked on this issue based on the principle of subsidiarity. *Lege ferenda sevata distantia* have been 4 key words for European integration, which are simply a way to enforce the European Union in the criteria on those cases on which the European Institutions can give a more efficient answer to a concrete situation.

This principle has been legally recognized and it's rooted on the 5th article of the Treaty of the European Union. This legal frame previewed state level competences, but has been developed and nowadays it does also preview local or regional competences.

Even if this principle has been a key element to develop and understand European integration, it has not always been effective and has created big misunderstandings between European Institutions and State Level institutions. Specially, the application of this principle has been interpreted by the ECHR in many occasions and the case-law of the ECHR repeatedly emphasizes that, once the violation of the Convention has been declared, the States are free to choose the means of reparation (Atienza 2020). Therefore, Member States who have broken European treaties are the ones in charge to resolve the situation, freely and on the path they chose, no rules are for appliance for the reparation of the violation made on the Treaties. This situation shows us how this principle of subsidiarity must be reviewed and reinterpreted, as we are doing in the following chapter.

6. Political proposal: European multilevel governance

This paper deepens this concept and understands multilevel governances as an efficiency scheme based on citizens' participation. As said, this scheme has two principal pillars to enforce administration to work in a real multilevel scheme, efficiency and participation.

First, as we have seen in the previous chapters of this article, local administration must not be underestimated. This administration is the closest administration to any citizen, and as a consequence, the one that has the biggest and most accurate amount of information. Therefore, there are areas on which local administration must play a leading role. At least, among these specific areas, we could trust local administrations to play a leading role in the following ones:

1. Tax control. Local tax authorities can get bigger amounts of information about the interaction among the citizens they are inspecting. As a matter of fact, the Spanish tax agency has a bigger tax evasion rate than any of the tax local (foral) authorities existing in Spain (Cánchez 2020).
2. Waste management. New waste management methods, such as the tax cuts for recycling rates per house holdings, or the key system method, require the existence of local authorities with the power to inspect, persuade citizens and manage waste and recycling plants.
3. Emergency acts. The administration that is the closest, and constantly on ground can give quick and efficient responses to emergency situations. Although these measures cannot be understood as the response for major emergency situations, due to a lack of financial strength of local administrations, first response actions can be undertaken more efficiently by local administrations.
4. Health systems. Spain has proved how Autonomous Regions' health systems create better and more effective health systems. Autonomous governments get a better picture of the needs of the health workers, but also of the demographic and infrastructural capabilities of the region itself. Therefore, planning on where to set up a new healthcare building or how many resources to expend where and when is better made by local authorities.

5. Security. The existence of state level security bodies is an example of a multilevel requirement. These bodies might be or not, the unique bodies of a state, but the knowledge on ground of local authorities give them the capability to plan concrete actions when required.

State level policies should be based on planning and coordination. As a matter of fact, in the policies previously mentioned we can establish concrete actions that state level administrations could embody, such as, harmonized tax legislation, waste regulation and penal prosecution legislation, military emergency planning, vaccination legislation or health quality standards and counter terrorism or intelligence.

Finally, the European administration does also have much to say in this multilevel governance proposal. On the one hand, the EU should be the one in charge of supra European negotiation in areas like trade regulation, climate change measures or international conflicts. That said, the European Union should ask to be represented in international institutions (NATO, UN, etc.) as a leading actor, and with a leading power among the member states. Therefore, the European Union would count with the highest international representation on the international panel.

But this would not be the unique role of the EU. The EU should firstly lead harmonizing processes in certain areas, such as internal trade regulation, immigration, education standards, and quality product standards. Secondly, the EU should play a central role in the acquisition of common first need goods such as gas, healthcare equipment, medicines, etc. Thirdly, the European Union should elaborate a European Level Constitution, and a Constitutional Court, in order to establish the ruling of which administration is responsible for a concrete policy in a territory.

This European Level Constitutional court should also be the one in charge of interpretation of the European principles, and with the power to enforce the solutions. Principles like the subsidiarity and proportionality are necessary to keep building a stronger Europe, but there is no sense on making responsible of solving a situation to a state that has provoked the situation on question. Therefore, this constitutional court should count with powers to create jurisprudence that can automatically be enforced in state level courts, but also to create concrete solutions and to force the institutions (European, Member States or Local/Regional administrations) to follow the solution proposed by the court.

Once we have schematically defined the role of the three administrative levels, there are three guiding principles that this system should take into account:

1. Participation. As we have seen in this article, citizens need to trust their governments, and one key element for that is to make them participants in the decision-making processes. Therefore, this system should improve citizen's participation in policy making at all levels. Looking for concrete actions, at a local level, citizen's participation in the budget process is a key element, making them responsible for local budgets, allowing them to foresee their decisions easily. At a state and European level, citizens law proposals should find an easy path straight to the parliaments
2. Euroregions. The European Union is based on the idea of freedom of movement for people and goods. This idea has brought situations in which border zones have become usual people passing zones, for any economic or social activity, which leads to the creation of Euroregions.

Nowadays Euroregions are initiatives of border regions or other local entities of several countries (not necessarily Member States of the EU) and have no defined status in the EU context. In most cases, Euroregions have no legal personality and are rather small. Euroregions concentrate on cross-border co-operation, where cultural aspects as well as attracting tourism and other forms of economic activity are central.

But, as a matter of fact, much more could be done by these non defined entities. As said, they are based on the cooperation of different local entities, which acquire a central role on this multilevel governance proposal. Therefore, the existent Euroregions, and the coming ones, should play a role similar to landers or autonomous regions in this model. This would imply transnational elections, chambers and institutions among these Euroregions, with owned powers and working areas.

3. Direct Democracy tools. As a matter of fact, European Union lacks direct democracy tools. As it is based on the principle of representative democracy by the 10th article of the TEU, citizens are merely represented by the European Parliament. The unique way that nowadays treaties offer to EU citizens to provoke a citizen's semi-direct participation is the citizen's initiative. Nevertheless, these initiatives requirements are getting over a million signatures from a significant number of member states. Therefore, few initiatives grant these technicalities, and most of them are refused by European Institutions before entering the legislative process (Blockmans y Russak 2018).

Finally, the referendum shows the exercise of democracy in its purest form. Citizens should be more frequently consulted, and in more areas. Major economic decisions, constitutional modification, or essential system modifications, such as education, health, immigration, etc. should be decided in a popular referendum, as these decisions transcend the legislative or presidential election campaigns. As a matter of fact, recent referendums on the European Union have led to populism and extreme movements to drag on, such as the Brexit vote or the Hungarian referendum on LGTBI+ notions on the education system. Therefore, Europe should focus on triggering EU level referendum processes over nationwide processes. With European level campaigns and legal binding European laws. Diluting nationalisms in this kind of process, and showing strength among different European families, could lead European citizens to participate and protect the common project of the EU.

7. Conclusions

The main conclusion is that the European Union must adopt changes to become a Sovereign Power for the XXI century. As we have seen federal structures (Constitutional court, regions that cross borders of member states, European legislative court or Government) in order to empower the European Union. The existence of these federal structures would not break with maintaining some of the current competences of the member states, but would empower them, ensuring their existence, and giving more power to local administration, so citizens could feel closer to their representatives.

As a matter of fact, local administrations should be empowered in order to execute concrete policies that affect citizens directly, and to gather information more accurately than big state level administrations can. These institutions are closer to the citizens, and can solve problems in a more personalized and efficient way, therefore, their powers should be larger and more respected by the bigger administrations.

Additionally, more Europe would be the second conclusion. A multilevel governance scheme as the one that has been briefly proposed in this paper, requires stronger and more democratic European Institutions. These institutions should be chosen in democratic participative ways, such as European level presidential or legislative elections.

Finally, the essence of democracy is the ultimate conclusion. The defence of democracy against populism and extremism in Europe is essential for European integration. These values should be

defended by the institutions, making the citizens the centre of the main decisions, and avoiding non-democratic or technocratic structures that make the citizens feel far from the decision making process, a process that is more often difficult to understand.

Therefore, Europe needs to get closer to their citizens, and adopt strategic powers, legal, judiciary and executive, in order to become a standardized political entity at a global landmark, and therefore, ensure its sovereignty for the future.

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