

Chapter 1

The war in Ukraine and the future of the EU: prospects for reform

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Introduction

The purpose of this chapter is to explore how the war in Ukraine has affected the process of European integration and to reflect on the prospects for the future of the European Union (EU). The Russian military aggression against a sovereign and independent nation in early 2022 represented a shock, prompting the EU to respond with unprecedented steps forward in integration, particularly in the fields of defence and energy. Nevertheless, the first large-scale conventional war on the European continent since the end of World War II has also exposed some ongoing weaknesses in the EU governance system, power structure and financial architecture. Like other crises in the past decade, including the Covid-19 pandemic, the war has revealed several constitutional shortcomings in the EU, such as the lack of adequate supranational competences, the difficulties of decision-making under the unanimity rule, and the limited financial resources that the EU is able to deploy to back up its actions.

From this point of view, this chapter argues that the war in Ukraine has increased the urgency to reform the EU. In particular, the war has strengthened the case for improving the EU system of governance to make it more effective and legitimate, and for increasing its powers, including by boosting its fiscal capacity. This is also the conclusion emerging from the Conference on the Future of Europe (CoFoE), an innovative deliberative process which the EU institutions established in May 2021 and which came to an end in May 2022. The CoFoE was a bottom-up engagement with EU citizens which served to channel popular expectations on the future outlook of the EU. In fact, as the chapter points out, the CoFoE clearly identified the existing weaknesses of the EU and unequivocally mapped a path to address them, including recommending treaty changes in a number of areas.

As the chapter highlights, while the CoFoE's original mandate to reflect on the future of Europe was ambiguous, its operation was profoundly influenced by the outbreak of the war in Ukraine in late February 2022. Occurring in the midst of the CoFoE, the war shaped its outcome, prompting participants to reflect on how to strengthen the EU in the face of unprecedented geopolitical challenges. The CoFoE charted a route to strengthen the EU by reforming it, including through treaty changes. As is suggested, while several challenges cloud this prospect, the EU should move in this direction – particularly as the war in Ukraine rages on.

The chapter is structured as follows. Section 1 examines both the advances in European integration following the outbreak of the war in Ukraine and the setbacks where the EU

struggled to act effectively. Moreover, it provides a structural explanation for this state of affairs, highlighting the weaknesses in the current EU constitutional system. This paves the way for Section 2, which assesses the operation of the CoFoE and discusses its reform recommendations. In particular, this section overviews the main outcome of this experimental process, the results emerging from the European citizens' panels and the plenary, and the steps ahead, including the potential for treaty changes in the EU, arguing that this is what the citizens called for, and that this would go a long way towards addressing the existing weaknesses of the EU. The conclusions summarise the key argument of this chapter and further reflect on the prospects for the EU.

1. The war in Ukraine and European integration

1.1 Advances

The Russian military invasion of Ukraine on 24 February 2022 has forced the EU to deal with its illusion of perpetual peace on the European continent. As stated by EU High Representative for Common Foreign and Security Policy (CFSP) Josep Borrell on 27 February 2022, 'we are currently witnessing a full-fledged war directly on our borders. The war is again on the borders of Europe' (Borrell 2022). Nevertheless, the return of war in Europe has also prompted EU institutions and Member States to respond in unprecedented ways. Since the beginning of the war, the EU has acted with resolve, adopting between February and May 2022 several rounds of sanctions financially targeting President Vladimir Putin and his inner circle of oligarchs, politically deterring Russia, and economically weakening its ability to continue the illegal war of aggression. At the same time, the EU has taken important steps to deepen integration in the areas of Common Foreign and Security Policy and Common Security and Defence Policy (CSDP), asylum and migration, as well as energy.

First, in the field of CFSP, the EU adopted in March 2022 its new strategic compass (Council of the European Union 2022a) – an official document designed to outline its foreign policy strategy towards the rest of the world. The strategic compass had been long in the making, and largely hampered by diverging Member States' external relations interests. In response to the war in Ukraine though, the strategic compass was decisively revised and quickly approved by the Council of the EU on the understanding that 'Russia's war of aggression constitutes a tectonic shift in European history' (Council of the European Union 2022a). To this end, the strategic compass identified four strands of EU foreign policy, committing the EU to develop a rapid deployment capacity; to enhance its ability to anticipate threat through greater intelligence sharing; to invest in technological capabilities and the military-industrial base; and to reinforce strategic partnership. In this regard, the compass acknowledged more explicitly the geo-strategic challenges posed by the rise of China, and the importance of cooperation with the United States (US) and the North Atlantic Treaty Organization (NATO) in view of the 'competition of governance system' between democracy and autocracy (Council of the European Union 2022a).

Moreover, in the field of CSDP, the EU has deployed for the first time the European Peace Facility, a novel financial instrument established in connection with the new Multiannual Financial Framework (MFF) 2021-2027 which allows Member States to pool resources to finance either the common costs of military operations and missions under CSDP, or actions to improve the capacities relating to military and defence matters of third states and regional and international organisations (Council of the European Union 2021). In particular, in February 2022 the Council of the EU approved a disbursement of 450 million euros to provide weapons to the Ukrainian army (Council of the European Union 2022b), which was subsequently doubled in March 2022 (Council of the European Union 2022c), and tripled in April 2022 to a total of 1.5 billion euros (Council of the European Union 2022d). The war in Ukraine also prompted EU Member States to close ranks and deepen their commitment to mutual defence, with Finland and Sweden applying on 18 May 2022 to join NATO and Denmark voting in a referendum on 1 June 2022 to abandon its opt-out on CSDP.

Second, in the field of asylum and migration, the EU responded to the massive exodus of Ukrainian refugees fleeing their war-torn homeland with a ground-breaking open-door policy based on solidarity which diametrically contrasted with the approach taken to address the migration crisis in 2015-2016. In particular, in March 2022 the Council of the EU decided to resort to a never-used 2001 Directive for the common EU management of a sudden influx of refugees (Council of the European Union 2001) – a measure adopted as part of the 1999 Tampere agenda to build a genuine Area of Freedom, Security and Justice (AFSJ). The Council granted temporary protections to Ukrainian nationals and third-country nationals benefiting from international protection in Ukraine who resided in Ukraine before the outbreak of the war on 24 February 2022 (Council of the European Union 2022e). On the basis of this decision, individuals fleeing Ukraine were granted temporary protection status for an initial period of one year, extendable for another year. One of the key goals of this temporary protection is to allow displaced persons to enjoy harmonised rights across the EU, including an important set of social rights. These include residence, access to the labour market and housing, medical assistance, and access to education for children, as well as the right to circulate freely across the EU, hence facilitating a better burden-sharing between Member States. Moreover, the Council adopted legislative amendments making it possible for Member States to redirect resources from cohesion policy funds and the Fund for European Aid for the Most Deprived (FEAD) to assist the refugees, hence strengthening refugees' welcome in line with the principles of 'Social Europe'.

Lastly, in the field of energy, the EU took steps to reduce its dependence on Russia, promote transnational interconnections and support a transition to clean energy. While European Commission President Ursula von der Leyen and US President Joe Biden had already signed a joint statement on energy security in January 2022 (von der Leyen and Biden 2022), the war in Ukraine prompted an acceleration of this cooperation, with a US commitment in March 2022 to significantly increase its supply of natural gas to the EU to boost Europe's energy security (European Commission and United States 2022). In a special summit of heads of state and government hosted in Versailles in March 2022 under the French Presidency of the Council of the EU, leaders of the EU Member States and institutions committed to phase out the EU's dependence on

Russian coal, oil and gas (EU Head of States and Government 2022). And in May 2022 the European Commission put forward an ambitious plan – known as RePowerEU (European Commission 2022a) – to boost energy saving, diversify energy imports, ensure sufficient levels of gas storage, enhance connectivity of energy grids within the EU and between the EU and its neighbours, and financially support the clean energy transition.

1.2 Setbacks

As with prior crises in earlier moments of EU history, the war in Ukraine has prompted advances in European integration. Nevertheless, besides several lights, the response of the EU and its Member States to a military conflict on its Eastern border also revealed several shadows. To begin with, in the area of Common Foreign and Security Policy, the new EU strategic compass' action plan provides only a partial response to the geo-strategic challenges facing the EU (McDonagh 2022). In particular, the objective of establishing a 5,000-strong EU Rapid Reaction Force deployable in hostile environments by 2025 (Council of the European Union 2022a) smacked of too little too late – especially considering that in the early 2000s the EU had already envisaged the creation of much larger EU battlegroups, which however were never made operational (Moro 2018). The EU ambitions in common security and defence policy, therefore, did not seem to match the size of the military threat posed by Russia, confirming that the strategic compass suffers from a strong reluctance on the part of the EU Member States to fully deepen their cooperation in the field of defence, with NATO being perceived as Europe's true defence union. This matched further challenges in Common Foreign and Security Policy, which, given its strong intergovernmental outlook, remained an area of diverging interests for Member States.

Similarly, in the field of migration and asylum, the response of the EU and its Member States to the war in Ukraine left much to be desired. Certainly, the EU decision to use the temporary protection scheme, as well as the action by frontline Member States such as Poland and Hungary to welcome Ukrainian refugees, positively contrasted with the authoritarian approach adopted by the Visegrad countries during the 2015-2016 migration crisis. Nevertheless, the open-door policy was not applied evenly, with border officials in Poland and other borderline Member States committing grave and illegal acts of racial discrimination, denying entry and asylum to people fleeing Ukraine simply on racial grounds (Pronczuk and Maclean 2022). While the European Parliament (EP) 'condemn[ed] the racism experienced by African and Middle Eastern students who have been [...] stopped at the border and thus prevented from seeking safety' (European Parliament 2022a) – the discriminatory treatment of refugees by police authorities in the Visegrad countries was a stark reminder of the fault line that divides the EU in this field (Tsourdi 2021). In fact, notwithstanding the biggest influx of migrants in the EU's history, still no progress has been made on the EU Pact on Asylum and Migration (European Commission 2020) – a plan put forward by the European Commission in 2020 and designed to improve migration management in the EU, including through better external border controls, more effective return policy, but also greater burden sharing among Member States (Silga 2022).

Similarly, also in the area of energy supply and security, EU action fell short of what was required. On the one hand, the ambition to leverage the collective force of the EU on the international energy markets did not take off the ground. Contrary to what happened during the Covid-19 pandemic – when the Commission was tasked to negotiate advance procurement agreements of vaccines from pharmaceutical companies (McEvoy and Ferri 2020) –, Member States in the European Council did not empower the Commission to negotiate purchase contracts on behalf of all and only agreed ‘to work together on *voluntary* common purchase of gas, [liquefied natural gas] and hydrogen’ (European Council 2022a, our emphasis). Moreover, no agreement was reached between Member States to introduce price caps on energy (European Council 2022b). On the other hand, strong economic and political interests delayed and diluted the Commission’s efforts to phase out Russian crude oil, with the European Council compromising on the indefinite continuation of oil imports via pipeline, despite the ban on seaborne imports, to appease Hungary (European Council 2022b).

Finally, disagreements between Member States also limited the ability of the EU to continue its policy of financial sanctions against Russia. Due to a veto by Hungary, the sixth package of sanctions, including a ban on oil imports, was held ransom for weeks in May 2022 because Prime Minister Viktor Orbán, a staunch friend of Russian President Vladimir Putin, sought to leverage approval of the sanctions to secure funds owed to Hungary under the post-pandemic recovery plan but currently frozen due to the rule-of-law crisis in that Member State (see Atanasova and Rasnača, this volume). In fact, while the war in Ukraine drew a wedge between Hungary and Poland, a country which embraced a strong anti-Russian stance, thus weakening the alliance between these illiberal democracies, the state of democratic decay and rule-of-law backsliding in these two Member States continued unabated (Pech and Scheppele 2017). In the midst of the war, the Hungarian government amended the constitution, allowing it to rule by emergency decree, with effective full circumvention of parliamentary scrutiny (Dunai 2022).

In sum, the EU and its Member States reacted to the first war on the European continent since 1945 by taking several steps advancing integration in a number of areas. Nevertheless, EU action fell short of expectations of a global player in a number of dimensions, proving either ineffective or watered-down by the need for compromise. How can we explain this state of affairs? Why have the EU and its Member States faced mounting challenges in, for example, imposing sanctions or developing a common energy union, despite the clear and present danger posed by the Russian war of aggression in Ukraine? It is submitted here that this has to do with the limited competences and financial resources of the EU, and its unsatisfactory governance structures, increasingly dominated by intergovernmental decision-making. Admittedly, these weaknesses are not new and have been emphasised over the years – and exposed by other recent crises. The war in Ukraine has merely made them more visible.

First, the effective competences of the EU remain somewhat limited. While a string of treaty revisions have over time enlarged the powers that Member States have delegated, shared or pooled at supranational level, the EU’s competences in important fields remain subject to constraints.

Second, and closely connected to the previous point, even in areas where the EU has competence, governance rules often vest decision-making powers in intergovernmental institutions and subject decision-taking to unanimity rules. This means that action is conditioned to the continuing consent of all 27 EU Member States in the Council and European Council, with the possibility therefore for each national government to veto and block common action.

Third, a further weakness in the current EU setup are its limited financial resources, due to a lack of fiscal capacity. While the EU put together an ambitious 800 billion euros (NGEU) recovery fund in response to the Covid-19 pandemic (Fabbrini 2022), the overall size of the Multiannual Financial Framework remains small, as is the EU's ability to use it flexibly in light of changing circumstances. Moreover, pursuant to Article 41(2) TEU, 'expenditure arising from operations having military or defence implications' cannot be charged to the EU budget. This is why the European Peace Facility is designed as a purely intergovernmental financing mechanism, built off-budget and funded through state contributions. Moreover, the overall size of the facility is negligible: with a preset budget of 5.6 billion euros for the period 2021-2027, the facility essentially exhausted 1/3 of its resources in the first three months of the Ukraine war. Moreover, the May 2022 proposal by the Commission and the High Representative to address investment gaps and boost defence spending across the EU also appeared financially underwhelming: to incentivise the joint procurement of military equipment, the Commission offered to invest 500 million euros between 2022-2024 (European Commission and High Representative of the Union for Foreign Affairs and Security Policy 2022).

The limited financial resources of the EU have pushed the Commission to find creative solutions. With its RePowerEU plan, the Commission proposed raising 20 billion euros in additional resources through auctioning Emission Trading Scheme (ETS) rights and allocating the revenue to the energy transition. Moreover, the Commission proposed to redirect up to 225 billion euros from the NGEU recovery fund to finance energy transition measures in Member States affected by soaring energy costs and retaliation by Russia (European Commission 2022b). Because not all EU Member States had requested their shares of loans to which they were entitled, a sizable share of resources remained available in NGEU coffers, leading to the Commission tabling a motion to reuse this money for the benefit of other Member States in the field of energy. Yet, this short-term solution highlighted the structural shortcomings of the EU constitutional framework in the area of fiscal capacity and the EU's difficulty to mobilise resources in case of need. As pointed out by the European Parliament in May 2022, the EU capacity to act must be reinforced, using the model of NGEU to create a new budgetary instrument designed to cushion the socio-economic consequences of the war in Ukraine (European Parliament 2022b).

2. The Conference on the Future of Europe and its potential

2.1 Process

While the weaknesses of the EU resulting from limited competences and financial resources and a cumbersome governance structure are well known, a number of solutions to address them recently emerged in the framework of the CoFoE. This innovative process – originally envisaged by French President Emmanuel Macron in March 2019 (Macron 2019) – kicked off on 9 May 2021 and ended one year later on 9 May 2022. The CoFoE was very much a response to a decade of crises in the EU and was specifically proposed in light of Brexit (Fabbrini 2020a) – the first case of a Member State leaving the EU – to relaunch the project of integration. The exercise was organised as a citizen-focused, bottom-up exercise designed to gain input from citizens on the key questions facing the EU. While the CoFoE built on the examples of citizen assemblies convened at national and local level in some Member States, it attempted to achieve something unprecedented, namely to create a forum for participatory democracy on a transnational scale. From this point of view, the CoFoE constituted a novel experiment for the EU, going beyond prior models of technocratic or deliberative constitutional change.

As explained in more detail elsewhere (Fabbrini 2021), the mission and governance structure of the CoFoE were outlined in a Joint Declaration, adopted in March 2021 by the three Presidents of the EP, Council and Commission, which agreed to act as co-guarantors of this initiative (Joint Declaration 2021). With regard to its remit, the Joint Declaration struck a compromise and maintained a constructive ambiguity: it stated that the aim of the CoFoE was ‘to give citizens a say on what matters to them’ (Joint Declaration 2021) and reported a wide-ranging, non-exhaustive list of topics to be considered. In practice, however, also on the basis of the input received through a multilingual digital platform, the CoFoE came to address a broad set of topics.

In terms of organisation, the CoFoE unfolded through a multi-layered structure, designed to channel and filter bottom-up the output of the democratic deliberations. The core of the Conference was represented by four European citizens’ panels of 200 participants each, selected randomly to reflect the socio-demographic reality of the EU. The European citizens’ panels were thematically divided along four cross-cutting clusters – focusing on (a) a stronger economy, social justice, jobs; education, youth, culture and sport; digital transformation; (b) European democracy; values and rights, rule of law, security; (c) climate change, environment; health; and (d) EU in the world and migration. In this framework, European citizens convened for three panel sessions, both in person and online, over a span of six months between September 2021 and March 2022, deliberating – also with the support of experts invited to speak as witnesses – on the topics at hand and advancing a number of orientations for future debate.

In addition to the European citizens’ panels, Member States were encouraged to establish within the framework of the CoFoE national citizens’ panels, again designed to facilitate deliberation and exchange. Admittedly, the national commitment proved

uneven, with just six Member States (Belgium, France, Germany, Italy, Lithuania and the Netherlands) – i.e., including five of the six founding members of the EU and the three largest EU countries – actually hosting national citizens’ assemblies, while the others limited themselves to organising more traditional engagement and dissemination events. By far the most articulate national citizens’ panel on the Future of Europe was organised in France, the Member State whose president championed the whole initiative. In autumn 2021, the French authorities organised 18 panels of randomly selected citizens, involving over 700 participants and providing input (in the form of 101 aspirations and 1301 specific proposals) for a National Conference (*Conférence Nationale de Synthèse*) in Paris in October 2021, which drafted a final list of 14 priority recommendations.

The input from the European citizens’ panel – together with that resulting from analogous national panels – was then reported to the Plenary of the CoFoE. This large 449-member body – made up of representatives from the European Parliament, national parliaments, the Council, the Commission, as well as representatives from the European and national citizens’ panels, and delegates from the Committee of the Regions, the European Social and Economic Committee and civil society organisations and social partners – met seven times over a 12-month period. At its final meeting in April 2022, it endorsed 49 proposals with a list of 326 detailed recommendations which were then submitted to the Executive Board (Conference on the Future of Europe 2022a). This body, composed of three Commissioners, three Members of the European Parliament (MEPs) from the main political groups and three representatives from the Council Presidency troika, was tasked by the Joint Declaration to steer the work of the CoFoE and to ‘draw and publish the conclusions of the Conference Plenary’ (Joint Declaration 2021). The Executive Board accepted the input from the Plenary and, in a final report published on 9 May 2022, reaffirmed its commitment to follow it up.

A question that quickly came to the fore concerned whether the outcome of CoFoE compelled EU treaty changes. In a speech delivered at the CoFoE’s concluding event on 9 May 2022, French President Emmanuel Macron explicitly endorsed the convening of a convention to revise the treaties, expressing himself in favour of a treaty amendment (Macron 2022). This echoed the statement made a week earlier by Italian Prime Minister Mario Draghi who, in a speech before the EP, openly stated that ‘We not only need pragmatic federalism; we need a federalism based on ideals. If this means embarking on a path that leads to a revision of the Treaties, then this must be embraced with courage and with confidence’ (Draghi 2022). In fact, calls to start a new treaty revision process were also forcefully made by the EP in its resolution on the Conference’s follow-up (European Parliament 2022c), as well as by Commission President von der Leyen, who spoke of ‘using the full limits of what we can do within the Treaties, or, yes, by changing the Treaties if need be’ (von der Leyen 2022).

Nevertheless, the enthusiasm for this prospect was quickly chilled by a joint non-paper signed also on 9 May 2022 by 13 Member States: Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Finland, Latvia, Lithuania, Malta, Poland, Romania, Slovenia, and Sweden: the national governments of these countries, all from Eastern and Northern Europe, indicated that they did ‘not support unconsidered and premature attempts to

launch a process towards Treaty change' (Government of Sweden 2022). Admittedly, this split simply echoed the diverging Member States' preferences as they had emerged before the start of the CoFoE – with some countries seeing this initiative as the launching pad for a broader reform of the EU, while others interpreted it as a purely cosmetic exercise (Avbelj 2021). In fact, as mentioned, the Joint Declaration launching the CoFoE had been highly ambiguous on its ultimate constitutional mission. Nevertheless, the outcome of a year of participatory deliberations left no doubt that European citizens were calling for a profound overhaul of the EU which inevitably required treaty changes. While there will be pressure to follow up on the European citizens' recommendations, the prospect remains wide open (Lehne 2022; Maurice et al. 2022).

2.2 Outcome

The final recommendations of the Conference on the Future of Europe (2022b) explicitly address the main structural weaknesses of the EU, which were identified in Section 1 and emerged in the context of the war in Ukraine. To begin with, from a substantive point of view, the Conference called for an expansion of EU powers, for instance in the field of health – *inter alia* by 'includ[ing] health and health care among the shared competencies between the EU and the EU Member States' (proposal 8, recommendation 3) – as well as in the field of social policy. In particular, the Conference proposed ensuring statutory minimum wages (proposal 13, recommendation 1), and 'reinforcing the competences of the EU in social policies and proposing legislation to promote social policy and ensure equality of rights, including health, harmonized for the EU' (proposal 14, recommendation 1), including 'not compromising on welfare rights (public health, public education, labour policy)' (proposal 14, recommendation 2). At the same, the Conference recommended a greater role for the EU in the field of climate – including by 'increas[ing] EU's leadership and taking a stronger role and responsibility to promote ambitious climate action, a just transition and support to address the loss and damages' (proposal 3, recommendation 11) – and in the digital space, among other by strengthening the capacity of Europol to combat cybercrime (proposal 33, recommendation 1), and by establishing a common European digital identity (proposal 35, recommendation 10).

Moreover, the CoFoE strongly pushed for a more prominent role of the EU in foreign affairs, security and defence – not only by 'reduc[ing] dependencies from oil and gas imports' (proposal 3, recommendation 3 and proposal 18), but also by expanding its capacity for action, and its ability to speak with one voice (proposal 24, recommendation 1).

Similarly, the CoFoE acknowledged that important changes were needed in the field of migration. The proposals approved by the CoFoE Plenary included the request to 'develop[...] EU-wide measures to guarantee the safety and health of all migrants' (proposal 43, recommendation 1); to 'increas[e] EU financial, logistical and operational support, also for local authorities, regional governments and civil society organisations, for the management of the first reception which would lead to a possible integration of refugees and regular migrants' (proposal 43, recommendation 2); and to 'adopt[...] EU

common rules concerning procedures for the examination of claims for international protection in Member States, applied uniformly to all asylum seekers’ (proposal 44, recommendation 1). In this context, the CoFoE also explicitly called to ‘revisit[...] the Dublin system in order to guarantee solidarity and fair sharing of responsibility including the redistribution of migrants among Member States’ (proposal 44, recommendation 2).

The CoFoE recommendations for greater EU power were also matched by ambitious proposals in the field of finances, effectively acknowledging the limitations resulting from the current EU fiscal arrangements. In this respect, the preface to the CoFoE’s final input on ‘A stronger economy, social justice and jobs’ stated that ‘Outstanding transnational challenges, such as inequalities, competitiveness, health, climate change, migration, digitalisation or fair taxation, call for proper European solutions’ (Conference on the Future of Europe 2022b: 53) and clarified that ‘[s]ome elements of this strategy can be found in already existing policies and can be achieved by making full use of the existing institutional framework at European and national level; others will require new policies and, in some cases, treaty changes’ (ibid.). Concretely, in addition to the abovementioned proposals on inclusive labour markets (proposals 13 and 14), the CoFoE proposed to ‘take into account the example [...] of Next Generation EU [...] by strengthening [the EU] own budget through new own resources’ (proposal 16) including by ‘introducing a common corporate tax base’ (proposal 16, recommendation 2) and by ‘giv[ing] further consideration to common borrowing at EU level’ (proposal 16, recommendation 5).

Otherwise, from an institutional viewpoint, the CoFoE also explicitly tackled the governance shortcomings of the EU, calling for reforms of its decision-making processes to enhance Europe’s democracy and its capacity to act with one voice, especially in the field of common foreign and security policy.

Also from an institutional viewpoint, the CoFoE proposed – unsurprisingly, given its participatory nature – to periodically convene citizens’ assemblies (proposal 36, recommendation 7), and to ‘conceiv[e] an EU wide referendum, to be triggered by the European Parliament in exceptional cases on matters particularly important to all European citizens’ (proposal 38, recommendation 2). Moreover, the CoFoE echoed some widely known proposals, such as the creation of transnational lists for the election of the EP (proposal 38, recommendation 3), and either ‘the direct election of the Commission President, or a lead candidate system’ to select the head of the European Commission (proposal 38, recommendation 4). Crucially however, the CoFoE pleaded for ‘reopening the discussion about the [EU] constitution’ (proposal 39, recommendation 7) on the understanding that ‘[a] constitution may help to be more precise as well as involve citizens and agree on the rules of the decision-making process’ (proposal 39, recommendation 7).

In conclusion, the proposals of the CoFoE identified the sources of weaknesses of the current EU – including its limited substantive powers and fiscal means, and its byzantine governance structures – and advanced clear recommendations on how to address these. Undoubtedly, the application of these recommendations requires changes to the EU treaties, as neither the expansion of EU competences nor the revision of the EU decision-

making processes can occur *à traité constant*. In light of this, the abovementioned stance by 13 Member States manifested on 9 May 2022 against the prospect of treaty changes seems to be inconsistent with the outcome of the CoFoE and to undermine its results. As mentioned beforehand, however, it remains to be seen whether political efforts to move in the direction of treaty changes – including initiatives by the EP (European Parliament 2022d), and the French Presidency of the Council of the EU (Council of the European Union 2022f) – will succeed. In this context, therefore, earlier proposals for alternatives may return to the foreground: one idea advanced before the CoFoE was for Member States willing to deepen integration to do so by concluding a separate treaty, called Political Compact, that would not require unanimous ratification by all 27 EU Member States to enter into force (Fabbrini 2020b). Such an option may once again become palatable if EU reform prospects are stalled by a limited group of laggard Member States.

3. Conclusions

As this chapter has pointed out, the war in Ukraine represents yet another turn in the process of European integration. The return of war to the European continent has prompted the EU to react, advancing cooperation in the fields of security and defence, foreign affairs and energy, as well as migration and social affairs. Nevertheless, the war has also exposed ongoing structural weaknesses in the EU constitutional arrangements, limiting the capacity of the EU to act effectively. In particular, it has revealed how the EU decision-making system, based on unanimity rules and the logic of consensus that dominates in areas of core state powers, can lead to paralysis when a single Member State exercises its veto right. Moreover, the war has also highlighted how the EU lacks autonomous financial resources to live up to the internal and external challenges that the Russian aggression has provoked. From the need to support the Ukrainian government in the defence and reconstruction of the country, to the need to cushion the worst side effects of the sanctions within the EU, especially the unprecedented increase in energy prices, the EU has struggled to deploy adequate responses, given its limited budget.

Admittedly, these weaknesses have long been identified by EU observers. Nevertheless, the war has made more people aware of them. In fact, the unprovoked and illegal Russian war of aggression in Ukraine weighed heavily on the CoFoE. This innovative year-long deliberative exercise kicked off on 9 May 2021 with the aim to involve European citizens in reflecting on the future of the EU. By the time it came to an end on 9 May 2022, it had identified the shortcomings currently afflicting the EU. The final proposals of the CoFoE point towards the need to improve the EU decision-making system, remove Member State veto powers, and strengthen EU competences and financial resources, including by reproducing the successful model of the NGEU recovery funds in other areas.

While the war in Ukraine has revealed the dynamism and resolve of the EU, it has also highlighted a number of structural problems which will have to be fixed soon. In particular, the process of European integration is in need of a changed institutional setting, giving more competences to the EU institutions and removing vetoes. The CoFoE has identified the same institutional and governance challenges and already

proposed some solutions. To implement them, however, treaty changes are ultimately inevitable. The responsibility of the EU institutions and Member States is now to fully follow up on the CoFoE's recommendations. The challenge for Europe is whether there will be sufficient political willingness to do what has to be done.

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