



Editorial

The war in Ukraine heralds the inevitability of a new stage in the integration process which may to some extent redefine the very understanding of integration – at least in a political and geostrategic sense. How will EU integration respond to the challenges of a coming post-war phase in Ukraine? How will the EU position itself in the face of existential crises of a global (and not only European) nature? In an increasingly interconnected/digitalised world, the political unity will be based, above all, on a shared democratic cosmovision and common values. The texts of this UNIO issue suggest some guidelines for further reflection.

The first contribution is authored by Valentina Maglietta and is entitled “*Referendums and popular consultations in the Spanish constitutional system: reflecting on the possibility of holding a referendum on the independence of Catalonia from Spain*”. The literature remains largely concerned with a major problem: can a political issue of such special importance (such as the secession of a regional unit of a democratic country), be the subject of a popular consultation? If so, the Author raises the question: what type of popular consultation would be feasible, what would be the procedure for its convocation, and who would have the right to vote (only the Autonomous Community concerned or the Spanish people as a whole?).

Next, Gonçalo Martins de Matos’ paper, entitled “*What is the role of the infringement procedure in tackling rule of law backsliding in the EU?*”, intends to understand how the infringement procedure can play a role in enforcing the rule of law within the EU. The Author analyses EU litigation and its respective judicial mechanisms through the lens of effective judicial protection, intersecting them with the urgency of enforcement required by the rule of law.

In the following text, entitled “*How can there be an ecological transition without a just transition? – starting with the European Union*”, Nataly Machado seeks to show the need to find concrete tools, through the EU’s leading role, for an ecological transition with social justice. Without adequate compensation, some of the policy instruments used to adjust behaviour can create negative effects on citizens, who will be affected differently depending on their social and geographical circumstances; as well as on Member States, regions and cities, since each has a different starting point from the other to display their capacity to respond. That is, the transition will take place at different speeds so that no Member State is left behind.

Further along the same path, Paola Di Nunzio, with the text entitled “*The crisis of the Common European Asylum System: rethinking solidarity in light of Human Rights*”, argues that the EU needs, in fact, to strongly assert itself as a humanitarian actor and place protection and responsibility-sharing at the centre of its agenda. A new framework must be grounded on the principle of solidarity, as defined in Article 80 TFEU, which in turn should move from a state-centred approach to a concept of solidarity based on affected individuals, thus establishing its foundations on a human rights basis.

The next contribution of this UNIO issue is authored by Ana Cardoso and is entitled «*Trans rights in the European Union – “sex” v. “gender” on the path towards equality and non-discrimination*». The Author argues that terminological confusion around the concepts of “sex” and “gender” has served to justify the curtailment of the fight for equality and non-discrimination, relegating trans women to a position of second-class citizens. Thus, the EU needs to review its approach to this particular issue and enshrine the concepts of “sex” and “gender” into law as a way to continue to advance its fight for LGBTIQ rights, doing justice to its moniker of “rainbow Europe”.

In the following paper, entitled “*Entrepreneurial aspects of the EU Succession Regulation*”, Tomislav Juric intends to highlight the various legal aspects of the business succession under the EU Succession Regulation and distinguish them from the rules of private international law. The subject of entrepreneurial succession takes on a new dimension in a cross-border context. Today, the rule is that there is at least one foreign connection within an entrepreneurial family: this may be the case with foreign nationality, a foreign habitual residence of the entrepreneur or the existence of company assets abroad, etc. Consequently, the entire process of business succession is strongly influenced by the rules of private international law and must be viewed from a new angle, namely an international one.

Lastly, in the paper entitled “*Automated individual decision-making and profiling [on case C-634/21 - SCHUEA (Scoring)]*”, Alessandra Silveira explains that automated decision-making and profiling are finally being considered before the CJEU. The problem with this case law lies in the opacity of inferences or predictions resulting from data analysis, particularly by Artificial Intelligence (AI) systems – inferences whose application to everyday situations determines how each of us, as personal data subjects, are perceived and evaluated by others. The CJEU has the opportunity to assess the existence of legal remedies to challenge operations which result in automated inferences that are not reasonably justified.

The Editorial Team