



## Editorial

On November 29, 2024, the European Commission announced the release of the latest Eurobarometer<sup>1</sup> which showed the highest trust levels in the EU in 17 years. Key findings include 69 % of respondents viewing the EU as a place of stability in a troubled world and 44 % identifying peace and stability as having the greatest positive impact on their lives. Other priorities highlighted include securing food, health and industrial supplies in the EU and managing migration. In the clean sector, Europeans emphasised prioritising renewable energy.

Additionally, nearly three quarters of respondents feel like EU citizens – the highest level in over two decades, with trust in the EU also rising in enlargement countries, with Albania leading. Indeed, these positive trends reflect the EU’s efforts to enhance peace and security across not only physical but also digital spheres. A recent example is the Cyber Resilience Act,<sup>2</sup> which came into force on December 10, 2024, marking the EU’s first mandatory cybersecurity requirements for digital products.

And while this brings hope and creates an optimistic outlook, the various global political and economic challenges that have had an impact on the Union need ongoing assessment, with the role of research being critical to the continuous re-shaping of this area towards peace and prosperity. With this in mind, this issue of UNIO presents a diverse range of articles, spanning multiple areas of current relevance to EU policy.

The first contribution – “Can money buy rule of law? – overview of the recent instruments within the EU conditionality policy” – by Leposava Ognjanoska, examines the EU’s conditionality toolbox impact on the rule of law. The author highlights the paradox of Member States that violate the rule of law receiving significant EU funding. She goes on to discuss the Rule of law conditionality regulation, which strengthens the Commission’s ability to protect its budget and enhance credibility in upholding EU values. Additionally, the article explores how linking pre-accession conditionality to EU funding benefits citizens in candidate countries, with a focus on the Western Balkans.

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<sup>1</sup> European Commission, “New Eurobarometer survey shows record high trust in the EU in recent years”, Press Release, 29 November, 2024, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_24\\_6126](https://ec.europa.eu/commission/presscorner/detail/en/ip_24_6126).

<sup>2</sup> European Commission, “Cyber Resilience Act enters into force to make Europe’s cyberspace safer and more secure”, Press Release, 10 December 2024, [Cyber Resilience Act enters into force to make Europe’s cyberspace safer and more secure | Shaping Europe’s digital future.](#)

Following this is «(Neo-)fascisms and the “fabrication of negative alterities”»: contributions to the updating of the constitutional prohibition of fascist organisations in the light of the structuring principles of the Portuguese legal system», by Ricardo Silva. In this article, the author explores the connection between new far-right movements and classic fascism. Additionally, there is an examination of how these movements, by targeting identity minorities, undermine the self-determination of the individuals that compose them. This analysis is grounded in the context of the Portuguese legal system, reflecting Portugal’s role as an EU member with an obligation to uphold the values and principles of a democratic society.

The third contribution of this issue – “Digitalisation of criminal justice in the EU through eu-LISA cooperation with Eurojust and Europol: between extraordinary potential and persistent opacity” – is by Valentina Faggiani. It consists of an analysis of the role of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) and the cooperation it has been able to establish with the other agencies of the European Justice Area, namely Eurojust and Europol. To that effect, the author analyses the instruments and practices that have contributed to such a collaborative effort. In addition, the author discusses the fact that most of today’s crimes have a digital component and that the response to this ever-changing technological reality cannot be at the expense of the rule of law.

Next, in the article entitled «Energy Taxation Directive: studies on the taxation of energy products for “reasons of environmental policy” in European Union law – commentary on the *Endesa Generación* Judgment», Nataly Machado analyses the Energy Taxation Directive, by exploring in detail the judgment *Endesa Generación* of the Court of Justice of the European Union, which sheds light on the conditions under which a derogation from the exemption from a tax on energy products used to produce electricity can be considered “for reasons of environmental policy.” As the author points out, the judgment has made it possible to integrate the tax and environmental aspects of EU law, while at the same time emphasising that Member States must ensure that environmental and energy policies are incorporated into their tax policies.

The fifth contribution of this issue – “Mapping the values of digital constitutionalism: guiding posts for digital Europe?” – by Miguel Pereira, consists of an exploration of the theory of digital constitutionalism, more specifically an understanding of its main values, in order to provide the necessary research background to evaluate compliance with them in EU law and policy regarding digital services. The author analyses the way in which we are experiencing a constitutional crisis in Europe, to which the role of the Internet in its use for surveillance and monitoring of behaviour contributes substantially and draws on different authors to explore these ideas. The author then turns to digital constitutionalism as a potential remedy for such challenges, where there is a limitation of powers and in which individual autonomy is cherished as a core value.

The following two texts deal with the influence of European integration law in the world, addressing topics as different as they are relevant. The first, by Fernando Milano – “Relevant aspects in the use of technological means in international judicial cooperation developed in the inter-American sphere” – analyses key aspects of using technology in processing letters rogatory for interjurisdictional cooperation within the inter-American context, focusing on its impact on Private International Law. The

author highlights the Treaty of Medellín as central to interjurisdictional cooperation and as a common legal framework for Latin America and the European countries of the Iberian Peninsula. The author also carries out an assessment in the European context, highlighting the e-CODEX system, which allows digital connectivity between the national judicial systems of the Member States of EU.

The last article in this issue – “Digital currencies – inevitable in the very near future around the world?” – by Hugo Fonseca analyses the centrality of digital currencies in the current world scenario. Of particular note is the way in which the author seeks to demystify the belief that security is only guaranteed through physical, tangible money. The author refers to the EU’s MiCA Regulation (on crypto-asset markets), highlighting how regulations are created to provide clarity, legal certainty and consumer protection – in this case, in the European space. The author also discusses the centrality of digital assets in emerging countries, as they can be a solution for a large majority who have no banking affiliation, and analyses the specific case of Macau, where Law No. 10/2023 establishes the digital Pataca as currency, thus recognising that the future lies in digital assets.

**Editorial Team**