A new EU Approach to the protection of Academic freedom: the Intersection with the Rule of Law

A new EU Approach to the protection of Academic freedom: the Intersection with the Rule of Law, Giovanni Piccirilli and Ylenia Guerra

1. Introduction

The legal concept of "*academic freedom*" is deeply intertwined with several branches of constitutional law, both in terms of its institutional dimension (i.e., the autonomy of universities as academic bodies, the conditionality between the allocation of resources and actual possibility to research on specific fields) and as a fundamental individual right (which is connected, although not completely overlapping, with the freedom of expression of the individuals involved in teaching and research activities).

The present political situation casted light on multiple long-standing issues, including the relationship between academic freedom and other constitutionally protected rights and interests, also in terms of balancing and proportionality. It is probably redundant to list the main international and geo-political events whose effects may have influenced the life of academic institutions in the most recent period. However, at least the Russian-Ukrainian conflict, as well as the Israeli-Palestinian crisis, have undoubtedly affected academic freedom in the European space.

As stressed by the Panel for the Future of Science and Technology (hereinafter, STOA)[40], although academic freedom is widely acknowledged as a cornerstone of higher education and a vital component of a well-functioning democratic society, recent evidence suggests that it is facing challenges at both the EU and global level (STOA 2024, 6). To this effect, one might theorize the emergence of a certain *dissensus* with regard to the constitutional protection of academic freedom; a *dissensus* that appears to pervade both dimensions of academic freedom: the institutional one, with attempts by political actions to undermine the neutrality and the freedom of academic institution, and a more general trend to a strategic use of limitations of freedom of expression in academic contexts for the purpose of supporting a specific political position.

In that intricate political and legal *milieu*, the scope of the chapter is to investigate the existence of links between academic freedom and the rule of law in the EU constitutional dimension. The aim of this study is, therefore, not to examine academic freedom as a fundamental right of the European Union and its Member States, but rather to examine its intersection with the rule of law, starting from a problematisation of the conceptual dimension of this freedom. The approach will be therefore twofold: on the one hand, to set out the theoretical foundations of this relationship and, on the other hand, more concretely, to examine the substantive implications, starting from the crossroads represented by the rule of law conditionality Regulation (no. 2020/2092).

This analysis aims to fix, firstly, whether there is a convergence between these two concepts and, secondly, to determine the specific legal nature of this genuine intersection. Additionally, the study seeks to determine whether certain EU tools designed to safeguard the rule of law may have a beneficial impact on the protection of academic freedom (O. Ceran 2024), while also taking into consideration those adverse effects of the application of rule of law instruments on academic freedom. Furthermore, this profile intertwines the methodological issue concerning the examination of the EU dimension of academic freedom. Without delving deeply into the matter, this paper adopts an approach that originates from constitutional theory and elucidates the material implications of

[40] See also the announcement of the new 2024 Report: www.europarl.europa.eu/RegData/etude (last access: 21.02.2025).

academic freedom within the European context. To this end, it first considers the conceptual issues pertaining to academic freedom from the standpoint of EU constitutional law, with a view to delineating the specific scope of academic freedom. As it is well known, there is not a universally accepted definition of the concept, due to the fact that it lacks a solid and coherent doctrine, also considering the incapacity of courts to identify a uniform reason justifying its constitutional protection (R. Post, 2015, 123).
Therefore, the attempt of this paper is to analyze the theoretical aspect of the constitutional concept of academic freedom in order to elucidate its extensive meaning and identify the constituent elements that comprise this value.
The analysis will consider the legal sources characterizing the EU context in which academic freedom is protected, clearly starting with Article 13 of the Charter. This specific reconstructive approach will represent the basic element of a study of academic freedom in relation to the rule of law.
The thesis is that the genuinely constitutional dimension of the rule of law also intertwines with the protection of academic freedom. How they concretely interact is at the heart of this study.

2. The legal concept of 'academic freedom' in the EU dimension: mainly a theoretical problem?
For a long time now, it has been made clear that academic freedom cannot be addressed only by using legal instruments, but it has a more general theoretical substance (E.L. Pincoffs 1975, vii). This is all the more true, with regard of setting the latitude of the notion. It is therefore on a specific theoretical level that the concept of academic freedom faces its main problems.
Before approaching the specificities of the EU context, it must be made clear that many uncertainties are independent from a given legal system, as they are inherent in the concept. Consequently, the overall picture becomes even more puzzling with the combination between those blurred general concepts and the specific legal framework within which it is defined and the particular historical moment under consideration. The concept of academic freedom has historically been understood as a right reserved for individuals engaged in academic pursuits. Only recently the legal notion has been extended to also, and clearly, encompass students and administrative staff at the higher education level (STOA-ERPS 2023 and M. Stachowiak- Kudła, S. Westa, C. Santos Botelho, I. Bartha 2023, 162).
Notwithstanding the difficulty of formulating an unambiguous definition of academic freedom (F. Machlup 1955), a reasonable extensive definition can be attempted as follows, breaking it down its different components. It could be understood as comprising, at least, three main aspects (Vrielink, Lemmens, Parmentier 2010, 3): *(i)* an individual rights to expressive freedoms for members of the academic community(whoever they might be) mainly as to conduct free enquirers, including the freedom to study, the freedom to teach, the freedom of research and information, the freedom of expression and publication (including the 'right to err'), and the right to undertake professional activities outside of academic employment; *(ii)* a collective or institutional autonomy for the academy in general and/or subsections thereof (faculties, research units, etc.). Said autonomy implies that departments, faculties and universities as a whole have the right (and obligation) to preserve and promote the principles of academic freedom in the conduct of their internal and external affairs); and *(iii)* an obligation for the public authorities (and, even in a wider sense, a general duty across the society) to respect and protect academic freedom and to take measures in order to ensure an effective enjoyment of this right and to promote it.
In this conceptualisation, academic freedom appears to encompass three distinct dimensions of the legal theory: a first, right-related, dimension (often theorized as only a negative dimension and

imputable to the notion of *freedom*); a second one that could be define as institutional in nature (having an organisational-financial character); finally a further and final dimension, that can be described both as a pre-condition and as a consequence of its comprehensive understanding: academic freedom as a general (let's say: constitutional) duty to protect knowledge and its instruments for the development of the society[41].

Table I: the *constitutional* dimensions of academic freedom[42]

	Elements of academic freedom
rights-related	Freedom to conduct scientific research Freedom to teach Freedom to study Freedom of academic expression
institutional	Fundraising International alliances Educational design
constitutional duty	General duty to protect knowledge and its development

The difficulty of defining academic freedom in clear theoretical terms has not prevented policymakers from establishing the protection of academic freedom as a fundamental principle of domestic and international law (STOA-ERPS 2023). There are, in fact, numerous legal systems that exemplify this commitment, also in the specific constitutional position, including the EU legal space (A. von Bogdandy 2016). As clearly highlighted by STOA, after the spread of democracy in Europe, academic freedom has evolved from a relatively nebulous concept to a truly legally enshrined and safeguarded liberty. This transformation is inextricably linked to the acknowledgement of academic freedom as a pivotal element in the sustenance of well-functioning, open, and democratic societies that adhere to the tenets of the rule of law (STOA-EPRS 2023, 4). In that sense, academic freedom (intended in its broad dimension) has a constitutional protection in most EU MSs, see for instance: Austria (Article 17 Constitution); Belgium (unwritten principle, see Judgment of the Belgian Constitutional Court n. 167/2000 and J. De Groof 2013, 153); Croatia (Article 67 Constitution); Estonia (Article 38.2 Constitution); Finland (Section 123); Germany (set forth by several regional Constitutions); Greece (Article 16 Constitution); Hungary (Article X Constitution); Italy (Article 33 Constitution); Latvia (Article 113 Constitution); Lithuania (Article 40 Constitution); Luxembourg (Article 23

[41] Nevertheless, North American literature from an earlier period conveyed a somewhat more restrictive concept of academic freedom (W.P. Murphy 1963, 451, footnote 11) or, in any case, a slightly different notion. See the definition elaborated by the America Association of University Professors (AAUP), here a synthesis: https://www.aaup.org/programs/academic-freedom/faqs-academic-freedom.

[42] Some of the information is taken from STOA 2023.

Constitution[43]); Poland (Article 70 Constitution); Portugal (Articles 42 and 43 Constitution); Romania (Article 32 Constitution); Slovenia (Article 58 Constitution); Spain (Article 20 Constitution).

In the context of EU legal space, academic freedom has been established as a fundamental right, with its protection explicitly enshrined in article 13 of the EU Charter of Fundamental Rights, a very general provision according to which "The arts and scientific research shall be free of constraint. Academic freedom shall be respected" (on the codification of academic freedom in the EU Charter, see K. Kovács 2024, 13). While the quoted provision clarifies the theoretical scope of academic freedom precisely as a right, it specific meaning remains vague. In that sense, the meaning remains quite vague since there is no clear normative definition of what this right means (i.e.: what does and does not fall under academic freedom).

In the well-known CEU university judgment (C-66/18, see V. Kosta, D. Piqani, 2022), the Court of Justice ruled that academic freedom has an expansive meaning, in the elaboration of which it draws on the findings of the European Court of Human Rights. In particular:

> "Academic freedom in research and in teaching should guarantee freedom of expression and of action, freedom to disseminate information and freedom to conduct research and to distribute knowledge and truth without restriction, although it should be made clear that that freedom is not restricted to academic or scientific research, but that it also extends to academics' freedom to express freely their views and opinions (ECtHR, 27 May 2014, *Mustafa Erdoğan and Others v. Turkey*, § 40)".

In the ruling, the same paragraph also clarifies that academic freedom is characterised by an evident institutional dimension, essential to the understanding of its specific constitutional dimension ("This freedom, however, is not restricted to academic or scientific research, but also extends to the academics' freedom to express freely their views and opinions, even if controversial or unpopular, in the areas of their research, professional expertise and competence. This may include an examination of the functioning of public institutions in a given political system, and a criticism thereof").

However, apart from recognising its fundamental value and its qualification as a fundamental right of the EU, application and substantive problems seem to remain. The scope of application of that provision must in any case be interpreted in light of Article 51(1) of the Charter, meaning that "its provisions are addressed to EU institutions and to the Member States only when they act within the scope of EU law, which narrows the room for Commission-led infringement proceedings against a Member State" (V. Kosta, O. Ceran 2024) and in the light of the principle of subsidiarity.

3. The intersection with the rule of law principle as a new strategic methodology

In order to comprehend the methodology for safeguarding this value within the European legal framework (particularly in light of the initial data derived from practical applications), it is crucial to provide a concise overview of another "contested concept" (J. Waldron, 2021): the rule of law (see in general, on that specific intersection, O. Ceran 2024).

A lot of ink has been used in the attempt to clearly define the concept of rule of law, in its specific historical perspective and in the light of the different legal systems considered. The focus on this

[43] See also STOA 2025 (PE 765-776, February 2025).

principle ("value" for the EU) has a genuine transdisciplinary scope and philosophical and political studies have enriched the legal approach to the subject. These considerations naturally also apply when attempting a theoretical-conceptual approach to the rule of law in the European legal space, precisely starting with the types of meanings one wishes to attribute to this broad principle, including the well-known distinction between a narrow and broad concept of the rule of law. (thick/substantial *vs* thin/formal conceptions of the rule of law, see L. Pech 2022, 125 ff.; R. Coman 2022, N. Kirst 2021, 104). Notwithstanding the broadest and most substantial understanding of the rule of law, there might be reasons to question the idea that academic freedom can be regarded as a strictly necessary value for the rule of law. In a thin or formal conception of the rule of law, it may be questionable to extend the safeguards protecting legality in a stricter sense to the freedom of conducting academic activities.

Indeed, it would be preferable to argue, from the perspective of legal theory, that academic freedom is a fundamental right connected to the rule of law. These two concepts are interdependent, and the existence of one enhances the protection of the other and vice versa. This conclusion is supported by a number of arguments. Firstly, the EU legal space has now a specific notion of the rule of law value which is codified in secondary law (unlike the notion of academic freedom that still has not a specific legal explanation of what is it). Reference is made to Regulation EU 2020/2092, which, in article 2, letter (a), states that:

> "The rule of law refers to the Union value enshrined in Article 2 TEU. It includes the principles of legality implying a transparent, accountable, democratic and pluralistic law-making process; legal certainty; prohibition of arbitrariness of the executive powers; effective judicial protection, including access to justice, by independent and impartial courts, also as regards fundamental rights; separation of powers; and non-discrimination and equality before the law. The rule of law shall be understood having regard to the other Union values and principles enshrined in Article 2 TEU".

This concept was subsequently elaborated upon by the Court of Justice in the context of the well-known legal proceedings initiated by Hungary and Poland (C-156/21, §232-234 and C-157/21, §264-266) which challenged the aforementioned regulation. In these proceedings, the Court provided a comprehensive conceptualization of the rule of law as a constitutional value that define the common EU constitutional identity:

> "It must be borne in mind that Article 2 TEU is not merely a statement of policy guidelines or intentions, but contains values which, as noted in paragraph 127 above, are an integral part of the very identity of the European Union as a common legal order, values which are given concrete expression in principles containing legally binding obligations for the Member States. Even though, as is apparent from Article 4(2) TEU, the European Union respects the national identities of the Member States, inherent in their fundamental structures, political and constitutional, such that those States enjoy a certain degree of discretion in implementing the principles of the rule of law, it in no way follows that obligation as to the result to be achieved may vary from one Member State to another. Whilst they have separate national identities, inherent in their fundamental structures, political and constitutional, which the European Union respects, the Member States adhere to a concept of 'the rule of law' which they share, as a value common to

their own constitutional traditions, and which they have undertaken to respect at all times".

This interpretation of the principle-value of the rule of law as an identifying element of the constitutional dimension of the EU and in its broader scope confirms once more the possibility of highlighting its intertwining with academic freedom. Following this reconstruction, the protection of the rule of law has a functional role in the promotion of fundamental rights, so including at least the first (rights-related) dimension of the academic freedom. Hence, the thicker understanding of the rule of law emerging from the quoted passage of the judgment may be understood also to cover the institutional dimension of it, safeguarding the autonomy of universities as an integral part of a broader understanding of the separation of powers (O. Ceran 2024)

4. Regulation 2020/2092 on a general regime of conditionality for the protection of the Union budget as a case study

The aforementioned considerations have been found to be expressed in the first application of Regulation no. 2020/2092 (Rubio et al. 2023), a development which scholars has previously identified as a significant point of discussion. The objective of this section is not to provide an exhaustive review of the literature debate surrounding the rule of law conditionality regulation (Reg. no. 2020/2092), but rather to emphasise its advantages and disadvantages in the context of safeguarding academic freedom. In this regard, the perspective adopted herein is twofold, considering both a substantive approach and a regulatory policy perspective.

The Council implementing decision no. 2022/2506 constitutes the first (and, so far, the only) development of the conditionality regulation. In the framework of a general assessment of the Hungarian procedures in the use of EU resources, many flaws and inconsistencies have been found in the introduction of public interest trusts, leading to the application of severe sanctions such as: to suspend 55% of transfers in terms of cohesion funds (amounting to more than 6 billion euro) and to refrain from signing new financial commitment with Hungary.

This decision heavily affected also Hungarian universities, blocking the allocation of important grants. What it interesting for our purposes is to underline the overlap between managing EU funds and hampering universities' autonomy. The domestic political process of the contested reform, as described by influential commentators (G. Kováts et aal., 2023), started in 2018 and come to a conclusion with the adoption of Law IX in 2021. According to the latter, upon the proposal of the Ministry of Innovation and Technology (responsible also for higher education), a new type of institutional arrangement for academic institution was framed by introducing the so-called public interest trusts[44]. This novelty reshaped the governance of universities, allegedly facilitating their autonomy in the name of a (formal) separation from the State. In reality, it revealed to be a means to control sensitive decisions of universities concerning budget, organisation and even recruitment. It also implied the elusion of financial controls and the proper implementation of European budgetary

[44] https://eurydice.eacea.ec.europa.eu/national-education-systems/hungary/higher-education: "Between 2019 and 2021, the maintainers of institutions changed significantly, as a result of which the vast majority of previously state run higher educational institutions were transferred to the maintenance of trust funds performing public duties thus became private institutions. In this context, the law regulating the operation of these trust funds has also become an important legislation representing regulation of this sector".

rulings, together with public procurement procedures (that had been found as affected by "systemic irregularities, deficiencies and weaknesses") and anti-corruption controls.
With the implementing decision no. 2022/2506, the Council stresses the question related to the new public interest trusts (O. Ceran and Y. Guerra, 2023). In particular,

> "there are concerns regarding the non-application of public procurement and conflict of interest rules to 'public interest trusts' and the entities managed by them, and the lack of transparency with regard to the management of funds by those trusts. Those issues and their recurrence over time demonstrate a systemic inability, failure or unwillingness, on the part of the Hungarian authorities, to prevent decisions that are in breach of the applicable law, as regards public procurement and conflicts of interest, and thus to adequately tackle risks of corruption. They constitute breaches of the principles of the rule of law, in particular the principles of legal certainty and prohibition of arbitrariness of the executive powers and raise concerns as regards the separation of powers" (§11).

In the para-administrative procedure that characterises the structure of Regulation 2020/2092, it is evident that none of the few Hungarian initiatives have demonstrated a resolution to the prevailing issues of conflict of interest and public procurement (see §56 of the decision). In this regard, with the implementing decision the Council concludes (Art. 2.2) with the blocking of any financial relation with public interest trusts.

> "Where the Commission implements the Union budget in direct or indirect management pursuant to of Article 62(1) points (a) and (c), of Regulation (EU, Euratom) 2018/1046, no legal commitments shall be entered into with any public interest trust established on the basis of the Hungarian Act IX of 2021 or any entity maintained by such a public interest trust".

Also subsequent assessments (as for December 2024) showed the incapacity of Hungary to overcome this gridlock: with the Decision C(2024) 9140 of 16 December 2024 the Commission confirmed the sanctions set two years before, denouncing how the measures already taken had not been remedied. Specific attention was also devoted to the situation of higher education institutions, that would remain under the control of public interest trusts also in the light of the latest legislative reforms (see §25-26 of the Decision).
To provide some detailed info, the Hungarian universities maintained by such public interest trusts, and so addressed by the aforementioned measures, are 21. In the light of the Decision, they can still apply for EU funds, but in case of successful applications they are not eligible to receive any. As for the funds concerned, they include Horizon fund to Erasmus+, so the most common sources of financing for mobility, teaching and research.
The most sensitive point is to understand the impact of these measures, the consequences on individuals and the risk of even worsening the situation of the academic freedom in the country. The Decision addresses the Member State (and indirectly the academic institution therein) but evidently its consequences reach also academics, students and staff. Paradoxically, it may end to further weaking the educational system, not only in institutional terms, but also as the natural birthplace of critical thinking, something of outmost importance, especially in a country on the edge of an illiberal involution

It should also be noted that a number of cases are pending at the Tribunal regarding some specific measures for the application of conditionality, and developments are awaited (T-115/23 and T-138/23)[45].

5. Separate but related? The impact of the protection rule of law (and financial interests of the EU) on the academic freedom.

In conclusion, it is necessary to stress that none of the decisions taken in the Hungarian case (neither the 2022 Decision, nor the 2024 assessment) used Article 13 CFREU as a parameter. One could therefore argue that the effects of the application of Regulation 2020/2092 on academic freedom are only indirect and potential, or even that they end up restricting rather than protecting it.

Undoubtedly, both acts analyzed in the previous section are adopted in order to protect the financial interests of the Union, and in relation to the violation of the principles of transparency, impartiality and good management of European funds, with obvious connections to the promotion of the rule of law. However, it should not be forgotten that in the European perspective, the academic freedom referred to in Article 13 CFREU must be read in conjunction with the freedom of movement and establishment (referred to in Articles 3(2) TEU, 21 TFEU and 45 CFREU). And that in the balance between this and the protection of academic freedom, the founding values of Article 2 TEU, which are the basis of the rule of law and the regulation on conditionality, cannot be sacrificed. From the particular standpoint of that paper, which does not represent a legal theory study of EU academic freedom in general, certain elements appear to signal a novel constitutional approach to the safeguarding of research, thus warranting consideration within the academic debate. Primarily, there appears to be a divergence in the nexus with the rule of law, contingent upon the specific dimension of academic freedom under scrutiny. Regardless of the specific perspective adopted, both profiles of academic freedom (institutional dimension and academic freedom as a right) intersect with the protection of the rule of law when focusing on the EU positivised concept of the rule of law. Moreover, if the intersection between academic freedom and the rule of law is observed from the specific perspective of the aim of reg. 2020/2092, it would seem that further clarification would be required on the issues. The regulation is designed to safeguard the EU budget in the event of breaches of the rule of law within member states. Consequently, the primary concern is not the rule of law in its entirety, but rather the financial interests of the EU when those interests are jeopardised by the violation of the rule of law. This aspect has implications for the specific academic freedom dimension related to the application of the regulation 2020/2092, at least from a formal point of view. It is evident that the institutional dimension of academic freedom and its protection directly intersect with the EU's financial interests, and that therefore the measures for applying that conditionality fall on the specific institutional dimension. The specific dimension of freedom of research, (also) understood as negative freedom, which also possesses an individual character, is very different. For this specific dimension, direct connections with the Rule of Law Conditionality Regulation cannot be readily identified (although it can be asserted that academic freedom is a right that intersects with the value of the rule of law). Two further considerations can be developed from this topic. Firstly, a more political point of view reveals elements of connection in every case, as indirect consequences related to the application of that conditionality. Secondly, a general consideration suggests that

[45] See T-115/23 (action of annulment; for this case, the Tribunal rejected the Council's plea of inadmissibility, ECLI:EU:T:2024:209). The same for T-138/23 (ECLI:EU:T:2024:211). Other cases have been declared inadmissible.

paradoxically, protecting the institutional dimension of academic freedom through conditionality may in fact prevent the protection of academic research freedom mainly at the individual level. It is very clear that not all dimensions of academic freedom are fully connected to the specific instrument of conditionality, as has already been clearly emphasised by legal scholars. "Different 'versions' of academic freedom might therefore require different types of measures, and the EU's rule of law toolbox may not be suitable for all of them. For this reason, the design of new measures should be based on a more in-depth reflection, already underway[46], on the meaning and rationale of academic freedom in EU law, both in the context of the rule of law action and independently" (O. Ceran 2024).
It seems that on these aspects the direction expressed by the new STOA Report is agreeable, according to which "The requirements for institutional policies, procedures and support structures to safeguard academic freedom could be strengthened as a condition for obtaining EU research and/or education funding. However, any such conditions need to remain sensitive to the diversity of national frameworks" (STOA Options Brief 2025). One could therefore imagine mechanisms, procedures or criteria for the allocation of funds aimed at guaranteeing respect for academic freedom in its broadest sense.
It is imperative to emphasise that the primary objective is to consolidate the multifaceted nature of academic freedom, ensuring that the safeguarding of any component does not compromise the integrity of the others. The incorporation of specific procedural criteria for the allocation of research funds, based also on indicators that can assess the protection of academic freedom at the national level, has the potential to foster a comprehensive and inclusive understanding of all dimensions of academic freedom, both at the European level and also in the intricate nexus with the safeguarding of the EU financial interests.

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[46] See https://www.universiteitleiden.nl/en/law/institute-of-public-law/europa-institute/research/afite

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Pending cases

T-115/23

T-138/23

RED SPINEL

M-35.

STRENGTHENING THE RULE OF LAW AS AN OUTCOME OF THE PANDEMIC CRISIS?

LUISS

WORKING PAPER

Nicola Lupo and Giovanni Piccirilli (eds.)

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LUISS

ABOUT THIS WORKING PAPER

This report is written within the framework of the Horizon-funded research program, ***Respond to Emerging Dissensus: SuPranational Instruments and Norms of Liberal European Democracy (RED-SPINEL)***. It investigates how mounting dissensus surrounding liberal democracy has shaped the social and political legitimacy of the EU's Rule of Law governance instruments.

The report is one of the Milestones within Work Package 2 on "EU Instruments defending the rule of law within the EU", which is lead by the Libera Università Internazionale Degli Studi Sociali "Guido Carli" University of Rome.

Work Package 2 explores how mounting dissensus surrounding liberal democracy has shaped the social and political legitimacy of the EU's rule of law governance instruments. Empirically, Work Package 2 focusses on analysing the "EU Rule of Law Toolbox".

FOREWORD

The Horizon Europe research project (2023-2025) RED-SPINEL (Respond to Emerging Dissensus: Supranational Instruments and Norms of European Democracy) seeks to shed light on the growing dissensus surrounding liberal democracy and the rule of law within and beyond the European Union (EU). RED-SPINEL examines how policy instruments and legal mechanisms at the EU level have evolved in response to dissensus surrounding liberal democracy and its constitutive dimensions. Bringing together academics and researchers from seven universities (Université libre de Bruxelles, University of Amsterdam, Libera Università Internazionale Degli Studi Sociali "Guido Carli" University of Rome, Babes-Bolyai University, University of Warwick, Uniwersytet Mikołaja Kopernika w Toruniu, and HEC Paris) and four nonacademic institutions (Peace Action Training and Research Institute in Romania, Milieu Consulting, Magyar Helsinki Bizottság / Hungarian Helsinki Committee and Stichting Nederlands Instituut voor Internationale Betrekkingen - Clingendael), the project addresses key transversal questions:

1.What is the nature of the current dissensus and how disruptive is it to the EU?
2. How have EU institutional actors and instruments contributed and responded to this increased dissensus?
3.What are the implications of this dissensus for policy instruments at EU and member state levels?

These are the main questions of the project that will be explored empirically in relation to the following topics:

-Instruments relating to the promotion of democracy and the rule of law within the EU (Work Package 2);
-Instruments relating to the promotion of democracy and the rule of law within the EU's neighbourhood (Work Package 3);
-Legal mechanisms and technocratic instruments fostering citizen participation, defending fundamental rights and promoting climate justice (Work Package 4); and
-Instruments relating to EU economic governance, notably the European Semester (Work Package 5).

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