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## Public goods in EU law

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The European Union (EU) promises its citizens quite a bit, but is often not capable of “delivering” because of its competences. The EU is committed to a stable eurozone (Art. 119 para. 2 TEU), but cannot guarantee this – as the shocks in the course of the global financial crisis in 2008 and the related sovereign debt crisis showed – due to its lack of economic and fiscal policy competences. The EU promises its citizens freedom of movement without border controls in an “area of freedom, security and justice” (Art. 67 TEU), but cannot ensure this, as the border controls during the migration crisis and the security crisis after the terrorist attacks in Paris, Brussels and Berlin made clear. Furthermore, the EU is pursuing a European health policy (Art. 168 TEU and Art. 35 of the EU Charter of Fundamental Rights), but has been limited to the coordination of Member States during the European-wide pandemic. Consequently, the EU is viewed by citizens as incapable of acting and is losing credibility. Nonetheless, there is no consensus among the Member States on

the EU reforms necessary in this regard. It is becoming increasingly clear that a consensus will not be achieved until there is an answer to the question of what “kind” of EU the Member States and their citizens want and what tasks this EU should assume. Against this backdrop, it is not farfetched to say that the EU crises are to be understood as European consensus crises over the provision and achievement of European public goods. At the Conference on the Future of Europe commencing in 2021, it will be necessary to hold a European debate on the future direction of the EU. The concept of public goods should be adopted there to explain and justify why certain competences must be located and handled on the European level in the interests of all Member States and why others can remain within the remit of the Member States.

In this context, European public goods and the economic and legal criteria defining them serve as a compass and barometer. A reform of the EU does not have to involve “more Europe” across the board, but rather should pursue a functional EU that efficiently achieves European aims and tasks and can “deliver” this wherever citizens expect it.

*This study was written by Prof. Dr. Christian Calliess, LL. M. Eur., Chair for Public Law and European Law at the Freie Universität Berlin, within the framework of the Reflection Group of the Bertelsmann Stiftung on the topic of European Public Goods.*

You can find the corresponding Policy Brief in English [here](#).

## Projekt

- [Vision Europe](#)

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