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CONTENTS

INDEX OF AUTHORS

INDEX

PREFACE

Economic development refers to the improvement of activities in the economy, which leads to progressive changes in the socio-economic structure and the rising of living standards. Given that the objective of sustainable economic development is elimination of poverty, inequality and unemployment – thus leading to social inclusion and improvement of the quality of life; it is necessary in analysis of this important issue apply extremely multidisciplinary approach.

Faculty of Business Studies, Mediterranean University – Podgorica, Montenegro; University of National and World Economy – Sofia, Bulgaria; Faculty of Commercial and Business Studies – Celje, Slovenia; Faculty of Applied Management, Economics and Finance – Belgrade, Serbia, College of Regional Development and Banking Institute – Ambis, Czech Republic and the Association of Economists and Managers of the Balkans have recognized following issue and organized Sixth International Scientific Conference titled: ***Knowledge Based Sustainable Development – ERAZ 2020*** online/virtually (due to the COVID-19 pandemic) on May 21, 2020.

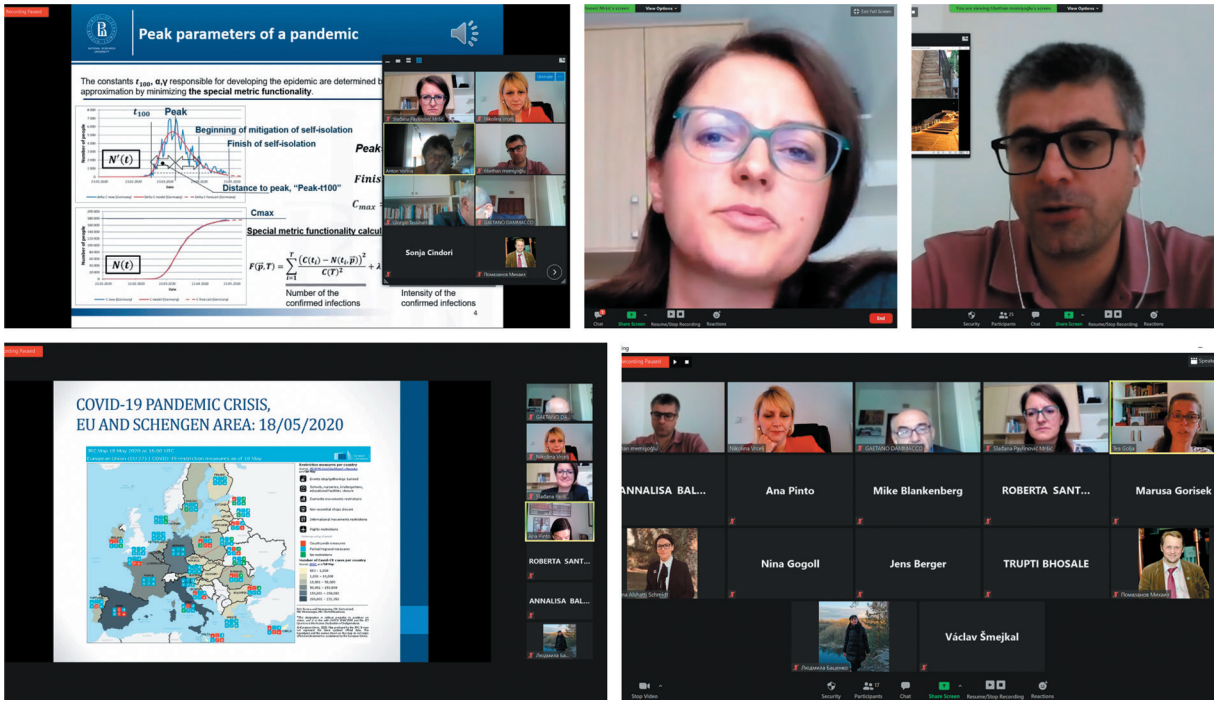
The conference objective was to bring together academic community (experts, scientists, engineers, researchers, students and others) and publication of their scientific papers for the purpose of popularization of science and their personal and collective affirmation. The unique program combined interactive discussion and other forms of interpersonal exchange of experiences and presentation of the latest scientific developments in following areas:

- Microeconomics and macroeconomics,
- Economic policy,
- International Economics and Trade,
- International Business,
- Economic diplomacy,
- Lobbying,
- Globalization,
- European business,
- Modern management and innovation,
- Business and Public Finance,
- Fiscal policy,
- Stock exchange and financial markets,
- Risk management,
- Insurance and reinsurance companies,
- Financial Management and Banking,
- Modern forms of entrepreneurship and investment,
- Investment Management,
- Enterprise and Learning,
- Women and Entrepreneurship,
- Corporate entrepreneurship,
- Agribusiness Strategy,
- Marketing and trade,
- Marketing services,
- Marketing of non-profit sector,
- Research in marketing,
- Marketing in education,
- Marketing in sport,
- Marketing in culture,
- Accounting and auditing,
- Quality management,
- Labor law,
- Business law,
- The role of the rule of law in the country's progress,
- Human rights and protection of minorities,
- Legal aspects of EU integration,
- Intellectual Property Law,
- The reform of corporate law in countries in transition,
- CEFTA,
- Ecology and energy,
- Renewable energy,
- Energetic efficiency,
- Information technology and business intelligence,
- The use and integration of new technologies,
- E-society and E-learning,
- Sustainable tourism,
- Hospitality

Special emphasis for ERAZ 2020 is given to the key topic: *Pandemic Crisis and the Sustainability.*

Within publications from ERAZ 2020 conference:

- 11 double blind peer reviewed papers have been published in the International Scientific Conference ERAZ 2020 – Knowledge Based Sustainable Development – Selected Papers,
- 41 double blind peer reviewed papers have been published in the International Scientific Conference ERAZ 2020 – Knowledge Based Sustainable Development – Conference Proceedings,
- 69 abstracts have been published in the International Scientific Conference ERAZ 2020 – Knowledge Based Sustainable Development – Book of Abstracts.



ERAZ 2020 publications have more than 520 pages. Besides that, some papers were accepted for publication in the conference partner journals namely:

- **JFEAS** is published by the Çukurova University, Faculty of Economics and Administrative Sciences from Turkey twice a year as an open source. This international journal is dedicated to the wide scope of themes of economics, business, public finance, econometrics, international relations, labor economics and the theoretical, methodological and applications between these disciplines, and others in Turkish and English. The journal is indexed in DOAJ, DRJI and Index Copernicus.
- **Journal of Sustainable Development (JSD)** is an international journal published by the Integrated Business Faculty – Skopje, North Macedonia. JSD area includes three pillars of economic, social and environmental development issues. All these aspects are considered relevant for publishing in the JSD. The journal is officially listed in the respected EBSCO database, CEEOL database, as well as the databases of Business Source Complete and Sustainability Reference Center. All articles published in the journal are also indexed in these databases.
- **Journal of Innovative Business and Management** is published by the DOBA Faculty, Maribor (Slovenia) and is referred in international scientific journal bases DOAJ, Google Scholar, EconPapers, ResearchGate and RePec. It has been published since 2009 and since then it has been attracting more and more interest among the readers, who predominantly come from academia and business practice.

- **Balkans Journal of Emerging Trends in Social Sciences (Balkans JETSS)** is an international scientific journal, published by the Association of Economists and Managers of the Balkans. Aims and scope are economics, management, law and tourism. Balkans JETSS have following indexations: Google Scholar, CEEOL (Central and Eastern European Online Library), ProQuest´s Serial Solutions, Summon, Primo Central, Alma, EBSCO´s EDS Discovery Service and Knowledge Base, TDNet and OCLC.

Participation in the conference took 123 researchers with the paper representing 19 different countries (Albania, Bulgaria, China, Croatia, Czech Republic, India, Italy, Montenegro, Poland, Portugal, Romania, Russia, Serbia, Slovakia, Slovenia, Spain, Ukraine, United Arab Emirates, USA) from different universities, eminent faculties, scientific institutes, colleges, and various ministries, local governments, public and private enterprises, multinational companies, associations, etc.

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CORONAVIRUS CRISIS AND EU ANTITRUST – JUST TEMPORARY ADAPTATIONS OR LONG-TERM CHANGES?

Václav Šmejkal[1]

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Abstract: *The European Commission and the competition authorities of the EU member states responded to the coronavirus crisis with assurances about sufficient flexibility of their instruments. They enabled temporary cooperation between competitors to ensure the supply of essential medical products and services. At the same time, they warned against any misuse of the crisis for overpricing or other monopolistic practices. However, the crisis has also intensified long-term pressures for a fundamental adaptation of European competition rules. The first challenge is represented by Chinese state-backed enterprises as potential acquirers of weakened European competitors. The second source of pressure is the increasingly dominant role of global online platforms. Their role as an irreplaceable infrastructure for management, communication, counselling and distance learning was reinforced in the coronavirus crisis. The Commission and other experts are already discussing appropriate responses. This paper maps the discussion on possible EU responses to these challenges, and tries to show the strengths and weaknesses of the proposed solutions and on this basis to estimate the future development of EU antitrust in the post-coronavirus period.*

Keywords: *Coronavirus, Antitrust, European Commission, Chinese State-owned enterprises, Online platforms.*

1. INTRODUCTION

Antitrust in coronavirus times will surely become the topic of many analyses carried out from different angles. The following analysis tries to predict what "antitrust legacy" the coronavirus will leave us in the long-term. The micro-management of the crisis in March-May 2020 conducted by the European Commission (its DG Competition) and national competition authorities surely produced valuable guidance for undertakings in order to prevent them from abusing the shortages of medical and protective goods and services, and also to clarify for them what kind of cooperation would still be considered permissible in the middle of an emergency. This part of the EU antitrust vs. coronavirus match would not, we dare to predict, have a changing effect on EU competition law and policy as no brand-new instruments have been introduced and with the upcoming calming down of the situation everything will return to normal.

The present analysis, however, argues that the coronavirus crisis, rather than unexpectedly reshaping European antitrust, has accelerated tendencies present and well-known already before the crisis, which would soon bring about changes with a qualitative long-term impact. Even if the pandemic will not produce a new world order dominated by China, it is quite obvious that the influence of Chinese state-owned enterprises (SOEs), especially their take over appetite and capability, will provoke a structural adaptation of EU competition law in order to maintain its efficiency and equal impact vis-a-vis market players with systemically different political and economic backgrounds. In parallel, the coronavirus crisis highlighted another prevailing

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tendency that requires a response from European antitrust. The irreplaceable role of online platforms and their Internet applications, which overshadowed during the coronavirus some traditional public utilities, raises the question of their further regulation. Our societies have become too dependent on them without controlling them enough to secure their smooth, stable and socially responsible availability.

The proposals and possibilities to tackle these two categories of issues will be critically analysed in the following paper. The goal is to show where the developmental trends accelerated by the coronavirus epidemic are heading and what new antitrust rules we can expect in Europe.

2. EU RESPONSE TO CHINESE CHALLENGE

Competition Commissioner and European Commission Vice-President, M. Vestager, declared in an interview with the *Financial Times* on April 12, 2020, that the Commission would not object to EU Member States buying shares in companies to prevent their takeovers by foreign state-owned enterprises. Economic consequences of the COVID-19 crisis can make European companies vulnerable and an easy prey for Chinese takeovers, which is a threat that the Commission would consider one of its priorities. A more elaborated proposal of the EU´s response to this threat could be expected as early as in June 2020, however it will only be the start of the legislation process, not an immediately applicable measure (Espinoza, 2020).

The impression of urgency should not overshadow the fact that this is a matter that has been debated well before the outbreak of the COVID-19 pandemic (European Commission, 2017; De Kok, 2017). The EU´s antitrust problem with Chinese SOEs can be briefly summarised as follows: it is more than likely that successful Chinese corporate giants are controlled and supported by the Chinese state (and the Communist Party), which puts them in a better position to compete with European companies and, at the same time, allows them to avoid standard EU competition law instruments.

While the unfair advantage enjoyed by competitors backed by public resources is easily understandable, their possible avoiding EU competition scrutiny requires further explanation. EU competition rules are addressed to undertakings which they consider to be entities independently carrying out an economic activity consisting in offering goods and services on the market (Court of Justice, 1991, para 21). If an entity does not have sufficient decision-making autonomy, it is part of the undertaking that controls it, or of a so-called "single economic unit". Agreements and transformations within this single economic unit fall outside the scope of EU competition law as mere internal changes inside one and the same undertaking. If a business entity is closely controlled (not just owned) by a State, all business entities subject to the same control form, in theory, one undertaking. Agreement or merger of two or more subsidiaries of Chinese SOEs on EU markets would thus fall outside of the reach of EU competition rules. Only if their market position becomes a dominant one, they would be subject to the Article 102 TFEU prohibition of its abuse. But after Chinese SOEs become dominant in Europe, it could be too late to react for their EU competitors.

An immediate question arises why the entry of such companies into EU markets is not strictly controlled? Under the EU Merger Regulation (No 139/2004), Article 1, the EU´s control is applied only to mergers between undertakings with an important turnover not only worldwide, but also in the EU at the same time. If a Chinese SOE newly enters the EU through a takeover of a

European competitor, it has not yet a turnover and market share there (or not an important one) to be bothered by EU Merger Regulation as a potential threat to competition. To prevent easy takeovers of companies strategically important for Member States, the EU adopted in March 2019 the so-called FDI Screening Regulation (No 2019/452) that calls for (but does not commit) EU Member States to introduce national screening mechanisms in order to check whether a third country direct investor does not pose a threat to national security or public order. In the middle of the COVID-19 pandemic, the Commission issued a *Guidance* accompanying this new Regulation so that "Europe´s strategic assets" get better protection (European Commission, 2020a). This "emergency appeal", however, is only about a more active and flexible use of existing mechanisms and is by no means a new instrument for protecting competition in the EU.

The qualitatively new instrument that the takeover threat boosted by COVID-19 should bring to light – at least judging by comments for the media made by Commissioner Vestager (CPI, 2019) - will probably be inspired by the so-called *Dutch proposal* from December 2019. The media called "sweeping new power submitted by the Dutch government" (Espinoza & Fleming, 2019) was presented in a two-page-long document accompanied with a single page graphic, titled "Non-paper – Strengthening the level playing field on the internal market" (Kingdom of the Netherlands, 2019).

The companies coming from countries where they receive government support or enjoy an unregulated dominant position in a third-county market would, upon their entry into the EU market, are submitted *ex-ante* to scrutiny by the Commission which would consist in application of a well-known market economy private operator test (Cyndecka, 2016). And if it is established that a company under review can disregard the market constraints that any private operator in a market economy must cope with, certain limitations on its behaviour on EU markets can be imposed. They may include for instance ban on certain pricing and selling strategies, investments in assets with no apparent business case; in short, they would be treated from the outset as if they were already dominant in an EU market.

This would restrain their appetite for acts that would endanger the competitive structure there and thus the level playing field for private and state-owned companies irrespective of their nationality would be maintained in the EU. The devil of course is, as always, hidden in the details, and they must be addressed in the promised legislative proposal. It has to be clarified how the new measures would comply with WTO commitments as by now it looks as if the EU wants to put in place rules and measures going beyond what has been agreed on at the international level, however, not only these international legal and political aspects of the new instrument, but also the purely competitive ones, require careful consideration (Kaeseberg, 2020).

Maybe the least revolutionary would be the application of the new instrument in merger cases. Unless the new instrument creates a parallel mode to control concentration, the EU Merger Regulation will have to be amended (by unanimous vote in the Council of the EU!), so that it becomes applicable also to foreign state-backed companies without the required turnover in the EU market. Then the companies involved will have to notify the Commission well ahead of their merger or acquisition, supply the necessary information that would allow a thorough assessment of their combined market strength and the plausible uncoordinated and coordinated effect of the merger at issue. After that, depending on the outcome of such scrutiny, the merger would either be prohibited or permitted with conditions or without them. It is not excluded yet that some new theories of harm would have to be introduced as state-backed companies´ merg-

ers might not have the same impact on competition, as mergers between market players that already dispose of big market shares in the EU and aim at further strengthening of their position.

The same problem becomes even sharper in the case of unilateral market practices of state-backed undertakings. The new instrument may be only partially a parallel to the prohibition of abuse of a dominant position where the Commission intervenes *ex-post*, first establishes that the suspicious undertaking holds a dominant position and then detects the abusive effects of its exploitative or exclusionary practices. In case of foreign-state-backed companies it is proposed that "the European Commission may conduct an *ex-ante* investigation into a company's conduct" (Kingdom of the Netherlands, 2020, p. 2). Also, the companies will be allowed to submit themselves *ex-ante* to an investigation, in order to learn ahead whether their market behaviour would be subject to the scope of this proposal.

Having established the foreign-state-backed status of an undertaking and thus the applicability of the new instrument to it, the positive law will have to warn the undertaking that certain practices, such as supply constraints that are not in line with market conditions; price and product differentiation between different market operators on comparable transactions; tied selling, whereby additional conditions are imposed with no (apparent) relationship to the transaction; wholesale/retail pricing that is not a reflection of market prices and/or production costs, etc., are furthermore prohibited. And the Commission will have to monitor the undertaking´s market behaviour and intervene when it enters the forbidden area.

In this *ex-post* investigation, the Commission's procedure may become at last similar to dealing with cases of abuse of dominance, although it is uncertain whether the same standards of harm (i.e. criteria for determining when a particular commercial practice becomes harmful to competition) used to sanction dominant companies´ abuses would really fit here. Before a certain amount of empirical data (and ultimately case law) on effects of foreign-state-backed companies´ behaviour is accumulated, it may be difficult to give those companies enough certainty about barriers in which they are to operate in EU markets. All in all, this new instrument is needed and welcomed but no one should expect that EU competition law would become *merely a bit more* complicated after its introduction.

3. BIG TECH AS PUBLIC UTILITIES OR SOMETHING ELSE?

"Coronavirus crisis shows Big Tech for what it is - a 21st century public utility", according to one of *POLITOCO´*s comments published in March 2020 (Scott, 2020). Official and business work, as well as private communication shifted to the Internet and its applications in a previously unseen dimension. If these services were suddenly switched off, the losses and damage caused by the pandemic could have been much greater. The COVID-19 pandemic posed with all urgency the question of whether Internet search and communication platforms should not be placed in the same category as traditional public service providers in energy, transport or telecommunications sectors. This regulation of global Internet and online platforms goes inevitably further than the protection of economic competition. Nevertheless, competition law also has an irreplaceable role in looking for solutions of some of these issues.

A strictly pro-competitive approach would recognise that it has been so far the fierce and dynamic competition that provided us with a number of freely selectable (and also freely consumable) Internet services and all we have to do is to fight against anti-competitive effects of exces-

sive market power of Big Tech giants. It could ultimately mean to break up Amazon, Google, Facebook and Apple as for instance was proposed by US Senator E. Warren (Stevens, 2019) and supported by part of academic literature (Galloway, 2017, p. 255). The integration of various related online services will be banned, the monopolisation of the entire Internet ecosystem will be averted, although the division of fast-growing Internet companies may need to be repeated in each generation. This, however, does not seem to be the European way, although it should be emphasised that sanction by forced splitting must remain on the list as a last resort, otherwise milder sanctions will lose some of their effect.

Commissioner Vestager is against the breaking up option as the real splitting up of these companies would be difficult to manage and no one can prevent that network effect would immediately work in favour of a new Internet "gatekeeper". A new *ex-ante* regulatory tool is thus the preferable solution (Chotiner, 2020) and the crucial question is "how to intervene before it is too late" (Crofts, 2020a, p. 60). The classical *ex-post* antitrust enforcement of bans against abuses of dominant (even monopolistic) position may really be too slow to enforce and their standards of proof too complicated to effectively catch and sanction anti-competitive behaviour on very dynamic, fluid markets prone to tipping towards monopolistic structures (UNCTAD, 2019, p. 11).

The question is how the new regulation should look like if it must maintain the pace of technological innovation, wide availability of services and free competition at the same time. The most often repeated argument against submitting Google or Facebook to "public utility regime" says that their drive to innovate will be destroyed and rigidity, lack of flexibility, would become the norm (Cremer, Montjoy, & Schweitzer, H., 2019). Users that have got used to their free availability will have to be charged money for each entry as this is part of the deal of having access to services of general economic interests (Vilette, 2017; Harris, 2020). And last but not least, the current Article 106(2) TFEU stipulates that undertakings entrusted with the operations of services of general economic interest are subject to the rules on competition, *only in so far* as the application of such rules does not obstruct the performance, in law or in fact, of the particular tasks assigned to them. Converting Google or Facebook into a public utility would thus only confirm their exceptional position. Even such a brief presentation of threats to the fundamental values of competition, consumer interest and the dynamics of innovation suggests that the new regulatory tool will not be easy to design and have approved.

Commissioner Vestager has recently announced a three-prong strategy: 1) new obligations on digital gatekeepers, 2) continued probes into illegal conduct, 3) new tool to stop markets "tipping" to keep the digital economy opened (Crofts, 2020b, p. 61-62). The Commission is therefore preparing two legal innovations, none of which go that far to call for any kind of socialisation of social media and platforms, not even to consider them as essential facilities (like electricity grids, railways, pipelines or major ports) (Connor, 2020). From what has been submitted to public consultation in June 2020 (European Commission, 2020b), we know that the Commission is preparing an instrument (possibly in the form of a regulation) imposing *ex-ante* prohibitions and obligations on those who may be called digital gatekeepers (i.e. the category of dominant players without need to prove their dominance in a traditional sense) like Facebook and Google.

It is more than probable that neither of the well-established statuses (service of a general economic interest, essential facility) will be chosen for "gatekeepers" of the Internet and social media. These concepts do not fit seamlessly to the situation in online markets as has been emphasised above, and their existing legal framework (completed largely by case law of the EU Court

of Justice) could be limiting for a completely new approach to the issue. The regulation should be drafted by the end of 2020. It will be interesting to watch to what extent it will narrowly focus the competition problems or would rather guide global online platforms to what they must and may not do in the EU in a broader sense.

If it is modelled on the manner of already existing EU Regulation on platform-to-business relations (No 2019/1150), the latter of the two aforementioned approaches is more plausible. That piece of legislation obliges online platforms to a certain higher social responsibility by means of transparent behaviour, by justifying their actions and not restricting the rights of their users. The now drafted new legislation thus could in the same vein prohibit *ex-ante* certain practices that could lead to the further consolidation and spread of market power from an already dominated market to new markets, e.g. by killing-acquisitions, tying services into pre-installed packages, locking-in existing customers, refusing interoperability with other providers, suppressing access to collected data, selling their own products of platforms alongside third parties´ products, etc. (OECD, 2018; Funta, 2020).

All in all, it would mean that Big Tech form a new category of competitors, being neither ordinary nor dominant ones, belonging neither to general services providers nor to essential facilities, as the category of "digital gatekeepers" and the corresponding specific obligations would fit them the best.

4. CONCLUSION

If the above-performed analysis is correct, we are entering the phase of *ex-ante* antitrust. What has been thus far typical for mergers and state aids could become a standard also for foreign SOEs and Big Tech online gatekeepers. This *ex-ante* approach means that competition would be more regulated than just protected as the classical *ex-post* approach requiring thorough investigation, conviction and punishment of already committed infringements, has proved not entirely effective for the two biggest challenges facing European antitrust.

The first one consists in the massive penetration of European markets by foreign state-backed competitors coming from countries with very non-Western political and business standards. The second is also about "massive penetration", this time of our lives, of our ways of communicating, learning, working… by online platforms. Both challenges are imminent and threaten dominance that can overturn not only European markets but also European values. Competition law thus works (along with other tools) on the imaginary front line of defence. And on the front line, the speed and clarity offered by ex-ante measures are needed more than patient ex-post detection, evidence, conviction and judicial review.

We will have to accept that the "good old antitrust" was a Western game, the rules of which were formed for an environment built of brick and mortar and do not fit that well for the realities of the third decade of the 21st century. The COVID-19 pandemic did not cause that, but made it clearly visible and very urgent.

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REFERENCES

Chotiner, I. (2020). The Coronavirus and the Future of Big Tech. *The New Yorker,* April 30, 2020.

Connor, C. (2020). Vestager: EU may introduce competition rules for "digital gatekeepers" *Global Competition Review,* April 24, 2020.

Court of Justice of the EU (1991). *Klaus Höfner and Fritz Elser v Macrotron GmbH*, Judgment of 23 April 1991, Case C-41/90, ECLI:EU:C:1991:161.

CPI (2019). EU: Brussels examines curbs on non-EU state-backed companies. *Competition Policy International*, December 16, 2019. Retrieved from https://www.competitionpolicyinternational.com/eu-brussels-examines-curbs-on-non-eu-state-backed-companies/

Cremer, J., de Montjoy, Y.-A., & Schweitzer, H. (2019). *Competition Policy for the digital era. Final report*. European Union. https:// doi: 10.2763/407537

Crofts, L. (2020a) "Too high" standard of proof will hinder EU action against abuses, Vestager says. *MLex Special Report,* May 1, 2020 Dialling in to Washington – Mlex Reports from the 68th ABA Antitrust Law "Virtual" spring Meeting.

Crofts, L. (2020b) Tech gatekeepers of today and titans of tomorrow targeted in Vestager′s three-prong strategy. *MLex Special Report,* May 1, 2020 Dialling in to Washington – Mlex reports from the 68th ABA Antitrust Law "Virtual" spring Meeting,

Cyndecka, M. (2016). *The Market Economy Investor Test in EU State Aid Law, Applicability and Application*. The Netherlands: Kluwer Law International.

De Kok, J. (2017). Chinese SOEs under EU Competition Law. *World Competition 40*, No. 4(2017), pp. 583 – 612.

Espinoza, J. (2020). Vestager urging stake building to block Chinese Takeovers. *The Financial Times*, April 12, 2020.

Espinoza, J. & Fleming, S. (2019). Margrethe Vestager examines curbs on non-EU state backed companies, *The Financial Times*, December 12, 2019.

European Commission (2017). *Staff Working Document on Significant Distortions in the Economy of The People's Republic of China for the Purposes of Trade Defence Investigations.* Brussels, 20.12.2017 SWD(2017) 483 final/2.

European Commission (2020a). Communication from the Commission Guidance to the Member States concerning foreign direct investment and free movement of capital from third countries, and the protection of Europe's strategic assets, ahead of the application of Regulation (EU) 2019/452 (FDI Screening Regulation) 2020/C 99 I/01, OJ C 99I, 26.3.2020, p. 1–5.

European Commission (2020b). Antitrust: Commission consults stakeholders on a possible new competition tool. Press release IP/20/977, Brussels, 2 June, 2020.

Funta, R. (2020). Social Networks and Potential Competition Issues. *Krytyka Prawa*, Vol. 12, No 1/2020, pp. 193-205.

Galloway, S. (2017). *The Four. The hidden DNA of Amazon, Apple, Facebook and Google*. London: Transworld Publishers.

Harris, T. (2020). EU Should regulate Facebook and Google as "attention utilities". *The Financial Times*, March 1, 2020.

Kaeseberg, T. (2020). A new level playing field instrument: Potential goals and design. *VOX – CEPR Policy Portal*, January 15, 2020. Retrieved from https://voxeu.org/article/new-eu-level-playing-field-instrument

Kingdom of the Netherlands (2019). *Non-paper - Strengthening the level playing field on the internal market*. Retrieved from https://www.permanentrepresentations.nl/documents/publications/2019/12/09/non-paper-on-level-playing-field

OECD (2018). *Rethinking Antitrust Tools for Multi-Sided Platforms*. Retrieved from www.oecd.org/competition/rethinking-antitrust-tools-for-multi-sided-platforms.htm

Scott, M. (2020). Coronavirus crisis shows BigTech for what it is -a 21st century public utility. *POLITICO*, March 25, 2020.

Stevens, M. (2019) Elizabeth Warren on Breaking Up Big Tech. *The New York Times*, June 26, 2019.

UNCTAD (2019). *Competition issues in Digital Economy. Note by the UNCTAD secretariat*. TD/B/C.I/CLP/54, May 1, 2019.

Vilette, M. (2017). Et si Google étais un service public? *La Tribune*, 18 Octobre 2017.

NEW ROLE OF RELIGIONS IN THE PANDEMIC CONTEXT

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Abstract: *The global pandemic produces rules that impose suffering on religions, which must reconsider their social role now. This entails the need to examine the rules of coexistence within societies, where Coronavirus phenomenon raises existential and religious questions. We need to look at the condition of the state of religious freedom – in the European context – referring to globalization in a climate of restriction of personal, social, and religious freedom.*

Complexity has undermined the role of states, the delimitation of competences regarding relations with religions. For them, building community and associations relations where religious freedom is expressed is fundamental. Believers are therefore bearers of specific interests.

This particular situation calls for a new function for religions, focused on the value of the person who can lead to the common identity and guarantee «those values of social and community integration that seem particularly discovered today».

Keywords: *Religious formations, Democracy, Europe, Faithful.*

1. INTRODUCTION

The pandemic phenomenon shows its complexity by the fact that it involves many different areas, which affect – both directly and indirectly – the sphere of economic, political, institutional, and religious relations.

The limitations imposed by the current health emergency have produced new rules, which impose suffering on religious confessions as well. So that, they need to reconsider their social and public role now.

All this implies – as an immediate effect – the need to analyse the rules of coexistence within societies, where Coronavirus phenomenon raises existential and religious questions.

One of these questions concerns the concept of rule of law and the protection of religious freedom, inserted both in the national and European context, with reference to globalization in a climate of restriction of personal, social, and religious freedom[2].

The relationship that is created between Covid-19 and religious freedom and the consequent role of religions and religious freedom in times of emergency is extremely current and of great interest.

As in the pandemics of the past, the places used by religions – especially for sacred rites – must be close like any other place where gathering can be created, because of their intrinsic collective dimension, which could facilitate infection.

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[2] Cfr. Santoro, R. (2014), *The Role of Religious Confessions in Building Europe*, (p.78-99) in Vv. Aa., *Europe of founding fathers: investment in common future*, Bari (Italy), Cacucci.

As has been pointed out, the measures taken to deal with COVID-19 have caused a series of restrictions on the constitutional rights of freedom and, therefore, the right to religious freedom has also been affected. The limitations imposed are indirect, as a necessary result of the measures intended to limit free movement and meetings. It was the first time, since the Italian Constitution came into force, that the need to protect the health – as a legal asset – has led to such a wide limitation of the rights of freedom, which are so central to the establishment of our fundamental Charter.

2. RELIGION AND THE CONSEQUENT RIGHT TO RELIGIOUS FREEDOM

The absoluteness of the protection reserved for health has considerably restricted the protection reserved for religious feeling[3]. Despite some hesitations revealing the difficulty in taking the right measure of the new limitations (e.g. the „proximity" to the country expressed „in the opening of the churches" of the CEI public note of 10th March turned into a choice of „responsibility" in „closing churches" two days later), religious confessions have adapted to state provisions, linking them to a safeguard clause of necessity and urgency also known by religious rights.

Even wondering on the aesthetic and external contents of religion is not a new conceptual operation, but in the days of the Coronavirus emergency it takes on a different meaning. In fact, the need for the faithful to associate has promoted the explosion of „online religion", with Masses, video-catechesis, messages from bishops, parish priests and lay people through the web. This transposition takes place through direct social networks (i.e. Facebook, Instagram), instant messaging programs (i.e. WhatsApp, Telegram) or by using one of the many video conferencing platforms available. Added to these pastoral experiences, designed and lived online, there is the sharing – always via web – of impromptu celebrations on the terraces of the rectories, and prayers recited by the minister, who walks the city streets. Beyond the reasons that make choices of this type (the main one is certainly the need to be spiritually present), one of the questions that deserves further study concerns the value of the rites and, above all, the value of the Mass, which is the main one.

The National Office for Social Communications of the Italian Bishops' Conference has recently released the document „Celebrating Mass on TV or streaming", a handbook addressed to all those priests, religious people and deacons, who are engaging in online celebrations. The suggestions of the CEI note are a fundamental reference point for technically managing this „spiritual tsunami" that has swept the social accounts of many faithful, who are orphans of the celebrations in the presence of the assembly of the faithful. The three parts composing it („practical indications", „directional attention", „social glossary") have a double merit: indicating precise work methodologies and stimulating training in this area, hoping that it will be used as an incentive to know and interpret the identity codes of digital culture.

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[3] The letter of the Prime Ministerial Decrees of 8th March 2020 (extended to the whole national territory the following day) was direct. It suspended all the „events in public or private places", „including those of a playful, sporting, religious and fair nature", „even if they would have taken place in closed spaces but open to the public" (Article 1, lett. g) and has conditioned the opening of places of worship (*rectius*, the entrance, as it will be specified in Article 1, lett. h of Law Decree N. 19 of 25th March) „to the adoption of organizational measures such as to avoid gatherings, taking into account the size and characteristics of the places, and such as to guarantee visitors the possibility of respecting the at least-one-meter-distance between them" reiterating , however, the suspension of „civil and religious ceremonies, including funeral ceremonies" (Article 1, lett. i).

A religious dimension on the Net, in addition to paying appropriate attention to technical-formal details, must lead itself in the perspective of a religious ministry mediated through the world of technological communication, which focuses on the beauty of the content of faith and manages to embody it in the contemporary context, characterized precisely by the presence and development of digital media, by the factors of convergence and interactivity.

Complexity has undermined the role of states, the delimitation of competences regarding relations with religions, relations between religious confessions and State, and above all, it has put in crisis an old conception of conceiving religion[4].

The differences, also concerning religious systems and the so-called religious phenomenon, are characterized by the fact that they derive their existence not from the internal rules of the various socio-juridical systems, but from the theological and transcendental content. It should be pointed out that religious systems represent the most emblematic expression of the multicultural problem, because they contribute to clearly form the identity of nations[5].

Conflict often comes from diversity, characterized not only by the different content of the vision of life, but also by the different reaction with respect to the facts of life, in this case conditioned by globalization and multiculturalism. This difficulty affects not only transnational international coexistence, but also the dignity of the human person itself.

In this context, religion and the consequent right to religious freedom are presented with a content of transcendental values, which unite the life of people, determining their conduct, ways of life, customs, morals, the way of thinking and of acting. Religion, by its nature, implies the existence of a strong and qualified bond, which explains the sense of belonging in an associative bond, many times suitable for creating confessional organizations, which tend to take on a specific role within the socio-political context in which they operate. This sometimes causes tensions, conflicts, identity crises of social growth, also coming from the new cultural, social, legal and economic scenarios that cross European countries and, at the same time, entails the need to rebuild a system of values that leads to a peaceful coexistence, within which we can achieve the well-being of every man, as an integral part of society itself.

3. THE PUBLIC FUNCTION OF RELIGION

The religious factor shows itself - both with respect to these events and to the personal aspirations of each individual - as a «privileged perspective suitable for filling the human aspirations for freedom, equality, tolerance, democratic participation, that is, suitable to fill with content the same dignity of the human person in the reproduction of daily relationships»[6].

4 In its new enlarged geographical composition, the European space on the one hand had to verify „the existence of a phenomenon of exaltation" of diversity, on the other it had to face the problem of relations inherent in religion and politics, within the relationship between the religious dimension and the law. Cfr. Dammacco, G. (2003), *Multiculturalism and the right to coexist of cultures in Europe. The new instances of the Balkan countries*, in Santelli Beccegato, L. (edited by), *Interculturalism and future* (pp.283-300), Bari (Italy), Levante.

5 Cf. Santoro, R. (2018), *Multiculturalism and Religious Affiliation – or Religious Factor: Legal Problems of a Changing Society*, in Vv. Aa., *Religious Phenomenon and Dynamic of Multiculturalism* (pp.13-39), Bari (Italy), Cacucci.

6 Dammacco, G. (2001), *Human Rights and Religious Factor in Euro-Mediterranean Multicultural System,* Bari (Italy), Cacucci..; Catalano, G. (1989), *Lectures on Ecclesiastical Law*, Milano (Italy), Giuffrè. Here it is stated «How mistaken it is to insist – both on the philosophical and sociological field – on the old idea, which considers religion as just a "fact of conscience" concerning the individual sphere and with no effects

The rights of the person and his fundamental freedoms become synonyms of the common good to be protected: religion represents a system of this common good that unfolds its effects differently according to the different geo-political spaces. In fact, religion, freedoms, equality, dialogue are to be considered supreme values towards which to orient coexistence and the relationships between societies[7].

The religious dimension occupies a first-rate place. There has been talk, not by chance, of the return of religion in the public space, but it is not always possible to explain what this expression actually refers to.

The public function of religion focuses on the value of the human person to define identity in a common perspective, which allows to guarantee «those values of social and community integration that seem particularly discovered at the present time»[8]. Consequently, «individual religious freedom increasingly requires the associative bond in order to guarantee its effective development»[9].

4. DIALOGUE WITH THE STATE AND WITH PUBLIC INSTITUTIONS CONSTITUTES A NECESSITY FOR THE RESOLUTION OF THE SOCIAL PROBLEMS

For religions, building community relationships of associations, in which religious freedom is expressed, is fundamental. The faithful, therefore, are bearers of specific interests.

The religious dimension of man consists of principles that are based on revelation, on theology, on conscience itself, and on transcendental instances, superior to the rules of coexistence, however democratically constructed. In fact, the fundamental values of which religions are bearers have always represented indispensable points of reference for the life of the person.

Within the various social systems, the legal system guarantees the fundamental recognition of those values for coexistence and disciplines them especially at the constitutional level. Therefore, the constitutionally guaranteed religious factor consists in the social dimension of the spiritual and theological values lived by the faithful. In addition, the legal system must be concerned that the different religious visions of life do not conflict with each other or with the State itself in order not to hinder peaceful and productive coexistence. In this perspective and with regard to the autonomy of religions, the urgent decree due to Covid-19, justified by the unpredictable relevance of the event, responds to a way of implementing the secularism and

on the sociological field. Therefore, it is considered absolutely unimportant by the legislator or, nevertheless, as something which does not interfere into producing rights».

7 The process of building peace between religions is part of the construction of Europe, based on legal principles and rules governing the peace and security process. See in this connection article 2 and 6 of the Treaty of Amsterdam, where the common objectives and the values on which to base the common European coexistence are defined. It is an ongoing long legal-political process, which encounters considerable difficulties. The production of the numerous legal acts highlights the importance of the ultimate goal, that is to achieve a coexistence of peace and security, also promoting the development of peoples and their well-being. In addition to articles 2 and 6 of the Treaty of Amsterdam, are also to be mentioned: Treaty of Nice (2000); Helsinki Final Act (1975); Barcelona Declaration (1995); Treaty Establishing a Constitution for Europe (2004).

8 Garelli, F.(1991), *Religion in Italy: towards a New Cultural Hegemony?* (pp.159 ss.), in *Il Mulino,* Vol. 40

9 Cascuscelli, G.(1998), *Religious Freedom and Minority Confessions – Three Operational Guidelines*, in *Studies in honor of Gaetano Catalano* (pp.421 ss.), I, Soveria Mannelli (Italy), Rubbettino.

autonomy of the state. It has been said that The virus strikes without distinction, in full respect of the principle of equality, without discrimination. And governmental measures chase the virus in the same direction: they run to stop the movement, the circulation and the meeting, in any motivated way. The decrees do not close the churches but suspend the „civil and religious" ceremonies, literally intended as those demonstrations (sacred or secular) that take place according to a pre-established program or rite and with the intervention of an audience.

Thus, the virus tests both the orders of States and those of Churches and religions, as well as their mutual relationship, driving to review consolidated models of organization and development. Precisely, all this contributes to the *reformatio ecclesiae* also considering the reform of the behaviour of the faithful.

The particular condition created by the pandemic has rediscovered the fragility of the human person and his value. In this direction, religion has rediscovered the importance of its role, which it is practicing in this period through the action of religious leaders (think in particular of the work of Pope Francis and of the other religious leaders of Islam, of orthodoxy Christianity and Judaism) and solidarity works to help the needy, including those who have lost economic capacity due to the pandemic. This happened because the complex of the dogmatic, moral and ethical patrimony of all religions constitutes a strong system of values identifying a human group; that human group that jurists define with the expression of „religious confession". The human, philosophical and legal principles that are derived from religions have contributed to creating civilizations and to forming the different socio-legal systems, within which the principles of tolerance and protection of religious freedom have developed, albeit with great suffering.

These principles, consolidated over time within the different societies, today meet a new challenge, namely that of coexisting in a multicultural climate. This challenge today finds a global climate conditioned by the pandemic and, therefore, involves all religions in multicultural contexts, in which social groups ask to be protagonists of a new humanism of solidarity and brotherhood. In this sense, they are social subjects that make dialogue within societies livelier, but at the same time they become interlocutors of the state, without pretending to contrast or limit the power of the state. Dialogue with the state and with public institutions constitutes a necessity for the resolution of the social problems that the pandemic unease generates within a society that is witnessing the growth of poverty and all forms of personal and family distress[10]. All this means that the States, having overcome the initial phase in which the urgency of the health situation required acts of imposition, use the tools that the legal system makes available to carry out dialogue with religions also to rationalize the solidarity actions that were spontaneously arranged through volunteering.

What is worrying is the seriousness of the economic situation that all States will face with the resumption of economic and social activities, which can be addressed not only with measures of an economic nature, but also with the protection of the spiritual values on which coexistence and well-being of people in the state lie. In this sense it will be necessary to guarantee religious freedom, not only to allow the free action of religious groups to support the sense of existence in the face of life's difficulties, but also to involve the action of religious groups more organically to new needs (such as food problems, the fight against usury towards traders, youth

[10] Gradually, dialogue becomes more and more an instrument used juridically as part of the legislative construction through the production of appropriate programs. In the face of the challenges and needs resulting from social and international coexistence, religions must become part of the democratic process, without forgetting and betraying the authenticity of their religious message and, at the same time, without conditioning or mortgaging the development of democracy.

discomfort, difficulties due to lack of work, assistance to young families with young children, etc.). The state, due to its democratic and pluralistic character, must meet the needs of citizens to participate in state activities in the face of needs, allowing those who make up the religious community to organize themselves by creating all the appropriate tools to satisfy needs of every order, which favour the development of the personality. In this perspective, the constitutional obligation for the state to guarantee both the individual exercise of religious freedom and the exercise of the community takes on a broader meaning.

This relevance on the state system is well understood, bearing in mind the function of religious denominations, which, due to the fact of being primarily spiritual, directly involves the will of the citizen/faithful and, therefore, affects the state community. In fact, religious confessions, as custodians of the revealed truths, stand as supporters of the purity of faith and customs, proposing to implement in practice the vision of life proposed by extending their vision on every human activity, none of which is morally indifferent. Consequently, religious confessions are everywhere present and freely intervene in social life, having the salvation of souls as their pre-eminent purpose.

The placing of religious denominations in a context that is not only national, but also European, highlights the activism of the Catholic Church, through the international and community instruments available to it.

Article 17 of the Treaty of Amsterdam does not limit itself to sanctioning the respect of what is established by the law of the single Member States with regard to the juridical condition of churches, associations or religious communities (to which, among other things, the „philosophical and non-confessional organizations are equated"), but also requires the Union to take on the commitment of open, transparent and regular dialogue with churches and organizations, which have long been present in Brussels with more or less structured offices and representations. Therefore, once again the path of collaboration and dialogue, already experienced in many of the States of the Union and accepted as an instrument in the Treaty of Amsterdam, is the one undertaken by a Europe that, without renouncing its secular connotation, recognizes the importance of the „specific contribution" that religious confessions can offer[11]. This contribution is decisive in relation to the need to amortize possible conflict situations caused by the increase in religious inhomogeneity due to the substantial non-European and intra-European migratory flows. On this line, last in chronological order, the Recommendation of the European Parliament of 13th June 2013 to the Council about drafting EU guidelines on the promotion and protection of freedom of religion or belief. In this document, point o) states that «in framework for the development and implementation of the guidelines, support and commitment to a wide range of civil society organizations, including human rights organizations and religious or belief groups, an importance essential for the promotion and protection of freedom of religion or belief; therefore the human rights focal points of the EU delegations should maintain regular contacts with these organizations in order to be able to promptly identify the problems that could arise in the area of freedom of religion or belief in the relevant countries».

[11] Religious organizations, at this moment, not only realize a qualifying moment of the European process, but also act concretely way, asking the European institutions to protect religious interests, because these are an expression of values at the basis of civil coexistence.
In this perspective, it can be seen how religious organizations have strengthened their institutional presence within the European territory, placing themselves as privileged interlocutors in the construction of the new Europe.
It should not be forgotten that relations between the Churches are placed within ecumenical relations, attempt to foster a path towards shared theological values and ecclesial practices.

In this regard, it is necessary to mention the 2001 Charta Oecumenica which stresses that: «the Churches promote a unification of the European continent. Unity cannot be achieved in a lasting form without common values».

In this sense, the activity carried out by CCEE (Council of European Bishops' Conferences) is important, which operates in other fields that broaden the horizon of the topics discussed in the various meetings organized throughout Europe. Among these, the one concerning youth ministry throughout the world, the dialogue between Christians and Muslims in Europe, the defence of religious freedom with the sole objective of supporting a society in which justice, freedom and peace resides, the protection of environment.

Religious confessions, at this moment, not only create a qualifying moment in the European process, but they act, in a concrete way, asking the European institutions to protect religious interests, because these are an expression of values at the basis of civil coexistence.

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