Pieralberto Mengozzi. *L'idea di solidarietà nel diritto dell'Unione Europea,* Bologna, Bologna University Press, 2022, 320 p.
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1. Until recently, no general legal consequences have been attributed to the idea of solidarity in the ECSC Treaty, the EEC Treaty, the jurisprudence of the Court of Justice and acts of the Community institutions to which no general legal consequences have been attributed. A different attitude was expressed by an interpretation of a passage of a ruling of the EU General Court in the energy field, according to which it would have consecrated a principle of solidarity capable of producing, in relation to all sectors regulated by the EU, binding effects at the same time on the Member States, the Union and their peoples.

The work reviewed here clearly departs from that orientation starting, first, from the fact that the General Court made that statement only in passing; and, second, from the fact that a role productive of legal effects cannot be attributed to an obiter dictum of that judicial body. It seeks to ascertain whether, and to what extent, a proper course of action could have led to the affirmation of what is claimed to have been enshrined in the aforementioned pronouncement. It does so by paying particular attention not only to the content of this and the case law also relating to different fields that first preceded and then followed it. It considers extensively and in detail, in addition to the doctrine relevant in this regard, the positions that in the most important cases under consideration were taken by the various actors - including, as regards the litigation that reached the Court of Justice, the national judges and the Advocates General - who participated in the procedures that led to the settlement of those cases.

2. An initial reference to the idea of solidarity was made in the Court of Justice's ruling of 18 March 1980 in which it had to rule on the legitimacy of decisions, establishing minimum prices to deal with a crisis, that Article 61 ECSC provided could be adopted. The Luxembourg judges ruled in the affirmative, clearly opposing a grievance by the applicants that the contested decisions were not compatible with the 'general principle of solidarity'.

3. Turning to the problems posed with reference to the EEC, the author characterises the first part of his analysis by well highlighting how the idea of solidarity acquired a prominence, directly of its own, at two different moments: first immediately after the establishment of the Economic and Monetary Union and the operation of Art. 122 TFEU; and, then, after the 2008 financial crisis, brought about by the bankruptcy of Lehman Brothers and the warning of the tightness of the EU budget, forced member states to cope with its repercussions in Europe using resources other than EU resources by concluding an intergovernmental agreement among themselves, the ESM Treaty.

4. On the basis of Article 122 TFEU, which contains a derogation from the prohibition of economic solidarity between Member States established by Chapter 1 of Title VIII of the TFEU, Regulation 407/2010 was adopted, establishing the EFSM, with the possibility of granting limited Union assistance, in the form of loans or comparable acts, to Member States whose financial difficulties could pose a serious threat to the stability of the European Union as a whole.

5. The author noted how the conclusion of the ESM agreement gave rise to an important innovation by establishing a truly autonomous international organisation, endowed with much greater resources than those of the EFSM, intended to provide assistance, again in the form of loans, under strict conditionality designed not to give rise to economic solidarity between Member States, but to preserve the stability of the eurozone. He highlighted how its concurrence with the application of Article 122 TFEU gave rise to interventions that, over time, were intertwined. In particular, he emphasised the effects of EU Regulation 472/2013, adopted on the basis of this article, which provided for enhanced Union surveillance of Member States assisted by the ESM, a duty on the part of the latter to immediately inform the Union institutions and to draw up a draft macroeconomic adjustment programme containing precise social information and submitted to the EU Council for approval. In the opinion of qualified observers, well highlighted by the author, this resulted in a situation that went beyond the 'Community method' and gave rise to a 'Union method'.

6. The work then went on to emphasise the role that the Council of Governors of the European Central Bank, within the framework of its role in the European System of Central Banks envisaged in Article 127 TFEU, has assumed in the face of the difficulties encountered by the Commission, the Council and the European Parliament to transpose the ESM and the solidarity instruments it envisages into the Union system. It adopted a decision in which it set out the basic features of a non-conventional programme of secondary market operations on the public debt securities of states in financial difficulty in the euro area (OMT). In this regard, the author noted that with this decision the Board of Governors gave a sign of bearing in mind the second part of the first paragraph of Article 127 TFEU, according to which the ESCB "shall support the general economic policies in the Union with a view to contributing to the achievement of the objectives of the Union as defined in Article 3 TEU". It is in line with this, and with the fact that the ECB has been included among the EU institutions and constitutes an instrument of solidarity with the Member States and the entities operating in them, that President Draghi has expressed his willingness to implement the 'whatever it takes' OMT programme.

7. Against this determination of the Board of Governors of the European Central Bank and its President, private citizens brought several appeals before the German Constitutional Court, which gave rise to a wide-ranging litigation that saw, first, a preliminary referral by the latter to the Court of Justice, then a reaction to the latter's Weiss ruling by the Karlsruhe judges and finally a position statement by the Bundestag. A detailed analysis of this litigation, carried out also in the light of the Europarechtsfreundlichkeit principle expressed by the BVerfG in the Honeywell/Mangold judgment and the most recent doctrine, has allowed the author to record Germany's shift from a defence of its constitutional system and from a qualification of the ECB's acts in question as ultra vires (in the sense held by its Constitutional Court) to an understanding of those acts as legitimate, insofar as they are decisive for keeping the economy of the European single market. This could be viewed as a german manifestation of solidarity with the struggling member states that were destined to benefit. The author, however, explains it rather as a novelty concretised by the access to governmental circles of new economists and intellectuals more attentive to the positivity of the European process for Germany, which is an export-oriented country.

8. Moving on from the reference of the idea of solidarity in the frame of the financial crises to that related to different crises, the monograph first carries out a specific reflection on the sphere of asylum, immigration and external border control, noting that in these matters the idea of solidarity is not merely an 'idea' but a principle, operating on the basis of specific provisions of primary law, in force in relations between Member States, and destined to be applied equally to third-country nationals. He then analyses the thesis, cited at the beginning, of some authors according to which solidarity would constitute a general principle of Union law, applicable in all matters regulated by it and obligatory for both the Union and the Member States; on the contrary, he considers that it is only capable of producing legal obligations and constituting criteria for judging the conduct of the Member States and European acts when it is embodied in specific provisions of the Treaties. Finally, he

highlights how Article 122 TFEU also came to constitute the basis for the realisation of the broader and more generalised measures that were implemented at the onset of the Covid-19 crisis. It does so by emphasising that this was made possible by the characterisation of that emergency as implying the operation of measures of a symmetrical nature and not intended to provide solidarity to particular member states or subjects.

9. Even in the matter of the protection of workers' social rights, the author analyses the impact that Community case law attributes to the idea of solidarity by coordinating their rights deduced from Article 119 of the Treaty with the freedoms of services and establishment. In this regard, it points out the transition from an initial phase in which the Court of Justice was concerned with establishing a balance between those rights and those freedoms to the assertion made in the Deutsche Telekom AG judgment of 10 February 2000. In this judgment, in the context of a qualitative development of the attention paid to the solidarity owed to workers within the Union, the Court of Justice stated that the economic objective pursued by that article "is secondary in nature compared with the social objective referred to in that provision, which constitutes the expression of a fundamental human right". Recalling this, however, he had to point out that the Court of Justice in subsequent judgments reverted to the "balancing" it had previously held should operate in the matter. However, referring at the same time to criticisms made about them by the European Committee of Social Rights of the Council of Europe, he pointed out well that the Parliament and the Council of the Union, in a certain tune with the content of the Deutsche Telekom AG ruling, considered that the Community institutions must check that with respect to workers' rights, considered as fundamental human rights, economic interests, including those inherent in safeguarding the stability of the euro area, can only be **moderately** taken into account.

10. In the author's opinion, these data on the protection of workers furtherly confirm the unreliability of the thesis of those who claim that there is a general principle of solidarity within the framework of the European Union order that applies in relations between the Union, the Member States and the members of their populations. In his opinion, in the different areas of that order there are distinct legal situations that Community case law can only help to detect.