

Index

	<u>Page</u>
PREFACE	17
1	
EU LAW AND WELL-BEING	
JUAN JORGE PIERNAS LÓPEZ	25
I. Well-being as a foundational value and objective in EU integration	25
II. EU law and well-being in secondary legislation and policy practice	34
III. Well-being and State aid: the case of services of general economic interest	38
1. <i>Well-being considerations in the definition of State aid</i>	39
2. <i>Compatibility of State aid and well-being</i>	41
3. <i>The SGEI framework as a well-being instrument: the reform of the SGEI Decision and affordable housing</i>	42
IV. Conclusions	47
Bibliography	49
<i>Books and Journal Articles</i>	49

DRONES AND THE EUROPEAN UNION: PROTECTING THE WELLBEING OF CITIZENS FROM ABOVE

MARÍA JOSÉ CERVELL HORTAL	51
I. Introduction	51
II. Drones as a matter of the internal market and aviation safety	53
1. <i>Regulation (EU) 2018/1139</i>	53
2. <i>Complementary legislation</i>	57
III. Drones: also a matter of security and defence	59
1. <i>The shift towards security: hybrid threats and strategic autonomy</i>	59
2. <i>From the Drone Strategy 2.0 to the European Drone Defence Initiative</i>	61
2.1. <i>The Drone Strategy 2.0 (2022)</i>	62
2.2. <i>The Communication on countering drone threats (2023)</i>	63
2.3. <i>The European Drone Defence Initiative, 2025 (the Drone Wall)</i>	64
3. <i>The drone and counter-drone action plan of February 2026</i>	66
IV. The limits of the EU	70
1. <i>Competences in the field of security and defence</i>	70
2. <i>Compliance with the international legal framework</i>	72
IV. Conclusions	76
Bibliography	77

3

WELL-BEING THROUGH RIGHTS: THE RIGHT TO AN ADEQUATE STANDARD OF LIVING UNDER INTERNATIONAL HUMAN RIGHTS LAW AND ITS SIGNIFICANCE FOR EU LAW

DOROTHY ESTRADA TANCK	81
I. Introduction	81
II. The right to an adequate standard of living as key to human well-being	85
III. Content of the right to an adequate standard of living and applicable IHRL	90
IV. Interrelation of EU law and COE standards with International human rights law	92
1. <i>Practical applicability: relevant UN normative and interpretative standards</i>	<i>97</i>
2. <i>Effects of interpretative interactions on social rights and well-being in Europe</i>	<i>100</i>
V. Concluding remarks	103
Bibliography	104

4

EUROPEAN UNION'S APPROACH TO DUE DILIGENCE: AN OLD TOOL TO FACE NEW CHALLENGES TOWARDS GLOBAL WELL-BEING

MELANIE SOTO CREMADES	107
I. Introduction	107
II. Navigating due diligence in International Law: systemic flexibility through conceptual ambiguity	109
1. <i>Ambiguous evolution and uneven application</i>	<i>110</i>

	<i>Page</i>
2. <i>Unsettled Debates: dissecting its legal nature and sources</i>	113
3. <i>Defining the baseline: minimum common elements of a cross-cutting standard</i>	119
III. European Union's approach to due diligence: new challenges, domains and actors in the global arena	123
1. <i>Environmental protection</i>	124
2. <i>Human rights</i>	128
3. <i>Cyberspace</i>	132
IV. Concluding remarks	136
Bibliography	138

5

CARE IN THE EUROPEAN UNION: FROM WELFARE TO PLATFORMISATION

LIDIA GIL OTERO	143
I. Care, demographic change and digitalisation	143
1. <i>The role of care in the European social model</i>	143
2. <i>European Care Strategy</i>	147
II. The commodification of care and the new actors	150
III. The rise of digital care platforms in the EU	153
IV. The treatment of digital care platforms under the Directive (EU) 2024/2831	156
1. <i>Marketplace-type digital care platforms</i>	157
2. <i>Digital care platforms based on intermediation</i>	159
3. <i>Beyond intermediation: hybrid digital care platforms</i>	161
V. Legal classification of triangular relationships on digital care platforms	165

	<i>Page</i>
1. <i>The role of the intermediary in the Directive (EU) 2024/2831 ...</i>	165
2. <i>A gender perspective on the classification of digital care platform work</i>	167
VI. Future challenges for the protection of persons performing digital care platform work	174
Bibliography	176

6

THE PROTECTION OF THE WELL-BEING OF MINORS IN THE EU DIGITAL PUBLIC SPHERE: EVOLUTION OF ITS LEGAL ARCHITECTURE, STRENGTHS, AND STRUCTURAL FLAWS

LORENA TRISTANTE PELLICER	181
I. Introduction	182
II. The legal architecture for the protection of the well-being of minors in the EU digital sphere: the AVMSD, the DSA, the AI Act, and the DFA	184
1. <i>The origin: the AVMSD and the protection of the well-being of minors</i>	185
2. <i>The cornerstone: the DSA and the protection of the well-being of minors</i>	189
2.1. The DSA on paper	189
2.2. The DSA in practice	196
3. <i>The promising rising star: the AI Act and the protection of the well-being of minors</i>	201
4. <i>The future: the DFA and the protection of the well-being of minors</i>	205
III. The concept of well-being of minors within the EU digital package	208

	<i>Page</i>
IV. Strengths and limitations of the current architecture for the protection of minors in the digital sphere	210
V. Concluding remarks	214
Bibliography	214

7

STATE AID AND SOCIETAL WELL-BEING: WHAT IF THERE WAS SOMETHING ELSE TO COMPATIBILITY ASSESSMENT?

ANDRÉS BORJA ALCARAZ RIAÑO	217
I. Introduction	218
II. State aid and well-being: a conceptual link	220
1. <i>Well-Being as a Normative Category</i>	220
2. <i>From Market Failure to Well-Being Deficit</i>	221
3. <i>The Pathways from State Aid to Well-Being</i>	222
3.1. <i>Employment and Income Security</i>	222
3.2. <i>Regional and Territorial Cohesion</i>	222
3.3. <i>Access to Essential Services</i>	223
3.4. <i>Housing as a Well-Being Prerequisite</i>	223
3.5. <i>Environmental Quality and Ecological Well-Being</i> ...	224
3.6. <i>Innovation and Long-Term Prosperity</i>	225
4. <i>The conceptual framework</i>	225
III. Well-being as a policy objective in EU law	225
1. <i>The Treaty Framework</i>	225
2. <i>The Evolution Toward Well-Being Goals in EU Policy</i>	226
3. <i>Well-Being Logic in Existing and Emerging Aid Categories</i>	227
3.1. <i>Environmental and Climate Aid</i>	227

	<i>Page</i>
3.2. Regional Aid	227
3.3. The SGEI Framework: From Social Housing to Affordable Housing	228
3.4. Social Aid, Poverty Reduction, and the Social Economy	230
3.5. Research, Development, and Innovation Aid	231
3.6. The Economic Welfare Case for Selective Subsidies: Oligopoly Inefficiency and the Social Benefit of Production Aid	231
IV. Reformulating the compatibility assessment: a well-being paradigm	233
1. <i>The Current Balancing Test</i>	233
2. <i>The Well-Being Enriched Compatibility Test</i>	234
3. <i>The Analytical Framework</i>	235
4. <i>The Thesis: Compatibility as Social Balancing</i>	235
V. Tensions, objections, and limitations	236
1. <i>Legal Certainty and Predictability</i>	236
2. <i>The Risk of Protectionism</i>	237
3. <i>Measurement and Operationalisation</i>	237
4. <i>Distributional Complexity</i>	237
5. <i>The Tension Between Well-Being Goals and the Treaty Architecture: Lessons from the Case Law</i>	238
6. <i>The Implementation Gap: Discourse, Uncertainty, and Compliance at the Sub-National Level</i>	239
VI. Application to contemporary eu policy challenges	241
1. <i>The European Affordable Housing Plan and the Revised SGEI Decision</i>	241
2. <i>The EU Anti-Poverty Strategy and Social Cohesion</i>	242
3. <i>The European Green Deal and Climate Aid</i>	243
4. <i>Digital Transition and Broadband Aid</i>	244

	<i>Page</i>
5. <i>Post-Pandemic Recovery and Crisis Aid</i>	244
6. <i>Regional Aid and Left-Behind Places</i>	245
VII. Governance, measurement, and accountability	245
1. <i>Governing the Well-Being Compatibility Framework</i>	245
2. <i>Measuring Well-Being for State Aid Purposes</i>	246
3. <i>Accountability and Democratic Legitimacy</i>	246
VIII. Conclusions	247
Bibliography	248

8

LAS AYUDAS DE ESTADO ANTE EL TRIBUNAL CONSTITUCIONAL ESPAÑOL. COMENTARIO DE LA SENTENCIA DE 6 DE OCTUBRE DE 2025.

MERCEDES PEDRAZ CALVO	255
I. Introducción	255
II. Antecedentes de hecho de la sentencia del Tribunal Constitucional de 6 de octubre de 2025. Recurso de amparo 7042/2021 ..	257
III. Cronología resumida	262
IV. Las cuestiones jurídicas debatidas en el recurso y las respuestas dadas por el Tribunal Superior de Justicia del País Vasco ..	263
1. <i>Los motivos de recurso</i>	263
2. <i>Las respuestas del Tribunal Superior de Justicia del País Vasco</i> ..	266
V. La sentencia del Tribunal Constitucional de 6 de octubre de 2025	270
VI. La sentencia del Tribunal Superior de Justicia del País Vasco de 3 de noviembre de 2025	274
VII. Conclusión	278
Bibliografía	279

9

PEOPLE-CENTRED JUSTICE AND WELL-BEING

GEMMA GARCÍA-ROSTÁN CALVÍN	281
I. Introduction	281
II. Adjustments to civil proceedings for people with disabilities or the elderly	283
III. Proceedings in the MASC/ADR involving persons with a disability affecting the exercise of their legal capacity	287
Bibliography	289

10

LAS EXIGENCIAS CONSTITUCIONALES Y LOS ESTÁNDARES EUROPEOS EN LA ELECCIÓN EN ESPAÑA DE LOS MIEMBROS JUDICIALES DEL CONSEJO DEL PODER JUDICIAL

DAVID ORDÓÑEZ SOLÍS	291
I. Introducción	292
II. Los modelos conformes con la Constitución y que cumplan los estándares europeos	293
III. La elección directa y la elección parlamentaria de los miembros judiciales del consejo	300
IV. El sistema electoral de los vocales de origen judicial: las categorías, las candidaturas y la fórmula electoral	303
1. <i>La elección por categorías judiciales: magistrados del Tribunal Supremo, magistrados y jueces</i>	<i>303</i>
2. <i>Las candidaturas y el procedimiento electoral</i>	<i>306</i>
3. <i>La fórmula electoral: la debida proporcionalidad</i>	<i>308</i>
V. Conclusión	310
Bibliografía	311