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EU Regional Security Case Study: The Western Balkans Counter-Terrorism Initiative

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Abstract

Since the TREVI counter-terrorism initiative in 1976-the first of its kind-the EU has published numerous policy documents and has created specialized institutional instruments and structures in order to manage the phenomenon of terrorism occurring both inside and outside its borders. Part of those instruments is the “Western Balkans Counter-Terrorism Initiative” (WBCTi), a 2014 proposal of Slovenian origin, that was accepted one year later by the EU’s Justice and Home Affairs Council. Through the investigation of the aforementioned initiative, the current paper aims at enriching the discussion on the EU’s ability to act as a security provider in the field of counter-terrorism abroad. The promises made by the WBCTi included combating radicalization with potential terrorism outcomes, violent extremism, and-of course-terrorism itself. However, the excessive intergovernmental approach of the matter, alongside with a complex institutional network on counter-terrorism consulted in a limited understanding of the EU’s capability to decisively contribute to the global combat of terrorism. The following conducted analysis, thereby, will also manage to showcase the practical difficulty of the WBCTi’s complete implementation and success, because of the non-binding character of the project and its dependence on member-state-level actors. For doing so, the theory of actorness will be taken into account, while the research question will be double: How does the EU combat terrorism in the Western Balkans region and how does this effort influence the EU’s ability as a global counter-terrorism actor. However, in order to

provide a holistic answer for such research questions, there appears a significant need for analyzing the counter-terrorism background in the EU, while combining the discussion with several theories and theoretical approaches on the European integration, that apply-each time-to each specific sub-topic of the EU's counter-terrorism efforts.

Key Words: *EU, Western Balkans, Western Balkans Counter-Terrorism Initiative, WBCTi, terrorism, extremism, radicalization, actorness, global counter-terrorism actor, functionalism, neo-functionalism, post-functionalism, Europeanization.*

Introduction

According to the EU's "Directive on Combating Terrorism" in 2017, "terrorist acts" are fundamentally defined by their purpose, which-in this case-is triple: Firstly, a severe intimidation of a population. Secondly, a coercion towards a governmental or international actor to execute or refrain from a particular action. Thirdly, the destabilization or destruction of a country's or organization's political or socioeconomic structures (European Parliament, 2018). Terrorism as a phenomenon and situation is borderless. This is exactly what makes both its detection and its combat a major challenge. The EU, in general, is promoting coordination and cooperation, while providing financial resources in order to tackle terrorism incidents. The emphasis of the European political dialogue around terrorism lies on the strong link between internal-on the one hand-and external-on the other hand-security and stability as if they are

inseparable and interdependent. Moreover, the EU has established intergovernmental de novo bodies like Europol, eu-LISA and Eurojust, which focus primarily on information and data exchange, border surveillance and protection, while pushing forward for the agreement on a common "terrorism" definition for all Member States. This seems to be the starting point of all procedural matters occurring, since there is a different categorization of terrorism types between Member States. Terrorism in the EU does not only apply to jihadism. It could also apply to far-right extremism, violence and hate crimes. However, some member states are reluctant to name these kinds of violent incidents as a sub-category of terrorism (Bąkowski, 2023). Therefore, it is quite difficult to draw consolidated conclusions about the EU as an entity when it comes down to defining terrorism.

The region of the Western Balkans functioned as a stimulus for the creation of the EU's CSDP (Common Security &

Defence Policy) due to the Yugoslav Wars (1990-2001) (Kudlenko, 2019). In this particular region, consisting of six countries (Serbia, Montenegro, North Macedonia, Bosnia, Albania and Kosovo), the EU's fundamental focus lies on three types of terrorism: Religious, nationalist and separatist. This phenomenon started taking concerning extends during the 1990's, when jihadists alongside extremist Islamic organizations arrived in the aforementioned countries, while Yugoslavia was gradually dissolving. During the wars in the SFRY (Socialist Federal Republic of Yugoslavia) the Western Balkan states were noticeably weakened and super-patriotic voices were significantly raised, with this being reflected in the increase of nationalist politics: The "Western Balkans" territory was vulnerable and permissive enough towards violent extremism and terrorism. During the time this paper was written, terrorism in the Western Balkans does not qualify as a major threat for the region nor the EU or the world. However, if this matter stays neglected or left under manipulation from regional nationalist politicians, it could possibly lead to destructive repercussions for the fragile and quite recently established peace in the foregoing region.

Methodology

As it was mentioned both in the abstract and the introduction, the purpose of this paper is multifaceted. Not only to analyze the Western Balkans Counter-Terrorism Initiative itself-including its provisions and deficiencies-, but also to focus on the EU's background in tackling terrorism. In order to do so, a qualitative approach has been fundamentally utilized, since such topic cannot be easily quantified. This practically means, that secondary sources were exclusively used and analysed for this piece of work. These so-called "secondary sources" include academic articles retrieved from journals online, alongside with relevant legislation issued by the European Union. What was basically conducted in the current paper, was the collection, analysis and interpretation of pre-existing data relating to the WBCTi as well as to the EU's legal framework on combating terrorism. In some of the journals were also included numerical data such as victims of terrorist assaults, which had a governmental origin (published by the involved countries' governments), that were as well integrated in the present research. Last but not least, this paper manages to examine a number of aspects and phenomena related to the EU's fight against terrorism by utilizing the theories and theoretical frameworks of functionalism, including neo- and post-,

and Europeanization. As about functionalism, the main hypothesis used in this conducted analysis focuses on the trans-national cooperation when facing cross-border challenges. When it comes to neo-functionalism, the main focus lies on the insitutional spillover and the interest groups surrounding the EU and the Western Balkan states. Post-functionalism is relevant regarding the political parties, while Europeanization focuses on building coherent regional relations, when it comes to combating terrorism in the Western Balkan countries.

Terrorism in the EU: Some numbers

Terrorism started becoming a hugely concerning matter after the attacks on 11.09.2001 in New York. After this incident, terrorism officially evolved into a global threat. On the 5th of March 2019 Spanish MEP Maite Pagazaurtundua-Ruiz published the “Black and White Paper on Terrorism in Europe” (2019, European Correspondent). This research revealed that 753 people in the EU were killed due to terrorist attacks during the time period 2000-2018. In the same time period Madrid was the European city counting the most victims due to terrorist acts (202). Shocking was the fact that in eleven years (2010-2021) there have been reported 1871 terrorist attacks inside the EU’s borders. Outside the EU’s borders-and

more specifically in 30 different countries worldwide-1,115 European citizens have been victims of terrorist attacks from 2000 to 2019 (Pagazaurtundua-Ruiz, 2019).

EU legal framework on terrorism

The legal basis for the EU’s fight against terrorism is the Treaty on the Functioning of the European Union (TFEU), especially the Title V under the name of “Area of Freedom, Security & Justice”. AFSJ falls under the category of the EU’s shared competences. “Shared competence” practically means that Member States have the right to legislate in the policy areas where the EU does not exercise its competence (EUR-Lex, 2022). Such policy area is the AFSJ, as mentioned above. Article 83 of the TFEU categorizes terrorism among the most severe cross-border crimes. This specific article includes the following provision: It grants the European Parliament and the Council of the EU the right to set minimum common rules for all Member States in order to determine criminal offences in regard to major borderless crimes (EUR-Lex, 2022). This provision is a clear sign of the functionalism theory, which promotes the notion of a transnational approach of critical matters in accordance with the increasing interdependence between the EU states. Although the protection of national

borders is a responsibility of the individual EU states, it has been realized that transnational cooperation between the Member States in such severe crimes that offend national borders could provide a consolidated and therefore a more efficient action and response. Lastly, article 222 of the TFEU includes a “solidarity clause” which provides EU the right for a total mobilization of all available tools-even military instruments-granted by Member States for two reasons: On the one hand, for the prevention and, on the other hand, for the counter-attack of terrorism inside the EU territory.

Policy developments timeline

The roots of the counter-terrorism history in the EU date back to the TREVI (Terrorisme, Radicalisme, Extrémisme et Violence internationale) group in 1976, an intergovernmental structure composed of ministers for Justice & Home Affairs of the Member States. After the 9.11 attacks, there has been a rapid response from the EU the following year. More specifically, in June 2002 the Council of the EU adopted the “Framework Decision on Combating Terrorism”. This legislation paper commonly defined the term “terrorist offence” across the EU. In 2005, following the 2004 terrorist attack in Madrid and the one of 2005 in London, the EU issued the first ever counter-terrorism

strategy comprised of four pillars: Preventing terrorist groups from acting, protecting EU citizens and infrastructure, pursuing the terrorists and responding accordingly to terrorist attacks. The most critical part of the strategy was the urge for cooperation with third parties (countries outside the EU and international actors/organizations) (EUR-Lex, 2018). In 2004 a new position for a “counter-terrorism coordinator” was created. The implementation of the aforementioned strategy is under his or her surveillance. As of today, mister Bartjan Wegter is appointed as the EU’s counter-terrorism coordinator. This progress noticed with both the relevant legislation and the new position established could be explained with the theory of Haas’ neo-functionalism. Haas supports that decisions about critical matters regarding European integration are being made under the pressure of raging crises (2005). The two terrorist attacks in Madrid and London respectively were the fundamental motives for the EU to pursue a more drastic and unified approach to terrorism. In 2016 the “European Counter-Terrorism Center” (ECTC) was established as a specialized body/unit inside the broader Europol structure functioning as an EU anti-terrorism hub focusing on information and data sharing as well as on coordination. Under the ECTC lies the Internet Referral

Unit (IRU), responsible for detecting terrorist propaganda online (Europol, 2024). The creation of the ECTC is an indicative example of institutional spillover (neo-functionalism): The main idea is that the functional problems or weaknesses in some policy areas are interconnected to such level that they could only be solved/improved through the integration of even more tasks. And this is exactly what happened with the creation of the ECTC, undertaking additional tasks. In March 2017 the EU published the “Directive on Combating Terrorism”. Last but not least, in December 2020 a new “counter-terrorism agenda for the EU” was adopted by the European Commission. What is impressive about it, is that it places great focus on strategic intelligence and detection through the fullest utilization of new technologies (ex. AI and drones). Also, an important new aspect is the online combat of extremism with the provision for a relevant “Digital Services Act”. Again, here a spillover effect can be noticed: The integration in a specific area/sector leads to “technical pressure” which prompts Member States to incorporate other sectors to the integration process. This is the foregoing case with the combination of traditional terrorism prevention strategies and new technologies.

The theory of actorness and its application on EU’s counter-terrorism action

The first scholar to provide a definition for “actorness” was Sjöstedt (even though the concept was firstly launched during the 1970s), according to which actorness appears to be the ability of a non-state body (ex. UN or EU) to carry themselves actively and purposefully concerning other players of the international system (1997). It was, however, during the 1990s that the theory of actorness became keenly connected to the academic discussion around the EU’s involvement in the international events specifically.

In order to analyze the EU’s counter-terrorism endeavors, the theoretical approach of Bretherton and Vogler (1999) was selected. Behind this choice appear to be three particular reasons. First and foremost, the framework of Bretherton and Vogler concentrates exclusively on the role of the EU and its “sui generis” identity, whereas Jupile and Caporaso (1998) present a wider framework that could facilitate the research on the role of other international actors. The second reason are the criteria of actorness that Bretherton and Vogler provide, which are particularly three: “Opportunity”, indicating the outside circumstances that influence EU’s foreign

policy (Bretherton and Vogler, 2006). “Presence”, referring to the EU’s potentiality-based on its nature and core values-to exert soft power outside its borders. Finally, “capability”, relating to four aspects (common values, internal approval of foreign policy, priority-setting & policy-formulation ability, and accessibility of foreign policy tools) of the policy procedures in the EU, which may coerce or facilitate external activity. Third and final reason was the vast relevance of Bretherton and Vogler’s approach to numerous EU policies (ex. Climate, counter-terrorism and neighborhood policy).

In order to properly understand how Bretherton and Vogler’s theory of actorness applies to the discussion on the EU in the field of counter-terrorism, the three aforementioned criteria of actorness will be further explained. Firstly, having in mind what “opportunity” stands for, it can easily be noticed that the vast majority of EU’s counter-terrorism endeavors (ex. Directives, agendas, de novo bodies) have been activated by relevant crises. For instance, the EU’s “Counter-Terrorism Strategy” in 2005 was issued as the bloc’s active reaction to the attacks in New York (2001), Spain (2004) and Madrid (2005). As about “presence”, when it comes to combating terrorism the EU is perceived as an international actor that condemns

terrorism as a crime against human rights. However, unlike the US, the EU emphasizes on the law enforcement aspect of the counter-terrorism actions, rather than on military mobilization (Monar, 2015). Based on this perception on tackling terrorism, the EU-through its Common Foreign and Security Policy (CFSP)-arranged multiple tailored partnerships with third countries and actors (ex. The UN). This way, the EU managed to make its presence noticed in the field of counter-terrorism worldwide. Lastly, “capability” can be detected in the EU’s commitment to the protection of human life and dignity alongside liberty and equality (European Parliament and Council of the EU, 2017). Its external actions to tackle global terrorism are domestically justified thanks to the “shared” nature of the counter-terrorism policy in the EU, practically meaning that the Member States have the ability to directly examine the EU’s action.

The Western Balkans Counter-Terrorism Initiative: Timeline and policy predecessors

The Council of the EU issued in 2006 the “Action Oriented Paper on Improving Cooperation, on Organized Crime, Corruption, Illegal Immigration and Counter-Terrorism”-an original proposal of the Austrian presidency-

involving the EU Member States, the Western Balkan countries and some countries included in the European Neighborhood Policy. This document highlighted the Western Balkan region's vital role for the EU's "Area of Freedom, Security and Justice" (AFSJ), because of the sharing of borders between the aforementioned region and the EU (Council of the EU, 2006). More specifically, two aspects of the foregoing "Action Paper"-tackling terrorism and combating organized crime-hold a significant relevance with the Western Balkan countries' potential EU membership granted to them through the tailored "Stabilization and Association Process" (SAP) agreements (1999) and, later on, the Thessaloniki Council (2003). During the time period of 2008-2010, Europol's and Member States' specialists on counter-terrorism paid a number of visits to the Western Balkan states. According to Azinovic and Becirevic, these visits demonstrated that the majority of the region's countries viewed terrorism as a severe crime, which could be attributed to the EU's influence through its presence in the region (2017). In July 2008, conclusions relevant to the cooperation with the Western Balkan states on combating terrorism and organized crime were adopted by the Council of the EU. One of their provisions

was the "Initiative of sharing best practices with Western Balkan countries on national counter-terrorism arrangements", in which all Western Balkan countries participated with the exception of Croatia-then not a Member State-. The possible explanation behind Croatia's abstention could be the precedence in the country's membership negotiations, which granted Croatia the ability to utilize other instruments for regional security cooperation rather than the ones that were available for the rest of the Western Balkan states. Once Croatia became a complete Member State in 2013, it aimed at playing the leading part in assisting its former Western Balkan countries in tackling terrorism by promoting the EU's vast counter-terrorism policy. Croatia's initial abstention could be easily explained by the approach of differentiation: Different Member States have different national features, preferences and interests, which they try to safeguard and promote through their EU membership. This approach applies to high policy areas like terrorism. Even though Croatia was not yet a proper Member State, it still acted according to this theory, neglecting the collective integration of the wider Western Balkans region on the counter-terrorism policy by prioritizing its own interests and visions on the matter. Three years later, in 2011, the EU's Counter-Terrorism Coordinator stated that,

since the Western Balkans have evolved into a priority area for the bloc, they shall achieve similar abilities on tackling terrorism with the EU Member States (Council of the EU, 2011).

Western Balkans Counter-Terrorism Initiative: Fundamental provisions and problems

In December 2015, the EU adopted the Slovenian proposal and issued the “Initiative on the Integrative and Complementary Approach to Counter-Terrorism and Violent Extremism in the Western Balkans” (WBCTi). The initiative aims at reducing overlapping when combating terrorism and violent extremism in the Western Balkans through cost-efficient endeavors, which promote mutually (EU Member States and Western Balkan countries) defined needs and priorities, while combining both a bottom-up and top-down approach (Council of the EU, 2015). Rajko Kazmelj, the initiator of the WBCTi, stated that this endeavor started as a platform of coordination to facilitate and assist the reform of the regional policy (Đorđević, Klemenc & Kolářová, 2018).

The same year (2015) a new network for law implementation was created under the “Police Cooperation Convention for Southeast Europe” (PCC SEE) by the relevant counterparties

(Albania, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, Moldova, Montenegro, North Macedonia, Romania and Slovenia). The network’s objective was to facilitate and ameliorate transnational investigations and operations between the contracting parties through the cooperation of intelligence and law implementation experts from the foregoing states.

Apart from the aforementioned endeavor, the Regional Cooperation Council (RCC) introduced a new project in 2017 under the title of “Regional Platform for Countering Radicalization and Violent Extremism Leading to Terrorism and Recruitment of Foreign Terrorist Fighters”, which promotes the coordination and cooperation between representatives of these countries’ foreign ministries.

The WBCTi provides for increased cooperation with both Europol and Interpol in the fields of information and data sharing, risk evaluation and operational analysis. The initiative’s solid foundation can be attributed to its efforts to secure the concrete commitment of all counterparties.

Even though the EU is the fundamental financier for these projects, the interesting fact is that these initiatives were primarily promoted by the involved states in a bottom-up approach. This could

be explained both by neo-functionalism and post-functionalism. When considering neo-functionalism, the main focus lies on interest groups, lobbies and social movements that evolve on a regional level around an international organization (ex. EU) and might push forward for integration (Schmitter, 2005). For the Western Balkan countries, who seek their way to full EU membership, pro-European interest groups that promote the convergence with EU policies are of vital importance. This can be viewed in today's Albania, for instance, with the "European Movement in Albania". As about post-functionalism, it applies in this case regarding political parties of the Western Balkan states, that aim at maximizing their political power and resonance through promoting themselves to their domestic publics as the guarantors of their countries' future EU membership.

The Council of the EU adopted in November 2015 conclusions on the WBCTi, through which this initiative got incorporated into the policy process of the EU. What is impressive about this endeavor, is that it is the first of its kind-meaning regionally inspired and developed-that received such a commitment from the EU itself. The same year (2015) the European Commission demonstrated its tangible support to the WBCTi by co-funding it. This financial

assistance provided by the EU Commission is of utmost importance, since it basically diminished drastically the practical costs for the domestic adaptation of the project.

It can be noticed that the EU has actively involved its institutions and agencies into the WBCTi, which may lead to unprecedented beneficial results. Besides, for the proper function of this initiative, it is required a reciprocal responsibility and suitable coordination from both the beneficiaries and the donors (Đorđević, Klemenc & Kolářová, 2018). This significant support on behalf of the EU could be explained through the theory of Europeanization, which emphasizes on the need for increased coherent regional links. In the case of the WBCTi, Europeanization can be noticed bidirectionally: On the one hand, top-down, from the EU Member States forming tailored policies and approaches in order to assist the Western Balkan countries in viewing one another equally in the cooperative process and supporting them in exchanging information, competence and knowledge, while all try to achieve a common goal: Full EU membership. On the other hand, bottom-up, from the relevant states with their own activist action displayed through regionally designed incentives and proposed anti-terrorism policies-formed by

domestic mediating factors-, which gradually become transnational.

However, achieving these foregoing “coherent regional links” does not come free of resistance, especially in the case of the WBCTi. This project aims at the coordination of all involved actors in the initiative (ex. Canada) and not only EU Member States, a goal that seems overly ambitious. But why is that? Because the EU neglects the “precondition-step” of firstly coordinating the actions of the EU domestic actors (Member States, institutions and agencies) that are involved in the Western Balkans area. Such coordination, though, seems elusive, since the EU faces general harmonization problems when it comes to battling terrorism due to the nature of the relevant competence.

The second problem is again linked to coordination, but this time it revolves around who is in charge of it. In the WBCTi’s case, international actors are responsible for coordinating the initiative, rather than the EU itself. The RCC, for instance, has the competence of surveilling the Western Balkan countries’ progress in the battle against terrorism. Also, since September 2017, the office of the “Geneva Center for the Democratic Control of Armed Forces” (DCAF) in Ljubljana is responsible for the initiative’s implementation. What can be concluded is

that, even though the initiative is-typically-EU inspired and originated, it is-practically-reinforced by non-EU players.

The third and most important deficiency is the non-binding character of the initiative. This means, in practice, that the initiative is solely able to prompt EU players (primarily Member States and institutions) for a mutual and coordinated approach, and not to guarantee an effective implementation in the basis of clear responsibility division and allocation among the actors.

Conclusion

While the WBCTi has been fervently welcomed and adopted by the EU, it does not seem that it will meet all its goals in the near future. This could be attributed to the following limitation of the neo-functionalist theory: While an institutional spillover in terms of counter-terrorism actions in the EU can be easily noticed with the creation of relevant de novo bodies (ex. European Counter-Terrorism Center, Europol, Eurojust), these are and remain intergovernmental, with their bodies of governors and their steering committees being comprised of national representatives, which use unanimity as their typical voting procedure. This practically means that all the aforementioned organizations are fundamentally controlled by the Member

States. The nature of the counter-terrorism endeavors in the EU is rather expressed as an elementary transnational coordination than an actual supranational approach. That said, it would take a solid and uninterrupted determination from both Member States and EU institutions in order to fully participate in the WBCTi and to guarantee its best possible implementation and this, without a doubt, would appear as a major challenge for all players involved.

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