

## THE ROLE OF THE EU IN THE MANAGEMENT OF THE COVID-19 CRISIS

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**Abstract.** *Although the European Union's actions on the management of the Covid-19 crisis have been harshly criticized by the lack of dedicated mechanisms to protect the health of European citizens, an analysis of EU action in the field of health will give us the opportunity to know and understand the situation created in the European area as a result of the emergence of the Covid-19 pandemic.*

*This Article aims to highlight the main actions taken by the EU in the field of health and in the management of the Covid-19 crisis.*

**Keywords:** *Pandemic, Council-19, EU, European Union functional Treaty, Regulation, Decision*

Although belatedly, the European Union (EU) has managed to develop regulatory and financial measures to counter the effects of the health crisis and to stimulate regulatory solidarity between European countries. The EU has reacted angrily to the first signals of the spread of the COVID-19 virus. There were no mechanisms dedicated to the health protection of Europeans and to the rapid, coordinated and unified response to epidemiological threats on this scale. European solidarity between the EU and the Member States, but primarily between the Member States, has been put to the test by the rise of national interest. Some European governments have been overtaken by the rapid transmission of the virus, while others have resorted to uncoordinated action, such as restricting the marketing of medical equipment or circulating between states.

The lack of readily available instruments has generated a wave of creativity from the European institutions. But exceptional measures have only been launched where the EU has specific powers, not restricted by the competences of national authorities (State aid, internal market, public procurement, internal movement of goods, etc.). The 27 Member countries (plus the UK, which is in the process of transition until 31 December 2020) and six non-EU countries participating in the European Civil Protection Mechanism, activated by Italy, have not reacted.

Although the EU has been criticized sharply for not ensuring European solidarity, in reality, the European Treaties do not allow it to act differently (Cenușă D. *Efectele pandemiei*).

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In general, according to Article 6(a) of the Treaty on the Functioning of the European Union (TFEU), the Union has competence to provide support and protection for the purpose of improving human health. The Union cannot support, coordinate or complement the action of EU countries in this area. Legally binding Union acts adopted on the basis of supporting powers may not lead to harmonization of the laws or regulations of the Member States of particular importance is to clarify that there is a specific rule, namely Article 168 TFEU, which, in addition to providing a substantial legal basis for emergency interventions, sets out a general principle of particular importance in this matter, provided that "in definition and also in the implementation of all Union policies and activities, a high level of health protection must be ensured " (*Bruxelles: un plan ..*): Health protection is therefore a prerequisite and a leading role in the European Union's action under the auspices of the precautionary principle. It is noted that, by way of derogation from the general competence of support and in accordance with Article 4(2)(k) TFEU, the Union shares its competence with those of the Member States on common security issues in the field of public health. Although the subsidiarity principle in this area is understood in a particularly restrictive sense by health ministers and Member States, reluctant to see the European Union's influence on their health systems still exists (*Discorso della Presidente von der Leyen ..*).

Although there is no coordinated health system at European Union level, we can talk about a common European policy that goes through various mechanisms and competences, including those relating to the protection of the internal market and tax policies, which offers the European Union the opportunity to intervene in the way it has so far proved more suitable for its compliance: The role of regulator. It follows that the effects are often strong but difficult to see, as they target a programmatic view and address "physiological" situations. In this respect, the European Union's work in the field of public health also goes through the Regulation of standards to ensure an area of competition within the internal market, the Regulation of the countries' tax policies and the dissemination of good practices, development of joint research centers, health strategies and plans and establishment of a Directorate-General for Health and Food Safety (DG SANTE) (*Greer, N. Fahy, S. Rozenblum*).

It is also worth attention to 2014 when the European Medical Corps was established. In fact, the European Medical Corps can be defined as the "European Civil Protection Mechanism" which will be further explored, bringing together all medical response means pre-committed by the States in the European civil protection area. These are emergency medical teams, mobile bio security laboratories and medical evacuation resources made available by 11 States with financial support from the Union, which have so far been deployed for humanitarian missions in Mozambique and Samoa (*Protezione civile ...*).

Despite the shortcomings in direct intervention in the field of public health, the European Union does not have emergency tools. The COVID-19 pandemic is not the first crisis to be tackled at EU level, from the fall of the Gemene towers in 2001 to the SARS epidemic in 2003, through the sovereign debt crisis in 2008 and finally ISIS terrorist attacks in Europe in 2016. Each of these dramatic phases has put an effort on the Union, which has led it to adopt appropriate instruments for resolving future crises. Over time, the European Union has therefore equipped itself with a series of instruments to intervene in the management of disasters arising from the outbreak of epidemics or even pandemics.

The Treaty of Lisbon thus introduced a complementary competence for the European Union in the adoption of actions to support, coordinate and integrate Member

States' actions, between others in the field of civil protection. In this respect, Article 6(f) is the legally-established primary rule for the further development of a real body of legislation attributable to the category of the so-called EU disaster response Law (*Gestri M.*), which aims at addressing disasters or disasters, that is, „any situation that has or may have serious consequences for people, the environment or property, including cultural heritage” (*Decisione del Parlamento europeo e del Consiglio del 17 dicembre 2013*). The disaster response Act consists mainly of three instruments (*Casolari F.*).

Firstly, at the preventive level, the "European Civil Protection Mechanism" introduced by Decision 1313/2013/EU, adopted on the basis of Article 196 TFEU, establishes, among other things, a common competence of the European Union to: (i) support and complement member states' actions not only at national but also at regional and local level in terms of risk prevention, preparedness of civil protection actors in the member states and response to natural disasters; (ii) to promote swift and efficient operational cooperation within the Union between national civil protection services; (iii) and to foster consistency of international action in the field of civil protection (*Decisione del Parlamento europeo e del Consiglio del 17 dicembre*). This provision is capable of constituting the legal basis for legislative intervention under the ordinary legislative procedure by the European Parliament and the Council, thus going beyond previous legislation under which any intervention in this area by the European Union had to be adopted unanimously by the Council, with simple consultation of Parliament. In addition, this rule introduces a means of requesting help from Member States, with the intervention of other States vlude. On the basis of this mechanism, the European Commission decided on 19 March 2020 to create a strategic escort ("rerot EU"), i.e. a common European pool, of emergency medical equipment such as fans, protective masks and laboratory consumables for the EU countries in need (*Public health*).

This escort was financed by 90% by the European Commission and managed by the Emergency response coordination Center, or the so-called Emergency response coordination Center (the 'ICU'), which manages the distribution of equipment to ensure that it is distributed as needed in the affected areas (*Gestione della crisi..*).

The European Civil Protection Mechanism has found its application in the assistance and repatriation of EU citizens worldwide. Secondly, it aims to take active action to combat the current crisis. Article 222(1) TFEU thus provides for the solidarity clause under which the European Union is legally obliged to support any Member State that is the victim of a terrorist attack or a natural disaster, if requested by the Member State. The rule also States that "the Union shall mobilize all the instruments at its disposal, including military means made available to it by the Member States, to assist a Member State on its territory, at the request of the political authorities, in the event of a natural disaster [...] ". Therefore, on the basis of this rule, Member States are obliged to intervene in support of the Member State requesting it by adopting the most appropriate measures. So far, the rule has never been invoked by the Member State. However, despite the lack of a legal obligation to do so, there have been numerous moves of solidarity within the European Union: France donated one million masks to Italy and Germany sent 7 tons of medical materials (including money and anesthetic masks) to Italy and 100 Italian patients were admitted for intensive care (*Coronavirus: solidarietà europea in azione*).

According to the Decision 1082/2013/EU (*Decisione del Parlamento europeo e del Consiglio del 22 ottobre 2013*) introduces a provision on serious health threats, epidemiological surveillance, monitoring, early warning and the fight against serious

cross-border threats to health, including preparedness planning and response in relation to those activities, with a view to coordinating and integrating national policies.

The legal basis for the health dimension is also laid down in Article 168, paragraph 5 of the TFEU. In accordance with Part three of the TFEU entitled „Health, policies and internal action of the Union”, a number of instruments, including legislative and intervention instruments, are established with reference to a situation of serious danger to public health or the so-called „Great scourge”. The Regulation thus gives the European Commission a wide range of discretion, which, in cooperation with the Member States, can take "any useful initiative to promote such coordination, in particular initiatives aimed at defining guidelines and indicators, to organize the exchange of practices and to prepare the necessary elements for monitoring and periodic evaluation". The European Parliament, in turn, is fully informed and jointly with the Council "acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions", may adopt "incentives [...] to combat cross-border scourge, measures on supervision, alarms and the fight against serious cross-border threats to health ". Finally, it should be recalled that the Council can also adopt recommendations on a proposal from the Commission.

In addition, with regard to the instruments mentioned so far, it is useful to bear in mind that the provisions relating to the European Union's internal market, based on the four fundamental freedoms enshrined in the Treaties, is particularly useful in the context of the current health crisis related to the COVID-19 pandemic to support Member States, ensuring efficiency, synergies and, in particular, solidarity within the Union. From the point of view of the free movement of goods, historically the main instrument for the completion of the internal market, it is necessary to note that, following the health emergency related to the COVID-19 pandemic, they have been taken by some Member States. These export restrictions, mainly as regards masks, respiratory devices and other personal protective equipment, appear clearly to be contrary to the prohibition on quantitative export restrictions and measures having equivalent effect laid down in Article 35 TFEU. On the basis of Article 36 TFEU, Member States may adopt prohibitions or restrictions on grounds relating to the protection of human health and life. However, any such measures - genuine derogations from the prohibition laid down in Article 35 TFEU - are interpreted very narrowly in the case-law of the Court and must therefore respect the principles of necessity, appropriateness and proportionality in order to be considered legitimate ( *Ex multis, la sentenza del 15 luglio 1982* ).

In this respect, all courts prohibit exports without a clearly identified purpose, a reasonable reason and a limited duration will be easily considered disproportionate and therefore banned and subject - where they are not eliminated - to specific infringement procedures. The European Commission has therefore taken action to request an urgent correction of the more than 1300 prohibitions and restrictions adopted by Member States (*Commissione europea, comunicazione su una risposta economica coordinata alla pandemia di Covid-19, 13 marzo 2020* ).

According to this, there is, in fact, an obligation for Member States to communicate the national measures they intend to adopt in order to ensure effective exchange of information and coordination within the Union. In order to provide useful guidance to national authorities, the Commission has also published guidelines on border management measures to protect health and ensure the availability of essential goods and services (*Commissione europea, Orientamenti per le misure* ).

Finally, it is also worth mentioning that the European Commission has adopted a Regulation implementing Regulation (EU) 2015/479 on the common rules for exports (*Regolamento d'Esecuzione (UE) 2020/426 della Commissione europea del 19 Marzo 2020*). This implementing act is intended essentially to limit the export of personal protective equipment from outside the Union in exceptional cases (authorized by individual Member States), identifying a number of specific products in Annex I. The prohibition is initially valid for a period of six weeks, with the possibility of extension or amendment. In international trade law, such export restrictions are prohibited under Article XI(1) of the GATT 1994. In the present case, the exception referred to in paragraph 2(a) of this provision, which provides for the possibility of introducing restrictions to prevent the lack of food or other essential products for the Member of the World Trade Organization (in this case, the European Union, he was a member as of 1 January 1995).

In this context, in addition to the emergency measure, it is worth attention to the launch by the European Commission of a joint procurement procedure, in an accelerated and shared manner at the level of 26 Member States, To allow the acquisition of the necessary medical supplies from the European Union ( *Public health*).

As regards the free movement of persons, by a Communication of 16 March 2020, the European Commission recommended to the European Council, in particular to the Member States which are part of the Schengen area, to temporarily restrict non-essential travel from third countries to the European Union (*Comunicazione della Commissione europea, comunicazione Covid-19: restrizione temporanea a viaggi non essenziali verso l'Unione europea, 16 marzo 2020*). The Commission also suggested that the States concerned discourage the travel of their citizens and long-term residents outside their territories. At the same time, the European Commission has proposed the above guidelines for border management measures. Both acts were approved by the European Council on 18 March 2020. This restriction shall be of a temporary duration of 30 days and shall not apply to citizens of all Member States of the Union and of States associated with the Schengen area (i.e. Iceland, Liechtenstein, Norway and Switzerland) which is outside the territory of the Union and intends to return to their countries of origin. This exemption also benefits third-country nationals who have long-term resident status under Directive 2003/109/EC, as well as a number of specified categories (e.g. medical staff, diplomatic corps, cross-border workers, etc.). Such a coordinated measure on external borders should discourage the maintenance of any internal border controls which risk having a serious impact on the functioning of the internal market characterized by a high level of integration and the daily transit of millions of people. The Commission Recommendation has in fact underlined the need for restrictive application of these exceptional checks at the internal borders of the Schengen area introduced by many Member States in accordance with Article 28 of the Schengen Borders Code (*Regolamento (UE) 2016/399 del Parlamento europeo e del Consiglio del 9 marzo 2016*).

In fact, this Article provides for the specific procedure for re-establishing border controls in cases where immediate action is needed, covering serious threats, public policy or internal security of a Member State. The adoption of such measures must be duly motivated and communicated in context to the Commission and the other Member States. The Member State concerned may, in specific and justified cases, extend the initial ten-day period for renewable periods of no more than 20 days up to a maximum of two months.

In addition, it is useful to mention that always in the context of the European Civil Protection Mechanism, the Center for coordination and response to emergencies coordinates all actions with EU Member States. To date and since the beginning of the COVID-19 pandemic, the European Civil Protection Mechanism has facilitated the return of more than 20.000 EU citizens to Europe from Wuhan, Japan, Oakland, Morocco, Tunisia, Georgia, the Philippines and Cape Verde (*Direzione Generale*).

In the context of the analysis of EU actions to combat the Covid-19 pandemic, the Commission should also pay attention to the sector that is hard hit by the current health crisis, namely civil aviation. In fact, all operators in the sector handled a large number of reimbursement requests, on the one hand, and, on the other, were forced to cancel many scheduled flights, given the sharp fall in demand. In order to mitigate the economic damage, the Commission has therefore proposed a suspension of the so-called 'use it or lose it' rule, laid down in Articles 8(2) and 10 of Regulation (EEC) No 95/93 (*Regolamento (CEE) n. 95/93 del Consiglio del 18 gennaio 1993*), requiring an air carrier to use at least 80 % of its slots at a certain time of the year in order to maintain the right to use these slots in the corresponding period of the following year. The amendment proposed by the European Commission was urgently dealt with by the co-legislators by written procedure and by Regulation 2020/459 (*Regolamento (UE) 2020/459 del Parlamento europeo e del Consiglio, del 30 marzo 2020*) which entered into force on 1 April 2020. The new Article 10bis implies the suspension (at least) until 24 October 2020 of the "use it or lose it" rule with specific reference to the situation created for the overall impact of the COVID-19 pandemic. The suspension was retroactive from 23 January to 29 February 2020 as regards flights operated between the European Union and China or Hong Kong. In addition, the new Article 12a introduces a provision that the European Commission may extend the suspension of the rule by delegated act beyond 24 October 2020. The European Commission is obliged to report to the co-legislators on 15 September 2020 on the application of the suspension following continuous monitoring of the situation, in coordination with Eurocontrol (European Air Safety Organization). This change is certainly welcome and is an example of a rapid, coordinated and effective legislative process between the three institutions of the Union in times of emergency. From a technical and institutional point of view, the possibility for the European Commission to adopt delegated acts to extend the suspension will in fact ensure timely intervention by the European Commission in case of need and, at the same time, scrutiny by Parliament and the Council.

1. In the context of the Covid-19 pandemic, the EU has taken action in the field of competition policy. From a microeconomic perspective, competition policy in the internal market is subject to Articles 107 and 110 TFEU and to restrictive competition agreements. State aid is thus an important intervention instrument of the European Commission's Directorate-General for competition and is intended to prevent States from interfering with the operation through economic aid. To this end, whenever a resource attributed to the emergence of an advantage (financial or economic) to a company which could not receive it under normal market conditions and thereby injurious to competition and trade between Member States, the European Commission may intervene. Such aid shall be prohibited, except in the case of several safeguard clauses. In particular, there are two flexibility instruments provided to the Member States First, paragraph 2(b) of Article 107 TFEU provides for the compatibility of aid to make good the damage caused by natural disasters or other exceptional occurrences with the internal market. In this respect, the rule allows Member States to compensate companies for damage caused by

extraordinary events by taking measures in the air transport and tourism sectors. In addition, paragraph 3(e) of Article 107 TFEU introduces a flexibility clause which States that 'other categories of aid, determined by a Council decision on a proposal from the European Commission', may be considered compatible with the internal market. In applying this provision, the European Commission has adopted some urgent and provisional provisions to allow Member States to make full use of this flexibility for the purpose of supporting the economy. This flexibility clause for the adoption of a temporary framework has been invoked until today only during the 2008 financial crisis (*Comunicazione della Commissione — Quadro di riferimento temporaneo comunitario per le misure di aiuto di Stato a sostegno dell'accesso al finanziamento nell'attuale situazione di crisi finanziaria ed economica (2009/C 83/01), GU C83/1, 7.4.2009*). Specifically, within the temporary framework adopted on 20 March [9], Member States may grant five types of aid: (i) direct subsidies, selective tax exemptions and advance payments - with a ceiling of EUR 800.000 per company - for companies facing urgent liquidity needs; (ii) State guarantees for bank loans taken out by companies to enable banks continue lending to commercial customers in need; (iii) subsidized public loans to companies with favorable interest rates to cover immediate working capital and investment needs; (iv) guarantees to banks channeling State aid to the real economy by exploiting the existing lending capacities of banks and using them as a support channel for small and medium-sized enterprises ("SMEs"); and (v) short-term export credit insurance.

This temporary framework aims at pursuing a dual objective. On the one hand, allow Member States to act quickly and effectively to support citizens and businesses, in particular SMEs, who are experiencing economic difficulties due to the COVID-19 epidemic. On the other hand, identification of a concrete case study on aid falling under the temporary framework to examine any support measure taken by Member States in the light of a general framework that takes account of a future perspective (*Arbia E.*). In this respect, the main concern, as reflected in the statement by Margrethe Vestager, Executive Vice-President responsible for competition policy (*Discorso del Vice presidente esecutivo Margrethe Vestager*), is to avoid that 'this support to companies in a Member State does not harm united europeans'. In this respect, Executive Vice-President Vestager says "we need to be able to rely on the European Single market to help our economy overcome the epidemic and recover strongly afterwards". Several Member States have so far submitted various notifications and have been approved by the European Commission. The second point concerns restrictive competition agreements referred to in Article 101 TFEU which are incompatible with the internal market and therefore prohibited, if they may affect trade between Member States and if their object or effect is to prevent, restrict or distort competition in the internal market. In this context, according to the Communication of the European competition Network which is an informal group bringing together the different national authorities of the The European Union and the European Commission ( *La Commissione europea*).

At EU level, the European Commission and the other European institutions have put forward a series of initiatives aimed at minimizing the financial and social impact caused by the pandemic and mitigating the effects of the global economic slowdown.

On 26 March 2020, at an extraordinary plenary session, The European Parliament has adopted three urgent proposals, which will release funds to Member States to address the economic and social consequences of the COVID-19 pandemic:

### 1) The EU initiative for investment in response to Covid-19

The initiative aims to mobilize all existing resources from the EU budget to financially support Member States in their immediate response to the crisis caused by the coronavirus. This includes making advance payments, redirecting cohesion funds and assisting Member States in channeling funds as quickly as possible where money is most needed.

The EU initiative will mobilize **€37 billion from the European Structural and Investment Funds** (ESIF), initially set aside for the European Regional Development Fund (ERDF), the European Social Fund (ESF), the Cohesion Fund (CF) and the European Maritime and Fisheries Fund (EMFF) programs. Thus, EUR 8 billion comes from the unused pre-financing that Member States received in 2019 and which should have been reimbursed by the end of June 2020, while EUR 29 billion is co-financing from the EU budget. The use of the Structural Funds will allow healthcare expenditure to be eligible for reimbursement. In this way, Member States will be able to:

- To use the European Regional Development Fund **to help companies cope with short-term financial shocks** related to the crisis caused by the coronavirus.
- To use the ESF to temporarily support national schemes for reducing working time or for partial unemployment, which help mitigate the impact of the shock;
- To allocate funds from the ERDF and ESF **to invest in healthcare systems:** the purchase of health and safety equipment, disease prevention, e-health, medical devices, the safety of the working environment for health professionals and access to healthcare for vulnerable groups;
- To use the EMFF to protect the incomes of the fishermen and aquaculture farmers affected by the crisis.

### 2) EU Solidarity Fund

This legislative initiative extends the purpose of the EU Solidarity Fund, also including the public health crisis within its scope and defines the specific operations eligible for funding so that economic activity can resume in disaster-stricken regions. Eligible additional operations shall be limited to public emergency operations, including public assistance in the event of health crises and measures to prevent the spread of an infectious disease. For 2020, **EUR 800 million** will be available.

### 3) Temporary suspension of EU rules on slots at Community airports

This will prevent air carriers from operating empty flights during the pandemic. With this temporary suspension, airlines are no longer obliged to use the planned take-off and landing slots to keep them in the next season. Throughout the summer, from 29 March to 24 October 2020, this will give up the "use it or lose it" rule.

### 4) other European approaches adopted in the context of the COVID-19 pandemic

In addition to the measures taken by the European Union to mitigate the effects of this pandemic, The Commission announced **that the European Globalization Adjustment Fund** (EGF) could be mobilized to support redundant and self-employed workers, with an amount of **175 million EURO**.

The European adjustment fund could only be used if more than 500 workers are made redundant by a single company or if a large number of workers are made redundant in a given sector.

Fondul european de ajustare ar putea fi utilizat numai în cazul în care peste 500 de lucrători sunt concediați de o singură companie sau dacă un număr mare de lucrători sunt concediați într-un anumit sector.



The EGF can thus co-finance projects which include support measures aimed at: (A) job search; (b) vocational guidance; (c) education, training and retraining; (d) mentoring and training; (e) entrepreneurship and business start-ups.

EGF support may also be provided in the form of training, mobility/resettlement allowances, subsistence allowances, but does not co-finance social protection measures such as pensions and unemployment benefits. In addition, to allow Member States to make full use of the flexibility provided by the State aid rules, as well as to support liquidity provision and access to finance, in particular for SMEs, in the context of the COVID-19 pandemic, the European Commission has adopted, on March 19 a temporary state aid framework.

The framework provides for five types of aid:

- **Direct grants, selective tax advantages and advance payments:** Member States will be able to establish financing schemes of up to 800.000 euros to an enterprise in the form of direct subsidies, reimbursable advances, tax advantages.

- **State guarantees for loans taken out by companies from banks:** Member States will be able to provide state guarantees to ensure that banks continue to lend to customers who need them;

- **Subsidized public loans for companies:** member states will be able to grant loans to companies with favorable interest rates for both investment and working capital needs;

- **Guarantees for banks that direct State aid to the real economy:** Some Member States intend to build on existing bank lending capacities and use them as a channel of support for companies, especially SMEs. Such aid is considered to be direct aid to banks' customers, not to the banks themselves.

- **Short-term export-credit insurance:** The framework introduces additional flexibility as to the way it presents non-marketable risks, thus allowing the State to provide short-term export-credit insurance where necessary (*Strimbovschi S.*).

The summit in the EU has no less importance

The end of the debate was announced at 5.31 by European Council President Charles Michel on Twitter by a single word: "Deal!" The head of the Belgian Government, Sophie Wilmès, immediately followed on Twitter, announcing euphoric the conclusion of the European agreement, with the figures originally desired: A common budget for 2021-2027 of 1.074 billion and an economic recovery plan of 750 billion. Angela Merkel said she was "happy". This Recovery Plan to get Europe out of the crisis, its creation and around which the negotiations have been conducted has in its midst a direct subsidy program of 390 billion, which will benefit primarily Italy, the EU country most affected by the Covid-19, But the other Mediterranean countries, like Spain, are equally touched. The total of 390 billion subsidies is much less than the 500 billion initially wanted by Germany, France and the EU Commission, but it is more than the 350 that the Netherlands kept insisting is the maximum acceptable. This rebalancing was a great concession to convince the "frugal", reticent countries: The Netherlands, Scandinavia and Austria. The remaining 360 billion will be distributed in loans guaranteed by the EU as a whole.

The negotiations lasted 90 hours, five days of dramas and rioking, and were the longest in the history of the EU. It was obvious from the beginning that it was not only about sharing money, but also about sharing national sovereignty. The adoption of the economic recovery plan also represents a personal victory for Angela Merkel and Emmanuel Macron, who was at its origin. This debt capacity of 750 billion euros excess

*Recovery Fund* adds to the EU's total budget over the next seven years (2021-2027), which is 1.074 billion euros. All in all: Over 1.800 billion approved after more than four days of exhaustion, to reassure markets and to show that Europe, the world's largest economy, remains United. However, the President of the European Commission, Ursula von der Leyen, expressed regret that some cuts and cuts had to be made in the health field itself. Another concession granted to the "frugals", but which was actually a claim of the majority of the Western countries, was the explicit condition of granting funds to respect the rule of law. The practical, technical and legal way in which this will be done is less important than the political signal sent to those countries, such as Hungary and Poland, which have slipped on an authoritarian, "illite" slope, and continue to benefit from the European financial hand. If no agreement had been reached that would have been acceptable to the countries of the South, the President of the European Parliament, Italy's David Sassoli, had warned that the EU legislature would veto the plan (*Bruxelles: un plan pentru vindecarea UE*).

In order to overcome the COVID-19 crisis, the European Union must strive for solidarity in the face of overcoming problems in the area of health and economy. The European Union has already taken action and continues its efforts at both European and individual Member States.

France was the first country to encourage the European Union to assess the extent of the crisis, calling for the extraordinary European Council (EC) to be convened on 10 March 2020, calling for coordinated action at the borders to avoid difficult situations. In the context of the discussions on the adoption of strategies to combat the Covid-19 crisis, the Heads of State and Government adopted seven measures to coordinate public health efforts, protect European citizens and mitigate the socio-economic consequences of the epidemic:

1. Share medical material (protective equipment, breathing equipment and laboratory equipment) with the creation of the first common stock of medical supplies and the award of joint public contracts for the purchase of personal protection equipment. This also implies a coordinated effort to increase production capacities. At the same time, an authorization was imposed for the export of personal protective equipment outside Europe.

2. Support investigations into the creation of a vaccine against COVID-19 with the mobilization of a budget of EUR 140 million.

3. Unify efforts to allow the return to their countries of European citizens stranded outside the Union.

4. Facilitating the movement within the European Union of goods through priority corridors at internal borders for the supply of medicines and protective materials to hospitals, shops and factories, mainly but also to persons when necessary, in particular border workers and European citizens who comes back to their countries.

5. Responsibility for the crisis by reallocating EUR 37 billion from the EU budget to cohesion policy.

6. Support companies and workers through flexibility in state aid regulations.

7. Suspension of the Stability Pact to allow Member States to withdraw budgetary rules in the face of the pandemic (*La solidaridad europea frente al COVID-19*).

Agreement", European Council President Charles Michel announced on Twitter at 31 (3:31 GMT) on 21 July, 2020. In the outcome of the summit that lasted.... (started on 17 July in the morning). The fund amounts to EUR 750.000 million (around USD 860.000 million) and consists of USD 445.000 million in subsidies and USD 410.000 million in

low-interest loans. The Fund is trying to support members of the bloc to mitigate the economic downturn caused by the 19-covas (*La Unión Europea llega*).

The document is an analysis of the actions taken by the European Union during the coronavirus epidemic and its effects on the economy. The document also reflected additional strategies to address challenges to the European project (*La Unión Europea*).

In this time of crisis, the EU and its Member States are working together and mutually reinforcing, mobilizing resources, delivering protective equipment, stimulating research and supporting our partners worldwide in need.

1. Slowing down the spread of virus. To help limit virus transmission in Europe and beyond, the EU has closed its external borders to non-essential travellers, while still ensuring the circulation of essential goods within the EU through the introduction of green color. It is also discouraged to move European citizens outside the EU. EU countries have agreed to start removing travel restrictions for residents of certain third countries as of 1 July 2020. The European Center for disease Prevention and Control provides rapid risk assessments and epidemiological updates for Europeans.

2. Supply of medical equipment, EU countries have rapid access to the first ever medical equipment pool, rework EU, such as mechanical fans and protective masks. In addition, the EU has launched four large international tenders allowing Member States to jointly purchase equipment and test kits.

3. Promotion of vaccine research. The EU's Horizon 2020 research program funds 18 research projects and 140 teams from across Europe to help achieve a rapid vaccine against COVID-19. The aim is to improve diagnosis, training, clinical management and treatment. The program also provides funding for SMEs and start-ups for innovative solutions to tackle the pandemic through the European Innovation Council Accelerator Program.

The EU has organized an online donor marathon to raise funds for a vaccine. The initiative on the global response to coronavirus has delivered a promised EUR 15,9 billion. Governments have committed to ensuring universal access to medicines for the treatment of COVID-19. They also committed to helping to recover communities that have been severely affected by the pandemic in a fair and just manner.

4. Repatriation of EU citizens. EU Member States have worked together to provide consular support and the possibility of repatriation to EU citizens from third countries. More than 625 000 Europeans abroad have benefited from a coordinated return effort with the support of the EU, around 600 000 citizens were brought home. More than 85 000 citizens stranded around the world due to the pandemic were brought home thanks to joint repatriation flights co-financed by the EU budget up to 75%.

5. To stimulate European solidarity. The EU facilitates the deployment of medical teams through the EU Medical Corps so that teams from different Member States can support the health systems most affected by the crisis.

In a spirit of solidarity, Member States have helped each other. For example: Austria, Germany and Luxembourg have made their intensive care units available to Dutch, French and Italian patients in critical condition. Poland, Romania and Germany sent teams of doctors to help treat patients in Italian hospitals. Denmark is sending mechanical fans and equipment to the Italian campaign hospitals. The EU has also approved new rules allowing Member States to apply for financial assistance from the EU Solidarity Fund to cover health emergencies. With the recent extension of the Fund's scope, up to €800 million will be made available to Member States this year to combat this pandemic provoked by Covid-19.

6. Supporting the economy. The EU has put forward a €540 billion support package to tackle the crisis and support workers, businesses and Member States. In addition, the European Central Bank provides EUR 1 350 billion for public debt reduction during the crisis, as well as EUR 120 billion in quantitative easing measures and EUR 20 billion in government securities purchases. The EU applies full flexibility in EU tax rules to help authorities support health systems and businesses and to maintain employment among the population during the crisis. EU state aid rules have also been relaxed so that governments can provide liquidity to the economy for support the citizens and enterprises saving like that the jobs.

7. Protecting jobs. The EU is providing its Member States with EUR 37 billion of existing EU structural funds in 2020 to combat the crisis caused by the coronavirus and to support healthcare, businesses and workers. To ensure that employees can keep their jobs when companies interrupt their activities due to the coronavirus crisis, The EU introduces a temporary support instrument (SURE) of up to EUR 100 billion to support national programs on technical unemployment.

8. Contributing to the EU's recovery. To help the EU recover from the economic and social impact of the pandemic, the EU is working on a revised 2021-2027 budget, complemented by a recovery fund that will ensure it provides a massive investment in growth and will support our citizens, businesses and economies in the coming years.

9. Support partners worldwide. The crisis caused by COVID-19 is a global challenge that requires global solutions. The EU supports partner countries' efforts in fighting the virus by providing almost €36 billion in financial support to respond to the immediate health crisis and the humanitarian needs it brings. In addition, the EU has activated an EU humanitarian air bridge to provide humanitarian assistance by using empty departure flights during repatriation operations. The EU has also supported a debt freeze for developing countries, freeing up much needed resources that can be used to improve health systems and combat the pandemic.

10. Combating disinformation related to COVID-19. All Member States and the EU as a whole are threatened by the deliberate spread of false news in the context of the COVID-19 pandemic. The EU contributes to the detection, reporting and combating of disinformation by providing accurate and up-to-date information. The EU is also working with online platforms to promote reliable sources of information, defuse false news and eliminate illegal content.

The EU has also proposed concrete actions that can be implemented quickly to counter the massive wave of false or misleading information, including attempts by foreign actors to influence EU citizens and debates. At the same time, the EU will continue to ensure freedom of expression and support media, reports its independent accounts are essential during the coronavirus pandemic (*Strîmbovschi S.*)

## **Conclusions**

The COVID-19 pandemic is a global challenge and requires a global response. During this crisis, EU countries stepped up their mutual support efforts, helping those most in need and sharing resources to combat the spread of the virus. This is a superlative illustration of EU solidarity. The EU has also provided help to its citizens stranded in third countries.

In the context of the fight against the Covid-19 crisis, the presence of the *principle of solidarity* enshrined in the Treaties is important, according to which, in situations of exogenous and symmetric shock, which is not caused by economic management (which

cannot really invoke any risk of moral hazard) but has large asymmetric effects, given the different vulnerabilities of the states. Moreover, there are sound economic arguments that have arisen in one or more countries that are unable to meet their debts in a context of higher interest rates.

*The principle of fairness* will play an equally essential role, as relaxing the rules of the single market will produce uneven results. The crisis has a negative impact on the economic sectors that depend on free movement and therefore intervention to correct and protect them is justified. But if such support is left to Member States alone, this will lead to an inevitable distortion of competition. Member States' support for their businesses will vary widely as a simple consequence of different financial and budgetary capacities. Equity therefore aims to safeguard the integrity of the internal market and avoid distortions of competition.

*The principle of how to address policy objectives* is no less important. The type of problems to be addressed (unsustainable levels of debt and protection of the integrity of the internal market) and the principles involved (solidarity and equity) suggest that the objective should be a form of centralized fiscal support available to any country. In order not to allow the increase in debt levels on a case-by-case basis and, at least in part, it is essential to provide EU grants or transfers rather than simply loans to States.

The used instruments are also important to mitigate the crisis. Single fiscal transfers in the form of grants cannot take place through ESM loans, given its current instruments and leading structure. Neither the ECB's securities purchase program (which is also critical) can play this role, except for the ECB's decision to keep these assets on a perpetual basis (and in this case the debt differential would still reflect the loan operation) (*Unione europea e Covid-19*).

This is an ambitious but feasible proposal precisely because it offers solutions on several fronts. It does not require fiscal transfers between Member States, but it limits the impact of the current crisis on debt-laden States. It promotes solidarity but relies on ensuring fairness in the internal market. Builds the basis for a stronger EU budget and the necessary funding for a recovery fund without leading to an increase in national contributions. And it does all this while promoting the three key points of the EU agenda that goes beyond the Covid-19: regulating the digital economy, promoting environmental agreement and protecting the rule of law

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