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Study | 08.12.2020

EU law in the 'first wave' : the legality of national measures to tackle the COVID-19 crisis

A study commissioned by MEPs Terry Reintke and Tineke Strik

*This study was commissioned by **Terry Reintke** and **Tineke Strik**, on behalf of the Greens/EFA Rights and Democracy cluster of MEPs. This study is the view of the authors and does not represent the views of the Greens/EFA group.*

The COVID-19 pandemic has created some of the most profound political and policy challenges in the European Union's history. Next to the serious health crisis, the political responses of the member state's governments has led to decisions that undoubtedly
put the functionality and cohesion of the European community to the test. In a vast majority of countries, the compatibility of national Corona measures and EU legislation was stretched to its limits. In many cases, these emergency measures went beyond clear breaches of European laws and the treaties.

While we can assume that most commonly, national governments acted to the best of their knowledge to fight against the Coronavirus, others have used this extraordinary situation to modify their countries' democratic system in a strategic expansion of executive powers. In the latter case, it becomes clear that the interest of their own population was not the driving force behind emergency procedures, but the increase of national authority and the bypassing of inconvenient EU legislation.

In the middle of the second wave of the pandemic, the question arises about what we can take away from the stretches and breaches of EU law that took place during the first wave. More precisely, we have to ask ourselves as Members of the European Parliament, and therefore EU legislators, in what cases we might need to alter existing regulations, introduce new policies, or close legal loopholes so that in future (health) crises member states' governments can act within a watertight legal framework. However, we also need to identify the cases where member states intentionally broke European rules, and put pressure on the

European Commission and Council to enforce Union legislations safeguarding common standards and values with all possible means.

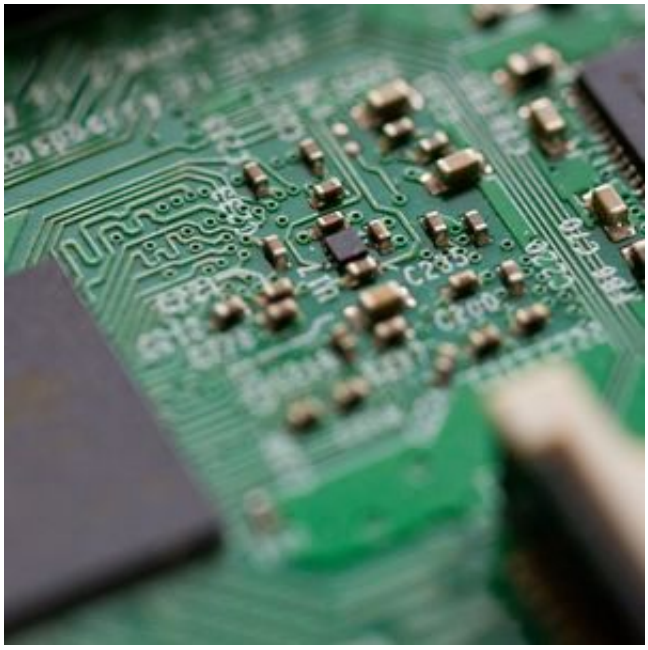
For the Greens/EFA group in the European Parliament, this study will be a guideline for our evaluation, as well as a basis for recommendations to our MEP colleagues and other European institutions. The legal analysis looks into the four most affected areas: democracy and the rule of law, free movement of persons, asylum and refugee protection and data protection. In all of these fields, serious violations of EU standards were found.

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Contact person



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