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**Acting European?
The European Union and the
Weimar Triangle in the
Coronavirus Crisis**

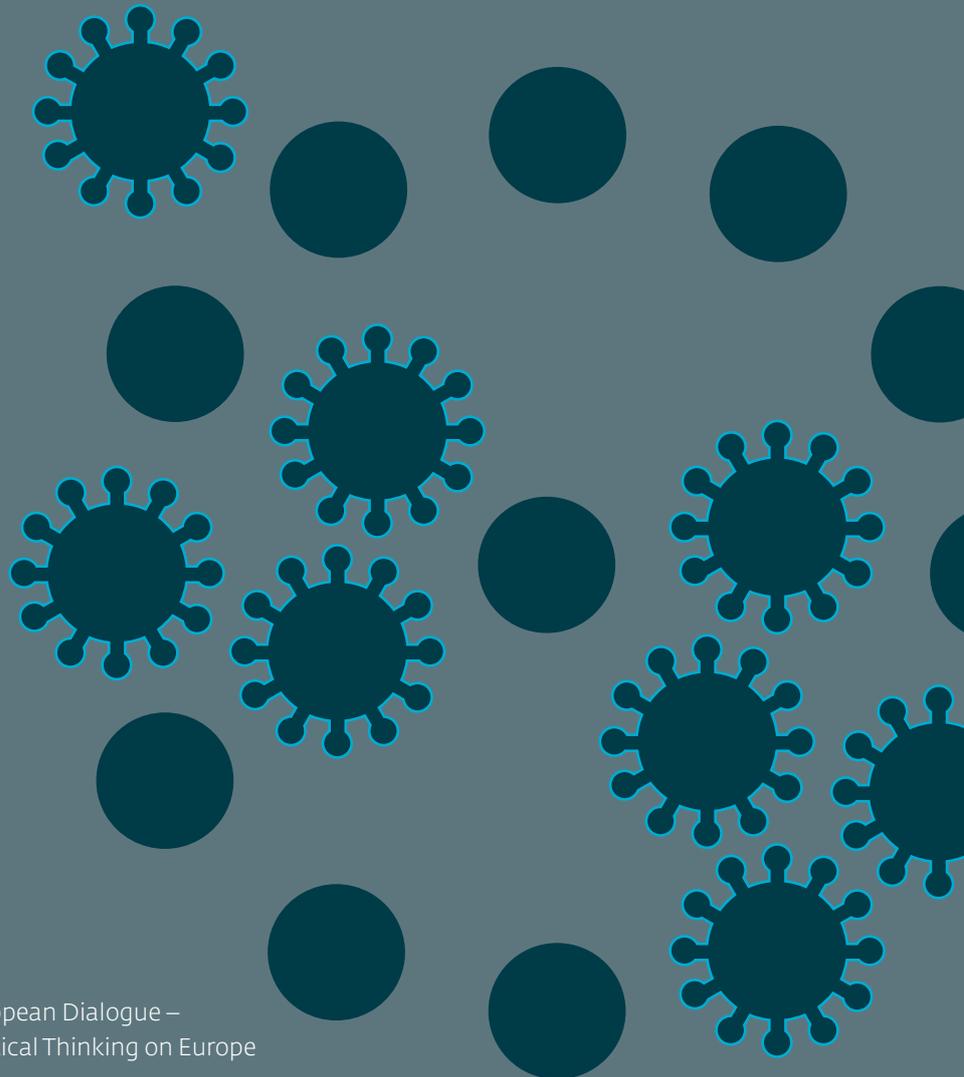


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Foreword

The coronavirus crisis continues to pose a major challenge with respect to international cooperation across the European Union. In the space of a few short months, it brought both the best and the worst aspects of relations between member states of the Union to the fore. On the one hand, countries were ready to help neighbours in need, as was the case when Germany decided to treat Covid-19 patients from France and Italy as well as other countries when the healthcare systems of the respective countries were overwhelmed. However, on the other hand, a number of worrying trends could also be observed. Emergency measures taken at the outset of the crisis prioritised national responses over concertation among neighbours and EU partners in many cases, thus revealing an inherent tension between collaboration and competition in fighting the virus. Basic rules and freedoms upon which the project of European integration is built were suspended in a matter of days. France, Poland and Germany were no exception in succumbing to »the national reflex« in the early stages of the crisis, and the unilateral closure of borders between the three countries bore witness to the fact that freedoms that had been taken for granted were called into question also in the Weimar Triangle countries.

Against this backdrop, we felt the need to analyse these developments in further depth. This is why we decided to launch an online publication series entitled »Acting European? The European Union and the Weimar Triangle in the Coronavirus Crisis«. The goal of the series, which consisted of nine short papers published online between April and June 2020 as well as a tenth and final paper published in September 2020, was to shed light on the responses and new policy approaches in tackling the long-term impact of the pandemic both within the countries of the Weimar Triangle and at the EU level. The first part of the series looked at the national policies pursued by France, Poland and Germany, at cooperation among them and their visions

of what a European response to the crisis should look like. The second part focused on the EU level and examined how the present crisis is likely to impact key principles of cooperation within the Union and beyond its borders.

The present volume includes contributions both by members of our *European Dialogue – Political Thinking on Europe* department and also by external experts in the field of EU integration. The purpose of this volume is to collect all the papers and present them to interested readers in a compact format. In the end, we decided to publish the papers as they had already appeared online without updating them. While this means that some contributions might not include all developments that have since taken place, they still document the main lines of debate and action during the first phase of the crisis and are a testimony to the situation during a very specific and challenging time.

It would not have been possible to put together the series were it not for the tireless dedication of some of our staff members. This is why I would like to specifically thank our project leaders Tobias Koepf and Theresia Töglhofer as well as our Associate Fellow Jana Windwehr for their work as a strict but always constructive publication committee. My thanks also go to Gordian Heindrichs and Charlotte Müller from our Communications Team, who played an instrumental role in bringing the papers to life, and to Oliver Gascoigne, who edited the entire series.

Yours sincerely,
Martin Koopmann

Same but different? Lessons for Covid-19 from a decade of EU crisis management¹

Martin Koopmann

Beyond its immediate effects as a global health crisis, the Covid-19 pandemic poses manifold political and economic challenges for the EU and its member states. Previous crises have shown that the EU's crisis management is dominated by intergovernmentalism and often limited to damage control. Nevertheless, common institutions and procedures such as those of the eurozone offer clear added value for the limited capacities of each member state and will make a difference in the long run.

Without any doubt, the coronavirus crisis has a global character as well as an important impact on globalisation, of which it might itself be a result. The speed with which it has spread, especially across the most industrialised countries and regions – China, Europe, the United States – underlines the vulnerability that the benefits of a globalised world offer. The coronavirus pandemic is, first of all, a health crisis. However, due to the rapidly increasing numbers of infected people and fatalities, and in the context of the expected serious economic effects of the lockdown of whole societies, it also raises questions regarding the political competence and efficiency of the governments and political authorities in office.

This crisis is a fundamental challenge for the European Union (EU) as a whole, for its member states as well as for its institutions. Expectations concerning effective and competent crisis management by the EU are not very high. In Germany, for instance, about 50% of citizens have a positive image of the EU in general (Eurobarometer, autumn 2019). However, according to a survey by *Der Spiegel* published on 30 March 2020, just 12% think that the Union plays the most important role in the coronavirus pandemic, while 45% believe that the nation state comes first. These ratings by a traditionally »pro-European« member state reflect a largely prevalent perception of the EU as a crisis manager of minor relevance with regard to the Covid-19 crisis.

In the past ten years, the EU has been confronted with a series of important crises of which Covid-19 might turn out to be the most challenging. What lessons can be drawn from a decade of EU crisis management? Does the management of crises affecting the EU and its member states have to be European? Is the success of national crisis management automatically a defeat for European integration?

A decade of EU crisis management

Since the eastern enlargement in 2004 and followed by the failure of the constitutional treaty in 2005, the EU has been sliding from one crisis to the next. Each of these crises is perceived as a substantial challenge to the idea of European integration, at least in the way that it was understood from the 1950s until the Delors Commission, and has impacted the pillars of the open, liberal and supranational, of the »ever closer Union«.

The eurozone crisis laid bare the institutional deficits of the eurozone and the persistent cultural cleavages between its members. The management of the Greek government-debt crisis in particular underlined the lack of an existing crisis management mechanism. Nevertheless, even with the Maastricht criteria remaining unchanged, today's eurozone is no longer the one of 2009: a Banking Union has been set up with European competences to supervise the financial stability of banks and including the establishment of the Single Resolution Mechanism. The European Stability Mechanism (ESM) was established to assist member states in financial difficulties and its members decided in 2019 to provide the eurozone with a common budget. The case of the eurozone shows that – despite all difficulties and disputes – the EU is able to respond to serious challenges in the medium and long term, and that key member states are willing and able to make compromises even on sensitive issues.

¹ Originally published online on 4 May 2020.

The EU's handling of the influx of refugees and migrants, reaching its peak in 2015, shows how difficult it is to develop a common crisis management based on joint goals and solid burden-sharing in policy areas where member states still retain major competences. EU capitals have adopted strikingly different approaches in balancing the need for concerted action within the Union and the concern about eroding electoral support at home. Even though the immediate pressure of the 2015 crisis has – temporarily – been contained by the EU-Turkey agreement on refugees and other short-term measures, a common EU approach in migration policy is still lacking.

The Brexit case may look like successful crisis management at first glance. The other 27 member states managed to stand more or less united during negotiations and defended the vision of a coherent EU-27 against tempting alternative narratives of an even more differentiated EU than today. Nevertheless, the form that future relations with the United Kingdom will take is still pretty much unclear, and others have long taken over the UK's traditional role as »troublemakers« inside the Union.

Overall, this mixed record suggests that the EU is better able to respond constructively – also in the medium and the long term – to crises concerning common policies. The additional pressure built up by relevant common institutions, such as the European Central Bank, may help member states to make genuine concerted efforts. On the contrary, crisis management related to intergovernmental policies and depending exclusively on member states often takes the form of damage control rather than long-term problem resolution. In any case, none of the crises has really been resolved to date.

Covid-19 – the need for EU crisis management

Where can the coronavirus crisis be situated against the backdrop of these past experiences? First of all, the current situation is primarily a health crisis, at least for the time being, and thus concerns a policy field for which EU competences are weak, with some exceptions such as research or medical equipment. An assessment of EU (non-)action should therefore be made in light of the necessities and demands, as well as the existing allocation of competences and the EU's contractual and political limitations in this field. This represents a parallel to the area of migration to a certain extent.

Second, as a corollary of the measures taken to contain the virus, we can expect a serious economic downturn in all member states, but again hitting some of the southern members most. On the economic front, the EU will, in all likelihood, assume the role of the most decisive crisis manager from national governments. The easing of state aid rules and the suspension of the Maastricht criteria have already pointed in this direction. Furthermore, heated debates about adequate forms and volumes of financial aid for those hit hardest by the crisis are evolving that, to some extent, resemble those in the eurozone crisis context ten years ago. The agreement of the EU finance ministers on a package of measures to the tune of 540 billion euros just before Easter was late in coming. However, it avoided, at least for the time being, an intensification of the debate on solidarity among the EU-27. Relying on strong institutions (the ESM and European Investment Bank) that are linked to pillars of EU integration such as the eurozone and the single market, it shows where and how effective EU crisis management is possible.

Third, although the supranational institutions and especially the Commission are now visibly entering the scene, it is obvious that the nation states feature very

prominently in all these crises and appear to be (re-) gaining in importance in relation to the supranational level. Today's EU is probably more intergovernmental than most observers would have expected two or three decades ago. This is even truer in situations of acute crisis. But that does not mean that the Union is replaceable by the hypothetical sum of member states' national sets of measures. EU capitals will have the opportunity this year to actively shape the post-crisis impact of the Union by furnishing it with a convincing and well-adapted new budget.

Which role for the Weimar Triangle?

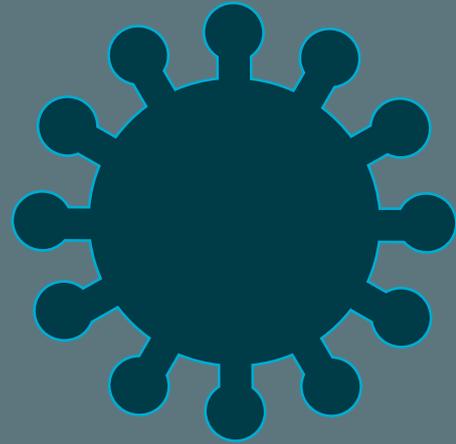
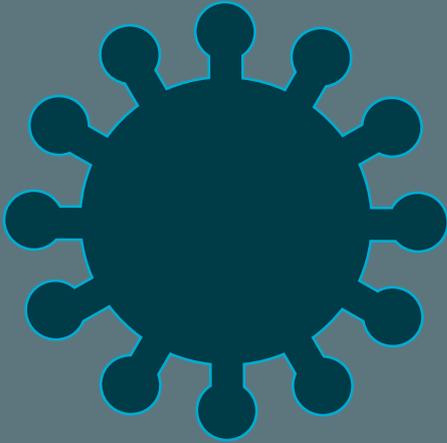
This last point leads to the question of leadership within the EU and, in more concrete terms, to the role that the Weimar Triangle might play in European crisis management. Ever since its foundation in 1991, high expectations have accompanied this German-French-Polish cooperation mechanism – often followed by great disappointment. Instead of functioning as a »clearing house« among member states where northern and southern, eastern and western positions on certain issues could be reconciled in advance before taking them to the EU-28 arena, the Weimar Triangle was largely absent from the last ten years of crisis management. It did not inject any relevant impetus into any of the cases mentioned above.

Even the Franco-German »tandem« only played a semi-constructive role in the management of the eurozone crisis in the light of obvious and profound differences in national preferences. Poland was only indirectly affected by the eurozone crisis (as a non-member), and the Polish government chose to resist any attempts to manage the 2015 migration crisis at the EU level. It remains to be seen whether this pattern will be repeated in the coronavirus crisis.

Acting European!

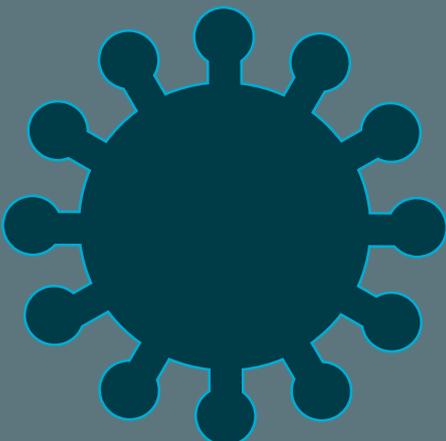
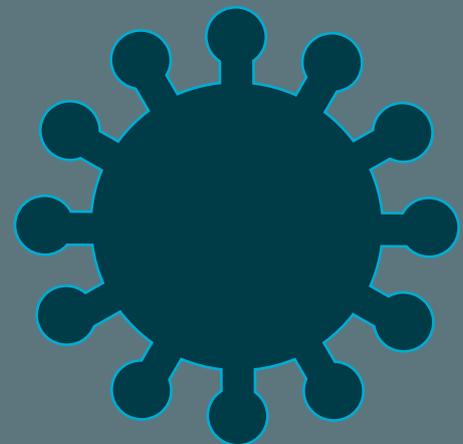
The coronavirus crisis adds to the other fundamental challenges of recent years that have yet to be fully resolved. Its (socio-)economic consequences might be more serious than those of the eurozone crisis, and perhaps even devastating. It also reveals the tension that exists in the EU between collaboration and competition in tackling crises that do not directly and exclusively concern the EU's common policies. Poland, France and Germany represent no exception to this assessment. Nevertheless, it is clear that the countries of the Weimar Triangle will have a crucial role to play in paving the way for an economic recovery strategy that guarantees social cohesion and political stability in all EU member states – as well as internal cohesion among the EU-27.

Solutions to the coronavirus crisis on European soil very much depend on the efficiency and consistency of the political measures taken by national governments. However, for each of them it would be, especially in the long run and beyond health policy in a narrow sense, a much more arduous task without the benefits of close cooperation and support from the EU. By contrast, blaming the EU for alleged non-action in policy areas where member states have not been willing to share or transfer competences in the past is irresponsible and will damage the Union more than the coronavirus crisis itself. There is no alternative to acting European.



Part I

The Weimar Triangle countries' national responses to the coronavirus crisis



I. A »house divided« in a troubled Union – Poland and Covid-19²

Stephen Bastos and Michał Kuź

The Covid-19 pandemic has hit Poland in a difficult period. The issue of postponing the presidential election, originally scheduled for 10 May, has led to significant tensions in an already deeply polarised political scene. While decision-makers were quick to introduce restrictive measures, they have questioned the efficacy of the solutions to the Covid-19 crisis proposed by the EU. However, in spite of the political rhetoric of self-sufficiency, Poland needs greater EU solidarity, especially when it comes to economic challenges.

When evaluating the Polish response to Covid-19, the state of the healthcare service has to be considered as a prime factor. According to Eurostat data, healthcare expenditure in Poland accounts for around 5% of its GDP or roughly 750 euros per capita. In the EU, only Romania and Bulgaria spend less. Furthermore, healthcare professions in Poland have suffered from a severe brain-drain, which is leading to staffing problems in many hospitals and healthcare centres.

Strict measures and a tedious recovery

When the first case of Covid-19 was reported on 4 March, alarming news from Italy was already reaching Poland. Against this backdrop, the Polish government decided to deploy drastic measures to limit the number of infections and thereby reduce the pressure on the healthcare system. Restrictions pertaining to public gatherings were introduced on 8 March, and the closure of schools, kindergartens, nurseries and universities followed soon after. In mid-March, as a particularly controversial step taken by the government, the country's borders were effectively closed to foreign nationals, and Polish nationals travelling from abroad are subject to a 14-day quarantine. Stricter lockdown measures came into force, including a ban on travelling

and leaving the house for reasons other than shopping or commuting to work. Public gatherings have likewise been prohibited, and non-essential stores and many small businesses have been shuttered.

These precautionary measures seem to have had some positive effects. The rate at which the virus is spreading has been slowed down, thus avoiding a drastic overburdening of hospitals. So far, the scope of the pandemic remains significantly smaller than in Spain, France or Italy. As a consequence, the government eased some restrictions in late April and early May.

Despite the immediate response of the Polish government to the Covid-19 challenge having positive effects from a medical point of view, the closing of borders with little European coordination has led to social, economic and political tensions. For instance, thousands of citizens living in Poland and working in Germany were adversely affected for over a month, among them many nurses and carers. Employees and students were allowed to commute across the border without a requirement to go into quarantine only as of 4 May.

In spite of these drastic restrictions, a majority of Polish citizens approve of the government's handling of the Covid-19 pandemic. Whether it will maintain such a level of popularity depends, however, on the effectiveness of the economic recovery after the crisis. The government has proposed a fiscal stimulus package to the tune of around 47 billion euros. This amounts to almost a tenth of the state budget and is the largest programme of this kind in recent Polish history. Its scope is nevertheless significantly smaller than similar programmes in France and Germany.

² Originally published online on 12 May 2020.

The election dilemma

Politically speaking, the Covid-19 pandemic has hit Poland at a crucial moment and the country is facing a serious election dilemma. After the historic triumph of Jarosław Kaczyński's Law and Justice Party (PiS) in last year's parliamentary elections, this year's presidential elections, originally scheduled for 10 May, are considered to be of utmost importance for the future trajectory of Polish politics. They can either consolidate the internally divided opposition or cement the rule of PiS and its allies for years to come.

Given that the Polish government introduced quite drastic measures at an early stage, it might appear rather surprising that it tried to avoid postponing the presidential elections beyond May. The government officially referred to its constitutional obligation to hold elections in May and tabled a new electoral law for conducting the entire election process via postal voting. Three main arguments have been raised against this solution.

First, the Polish constitution prohibits any legal changes to the electoral system six months prior to the elections. Second, the Polish Electoral Commission (PKW) – an independent body overseeing the elections – would play a smaller role in organising the election and this means less transparent procedures. Third, fundamental democratic standards could be violated as there has been little scope for a free and fair electoral campaign under lockdown restrictions. Finally, some experts point out that elections conducted via postal voting pose a health threat (for instance to around 250,000 members of electoral committees).

In the end, the new electoral law was rejected by the upper chamber of the parliament, the Senate, where the opposition holds a narrow majority. In the subsequent final parliamentary vote, the PiS government risked losing its majority in the lower chamber, the

Sejm, necessary to overrule the Senate's veto. A small coalition party of PiS, Porozumienie (Alliance), threatened to withdraw its support for the new electoral law. Eventually, however, a compromise between the leaders of PiS (Jarosław Kaczyński) and Porozumienie (Jarosław Gowin) was forged, stipulating that a postal vote will be conducted, presumably in mid-July, with greater transparency and under the stewardship of the PKW.

On 11 May, the PKW declared the entirety of the elections on 10 May to be null and void. This complete nullification has an additional implication. It potentially opens the door for new candidates to enter the presidential race. This is important especially for the opposition given the low support for an ineffective campaign of Małgorzata Kidawa-Błońska, the current candidate of the opposition's main block (Koalicja Obywatelska – Civic Coalition). Commentators have already pointed out that she could be replaced by figures such as Donald Tusk or Rafał Trzaskowski, the current Mayor of Warsaw.

In short, it will be a great political challenge for both the governing and the opposition parties to find a common way out of the current crisis in order to organise fair and transparent elections and at times rein in their political appetites. This task will be especially difficult in an increasingly polarised political landscape, where mutual trust is scarce and where constitutional provisions and basic legal electoral procedures are subject to power games driven by narrowly defined party political calculations. The Sejm, even during the pandemic, has been the scene of particularly fractious and often inconclusive debates. This was exemplified recently by a heated discussion of a bill brought forward by a citizens' initiative regarding a ban on abortion, which took place in mid-April and eventually wound up entrusting the project to the committee for an indefinite period of time.

Traditional EU scepticism and the need for solidarity

While consolidating its power in domestic politics, at the EU level the Polish ruling party is actively seeking to promote its concept of a Europe based on strong nation states. Both President Duda and Prime Minister Mateusz Morawiecki have claimed that Poland is primarily fighting for itself and should not expect much help from the EU. Similar to previous EU crises, the political discourse of the governing camp is sceptical of the effectiveness of potential common EU solutions. Public television pins the blame on the EU for »helplessly throwing up its hands« and for putting »the burden of fighting coronavirus on the member states«.

PiS party leader Kaczyński has accused the EU of having failed in the crisis. Moreover, he called for a comprehensive overhaul of the EU in an interview with the national conservative weekly *Gazeta Polska*, taking the current crisis as an opportunity to come up with proposals that reflect his long-standing approach towards the Union, i.e. reducing the role of EU institutions, strengthening the role of member states and limiting EU competences mainly to economic issues.

The more Brussels-savvy Polish Secretary of State for European Affairs Konrad Szymański also accused the EU of having failed to show much-needed solidarity. As for the recovery plans, according to the Polish Ministry of Finance, »Poland supports actions that are accessible to all member states«, which would entail a bigger EU budget. The call for solidarity was reiterated by Deputy Prime Minister Marek Sasin, who also voiced support for Ursula von der Leyen's decision to protect strategic assets and technology from hostile takeovers by foreign capital.

Thus Polish politicians, particularly those from the governing party, seem to be in two minds about the

Covid-19 crisis and the EU's role in handling it. On the one hand, there is some sympathy for criticism of the EU coming from countries such as Italy and Spain. On the other, Poland as a non-eurozone member has to be very cautious when it comes to solutions that are accessible mainly to the eurozone countries, which are favoured by southern states and France (e.g. so-called »corona bonds«).

At the same time, the country cannot match the recovery programmes of EU heavyweights with its own budget. Poland needs greater European solidarity, but it must also come up with more constructive European policy proposals of its own. This is, however, hard to achieve given that the Polish political class is becoming increasingly engrossed in domestic political machinations, of which the controversies surrounding the presidential elections, which are threatening to undermine the credibility of Poland's political system, are a key example. Finally, given the tensions caused by unilateral border restrictions, there is an urgent need for more efficient mechanisms of cross-border crisis management and improved communication between Poland and its neighbours.

II. France and Covid-19 – Between internal challenges and European opportunity³

Marie Augère

France is one of the countries that has been worst affected by Covid-19 in the European Union, pushing its healthcare system and its economic resilience to the brink. The current crisis rapidly put the government under severe pressure and once again tested French citizens' confidence in the executive. The French approach to this multidimensional crisis, which has had a strong European focus so far, could also be an opportunity for the government to inject fresh impetus into the country's European policy and to help strengthen the European Union as an actor in the current crisis.

Of all European countries, France is currently one of the most affected by Covid-19. As of 8 May, it had recorded 26,380 deaths, thus ranking fourth behind Spain, Italy and the United Kingdom. The intensity with which it has been affected by the pandemic and especially the high death toll have put the government under severe pressure. The debates surrounding structural deficits and potential errors on the part of decision-makers have intensified. However, management of the crisis is acting as a catalyst in France with respect to (re-) defining and affirming political projects, also at the European level. What is the impact of this crisis on the standing of the executive after months of social conflicts? Is it a moment of »reconstruction« or a new fault line? Could the crisis be an opportunity for France to push forward certain key aspects of its European policy and to emerge stronger as a key actor for EU cohesion and the future development of EU integration?

A difficult situation from the outset: French resilience put to the test

Initially, the French government decided not to overreact when cases multiplied during the first half of February because the total number of infections remained low. On 25 February, it was announced that

the last French Covid-19 patient had been cured and had left hospital, and the wait-and-see strategy, which was comparable to other European partners at this time, seemed to be working. But then came the »tipping point« of the Mulhouse epidemic. Between 18 and 24 February, an evangelical meeting brought together 2,500 people in circumstances that, combined all potentially dangerous factors, and no attendance lists were kept. Subsequently, the Haut-Rhin department, where Mulhouse is located, turned into a Covid-19 »hotspot«.

The crisis hit the country in a particularly sensitive sector, representing a politically explosive issue for the government. The quality of the healthcare system and equal access to the latter is a political priority in France and the country's healthcare expenditure is, on a par with Germany, the highest in the EU, accounting for 11.2% of its GDP in 2018. Nevertheless, there has been much criticism regarding structural problems in the hospital system over the years, an issue that has greatly preoccupied public opinion. Regarding the specific nature of the pandemic, a number of weaknesses were laid bare, including the low number of intensive care beds in comparison with its German neighbour, a lack of masks, and an apparent inability to produce enough screening tests. These facts, combined with a major dependency on active pharmaceutical substances from China and India in particular, have badly shaken the French public.

In economic terms, the resilience of the second-largest economy in the EU is also being challenged. GDP collapsed by 6% in the first quarter of 2020, and by May 2020 more than 8 million French citizens were in short-time work. In March and April 2020, the government developed a major economic contingency plan, which was the second-largest package in Europe after Germany (including 42 billion euros of additional spending and 315 billion euros in guarantees for corporate spending). In the long term, the government is

³ Originally published online on 19 May 2020.

largely counting on the resumption of growth thanks to these measures – which will surely help – but there is also a great deal of uncertainty surrounding future economic developments.

New fault line or a moment of reconstruction? A new stress test for the executive

In terms of measures to restrict public life, the French authorities generally acted within a timescale comparable to that of other European countries. Initially with a regional focus on the Grand Est, the management of the crisis quickly became nationwide. President Emmanuel Macron declared in his second speech to the nation on 16 March that the country was »at war,« called for »national unity« and announced some of the most restrictive lockdown measures in Europe. This situation has had an impact on the relationship between the executive and members of the public, which is thus undergoing a new stress test after months of social movements, due first to the »yellow vests« and then to the pension reform crisis.

In the highly centralised semi-presidential French political system, President Emmanuel Macron and Prime Minister Édouard Philippe have been on the »front line«. Public statements come mostly from these two figures, which has increased the burden of responsibility on the government even more. Opinionway's Political Confidence Barometer (CEVIPOF) revealed in mid-April 2020 that only 39% of the French population surveyed approved the government's handling of the crisis while by way of comparison, 74% of Germans and 69% of the UK public believed that their government has handled the crisis well. Confidence in the executive, which is usually low in France, is slightly higher than prior to the crisis (when it was around 30%). However, the government is still walking a tightrope and its

balance is fragile. The political fault lines that already existed before the crisis are far from having disappeared, and Philippe's »neither right nor left« government is facing increasing criticism from both right- and left-wing opposition. After a short moment of »national unity«, political agreement is wavering day by day, and debates about the consequences for the time after the current crisis are intensifying. In the short term, a cabinet reshuffle after the summer is a likely option. In the long term, however, the real »moment of truth« for the French government will be the presidential and parliamentary elections in 2022.

The executive and, above all, Emmanuel Macron has tried to use the crisis as an opportunity for political reconstruction, a »moment of renewal«. The pension reform, which has been a core project of the government, has been suspended until further notice, and governmental policy is indeed at a crucial turning point. On the agenda are making large-scale investments in the healthcare sector, rebuilding France's economic independence and rethinking value chains in a global context – starting from medical equipment and, beyond that, stretching to all areas of strategic interests. While this approach could be an opportunity for future strategic developments in France, its prospects depend largely on the government's credibility in further efforts to deal with the Covid-19 crisis and on France's capacity to overcome the economic recession.

A strong commitment to Europe

References to the EU have played an important role in this moment of national reconstruction. From the beginning of the crisis in March and before some European countries announced that they were closing their borders, Emmanuel Macron drew attention to the political rather than simply medical nature of these measures, calling for a »nationalist discourse« to be avoided and the need to only »take such measures when

they are ›relevant‹ and ›Europe-wide‹. Macron also expressed his wish for greater strategic autonomy for ›our Europe‹, European unity and solidarity, as well as the desire for greater coherence between national and European recovery plans.

With regard to concrete political positions, France initially defended the »coronabonds« debt-pooling project called for by Italy. Paris subsequently agreed to change its position after having successfully negotiated a compromise with Berlin ahead of the Eurogroup meeting on 9 April, including the activation of the European Solidarity Mechanism without any conditions other than investments in healthcare. France also actively supported a European recovery model based on four pillars, notably the European Recovery Fund, which is a key issue of the actual French strategy for Europe. France's call for greater economic and financial solidarity across Europe is not surprising and it corresponds with the political paradigm that has already been followed in the past. However, in this case, France has played a key role at a very delicate time for EU cohesion, by acting as a mediator between largely traumatised (both physically and economically) »southern« countries and »northern« countries that have generally been less affected by the Covid-19 pandemic.

Moreover, France's commitment to greater European economic and medical sovereignty could appear all the more relevant in this crisis since many member states have revealed their extreme external dependency in areas that are a matter of life and death. Many European countries have experienced supply disruptions, and solidarity between individual member states has shown its limits. On these issues, EU member states are at a turning point on whether they decide to take up this challenge together or alone.

Renewal in a fragile context

France has not enjoyed the best track record so far in terms of the serious course of the pandemic and the number of deaths it has endured. The crisis is far from over, especially in its political and socio-economic dimensions. The position of the executive remains fragile, and debates about deficits in the management of the crisis could intensify. However, it is certainly possible that the situation will improve over time: the number of infections has decreased, medical equipment has been enhanced and the lockdown measures are being carefully eased. If the government manages to gain the trust of the public in its project of renewal and it avoids social destabilisation, it could increase its popularity again – this is, however, not yet given. With regard to Europe, France has played a key role as a mediator at this sensitive time. The Franco-German initiative for a European recovery from 18 May 2020, combining elements of financial solidarity and sovereignty, confirmed that the crisis could be an opportunity for the French government to push forward key aspects of its European policy. However, the final toll for France will depend, to a large extent, on its ability to address its internal challenges.

III.

Beyond European crisis management – Germany needs a post-coronavirus vision ⁴

Cornelius Adebahr

Germany is emerging from the first phase of the pandemic with some scars, but broadly in good shape. Like most European countries, it was late in addressing the threat posed by the virus and in »thinking European« in its response. Its six-month EU presidency starting in July is bound up with unique challenges as reopening internal borders and restarting the European economy may well determine whether the Union can hold together. In order to drive the EU's economic and social recovery forwards, Berlin needs to present a compelling vision for a green and digital post-pandemic Europe worth striving for.

To some international commentators, Germany's handling of coronavirus is commendable. With far fewer deaths than France, Italy or the UK and with huge sums of financial support, the country appears to be weathering the storm well. Add to this the calm leadership of the »crisis chancellor« Angela Merkel and it is easy to see why Germany would be »top of the class« (The Economist, though with a question mark).

Germany may not be so different after all, however. Pandemic contingency plans were either not in place or not followed. Its social distancing orders were late in coming and lenient by European standards. The country's comparably high testing rate is thanks to the capacity of private laboratories, not government action. Perhaps it all comes down to »dumb luck« (Politico) rather than real achievements – the forewarning from northern Italy, a large number of young and healthy first cases, less intergenerational social mingling – that Germany is in better shape than its European peers.

Better late than never: Germany's key responses

Germany got off to a slow start in fighting the pandemic. When Bergamo was already suffering, Chancellor Merkel and Minister of Health Jens Spahn still kept telling people to wash their hands, not shake them. The federal health agency, in hindsight, sounded a lot like today's deniers, claiming that there was a »very low risk of a pandemic« and comparing Covid-19 to a »severe flu wave«.

Moreover, shared competencies between the federal, Land and municipal level slowed the response to travellers arriving from the hotspots developing in Austrian and Italian ski resorts. Warnings by medical companies about imminent shortages of protective equipment due to increased demand from China went unheeded. Once cases began to multiply in North Rhine-Westphalia and Bavaria, local authorities were overwhelmed by the demand for tests and contact tracing.

It took until mid-March for the government to change gears – which it did decisively. In a televised speech on 18 March, Angela Merkel told the nation that »this is serious« – urging citizens to also »take it seriously«. Her speech proved to be a watershed, if only because this was the first time ever that the Chancellor had addressed the nation on television besides the traditional New Year's Eve speech. The following weeks brought nationwide restrictions to social contacts (although social distancing rules vary between the Länder and have stopped far short of an actual) as well as a stimulus package worth more than one trillion euros. Without much hesitation, the government threw its cherished »black zero« balanced-budget rule overboard in response to the crisis.

It was not until then that the Federal Government also offered to support fellow European countries.

⁴ Originally published online on 25 May 2020.

Previously, Berlin – like most other EU members – had largely ignored Italy’s calls for help. It put a halt to at least one sale of protective gear to Switzerland and was quick to close its borders with Austria and France when infections there rose sharply. Germany’s assistance then came in the form of medical personnel and equipment sent to countries such as Italy, France, Spain and the UK. Meanwhile, Dutch, French and Italian patients were flown to German hospitals for treatment.

At the policy level, Germany was instrumental in devising the EU’s rescue package to the tune of 540 billion euros, including pandemic crisis support through the European Stability Mechanism. Moreover, Germany’s short-time work scheme, in which the state covers around two thirds of wages for employees on reduced hours, became the blueprint for a similar EU-funded scheme. And, crucially, Berlin, together with France, proposed a recovery fund worth half a trillion euros financed by EU-issued debt, thus making a leap towards shared liability (though stopping short of issuing »coronabonds« favoured by some member states).

Finally, Germany supports the European Commission’s efforts to coordinate a global response to the pandemic. The 7.4 billion euros pledged in response to the EU’s call for universal deployment of diagnostics, treatments and vaccines to tackle the pandemic in early May testifies to these efforts. Working also with like-minded countries in the Alliance for Multilateralism, Berlin wants the EU to fill the leadership vacuum left by the US.

What the crisis means for German and EU politics

Given Germany’s situation with an open leadership contest in the co-governing Christian Democratic Union (CDU) and a federal election coming up next

year, the pandemic has begun to influence party politics. Ruling parties across the country have seen their poll numbers rise at the expense of those on the fringes. Approval for Chancellor Merkel, who was considered a lame duck after relinquishing the CDU chairmanship in late 2018 in order to deflect domestic critics, has risen considerably. At Land level, too, governors – often from the conservative camp, such as in North Rhine-Westphalia and Bavaria – are basking in increasing levels of support. The far-right Alternative for Germany (AfD) and DIE LINKE, in contrast, have little to show in terms of crisis management. Centrist opposition parties – the liberals and the Greens – have also found it difficult to shine against the backdrop of an executive in seemingly successful crisis mode.

The pandemic has already had a direct impact on the country’s election calendar. The CDU party convention scheduled for late April to crown Angela Merkel’s would-be successor has been postponed to December. More importantly, the federal election is now unlikely to be brought forward from its September 2021 date, as was mooted not long ago in order to expedite the transition of power from a fourth-term chancellor. The leadership race itself is also being dominated by the pandemic. One contender is Armin Laschet, Minister-President of North Rhine-Westphalia (with the Federal Minister of Health as his running mate), while the other two have non-executive – and thus much less prominent – roles.

However, with widespread calamity failing to materialise in Germany, the broad-based initial support for confinement measures is slowly eroding. As the economic and social damage of the crisis response becomes apparent, some are questioning the proportionality of the measures, in particular as compared with other mortal threats such as cancer, road deaths and climate change. As in other countries, a debate has emerged about the cost of confinement in terms of freedoms curtailed and wealth destroyed. Right-wing groups

appear ready to exploit the nascent popular protests in a similar manner as during the influx of refugees and migrants in 2015 and 2016.

Unfortunately, Germany lacks a vision for how to deal with the pandemic in the medium term. Or, as a lead article in the influential weekly *Der Spiegel* put it, after a flood has struck your home, you would not rebuild the house in the exact same way, with outdated features, for instance, but you would modernise it so that it can withstand the next disaster. Instead of holding a debate about the emergence of a new society, the country is arguing about the details of social distancing and disinfectants when opening up firms, schools and restaurants.

Similar pronouncements can be made about the EU, except that, here, Germany is about to take over the helm of the Council on 1 July. If the current Croatian Presidency is being defined by the immediate response to the pandemic, Berlin is preparing for a »corona presidency« in a bid to hold the EU together. The original programme focusing on the transition to a greener economy, boosting the digital transformation and strengthening the EU's global role (including by redefining its relationships with the UK and China) has been upended. The focus now is on enabling an economic recovery and passing a seven-year budget, both with a sharp North-South split transpiring, as well as ending border closures. The objective is nothing less than »maintaining EU integration as such« (in the words of Germany's Ambassador to the EU in a leaked cable to Berlin).

Europe needs courage and direction, not just crisis management

The trouble is that holding the club together when both internal and external factors are pulling it apart is difficult, if not impossible without giving it a sense of

direction. The ongoing crisis has unmasked a number of the Union's fundamental weaknesses – from its carbon-intensive economies to its incomplete eurozone architecture to a lack of internal supervision on rule of law issues – that cannot be papered over as in the past.

Going beyond the necessities of crisis management, Berlin should take the lead in helping member states to define a new »mission« for the EU to remain attractive. Addressing the German Bundestag, Chancellor Merkel already admitted two crucial points: the need for a political union to accompany the common currency, including to strengthen its global clout, and the possibility of treaty change. Add to this Germany's initial presidency programme centred on the European Green Deal, the digital transformation and Europe's global role, as well as the upcoming but postponed Conference on the Future of Europe, and the contours of a bold vision for a post-pandemic Union emerge: a green and digital Union based on cooperation and solidarity that would be an example for the world to follow.

The previous German EU presidency in 2007 saw the German Chancellor, who had been in office for only a little over a year, rescue the essence of the European Constitution by shepherding the Treaty of Lisbon. Now, Angela Merkel – the only European leader still around from that time – needs to show the way towards a reinvigorated and more dynamic EU. Bookending her tenure in Germany by concluding the European Convention procedure early on and now paving the way for a new, more comprehensive and inclusive constitutional process would ensure that she does not go down as »Madame Non« in European history books.

IV. In search of a common spirit: the countries of the Weimar Triangle in the Covid-19 crisis ⁵

Lukasz Jurczyszyn and
Nele Katharina Wissmann

The coronavirus crisis has affected the countries of the Weimar Triangle to varying degrees. Bilateral relations between Germany and Poland as well as Germany and France have been strongly influenced by border closures, which have led to tensions between the countries. Although Franco-German relations seem to be gaining momentum after years of relative gridlock, the lack of Franco-Polish cooperation as well as common initiatives led to the complete invisibility of the Weimar Triangle. At this point, new ways of thinking are urgently needed if the Triangle is to fulfil its raison d'être.

One month before the crisis broke out in Europe, French President Emmanuel Macron announced a restart of the Weimar Triangle during his visit to Poland in early February 2020, stating that Brexit required a new dynamic among the remaining EU members. Two months later, it can be stated that the Weimar Triangle did not pass this stress test.

In this paper, we intend to examine whether there have already been any bilateral initiatives to mitigate the effects of the current crisis and how, in particular, cross-border cooperation has worked.

Germany and France: never so close and yet so far away?

One of the areas affected most by Covid-19 was European trans-border cooperation. As far as Franco-German relations are concerned, a very mixed picture emerges, marked by the admission of French patients to German hospitals on the one hand and the closure of borders on the other. The latter currently weighs heavily on Franco-German relations as the border regions are the pivot and focal point of Franco-German cooperation.

It is bad news that, in view of unilateral decisions, Franco-German cooperation mechanisms such as the recently established Committee on Cross-Border Cooperation were ignored or used only very late in the game. However, it is important not to lose sight of the close network of personal contacts between actors and decision-makers, which were quickly mobilised even in times of the coronavirus crisis. This includes the Franco-German Parliamentary Assembly, a relatively young actor on the Franco-German stage, which might serve as a guardian of Franco-German relations. Its joint position paper »Together against the coronavirus« shows this potential.

On a bilateral level, the Franco-German dispute over how European solidarity should be defined and spelled out in financial instruments also came to the fore again, and there has been much talk of a failure of the Franco-German engine in the coronavirus crisis. It must be stressed, however, that both countries have moved towards one another in recent years, with Germany incrementally changing its position on other Member States' public debts and France at least making a credible effort to reduce its own public deficit. The Franco-German initiative for a European recovery fund can be seen as the preliminary climax of this development and a genuine opportunity for Europe after the crisis. In this respect, the Covid-19 pandemic might strengthen the functioning of the Franco-German tandem again after years of relative standstill.

Germany and Poland: intensive socio-economic cooperation deserves better crisis coordination

The stress test in terms of cross-border cooperation was not passed satisfactorily in the case of the German-Polish frontier. Germany remains Poland's main trading partner while the roughly 125,000 Polish

⁵ Originally published online on 2 June 2020.

citizens commuting to Germany every day make up the largest group of cross-border workers in the EU. Many of them work in healthcare, with hundreds of hospitals, nursing homes and factories in eastern Germany relying on the Polish labour force.

However, the lack of preparation and coordination in managing the crisis at this very specific border is striking. First, both Poland and Germany closed their frontiers at a relatively early stage of the pandemic. Second, the Polish government passed a law according to which all Polish citizens abroad could return to Poland but were subjected to a mandatory 14-day quarantine. This decision jeopardised both the professional and the private lives of this massive cross-border working force. Thousands of them had to make the tough decision to either stay on the Polish side of the border with their families during lockdown or find a new temporary home on the German side where they were employed. This situation gave rise to huge social unrest, which finally prompted some residents to organise protests against the quarantine rules. It took almost two months before workers were able to cross the border freely again.

Unfortunately, such cross-border turbulence has dominated the general image of Polish-German cooperation. Nevertheless, we have also seen positive examples in the area of medical aid. The City of Wrocław arranged support from a Dresden laboratory that took on 200 tests per day of patients from Lower Silesia, relieving Wrocław's own testing system. Without any doubt, Polish-German crisis management has been insufficient so far against the backdrop of tight socio-economic links. Surprisingly, no bilateral consultations regarding economic and financial aspects have taken place, despite the fact that Germany's decision to launch its »shield« was most important for Poland. The Macron-Merkel initiative with respect to a recovery fund is important for Poland as well. Its advantage from Poland's point of view is the equal

treatment of Member States both inside and outside the euro area.

Lack of a Franco-Polish dimension to the Weimar Triangle

Since France and Poland do not share borders, cooperation was not a given during the Covid-19 crisis. Moreover, Poland has not positioned itself as the leader of a particular European path during the crisis and has been virtually absent from constructive European debates. Bilateral relations between France and Poland have deteriorated significantly since the national-conservative Law and Justice Party (PiS) took power. In November 2016, the Polish government abruptly terminated a three billion euro contract with Airbus and purchased American helicopters instead, creating a real diplomatic earthquake and a lasting crisis of confidence. Even though President Emmanuel Macron focused on a resumption of bilateral relations at the beginning of this year, the coronavirus crisis could not hide the fact that there is currently no Franco-Polish dimension to the Weimar Triangle, thus affecting the Triangle's capacity to act as a whole.

Consequences for bi- and trilateral cooperation

The three Weimar Triangle countries have so far missed the opportunity to act in concert in the Covid-19 crisis. The Franco-German initiative for a European recovery fund shows nevertheless that there is fresh momentum that should be seized. Moreover, on 1 July 2020 Germany will take over the presidency – which some are already calling the »corona presidency« – of the EU Council. Although it has not yet presented the final plan for its presidency, statements by Chancellor Angela Merkel and Foreign Minister Heiko Maas indicate that Germany will focus on the reconstruction of the EU

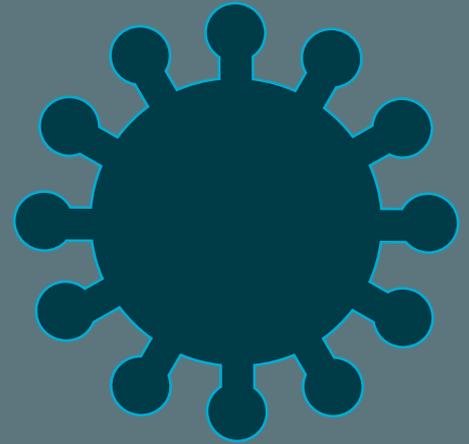
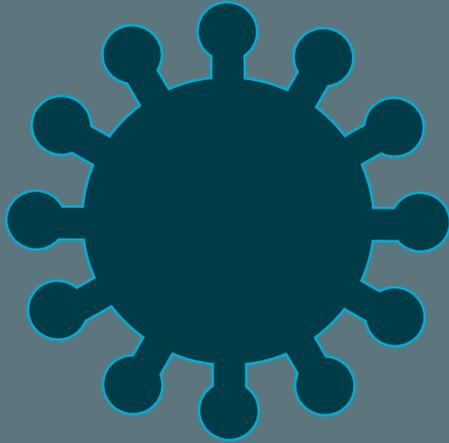
economy and anti-crisis measures. With a view to the Weimar Triangle, three levels of cooperation should be addressed:

1. Cross-border issues: insufficient cross-border coordination, in particular in the healthcare sector, and the working conditions of commuters need to be improved in future crises. Such issues as the exchange of doctors, storage of medical equipment and testing systems should be the subject of more serious cooperation between the three countries. Existing experiences of bilateral cooperation, for example in the field of Franco-German cancer research, can serve as a point of departure for this. Coordinators for regional cooperation between the three countries should hold a special meeting in order to establish a faster and more efficient exchange of information as well as »special transit zones« for commuters in the event of future health crises.

2. Bilateral dimensions: the Franco-German initiative for a recovery fund is another initiative of the »tandem« for overcoming the current impasse within the EU. However, spending rules and burden-sharing remain open for negotiation. The shape that they ultimately take may depend on support from Central European countries, including Poland. Although Germany and France are slowly getting on the right common track again, the Triangle as a whole is weak. Hence, German-Polish bilateral cooperation urgently needs a boost as well as greater ambitions.

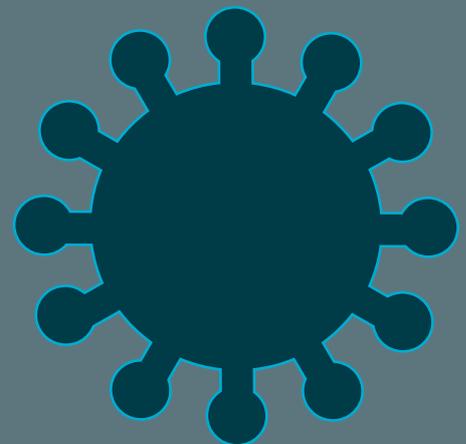
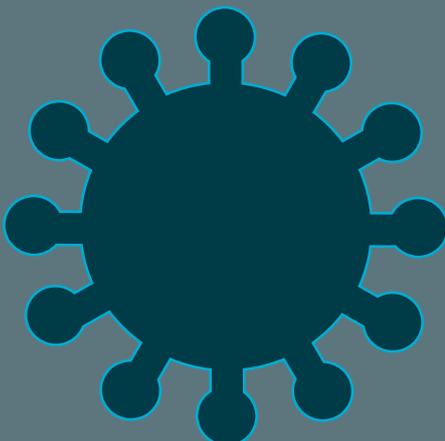
3. Trilateral initiatives: the current pandemic made it clear that crisis management still mainly falls within the competence of the Member States. This reality gives rise to difficulties from the point of view of the European Commission, in particular regarding unilateral decisions of Member States to introduce border controls and embargos on the export of medical products, which have undermined the principle of European solidarity. As a result, the Commission should have an

interest in receiving common suggestions from these three important countries on how to overcome complications with respect to both communication and coordination that arose especially in the first few weeks of the pandemic. Another key trilateral initiative could focus on the future of European industry, namely efforts to shorten its supply chains and the anticipated necessities of re-industrialisation and re-localisation (mostly from China). Poland – with its important manufacturing facilities – could play a more significant role in the restoration of German and French Europe-based industrial investments. Best practice initiatives such as the Franco-German factory for battery cells for electric vehicles – a project that Poland is looking to become involved in – must be seen as a benchmark for jointly regaining European sovereignty.



Part II

The impact of the coronavirus crisis on key principles of European Integration



I. Europe's fragile freedoms facing a coronavirus stress test ⁶

Piotr Buras

The coronavirus crisis is accelerating a paradigm shift in European integration. Freedom as the organising principle of the EU was in retreat even before the pandemic when liberalisation, openness and liberal democracy came under strain in many countries. Restrictions imposed to tackle Covid-19 are reinforcing this trend. Concerns that some of these restrictions may remain in place beyond the pandemic are legitimate, particularly in the case of countries that are abusing the crisis to achieve autocratic overreach. The EU will need to find new ways to defend its legal order based on freedom.

European integration has, since the outset, been a freedom project as much as a peace project. Not only is freedom enshrined in Article 2 of the Lisbon Treaty as one of the fundamental values of the EU, but the principle of freedom, or – to put it another way – liberalisation and openness, has also been the cornerstone of the integration process. The deepening of market liberalisation and widening of Europe without physical borders (the Schengen area) were the key vehicles of the EU's success in economic terms as well as in the eyes of its citizens. The same is true of the foundations of the political systems of EU member states. Liberal democracy – a system based on the primacy of individual liberties, the rule of law and civil rights – is an indispensable part of the EU project. Traditionally, this paradigm of freedom has never been seen in contradiction to security. On the contrary, freedom and liberalisation were all perceived as guarantors of economic and hard security.

Covid-19 as an accelerator of existing trends

It is not that the coronavirus crisis has fundamentally shaken these convictions. Rather, the unequivocal dominance of the paradigm of freedom was criticised

and, indeed, called into question already in the past decade or longer before that. The EU as a liberalisation machine unleashing market forces did an excellent job, but it seemed to neglect the social consequences of unfettered and increasing openness, as scholars such as Fritz Scharpf and Wolfgang Streeck pointed out. In this context, the EU has been perceived as one of the driving forces of globalisation, hollowing out social protection and national competences.

European freedoms raised eyebrows also in countries such as France, the UK and the Netherlands because of the negative – in the eyes of parts of their populations – impact of cheap labour after the Eastern enlargement of 2004 in conjunction with the delocalisation of industries. The mantra of open borders was further weakened in the course of the refugee crisis and the appeal of border controls has not fully waned since then. Last but certainly not least, the erosion of a Europe based on freedom has been fuelled by a populist takeover, most notably in Hungary and Poland. The breakdown of the rule of law in these countries dealt a blow to the EU's liberal architecture as its self-defence measures proved to be inadequate.

All of this happened before the coronavirus crisis, which therefore cannot be seen as the main trigger of a certain – perhaps temporary – retreat of freedom as the EU's main organising principle. Emmanuel Macron's idea of a »Europe that protects« reflected at least some important outlines of this new social context, one that is more sceptical about the virtues of openness and globalisation. The pandemic that sent shockwaves across Europe only strengthened and accelerated pre-existing trends, leading to a shift away from freedom towards security as the primary goal of political action. Restrictions on mobility, free market forces and limitations of civic rights did not encounter much opposition in societies. Even considering the emergence of new political protest movements, the majority of the population supported such protectionist measures.

⁶ Originally published online on 8 June 2020.

Interestingly, while the freedom of movement has always been seen by Europeans as one of the key achievements and tangible benefits of EU integration, the swift closure of national borders was widely accepted as a justifiable measure to fight Covid-19 by large majorities in many member states. Most remarkably, continued controls of national borders seem to be popular even beyond the coronavirus crisis. In Poland, where unlimited freedom of travel has always been seen as the greatest benefit after decades of Communism, this view is shared by almost the half of citizens. In a poll commissioned by the European Council on Foreign Relations in April 2020, 46% declared that, after the pandemic, the borders should be »better controlled« while only 27% opposed this view.

Public support is also high for loosening the anti-dumping measures applied by the European Commission to allow EU member states to support their industries and labour markets hit by the lockdown. They are, obviously, a huge impediment to the freedom of the single market and free competition. According to calculations made by the think tank Bruegel, the immediate fiscal response to the crisis by the German government (until 25 May) amounted to 13.3% of the country's GDP in 2019. By contrast, France spent only 2.4% of its GDP. Poland was not included in this calculation, but even if its crisis stimulus package is large in relation to the size of its GDP, it is still not impressive in absolute numbers compared with wealthier countries. Putting the rules on free competition to one side can thus have far-reaching implications. The imbalances among those EU member states that can afford high subsidies and those whose financial resources are much more limited are threatening to shake up the EU's economic system. These imbalances will need to be addressed by the rules of the new EU Recovery Fund. The disbursement criteria, which have yet to be agreed upon, will be of key importance in helping to preserve a level playing field for everyone in the future.

Covid-19 as a pretext for curtailing the rule of law

The coronavirus crisis alone may not become a game changer in the evolution of how our democracies function. However, its implications help us to understand the high stakes in the battle for the rule of law that has unfolded in some countries in recent years. All over Europe, far-reaching restrictions of civil rights necessitated by the lockdown raised questions about their legitimacy and potential long-term negative effects. These concerns are not unfounded, and the risk that some measures impinging on Europeans' liberties, such as digital surveillance, could stay in place even after the pandemic is not negligible. However, as long as the foundations of the liberal democratic order – independent courts, constitutional provisions and the separation of powers – remain intact, it is not naive to believe that the observance of fundamental principles will, sooner or later, be fully restored, with the freedoms of assembly and movement already being gradually re-established across Europe.

These systemic guarantees are no longer in place in Poland and Hungary. Moreover, the coronavirus crisis has been abused – more or less successfully – by the governments of both countries to achieve a further consolidation of power with the violation of constitutional norms. The rule by decree introduced by Viktor Orbán at the end of March is the best example of such autocratic overreach. It lacks any »sunset clause« and its termination requires a qualified majority in the Parliament (and is thus de facto impossible without Orbán's consent).

The Polish government attempted to ensure the success of the candidate of the Law and Justice (PiS) party, the incumbent President Andrzej Duda, in the presidential election in the midst of the pandemic, seeking to carry out the vote in violation of the principles of free and fair

elections. Under pressure from a smaller coalition partner, the PiS government was ultimately forced to abandon this idea. This showed that the power of PiS has its limits, but also caused a major constitutional crisis: the presidential election – probably for the first time in an EU democracy – was called off just three days before the scheduled date. A new election will be held in the summer. The breakdown of European liberal-democratic standards remains a massive problem in Poland, however. In the turmoil of the pandemic, the government took control of the Supreme Court, the key institution in the judicial system, whose independence is subject to infringement procedures before the European Court of Justice.

Solidarity and freedom need to go hand in hand

As much as the coronavirus crisis has shaken the European project founded on freedom and has accelerated the pre-existing shift towards greater protection and security, its long-term impact is likely to be more nuanced. The quest to restore the freedom of movement and other civil liberties has intensified in recent weeks not only because of the upcoming holiday season. European societies will not accept endless restrictions as they would contradict their cultural DNA.

However, the expected economic crisis will inevitably give more protectionist measures a further boost. While renationalisation needs to be avoided, it is crucial to build up European sovereignty in areas in which the EU needs to respond to external challenges. The debate surrounding the security of supply chains, relations with China, digital security and investment protection will determine the future of the European integration project.

The rule of law dimension to the erosion of freedom as the EU's organising principle is the most fundamental consideration as it is the precondition for all other freedoms in the EU and its member states. The EU is, first and foremost, a set of rules and exists only if these are followed. Economic and health concerns are, understandably, at the heart of the current EU debate and response to the coronavirus crisis. However, while addressing its implications, the EU countries will inevitably also have to deal with the question of the rule of law as a precondition for the protection of citizens' fundamental rights and liberties.

The EU will have to develop better tools to ensure the implementation of this key principle, also by punishing member states that violate laws that are fundamental to its functioning. In this context, access to funds from the EU budget should be made conditional on observing the rule of law. For this purpose, the approach proposed by the Commission that places – at least formally – an emphasis not on the independence of the judiciary, but on the prevention of money fraud must be revamped. Especially after the experience of the coronavirus crisis, solidarity and freedom (democracy) need to go hand in hand.

II. Sovereignty in the EU crisis mode – comeback or illusion? ⁷

Jana Windwehr and
Philipp Kahlert

The notion of national sovereignty has regained importance in recent years, both on the international stage and within the EU. The current coronavirus crisis appears, at least at first sight, to be another example of the comeback of strong nation states. However, on closer inspection, a more nuanced picture emerges: as nation-state action is becoming increasingly ineffective in the medium and long term, the need for European (shared) sovereignty is being reinforced.

Conceptions of sovereignty and ideas about its appropriate level differ markedly among EU member states, as is also becoming apparent in the three countries of the Weimar Triangle. While French President Emmanuel Macron is the most prominent advocate of »European sovereignty«, the Polish PiS government represents a purely intergovernmental vision of European integration. Germany supports the French understanding of the need for shared sovereignty in principle, but has been more hesitant in terms of, among other things, fiscal burden-sharing or a more independent European defence policy. Without any doubt, a decade of crises has left its mark on both political and academic debates surrounding sovereignty in the EU context.

A definition of sovereignty in the EU is difficult to find, as the Union is not a state, but an atypical international organisation. While in the nation state the people are the legitimising object of rule, there is no sovereignty as such at the supranational level. However, the competences of the EU extend far into those of the nation states, and even replace them in individual policy areas. European sovereignty should therefore be understood in a strategic sense as the politically coordinated capacity to act on the basis of common values and interests and with solidarity between its members. During the coronavirus crisis, the question of European

sovereignty has become more urgent than ever since the EU as a political and legal community requires problem-solving capacities in a global context. Against this backdrop, we discuss the following three questions: first, what do the crises of the past decade tell us about the state of sovereignty in the EU? Second, how does the coronavirus crisis fit into this picture? Third, what are the future prospects for national and/or European sovereignty in the light of these crises?

The battle between national and shared sovereignty

Over the past decade, the EU has faced a wide range of crises, both in terms of individual policy fields (fiscal policy, migration, foreign and security policy) and with respect to political developments in member states, namely the rise of populism, rule of law deficits and, of course, Brexit. All these dimensions have one thing in common, namely the struggle for sovereignty within the context of the EU's multilevel system. On the one hand, parts of the electorate perceive national sovereignty as being threatened by European integration, both because of and leading to an instrumentalisation of the sovereignty argument by governments and parties. Populist parties regularly point to an alleged erosion of national sovereignty because of European integration and the support of the latter by »the elites« against »the people«. The management of the euro crisis and the controversies surrounding migration policy often serve as an example to back up this claim. Brexit can also be seen as the logical consequence of returning to a purely national understanding of sovereignty as was apparent from the Leave Campaign's infamous slogan »take back control!«.

On the other hand, and against the backdrop of this growing trend of disintegration and progressive erosion of the European project, others have stressed the need for greater integration and a new understanding of the

⁷ Originally published online on 15 June 2020.

concept of sovereignty as such. In particular, Emmanuel Macron stated his vision for the future EU in his famous Sorbonne speech in 2017. To his mind, the member states need to pool their sovereignty to an increasing degree in order to regain at the European level what was lost at the national level. Such »European sovereignty« should be established through effective internal and external EU action in six »core areas« (security and defence, border security, foreign policy, climate policy, the digital transformation, economic and financial policy). Three years after Macron's speech, the most obvious successes have been achieved in the area of security and defence policy, for example with the launch of the European Intervention Initiative (EI2), or progress with regard to Permanent Structured Cooperation (PESCO). Climate policy might be the other example with the European Green Deal, although the latter may, in part, fall victim to the Covid-19 pandemic. Other proposals, such as the creation of a eurozone parliament with its own EU budget, were well received by other EU member states, but have only been implemented on a very small scale (such as the Budgetary Instrument for Convergence and Competitiveness, BICC). The opportunity to restructure fiscal policy was missed by Germany in particular, with a discussion now returning in the guise of »corona bonds«.

Sovereignty in the coronavirus crisis?

With Macron's proposals reaching far into some policy areas that have been traditionally considered to be »national domains«, diverging understandings of sovereignty in the EU context had already become a bone of contention among member states before the coronavirus crisis. The initial response to the pandemic occurred at the national level – which is hardly surprising as medical care is one of the core tasks of a nation state. Although there was a debate in the run-up to the European Constitutional Convention in 2002 to

give the EU responsibility for pandemics, healthcare policy remained almost exclusively at the national level and is one of the least europeanised policy areas (with exceptions in the area of patient mobility and market-related issues such as medical devices). Accordingly and in parallel to the various previous crises, patterns of thinking in national categories immediately became apparent: many member states closed their borders even for commuters, imposing entry bans or blocking the export of protective clothing or masks. Some of the southern member states, acutely affected by the pandemic, criticised such a national approach and the lack of a European response.

On the other hand, and as another parallel to previous crises within the EU, interdependencies in the sense of pre-existing networks with regard to economic and labour market policy as well as in the logistics sector soon became apparent – challenges that member states cannot deal with on their own. The global demand for medical equipment rose sharply, causing the European Commission to pool orders from member states, especially in China. In addition, the Commission decided to create a strategic stockpile of medical equipment such as ventilators and protective masks as part of the emergency reserve rescEU. As for the economic consequences of the lockdown, it is perfectly clear that a crisis of this magnitude cannot be resolved at national level alone by any of the member states and, above all, even less so by the most affected countries. European sovereignty depends very much on European solidarity. A lack of the latter will not only weaken the European level, but also undermine member states' sovereignty itself.

The choice between shared or waning sovereignty

The difficulties in implementing Macron's reform plans illustrate the disagreement among member states

about the future of European as compared to national sovereignty. Indeed, the appropriate response to this debate may lie somewhere in between. Macron's vision might turn out to be too ambitious to find the approval of all member states, e.g. those of the Visegrád Group with their intergovernmental understanding of European integration. However, the status quo is no longer adequate to effectively deal with common problems.

As a first step, a sensible definition of areas that are to be coordinated at national, intergovernmental or supranational level is needed, including the extension of EU competences where necessary. In the healthcare field, this may include an integrated European approach to, for example, the production and provision of medical equipment, enhanced early warning mechanisms or the more timely coordination of treatment capacities – none of these measures require shifting healthcare policy to the EU level altogether. Furthermore, while acute crisis management requires immediate action at the national and local level, longer-term pandemic preparedness and resilience-building were obviously not taken seriously enough in the past and call for European responses. Finally, managing the incipient economic and social crisis is a task that most member states will not be able to deal with on their own. To effectively cope with the crisis in an economic and financial sense, an instrument of joint and mutual liability with lower interest rates for more severely affected countries is needed. The European Commission's proposal for a 750 billion euro coronavirus reconstruction plan is an important contribution, but it has yet to prove its effectiveness and, above all, requires the consent of all 27 member states.

Although post-coronavirus European economic sovereignty still needs to be fully spelled out, it will be the only viable way of preventing the EU from drifting further apart as well as ensuring the survival of the

eurozone and with it the fundamental economic and political interests of member states. The countries of the Weimar Triangle have an important role to play in striking a »working« balance between the still markedly divergent understandings of both national and European sovereignty. In the long term, however, the choice is not between national and European sovereignty, but between shared or waning sovereignty.

III.

The Covid-19 crisis as a make or break moment for EU solidarity⁸

Thierry Chopin and
Sébastien Maillard

The foreseeable economic recession calls for a collective European response in a spirit of solidarity into which France and Germany have injected fresh impetus. However, beyond financial commitments and corresponding mechanisms, European solidarity must be backed by a strong and tangible political commitment in order to shape public opinion as well as a geopolitical strategy.⁹

The need for EU solidarity in the face of the Covid-19 crisis

«The climate that seems to prevail among Heads of State or government and the lack of European solidarity are putting the European Union in mortal danger,» warned Jacques Delors in the midst of Europe's devastating coronavirus crisis. This climate undermining European solidarity needs to evolve during the upcoming negotiations on the Commission's recovery plan in response to the recession following the pandemic.

Solidarity is at the core of European integration. The Schuman Declaration, whose 70th anniversary was celebrated on 9 May, called for «concrete achievements which first create a de facto solidarity». The latter has developed as a result of the interdependence and interests linked to the preservation of integration's «concrete achievements», namely the internal market, Schengen and the euro, making European solidarity both altruistic and self-serving. At present, it has been institutionalised through a wide range of rules, mechanisms, funds and programmes, financed by the European budget and which depend on the legal scope of EU competences.

European solidarity has not become automatic, however. It first depends politically on the «spirit of solidarity» shared by European leaders. The last ten years of crises have shown that this is not a given among member states. However, today's situation is different. With its suddenness, global impact and tragic scope, the pandemic requires a strong, coordinated and symbolic response that, in the public perception, has failed so far. Of course, the European institutions – the Commission, the European Central Bank (ECB), the European Investment Bank, the European Parliament – have, for their part, taken the initiative in their respective roles. Some member states seemed, however, at least initially, to want to slow down or limit the scope and effectiveness of these initiatives. The decision of the German Constitutional Court that the EU Court of Justice and the ECB had overstepped the limits of their competences also raises the spectre of a legal nationalism in which the interpretation of EU law could diverge between member states.

The boldness and design of the recovery plan proposed by the European Commission and backed by unexpected Franco-German impetus includes commonly issued loans as well as grants for the worst-affected countries. This initiative offers another opportunity for the EU to shift towards greater European solidarity thanks to new support from Germany. However, various member states have displayed their opposition to this proposal, above all the so-called «frugal four» countries. Politically speaking, a failure of the negotiations would put European integration in jeopardy and fuel nationalist trends. In economic terms, the severe recession and rising unemployment are crying out for a collective response to boost growth in the single market.

⁸ Originally published online on 22 June 2020.

⁹ This article was inspired by a previous article with a broader scope: Thierry Chopin/Nicole Koenig/Sébastien Maillard, The EU facing the coronavirus. A political urgency to embody European solidarity (Europe power of values Policy paper N° 250), Paris: Jacques Delors Institute, 10 April 2020, <https://institutdelors.eu/wp-content/uploads/2020/04/PP250-ChopinMaillardKoenig-EN.pdf>, retrieved on 22 September 2020.

National positions and public opinions

European solidarity is very much at stake when citizens from badly hit economies such as Italy expect sweeping solidarity through unconditional grants while taxpayers from certain northern countries cannot see why their hard-earned savings should benefit others. Understanding and taking into account the different perceptions underlying public opinion is necessary for European solidarity to meet with acceptance at the political level.

The budgetary and financial forms of solidarity stem largely from the northern countries (but not only since France and Italy are also net contributors ahead of the Netherlands, Sweden and Austria), leading some of them to anticipate a threefold risk behind the idea of common debt: the economic risk, the moral hazard – »solidarity« without »responsibility« – and the »political hazard«, i.e. the risk of seeing populist or even extremist anti-European political forces coming or returning to power, both in their own constituencies and in the countries in difficulty, who could then refuse to cooperate and to pay back disbursed funds. In such a perspective, these countries need political and legal guarantees also with regard to the new funds under discussion to finance solidarity and mutual aid. It is not through stigmatisation or even insults that positions will be changed. For solidarity to be accepted, it is necessary to show that the national interests of the respective countries are convergent with the common EU interest.

If we consider public opinion in the EU in the context of coronavirus crisis, the survey »Public opinion in the EU in time of coronavirus crisis« by the European Parliament shows that more than half the respondents are not satisfied with the solidarity between EU member states in fighting the pandemic. In the southern countries, less than a quarter (22% in Greece, 21% in

Spain and 16% in Italy) stated that they were satisfied with the solidarity between the EU member states.

Last but not least, we need to distinguish between the position of national governments and public opinion in the »frugal« countries, which are both obviously not monolithic. For example, surveys such as the ZDF PolitBarometer show that a large majority of Germans support »EU financial aid to hard-hit countries like Italy and Spain« across all political parties except the AfD. Even if this says nothing about precise forms of solidarity, it shows that German public opinion does not want to abandon its EU partners in the crisis.

In such a context, attention should be paid to the resurgence of stereotypes that are not only reappearing in the divisions between national governments, but which can also open the door to the return of antagonisms between the European peoples themselves. These divisions can also be fuelled from outside. European solidarity should therefore be flanked by a geopolitical strategy to implement its international dimension.

EU solidarity in the global battle of narratives

The lack of European solidarity observed at the beginning of the pandemic has been amplified by geopolitical developments. When especially France and Germany failed to respond to Italy's requests for protective equipment, others intervened. Chinese leaders immediately sent a signal of solidarity and provided protective equipment and medical experts. Russia and Cuba also provided assistance. While all support was certainly welcomed, these actors ensured that it was widely publicised, further highlighting the lack of intra-European solidarity.

This »diplomacy of masks« has been accompanied by general widespread disinformation. The EU has been

subjected to the global battle of narratives waged by the United States on the one hand, and by China and Russia on the other. Each side has accused the other of being the source of the virus or of failing to contain it. However, Europeans cannot win this battle of narratives by simply correcting the facts. The credibility of a »geopolitical« Commission is at stake here, including its global communications strategy. The primary objective is not to »win« the global battle of narratives, but rather to regain the support of Europeans and to demonstrate the EU's internal solidarity abroad.

At the same time, the EU must also prepare its own contribution to global solidarity. Even without an escalation of the pandemic in Africa, a serious economic and humanitarian crisis in poor countries could aggravate pre-existing conflicts and lead to further state fragility. As the world's largest collective donor and trading bloc, the EU must adapt its regional strategies, such as the New Partnership for Africa. Europeans should take the lead in cancelling the poorest countries' debts as another concrete example of their solidarity.

Conclusion: the need to embody European solidarity politically

In order to show European solidarity both externally and internally, a broader and more concrete demonstration of it is needed. For instance, the unanimous activation of the solidarity clause (Art. 222 TFEU) by the European Council would have sent a symbolic yet strong signal of acting »jointly in a spirit of solidarity« as suggested by German Foreign Minister Heiko Maas. This proposal has never been considered seriously, however.

Above all, there is an urgent need to politically embody a unified response in a spirit of solidarity at the highest level of the Union. France and Germany must support the European Council – slow and divided as it often was in previous crises – in enabling a compromise on the Commission's recovery plan that they have inspired. Public opinion must be able to pin European solidarity to a face or a political actor. Naturally, the pandemic places national leaders in the front row. At the EU level, the President of the Commission Ursula von der Leyen, Commissioners such as Thierry Breton (Internal Market) and Paolo Gentiloni (Economic Affairs), as well as the President of the ECB Christine Lagarde, come to mind. European solidarity would benefit from a galvanising figure who would politically embody the joint action decided at Union level. Such a high-profile figure would play a role comparable to that of Michel Barnier, who embodies in the eyes of public opinion the cohesion among the 27 member states during negotiations on Brexit. Similar to Barnier, such a figure should be attached to the Commission, but mandated by and accountable to the 27 member states and to the European Parliament.

If solidarity and trust between the EU member states cannot be restored through the recovery plan under negotiation and demonstrated in a tangible way to European public opinion and to the world, the coronavirus crisis will give way to nationalist withdrawal in the medium term. Acrimony towards »Brussels« would gradually turn into resentment among member states, especially under the guise of a north/south divide. Responding to this demand for solidarity is the true foundation of European integration. In the words of Jacques Delors, it is »solidarity that unites«.

The EU and the global response to Covid-19 – can »Team Europe« make a difference? ¹⁰

Tobias Koepf and
Theresia Töglhofer

After a bumpy start, the EU has drawn up a comprehensive response to the global Covid-19 pandemic by activating multilateral forums and providing assistance to third countries in need. If EU decision-makers can avoid the instinct of withdrawal that occurred during the sovereign debt crisis a decade ago, the coronavirus crisis also offers an opportunity for the Union to enhance its support for its neighbourhood and the Global South and, in so doing, to increase its global standing in a new geopolitical environment.

The outbreak of Covid-19 confronted the EU with a double challenge. While EU institutions were busily engaged in setting up and coordinating a joint crisis response within the Union, they also needed to address the further spread of the global pandemic in their external action. After several weeks of paralysis, the EU finally started to become an actor on the global stage in early April. In the context of »mask diplomacy« and the »geopolitical imperative« to provide assistance to countries in need, this aspiration cannot only be understood as an act of solidarity, but also as a necessity if the EU wants to have a say in a post-coronavirus world order. Against this backdrop, the question arises as to what extent the EU has translated its will to lead the global response to the pandemic into action so far and will be capable of doing so in the medium to long term.

From a late starter to a leading force

Struggling with the scale of the pandemic as well as with a joint internal approach, the EU was a late starter in the soft power race for international assistance. On 15 March, the EU even restricted the export of protective medical equipment beyond its borders. While

this move was intended to strengthen collective action within the bloc, it sent a troubling signal to the outside world. Serbian President Aleksandar Vučić, for example, stated that EU solidarity was nothing more than »a fairy tale« and soon after he welcomed Chinese aid deliveries at Belgrade Airport, kissing the Serbian and Chinese flag to mark the occasion.

The EU was, however, quick in seeking to correct this initial reluctance. The European Commission in particular attempted to live up to its own ambition of being a »geopolitical Commission« and explicitly stated that it wanted to play a leading role in tackling the global ramifications of Covid-19. At the bilateral level, the Commission announced on 8 April, together with High Representative Josep Borrell, that the EU institutions, member states, the European Investment Bank and the European Bank for Reconstruction and Development would contribute a total of 20 billion euros to help partner countries worldwide. This so-called »Team Europe« approach was recently updated and now comprises a total of 36 billion euros.

In general, the EU's bilateral coronavirus aid mirrors a familiar pattern of assistance and engagement vis-à-vis third countries: geographic proximity, the degree of EU association and the EU's strategic interests in specific regions have a decisive impact on the level of support. It is thus not surprising that the six accession candidates of the Western Balkans alone were granted a 3.3 billion euro recovery package to mitigate not only the immediate health crisis, but also its longer-term social and economic repercussions relatively early on while the whole of Sub-Saharan Africa had only received 4.8 billion euros by June. To put things into perspective, it is also important to note that the lion's share of the bilateral and multilateral coronavirus aid announced by the EU consists of reallocations of regular assistance schemes and loans under favourable conditions to provide emergency budget support as well as leverage investments.

¹⁰ Originally published online on 29 June 2020.

Largely paralysed itself during the first weeks of the pandemic, the EU also got off to a slow start with regard to its role as an actor within global multilateral forums. However, while it quickly became clear that other major players such as the US and China were unable and unwilling to take on a leadership role, the EU stepped up its engagement. The most notable development in this light is its leading role in the Coronavirus Global Response, an international donor initiative that aims to raise funds to develop diagnostics, treatments and vaccines against coronavirus for universal use. In early May, the Commission co-hosted a virtual pledging event as a starting point for a pledging marathon that has raised 15.9 billion euros (as of 29 June), with 11.9 billion euros coming from EU institutions and member states themselves.

In the same vein, the EU spearheaded a High-Level Event on Financing for Development in the Era of COVID-19 and Beyond, at which Commission President Ursula von der Leyen proposed a »green, digital and resilient« global recovery initiative that links investment and debt relief to the Sustainable Development Goals. Brussels has also been a staunch advocate of measures at the G7 and G20 level to ensure debt relief for those countries most affected by the coronavirus crisis. France, in particular, has been a driving force behind advancing efforts to achieve a debt moratorium, especially with African countries in mind.

Challenges and pitfalls ahead

Although the EU has demonstrated its capacity to act under the strain of a severe global crisis, there are a number of factors that make it uncertain whether its assistance will be successful in the long run. The coronavirus crisis will be a decisive setback in the economic, social and possibly also democratic development of third countries, and is likely to exacerbate pre-existing vulnerabilities and crises. Under these

conditions, providing effective support to its immediate neighbourhood and the Global South will be an uphill struggle for the EU.

First, the EU's post-coronavirus support is burdened by a legacy of hesitant external engagement, with the Common Foreign and Security Policy still experiencing difficulties in getting off the ground. The sovereign debt crisis that started in 2009 left the EU more inward-looking, with the result that it often refrained from backing up rhetorical commitment with political clout in its relations with partner countries. In the Western Balkans, for example, the EU has so far failed to resolve remaining conflicts and has turned a blind eye to democratic backsliding. Moreover, with regard to the countries of the southern Mediterranean, the Union has largely given up its hopes of promoting further democratisation and defines its relations mainly through the lens of migration and security policy. It will be all the more challenging for the EU to adopt a more unified and strategic approach in the aftermath of the coronavirus crisis, when attention and resources will be scarce.

Second, compared to the challenges the world is facing, the financial efforts made by the EU are relatively modest. In the light of the 750 billion euros that the EU intends to invest in its internal recovery, the 36 billion euros that external »Team Europe« currently plans to spend are a drop in the ocean. This is why the EU needs to place an even stronger focus on external action when the new Multiannual Financial Framework (MFF) for the period from 2020 to 2027 is negotiated. The latest MFF proposal by Josep Borrell and the Commission is most commendable in this regard. It foresees an increase in the funds for external action policies of 16.5 billion euros to 118 billion euros, with an additional 10.5 billion euros going to the new Neighbourhood, Development and International Cooperation Instrument (NDICI) and 5 billion euros to the humanitarian aid budget. However, even if approved by EU capitals,

which is rather unlikely, the increase is far from representing a paradigm shift.

Third, while the EU's increased multilateral engagement certainly has to be welcomed, it is questionable whether it will be sufficient. With major actors such as the US, China and Russia pursuing unilateral approaches, »Team Europe« is struggling to make a tangible difference. This has been particularly apparent at the UN level. The EU has been largely powerless so far with regard to the conflict between the US and China over the role of the World Health Organization (WHO) in fighting the virus. The EU has neither been able to stop US President Donald Trump from carrying through with his plans to leave the WHO, nor has it indicated that it intends to assume a bigger role in the organisation if the US leaves. The US-Chinese conflict surrounding the WHO also curtailed efforts spearheaded by France to draft a UN resolution in early May that intended to achieve a ceasefire in all major global conflicts with a view to tackling the Covid-19 outbreak more effectively.

Fourth, despite the EU's assistance being by far the most comprehensive of any external actors in many regions, it has often not been perceived as such by local populations. On the one hand, this is due to systematic and large-scale (dis)information campaigns, conducted mainly by Russia and China and also targeting the EU's »chaotic« response. On the other, the Covid-19 crisis has revealed the lack of a clear EU communication strategy that could have opposed such claims and raised the profile of the EU's activities. In this regard, it is imperative that the EU increase its outreach to citizens not only at home, but also in partner countries.

Time for stronger commitment

It has often been claimed that the coronavirus crisis could help the EU to find its role as a major and

independent player in a new geopolitical context, dominated by the US and China. In the first few months of the crisis, the EU has shown that it can be a global player and bring the actions of its diverse stakeholders and institutions together as part of a coherent approach. However, with many pitfalls and competing priorities looming, the EU's external engagement needs, more than ever before, to be a political and strategic choice. The crisis in line with the original meaning of the Greek term as a decision or decisive turn represents both the risk of dwindling EU support and also a prime opportunity for the EU to reassess, concretise and level-up its commitment beyond its borders. In fighting the corollaries of the pandemic, concrete outcomes will matter more than abstract strategies or declarations of intent. There will thus be a need for the EU to focus more on the actual impact of its assistance on the ground. This will be paramount since support for third countries clearly has a geopolitical dimension, or, to quote Josep Borrell, »power starts with financial power«.

Acting European! A pragmatic vision for a post-Covid-19 EU "

Genshagen Foundation *

The coronavirus crisis is a moment of truth for the EU. In this final paper of our »Acting European?« series, we argue that the EU and its member states should resist falling victim to a return to national solutions and instead train their »European reflex«. We show this by focusing on three categories that we believe are key to European integration: sovereignty, solidarity and freedom. Only if the EU manages to breathe new life into these principles will it be able to emerge stronger from the crisis.

Once it has left the current all-embracing coronavirus crisis behind it one day, the EU will not be the same. In addition to the multiple crises of the past decade, the pandemic is challenging the Union and its member states both in a short- and a long-term perspective. From the beginning, it was very clear that the complexity of this challenge calls for responses at all political levels of the EU. As a health crisis, Covid-19 continues to require robust crisis management by the member states and, in many cases, also the regional level. On the economic front, the Union is assuming a much stronger role with the path-breaking recovery package passed in July.

The coronavirus crisis calls for much more than crisis management, however. It touches upon highly political issues of European integration – not to mention its basic values. In the second part of our paper series »Acting European? The European Union and the Weimar Triangle in the Coronavirus Crisis«, we focused on three central principles of European integration, namely sovereignty, solidarity and freedom. All three of them are contested, as exemplified by the frequently diverging positions of the Weimar countries. However, they were fundamental categories of European integration from the very beginning in the 1950s: the transfer of competences to the supranational

level in an organisation sui generis and the financial support of structurally weak regions in order to promote convergence continue to be pillars of European integration to this day, and the four freedoms of the common market as an objective since 1957 and a reality since the early 1990s.

The coronavirus crisis is a moment of truth for the EU with regard to the future design of these central categories. How and to what degree should sovereignty be shared between the Union and its member states in the future? How can we develop a common and sustainable understanding of solidarity, coupled with convincing means and capacities? How can freedom as a fundamental value of European integration both from a single market and civil liberties perspective be maintained in times of crisis? By discussing these three principles, we certainly do not paint a complete picture of a strong EU in the future, but a triad of necessary conditions that have to be fulfilled.

Towards greater shared sovereignty

The debate about sharing sovereignty between the EU and its member states gained momentum with French President Emmanuel Macron's Sorbonne speech in September 2017. We understand shared sovereignty in the EU to be the politically coordinated capacity to act at the EU level on the basis of common values and interests, including solidarity between member states. While we agree with the fundamentals of Macron's vision, we would prefer the term »shared sovereignty« to »European sovereignty« in order to explicitly stress the responsibility of both the Community level and member states. With this rather pragmatic and problem-solving definition in mind, the current health crisis has clearly illustrated that the EU needs to strive for more, not less shared sovereignty. This holds true not only as regards the inner workings of the EU, but

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* This paper was authored jointly by the team of Genshagen Foundation's division »European Dialogue – Political Thinking on Europe«.

also its role in the world. While national autonomy certainly has its assets in a short-term crisis context, insisting on national solutions undermines sovereignty in the long run as single nation states simply cannot cope with the major challenges of the present on their own.

However, our understanding of shared sovereignty does not imply that the EU needs to be the sole and dominant actor in all policy areas. What is important is that the EU, in a first step, aims for a consensus in the areas in which it wants to cooperate more strongly and then, in a second step, as to how far shared sovereignty in these areas should reach. Instead of letting national interests and coincidence determine where sovereignty should lie in a particular field, the EU needs to develop a common and stable understanding of how to share sovereignty between the Community level in some fields and strong member states in others.

The recent crisis has already led to an increased sharing of sovereignty in some areas. In the field of health policy, the EU has been granted several more competences, for example regarding the creation of strategic stockpiles and the purchase of treatments and vaccines. In the area of economic and financial policy, the coronavirus recovery package adopted in July 2020 was a major step towards greater shared sovereignty because the EU is leveraging money and pooling debt together for the first time in its history. However, the sharing of sovereignty should not stop where the coronavirus crisis hopefully ends. Foreign, security and defence policy, climate protection, the digital transformation and migration are some of the major fields in which we think that it is urgently necessary to increasingly share sovereignty, and to this end allocate the necessary resources in the coming years without depriving nation states, regional and local actors of their responsibilities altogether.

EU solidarity beyond crisis mode

The coronavirus crisis has also put the principle of EU solidarity to the test. Calls for EU solidarity, and also lamenting its absence, were used to underline the unprecedentedly high stakes with respect to cohesion and the very existence of the Union. They also served to lend weight to member states' own demands, for instance when southern members accused the self-declared »frugal four« of failing to show solidarity with hard-hit countries. At the same time, in the »global battle of narratives« (Josep Borrell) the alleged lack of solidarity within the Union appeared as a leitmotif in disinformation campaigns, most prominently conducted by Russia and China. It was the Franco-German initiative for a comprehensive economic recovery package in mid-May, rendered possible by Berlin's change of heart with regard to collective debts that finally turned the tide towards a forceful European response. The recovery plan endorsed by the European Council in July might, at least temporarily, soothe divisions within the Union. Poland, for instance, where the PiS government maintained a sceptical stance towards common EU solutions also in the Covid-19 crisis, will be among its main beneficiaries. However, we should not overlook the fact that polarised positions among certain groups of countries persist and could resurge when it comes to the details of implementation.

Beyond the current emergency situation, we find that the crisis clearly demonstrates the need for a comprehensive and long-term vision of EU solidarity. First, it underscores the fact that solidarity cannot be understood as a one-way street. Moreover, those who are at the receiving end of EU support are required to make effective and responsible use of the instruments and funds entrusted to them. In this regard, the management of the recovery fund will be a litmus test for

whether the most recent demonstration of solidarity among member states also leads to tangible outcomes and makes a structural difference on the ground. It could thus prove to be paramount for the future readiness of EU members to engage in similar initiatives.

Second, experience shows that, for every member state, the day will come when it will need to rely on support from the others as well as from EU institutions. We therefore believe that solidarity – in its basic understanding as mutual support within a group – cannot be confined to one targeted, time-limited policy action or a specific policy field. On the contrary, it needs to encompass a wide array of policy areas, including migration, the fight against climate change, and joint security and defence policy. From our point of view, social protection is another central field of solidarity in the EU context. The Covid-19 crisis has clearly demonstrated the difficulties in tackling major challenges with very different preconditions among member states, for instance with regard to the capacity of health and social systems. As a consequence, continuing to work towards a social Europe worthy of the name would include investments in the convergence of social standards. Beyond ad hoc crisis mechanisms that can be activated (or ignored) at member states' convenience, solidarity must become a vital component of the EU's DNA.

Defending freedom(s) in the EU

Contrary to what the current debates might suggest, freedom in the EU is not only a question of rule of law in particular countries. Rather, it has always been and still is a basic value of European integration both in terms of civil liberties and of economic liberalism as implied in the common market's »four freedoms«. Yet, freedom in member states as well as at EU level is contested in a number of quarters. First, even the

well-established four freedoms of the common market are vulnerable as has, for instance, become evident in uncoordinated border closures early on in the Covid-19 pandemic and the 2015 migration crisis or protectionist measures taken to ensure the best possible outcome for the respective national economy in both the financial and the current crisis. Such developments are more than an operational accident insofar as they reveal a national reflex that contradicts the basic ideas of the common market and the EU more generally. On the other hand, there is a persistent tension between the four freedoms and (still mostly national) social protection that bears a risk of rising polarisation within societies and among member states. A decade of crises might also be an opportunity to reflect on and correct the mismatch inherent in the prevalence of economic freedoms as compared to social rights.

Second, more concrete contestations of freedom in the EU and member states have come to the fore in recent years. On the one hand, such a challenge concerns all member states, e.g. with respect to striking a new balance between freedom and security in the face of terrorism – as in case of the declaration of a state of emergency in France after the 2015 terrorist attacks – and other threats in the digital realm. Against this backdrop, the adequate level of privacy including issues such as the retention and use of data has been the subject of heated political debates as well as several landmark decisions by the European Court of Justice.

On the other hand, alarming developments such as violations of basic principles of the rule of law in some as well as a rise of populism in most member states, further exacerbated by external influences including targeted disinformation, have preoccupied the EU and the European public. The dispute with both Poland and Hungary could obviously not be solved by means of the largely dysfunctional rule of law mechanism due to its unanimity requirement. The new peer review mechanism for monitoring developments in the rule of law in

all member states is positive in terms of its non-discriminatory character, but the efficiency of yet another instrument without the possibility of sanctioning non-compliance remains questionable. Unfortunately, rule of law conditionality does not feature prominently in the final deal on the European recovery package of July 2020 either. In our view, if consensual processes fail to deliver the desired result – safeguarding freedom and the rule of law in all member states – the EU needs mechanisms to effectively sanction the violation of these basic principles of European integration.

Training the European reflex

Using the crisis as a turning point would mean moving from apparent national autonomy to shared sovereignty, from egoistic competition to responsible solidarity and from challenged to consolidated freedom(s). The current crisis tells us that the national reflex that has often prevailed in the past damages not only the EU as a whole, but is also to the detriment of member states and their respective populations. In the future EU, this logic must be reversed in the sense of continuing to train the European reflex. The countries of the Weimar Triangle must be at the heart of this endeavour. While it would be unrealistic to expect divergent interests to fully merge into one joint vision for Europe, it is crucial to present a united front in addressing external threats as well as the EU's own weaknesses, and to advance the project of European integration with both pragmatism and dedication. Thinking and acting European must not be the last but the first port of call.

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The Genshagen Foundation

Germany, France and Poland for Europe

The Foundation

The Genshagen Foundation evolved from the Berlin-Brandenburg Institute for Franco-German Collaboration in Europe, which was founded in 1993 by historian Rudolf von Thadden and Brigitte Sauzay, who later became an advisor to German Chancellor Gerhard Schröder. Since 2005, the Foundation has been run as a non-profit foundation under German civil law. Its founders and main sponsors are the German Government, represented by the Federal Government Commissioner for Culture and the Media, and Land Brandenburg. The most important third-party donor is the Federal Foreign Office.

European Dialogue – Political Thinking on Europe

Convinced that European integration must be preserved and deepened in order to secure peace, freedom, solidarity and prosperity in Europe in a sustainable manner, the Genshagen Foundation is committed to the political dimension of Europe's future in the working section European Dialogue – Political Thinking on Europe. Its projects promote reflections on the internal cohesion of the European Union, its political capacity to act and its role in the world. A solution-based exchange takes place between experts and decision-makers from politics, diplomacy, business and society in public and closed formats. Furthermore, the Foundation is focused on civil society in order to give young people in particular an understanding of Europe and to offer them a platform where they can articulate their own ideas.

Profile

The Genshagen Foundation aims to strengthen Europe's cultural diversity, political capacity to act, social coherence and economic dynamism. At the interface between civil society, the state and the business world, the foundation operates in two working sections: Art and Cultural Mediation in Europe and European Dialogue – Political Thinking on Europe. We focus on promoting and intensifying Franco-German and German-Polish relations, as well as facilitating the dialogue within the Weimar Triangle, which was founded in 1991 by the Foreign Ministers of Germany, France and Poland. As a forum for consultation and conversation, we seek to foster dialogue between the three countries as well as promote European integration as a whole. The location of the Foundation, Genshagen Castle, offers a space for encounters and exchanges between actors from the worlds of art, culture, politics, business, science and the media. Through its varied events and publications, the Foundation helps to identify new approaches and solutions to current and future challenges in society and politics – always within the context of Europe.

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