This volume provides a comprehensive overview of the inherent tension on, weaknesses, and strengths of the European Union as a political, legal, economic, and social actor in times of groundbreaking disruption, structured into 7 thematic parts, with 35 chapters in total, brought together by an introductory chapter:

Part I explores the impact of the COVID-19 crisis on EU constitutional law, focusing primarily on the challenges posed by the pandemic to the core principles of territorial and state of law, as well as in the functioning of EU institutions, agencies, and bodies.

Part II delves into COVID-19 legal challenges to the field of democracy and human rights, with particular emphasis on emerging and data protection issues.

Part III addresses the delicate legal implications of the ongoing crisis in the field of banking, finance, and insurance.

Part IV deals with internal market law and the profound alterations it is being subjected to in a context of extreme pandemics, pandemic-related restrictions to free movement, mostly (but not only) concerning the free movement of persons.

Part V assesses the EU's legal response to the pandemic-induced restrictions to free movement, mostly (but not only) concerning the free movement of persons.

Part VI provides an overview of the main legal implications of the ongoing crisis for the functioning of the EU polity, considered as the ultimate guarantor of the rule of law — a function of paramount importance, especially in times of truly large-scale restrictions of rights, and of unprecedented disruptions of the pre-existing legal frameworks.

Part VII explores the impact of the COVID-19 crisis on EU administrative law, focusing primarily on the challenges posed by the pandemic to the core principles of public law and human rights law.
EU LAW IN TIMES OF PANDEMIC

THE EU’S LEGAL RESPONSE TO COVID-19

EDITED BY

DOLORES UTRILLA

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FOREWORD FROM THE EDITORS

The COVID-19 pandemic has posed unprecedented legal challenges to the EU institutions and to the EU Member States. From early 2020, these actors fought the crisis firstly through emergency measures aimed at adapting the mismatch between the ordinarily applicable legal framework and a health, social, and economic emergency deploying devastating effects across borders and areas of activity. Soon afterwards, however, it became evident that medium and long-term measures would be needed in order to address the systemic effects of the crisis on the European economy, society, and legal framework. On the first anniversary of the pandemic, the European legal space is immersed in a process of profound reflection and envisaging a redesign of some of its core features, reaching from fundamental principles and values such as the rule of law or solidarity, to sector-specific elements related to the Economic and Monetary Union, health and risk regulation, and State aid control.

This book looks at the EU’s legal response to the pandemic across a wide spectrum of areas of law. It offers a narrative of the evolution, scope, and spirit of the EU’s approach to a crisis like no other in the history of European integration. It thus provides for a comprehensive overview of the inherent tensions, weaknesses, and strengths of Europe as a political, legal, economic, and social Union in times of ground-breaking disruption. A preliminary version of this volume, finalised in early December 2020, was published as an e-Book on 24 February 2020. All Chapters in the present book cover legal developments related to the pandemic up to February 2021.

The book is structured into seven parts, brought together by a general introductory chapter. Part I explores the impact of the COVID-19 crisis on EU institutional law, focusing primarily on the challenges posed by the pandemic to the core principles of solidarity and rule of law, as well as to the functioning of EU institutions, agencies, and bodies. Part II is devoted to COVID-19 legal challenges in the field of democracy and human rights, with a particular emphasis on migration and data protection issues. Part III assesses the EU’s legal response to the pandemic in the area of health and risk regulation, tackling, inter alia, the role of the precautionary principle in times of scientific uncertainty and several issues relating to the legal framework on vaccines. Part IV addresses the delicate legal implications of the ongoing crisis in the field of
banking, finance, and euro governance. Part V deals with internal market law and the profound alterations it is being subjected to in a context of massive pandemic-induced restrictions to free movement, mostly (but not only) concerning the free movement of persons. Part VI explores the role performed by, and the challenges posed to, EU competition and State aid law during the COVID-19 pandemic. Lastly, Part VII provides an overview of the main legal implications of the ongoing crisis for the functioning of the EU judiciary, conceived as the ultimate guarantor of the rule of law – a function of paramount importance, especially in times of truly large-scale restrictions of rights and of unprecedented disruptions of the pre-established legal framework.

Each Part of the book commences with an introductory chapter offering an overview of the main challenges posed by the crisis in the respective area of law, as well as of the steps taken by the EU to address them. These introductory chapters aim to map out the situation in the relevant legal fields, as well as to provide the necessary context for the chapters contained in the respective Parts of the book, written by leading legal experts on the respective matters, which further explore selected legal developments or problems within that field of law.

We are immensely grateful to the authors contributing to this book for their enthusiastic response and commitment to this collective project. Most of them have worked closely with us for several months, contributing to the coverage of the EU’s legal response to the pandemic on EU Law Live under the lead of our Editor-in-Chief Daniel Sarmiento. We also take this opportunity to publicly express our gratitude to each and every one of the legal experts who generously agreed to share their expertise with the EU legal community through EU Law Live over this challenging year.

Madrid, 1 March 2021
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This volume provides a comprehensive overview of the relevant issues on, and progresses in, the European Union’s political, legal, economic, and social actors in times of groundbreaking disruptions, structured in 35 chapters written by leading legal scholars from across a wide spectrum of areas of law. Structured into seven thematic parts, with 35 chapters in total, brought together by an introductory chapter:


Part II: EU Legal Challenges in the Fields of Democracy and Human Rights, with a Particular Emphasis on Migration and Data Protection Issues

Part III: EU Legal Challenges in the Area of Internal Market Law, Focusing on the Role of the Precautionary Principle in Times of Scientific Uncertainty and Several Issues Relating to the Legal Framework on Vaccines

Part IV: EU Legal Challenges in the Area of Banking, Finance, and the Economic and Monetary Union, Tackling the Role of the Precautionary Principle in Times of Scientific Uncertainty and Several Issues Relating to the Legal Framework on Vaccines

Part V: EU Legal Challenges in the Area of Health and Risk Regulation, Tackling, among Other Matters, the Role of the Precautionary Principle in Times of Scientific Uncertainty and Several Issues Relating to the Legal Framework on Vaccines

Part VI: EU Legal Challenges in the Area of Competition and State Aid Law, Tackling the Role of the Precautionary Principle in Times of Scientific Uncertainty and Several Issues Relating to the Legal Framework on Vaccines

Part VII: EU Legal Challenges in the Area of Public Law and Human Rights Law

The COVID-19 pandemic has posed unprecedented legal challenges to the EU institutions and to the EU Member States. On the first anniversary of the pandemic, the European legal space is immersed in a process of profound reflection and envisaging a re-scheme of some of its core features, marking a fundamental break with past legal norms in several issues relating to the legal framework on vaccines.

This book looks at the EU’s legal response to the pandemic across a wide spectrum of areas of law. Structured into 35 chapters written by leading legal scholars from the EU institutional and academic landscape, it offers a narrative of the evolution, scope, and spirit of the EU’s approach to a crisis like no other in the history of European integration. It thus provides for a comprehensive overview of the legal dimension of the COVID-19 crisis in the unique supranational arena of the EU that can be of interest to policymakers, practitioners, and academics in Europe and beyond.