

EULAWLIVE
PRESS

EU LAW IN TIMES OF PANDEMIC

THE EU'S LEGAL RESPONSE TO COVID-19

EDITED BY

DOLORES UTRILLA
ANJUM SHABBIR





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EU Law Live Press is part of EU Law Live, promoting quality legal analysis and information in all relevant fields of the European Union's legal order

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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

Dolores Utrilla and Anjum Shabbir

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