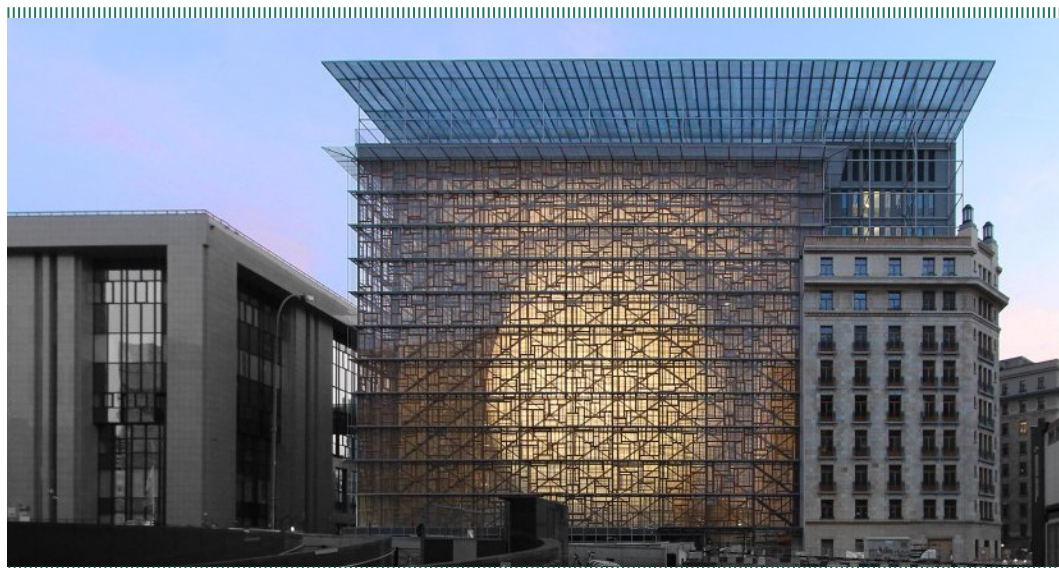


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 #SOLIDARITY  
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# THE EU FACING THE CORONAVIRUS A POLITICAL URGENCY TO EMBODY EUROPEAN SOLIDARITY



## Introduction ■

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“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,” Jacques Delors warned in an exceptional public speech<sup>1</sup> in the middle of Europe’s devastating coronavirus crisis. This lack of solidarity has already left its mark on public opinion, especially in Italy, as divisions unfolded during the March European Council.

The extent of this health crisis and the severe economic recession, that will be triggered as a result of the drastic measures currently underway to curb the pandemic, call for a collective response from European leaders, with solidarity as the rallying force. Solidarity is not just a slogan, but a foundation of the European construction which, in support of its health and budgetary implications, requires a political embodiment commensurate with these historical circumstances that must be overcome. As Chancellor Angela Merkel acknowledged, “the European Union is facing its greatest test since its creation.”<sup>2</sup>

Indeed, the present crisis requires the solidarity that has guided European construction since its very first steps. The Schuman Declaration, whose 70th anniversary will be celebrated on May 9th, called for “concrete achievements which first create a de facto solidarity.” The very concept of “community” stands for open and trusting exchanges between its members, sharing resources, and mutual assistance within this community. Moving from Communities to a Union has not taken anything away from the threefold dynamic underpinning the European project, summed up by Jacques Delors in his famous statement: “Competition that stimulates, cooperation that strengthens, and solidarity that unites.”

1. Statement to the AFP, 28<sup>th</sup> of March 2020.

2. Press conference, Berlin, 6<sup>th</sup> of April 2020.

At its core, this solidarity is rooted in the “spiritual and moral heritage” to which the EU refers in the preamble of its Charter of Fundamental Rights. But it has developed as a result of the interdependence and interests linked to the preservation of the European project and its common goods, which today are represented by the internal market and the euro. This self-serving, yet mutual assistance makes European solidarity all the more obvious, without removing any emotional motive or altruistic justification.<sup>3</sup>

The implementation of European solidarity relies on established legal frameworks,<sup>4</sup> mechanisms, funds, and programmes financed by the European budget. Over the past two decades, new EU instruments, created explicitly for the sake of solidarity, have been added: the “Solidarity Clause,”<sup>5</sup> the “European Union Solidarity Fund,” and more recently, the “European Solidarity Corps.”

Despite the wide-ranging scale and breadth of these tools, the implementation of European solidarity is limited when it comes to healthcare. Firstly, its extent depends on the scope of EU competences, which are exercised almost entirely by Member States in line with the principle of subsidiarity. It has been recalled since the beginning of the Covid-19 outbreak that EU competences within this field are only supportive, as EU institutions do not directly possess the personnel or resources necessary to intervene during an emergency.<sup>6</sup> This did not prevent the European Central Bank from taking action,<sup>7</sup> nor did it stop the Commission from identifying the legal bases that would allow for numerous initiatives to help states and citizens in distress.<sup>8</sup>

Despite limited competences, European solidarity can be indirectly exercised in other ways. By relaxing or temporarily suspending a number of measures related to the competition rules of the Single Market (state aid) and the fiscal framework (European Stability and Growth Pact), the Commission made it easier for Member States to invoke national solidarity mechanisms. Solidarity is thus enabled through the European level.

However, as we are facing a challenge of an unprecedented scale that is shared by all twenty-seven members, we need more concrete articulations of European solidarity. This solidarity requires (1) an official activation, (2) a Franco-German initiative, (3) a European representative providing a face to the common struggle and counterbalancing the current lack of European leadership at the level of the European Council, (4) and a geopolitical strategy including global solidarity measures and a more systematic communication strategy (5). Such political initiatives are necessary to tackle a crisis that has already given rise to significant “EU-bashing,” ultimately putting the future of the European project in danger.

3. FERNANDES S. & RUBIO E. 2012. “Solidarity within the Eurozone: how much, what for, for how long ?”, *Policy Paper*, Jacques Delors Institute.

4. For a reminder of this jurisprudence, see the conclusions of the general counsel of 31<sup>st</sup> of October 2019 in cases C-715/17, C-718/17 and C-719/17 before the ECJ.

5. Read part 2.1

6. A reserve created in March 2019, « RescEU », now provides the EU with an additional reserve of national capabilities to mobilise, in particular, water-bombing aircraft, helicopters and other rescue equipments to deal with various types of emergencies.

7. For example, the Decision of the Governing Council of the ECP on EPPP, press release of March 18<sup>th</sup>, 2020.

8. Cf. MARCHAIS I. 2020. “Health: a highly perfectible added value for the EU”, *Policy paper*, Jacques Delors Institute, April 1<sup>st</sup>.

# 1 ■ EUROPEAN SOLIDARITY PUT TO THE TEST AFTER TEN YEARS OF CRISES

While firmly established in European law and channeled through various programmes and mechanisms, European solidarity has been greatly challenged by the recurring crises afflicting Europeans over the past ten years.

The sovereign debt crisis from 2010 to 2012 saw Southern Eurozone countries asking for support from Northern countries to find sustainable financing conditions on the bond market. Their bailout was only granted on the basis of harsh requirements. As we know, the turning point of this crisis came when the President of the European Central Bank, then Mario Draghi, pledged to do “whatever it takes to preserve the euro.”<sup>9</sup> This promise of monetary solidarity suddenly made it possible to overcome the crisis. Despite a damaging miscommunication at the beginning of the outbreak, Christine Lagarde followed in the footsteps of her predecessor to fight the economic consequences of the current Covid-19 crisis.

Another key test for European solidarity was the refugee crisis from 2014 to 2016 when first-entry states were overwhelmed by asylum applications. To support them, the EU established a compulsory relocation mechanism by qualified majority and against the will of Hungary, Poland and the Czech Republic. This rejection was recently condemned by the European Court of Justice, which held that the principle of solidarity requires that Member States share responsibility.<sup>10</sup> Yet, a long-term solidarity mechanism to share responsibility in the event of an influx of migrants is still not on the horizon.<sup>11</sup> The current health crisis in refugee camps on the Greek islands dramatically illustrates this gap in Europe’s enactment of solidarity.<sup>12</sup>

These crises have underlined the link between the question of solidarity and the rise in Euroscepticism. In large parts, Euroscepticism in Southern European countries can be explained by the perception of insufficient solidarity in these crises: in the case of the eurozone crisis, the perceived disproportionate burden of the economic and budgetary adjustment required in exchange for EU financial support (Greece) and, during the refugee crisis, the EU’s lacking support in stemming migratory flows (Italy). Conversely, in the Central, Northern, and Eastern countries of the EU, it is the rejection of perceived excessive solidarity that fuelled Euroscepticism in parts of the population and government, be it in the financial (Germany, the Netherlands, Finland) or migration domains (Visegrad Group). Some of these countries, such as Germany or the Netherlands, have rejected solidarity mechanisms in one area (financial transfers) while requesting them in another (distribution of asylum seekers); other countries, particularly in Central and Eastern Europe, expect solidarity from their European partners on the budgetary front (cohesion funds, agricultural policy), but refuse it other fields, namely on migration.

In the current health crisis, the lack of organised solidarity between Member States to combat the Covid-19 outbreak led to uncoordinated restorations of internal border controls and restrictions on the export of protective medical equipment, as in the case of Germany and France. On the other hand, cross-border cooperation has made it possible to relieve overwhelmed hospitals through patient transfers – one example among other solidarity initiatives.

9. DRAGHI M. 2012. Speech at the Global Investment Conference in London, 26<sup>th</sup> of July.

10. Decision CJUE Commission v. Republic of Poland, 3<sup>rd</sup> of April 2020

11. VIGNON I. 2018. “For a European policy on asylum, migration and mobility”, *Report*, Jacques Delors Institute, November.

12. RASCHE L. 2020. “In Greece the Corona crisis threatens to become a disaster”, Jacques Delors Centre (Berlin), 24<sup>th</sup> of March.

Today, expectations for EU-level solidarity concentrate on measures to finance the expenditures generated by this health crisis and for economic recovery in the face of the upcoming recession. Ideas for new forms of Eurobonds (“coronabonds”) and other risk-sharing instruments<sup>13</sup> are dominating this debate, which to date is dividing the EU-27.

However, beyond financial promises and ingenious mechanisms to deliver them, European solidarity must be backed by a real and strong political commitment in order to shape public opinion. A poll conducted at the end of March showed that 61% of Italians and 46% of the French considered that the EU did not help their country during the present crisis.<sup>14</sup>

## 2 ■ THE URGENT NEED TO POLITICALLY EMBODY EUROPEAN SOLIDARITY: TRIGGERING THE SOLIDARITY CLAUSE

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The “solidarity clause” (Article 222 of the TFEU) is the basis for the modalities allowing the EU and its Member States to act “jointly in a spirit of solidarity” and to use the instruments at their disposal to prevent the terrorist threat on EU countries’ territories and provide assistance to an EU country in the event of a natural or man-made disaster.

This clause was inserted into the European Treaties following the Madrid train bombings of March 2004. It can be triggered when a Member State, having exhausted all other means, is faced with a “situation (that) obviously exceeds the reaction capacities at its disposal.” After the terrorist attacks on its territory on November 13th of 2015, France triggered another clause, the so-called “mutual defence” clause, which was introduced by the Lisbon Treaty in response to cases of armed aggression and inspired by the one already in force within NATO (Article 5 on mutual defence). Until then unused, this provision allowed Paris to receive assistance from its European partners in its fight against Daesh.

The current global pandemic should meet the disaster criterion of the solidarity clause. German Foreign Minister Heiko Maas suggested on March 23rd<sup>15</sup> to use the clause in order to facilitate sending materials and teams where the EU has the greatest needs. The implementation of this clause would normally imply that the Member State concerned addresses its request to the Commission, which, together with the High Representative for Foreign Affairs and Security Policy, assesses the needs and submits operational proposals to the Council as appropriate.

Under the European Treaties, this clause is meant to support the one State that activates it. In the case of the pandemic currently affecting all 27 Member States, albeit in a very uneven and changing manner over time, the unanimous activation of the clause by the Council would send a strong signal that all of them are committed to acting “jointly in a spirit of solidarity.” Above all, such a decision would likely disrupt the “beauty contest” between European institutions, each of whom push their own, separate initiatives. Clearly, there is an urgent need to politically embody a unified response at the level of the Union.

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13. See specifically proposition 6<sup>th</sup> of April, GRUND S., GUTTENBERG L., ODENDAHL C. 2020. “A Proposal for a Coronabond: the Pandemic Solidarity Instrument”, CER, London.

14. Poll Redfield & Wilton Strategies, Lonson, 26 March 2020

15. Federal Foreign Office of Germany. 2020. “Proving Europe’s ability to act – Maas suggests EU solidarity pact in the fight against Covid-19”, 23<sup>rd</sup> of March.

### 3 ■ GIVING A FRANCO-GERMAN IMPETUS TO THE SOLIDARITY EFFORT

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The Franco-German engine, which has already considerably slowed down, has so far been absent from the present crisis, apart from exemplary cross-border cooperation.<sup>16</sup> Indeed, they appeared unbalanced during the sovereign debt crisis and powerless during the migration crisis. The European political incarnation has, however, traditionally relied on this historical partnership, which remains essential for overcoming divisions and forging compromise. While this impetus is needed at the highest level, there is nothing obvious about it. In addition to deeply divergent approaches to supporting the economy, Germany is currently weakened by tensions within the ruling coalition and question marks surrounding Merkel's succession.

Nevertheless, the nature and scale of the current health crisis and the severity of the recession would call for a Franco-German response that honours its historic role in the construction of Europe. This impetus could benefit from the upcoming German Presidency of the Council in the next six months and link to the preparations for the French Presidency in 2022.

In the meantime, both countries should take a joint initiative to abolish border controls as soon as the health situation allows it. Their respective, extensive diplomatic networks should be combined to ensure that European solidarity is not undermined by foreign propaganda (see point 5 below).

On a broader level, the two countries could endorse the parliamentary initiative for a "Health Union,"<sup>17</sup> focusing in particular on the transfer of patients in intensive care, medical research, pharmaceutical production, and the strategic storage of medical equipment. Shaping this Union could be part of the list of deliverables following from Franco-German Treaty of Aachen.

In order to prevent an exclusive initiative which would irritate their partners, this Franco-German impetus should be coordinated with the Commission. It should also closely involve other Member States, in particular the Benelux countries, especially the Netherlands, Southern European countries like Spain and Italy, but also Central European countries such as Austria, and Northern European countries such as Finland. Such a unifying political impetus would place any state refusing European solidarity in an unsustainable status of political isolation.

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16. LUMET S., ENAUDEAU J. 2020. « Organisation du territoire européen en temps de Covid-19, entre coopération et repli », Observatoire géopolitique du Covid-19, *Le Grand Continent*, 1<sup>st</sup> of April.

17. Franco-German parliamentary initiative "Together against coronavirus," German and French MPs, Andreas Jung and Christophe Arend, 6<sup>th</sup> of April 2020.

## 4 ■ GIVING A FACE TO THE COLLECTIVE STRUGGLE TO MAKE UP FOR A DYSFUNCTIONAL EUROPEAN COUNCIL

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This Franco-German impetus must support the European Council in framing a wide-range response to the outbreak. In various crises, the European Council has been the institution from which European solidarity was expected. This required the help of other European institutions (ECB, Commission) or special agreements between States that are willing to cooperate. The European Council on the 27th of March showed, once again, the dysfunctional nature of this intergovernmental institution: slowness, divisions, difficulty to make decisions when facing crises, and the management of which produces uncertainty. These are all dysfunctional features also found within the Eurogroup.

The highly mediated deterioration of the relations between the heads of State or government conveys a disastrous image. It fuels resentment between people in countries seeking solidarity and those in countries refusing it, while at the same time, giving an impression of Europe's impotence or indifference. Indeed, the Eurobarometer surveys measuring attitudes towards the EU reflect this.<sup>18</sup> This is particularly the case for Southern European states, particularly Italy, which find themselves as demanders of solidarity in three crises (financial, migratory, and health).

Public opinion must be able to pin this solidarity to a face or a political actor. Naturally, the pandemic places national leaders in the front row: heads of State are expected to inform, protect, and reassure their citizens. At the European level, the President of the Commission, Ursula von der Leyen, Commissioners such as Thierry Breton for France, or Paolo Gentiloni for Italy, as well as the President of the ECB, Christine Lagarde, report to the media on their actions regarding Covid-19. However, the current crisis has revealed the polyarchic nature of European institutions, which compete with each other and internally. The last few days have even seen Commissioners presenting solutions without the rest of the College, while the European Parliament finds itself marginalised. No one is speaking "on behalf of Europe" in a unified manner.

European solidarity would benefit from a common referential figure who would politically embody the joint action decided at Union level. As the backbone of this solidarity, the major European economic recovery plan, which is expected in response to the future recession, would have an identifiable leader. This media-recognised 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 with London on Brexit. Similar to Barnier, the person should be attached to the Commission but mandated by and accountable to the 27 Member States and the European Parliament. Such a visible political embodiment is necessary along with the evidently more abstract economic aid plans.

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<sup>18</sup>. See notes on the evolution of public opinion in Italy (2018) and Greece (2020) based on Eurobarometer surveys, by DEBOMY D. 2020. "Public Opinion in Greece and the EU", *Policy brief*, Jacques Delors Institute, 3<sup>rd</sup> of February. DEBOMY D., RIVIÈRE E. 2018. "The Italians and Europe, Chronicle of disenchantment", *Policy paper*, Jacques Delors Institute, 16<sup>th</sup> of February.



## 5 ■ OVERCOMING THE GLOBAL BATTLE OF NARRATIVES THROUGH INTERNAL AND EXTERNAL SOLIDARITY

The lack of European solidarity observed at the beginning of the pandemic was amplified by geopolitical developments. When the Member States failed to respond to Italy's requests for protective equipment at the beginning of March, as France and Germany were notorious for doing, others intervened. Chinese leaders immediately sent a message of solidarity and provided protective equipment and medical experts.<sup>19</sup> Russia and Cuba, in particular, also provided assistance. While all support was certainly welcomed, these actors ensured that it was widely publicised, which only further highlighted the lack of intra-European solidarity.

This "diplomacy of masks" has been accompanied by generalised, widespread disinformation. A special report by the European External Action Service on disinformation related to the coronavirus shows how the Chinese and Russian media, in particular, have spread stories discrediting the EU as a failure while praising the Chinese model for fighting the pandemic.<sup>20</sup> The EU has thus 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 its propagation.

The EU High Representative for Foreign Affairs and Security Policy, Josep Borrell, rightly stated that the Union must counter this "global battle of narratives" "armed with facts."<sup>21</sup> He and the President of the Commission made several statements underlying the reciprocity of China's assistance following European support for China in January. Other sources stressed that the combined European support for Italy was, in fact, much more substantial than that of China's.<sup>22</sup>

However, this battle of narratives cannot be won by simply correcting the facts. The EU and its Member States must take more substantial steps towards internal solidarity and thus communicate them more strategically. The credibility of a "geopolitical" Commission is at stake here, including its global communication strategy. The primary objective is not to "win" the global battle of narratives, but rather to regain the support of Europeans who have been misled into believing that they would be lost without the support of China or Russia.

At the same time, the EU must not only show internal solidarity with itself but must also prepare its own contribution to global solidarity. Several warnings have already been issued about a possible escalation of the pandemic in Africa.<sup>23</sup> This could lead to serious humanitarian crises in poor countries with weak public health systems, aggravate already existing conflicts and lead to further state fragility. While the scale of the health crisis is still unknown, the economic impact is already being felt on the continent. As the world's largest collective donor and trading bloc, the EU must adapt its regional strategies, such as the New Partnership for Africa's development project, and strengthen support for

19. Xuanet. 2020. "Xi says China firmly supports Italy's efforts against Covid-19", 14<sup>th</sup> of March.

20. EUvsDISINFO. 2020. "EEAS special report: disinformation on the coronavirus – short assessment of the information environment", 19<sup>th</sup> of March.

21. Europa.eu. 2020. "EU HRVP Josep Borrell: the coronavirus pandemic and the new world it is creating", 24<sup>th</sup> of March.

22. FERRARESI M. 2020. "China isn't helping Italy. It's waging information warfare", foreignpolicy.com, 31 of March. Europa.eu. 2020. "Message by HRVP Josep Borrell Fontelles following the EU Leaders' video conference on #COVID19", 28<sup>th</sup> of March.

23. bbc.com. 2020. "WHO head tells Africa to 'wake up' to coronavirus threat", BBC News, 19<sup>th</sup> of March.

sustainable development with partners, notably the United States and China, who are already investing in Africa. The European aid package of up to €20bn to support developing countries with the health and economic consequences of the pandemic is a good start signalling that the EU is willing to take the lead in providing global solidarity.

## Conclusion ■

If the lack of solidarity and trust between the Member States of the Union is not scaled back, European openness will inevitably give way to nationalist withdrawal. Such a backlash will evidently only create more problems. "Renationalisation" is no solution to phenomena that clearly surpass individual States, as in the case of the current health crisis. On the contrary, acrimony towards "Brussels" would gradually turn into resentment towards neighbouring States, which could take over the scapegoat role that they had before European integration, and which already periodically resurfaces, as the recent news on the damage in the relationship relations between the Portuguese and Dutch governments has shown. Failure to take the demand for European solidarity seriously would mean returning to the "Europe of before." Indeed, this disregard for European solidarity would only revive historical political divisions that the European construction has not eliminated, but rather managed to circumvent through various safeguards. Responding to this demand for solidarity is in the interest of all Member States and in the common interest of EU citizens. It is not only key to overcoming the crisis at hand, but is also the true foundation of unity in the bloc.



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