

# Regulating for Globalization

Trade, Labor and EU Law Perspectives

## Exiting lockdown together – A Joint European Roadmap towards lifting COVID-19 containment measures

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The devastating effects of COVID-19 on national healthcare systems and the economy worldwide have unveiled the shortcomings of efficiency driven policies and the drawbacks of globalization. But before one can stop, wonder, assess and decide how to improve the ability to react promptly to future pandemic threats and how to ensure adequate stocks of personal protective equipment (PPE), sufficient supplies of food and medicines during lockdowns, well trained personnel, timely access to fully operational health facilities, it is necessary find a common way out of the present sanitary crisis.

In order to contrast the Member States' diverse and eclectic reactions to the spread of the virus, the Commission promptly issued guidance concerning the free movement of goods,<sup>[1]</sup> workers<sup>[2]</sup> and services.<sup>[3]</sup> Above and beyond important – albeit quantitatively limited – manifestations of solidarity between the Member States (e.g. donation of disinfectants and treatment of patients), the support offered by the EU Civil Protection Mechanism made it possible to create a strategic stockpile of medical equipment (ventilators and protective masks) and to deploy medical teams under RescEU. The strategic potential of long-established bodies, such as the [European Centre for Disease Prevention and Control](#) (ECDC) and the [Health Security Committee](#) (HSC), in obtaining and processing data on a vast scale from a wide range of sources, and exchanging information on the spread of the virus through dedicated channels has become clearer.

The contribution that the recently created eHealth network and the European reference networks can offer in the response to COVID-19 is also rapidly emerging, especially when it comes to fixing the technical requirements of apps to support contact tracing<sup>[4]</sup> or favoring the dissemination of information on the properties of the virus and the effectiveness of treatments.<sup>[5]</sup>

On the other hand, the [EU integrated political crisis response arrangements](#) (IPCR) have made it possible to convene timely crisis meetings with all the relevant actors (representatives of the Member States, of the Council, of the European Council, of the Commission, of the European External Action Service, as well as of the bodies and agencies involved in the response process) thereby enhancing the ability of the Union to respond swiftly to a multi-sectoral threat like COVID-19.

It is by virtue of this complex, multilayer framework that it is possible to gather and exchange crucial information, share resources and competences, offer assistance and ultimately govern the

transition to Phase II at the Union level. As the confinement measures have to a certain extent relieved some of the pressure on the most exposed healthcare systems, and as the magnitude of the economic consequences increases, the need to contrive readily acceptable solutions for the recovery has become a priority in the political agenda. Hence, responding to the invitation formulated by the European Council of 26 March, the President of the European Commission, Mrs. Ursula von der Leyen, and the President of the European Council, Mr. Charles Michel, presented, on 15 April, the [Joint European Roadmap towards lifting coronavirus containment measures](#).

The document builds upon the work of the ECDC, but it also takes stock of the expertise present within the newly created [Advisory Panel on the coronavirus](#), and it profits from the experience of the Member States and the guidance of the World Health Organization.

The Roadmap's declared objective is "to inform Member States' actions and provide a frame for ensuring EU-level and cross-border coordination, while recognizing the specificity of each Member State". The underlying rationale is that epidemiological, territorial, political and demographic differences notwithstanding, an orderly exit strategy is necessary to avoid a total disruption of the single market, to respond effectively in case of reappearance of the virus and to favor full socio-economic recovery. To that end, the Roadmap: a) singles out a number of criteria to be used in determining when to relax the restrictions; b) lays down operational principles designed to guarantee a coherent action on the part of the Member States; c) indicates a number of precautions that must be adopted while repealing the current measures and d) formulates specific recommendations on how to proceed.

Proceeding in orderly fashion, the Roadmap firstly lists the factors that are capable of influencing the Member States' choices as to where, when and how measures are to be lifted; namely: number of persons infected; territorial organization; healthcare service arrangements; population distribution or economic dynamics. More precisely, the document puts forward three assessment criteria: the evolving epidemiological situation (new infections, hospitalizations, patients in intensive care); the resilience of the healthcare system faced with future challenges (beds, intensive care units, pharmaceuticals, staff); the monitoring capacity with respect to the spread of the virus (buffers, antibody detection tests). These are very broad categories, which leave Member States ample space for maneuver. Nonetheless they define a common ground for assessing the decision-making process at the national level.

Secondly, the Roadmap sets out the path to be followed when containment measures are lifted. To begin with, any normative intervention must be based on updated scientific knowledge and prioritize public health vis à vis the inevitable social and economic impacts. In addition, a truly coordinated approach postulates that the Commission and the Member States be made aware of the intention to relax the lockdown regime via the HSC and that any discussion on the advisability of the latter take place in the context of the IPCR.<sup>[6]</sup> Lastly, Member States must continue to act showing respect and solidarity by providing PPE, sending healthcare personnel, making intensive care units available to patients, and this independently of their participation in the EU Civil Protection Mechanism.

Thirdly, since "gradually lifting certain containment measures will inevitably lead to new infections", the Roadmap highlights a number of measures intended to guarantee the success of the exit strategy. To this effect, Member States must, first and foremost, strengthen the resilience of their healthcare systems in terms of adequately trained medical staff, health facilities with

sufficient hospital capacity and a congruous number of ICUs, as well as medical and PPE.<sup>[7]</sup> In this respect, it is important to prioritize domestic conformity procedures relating to essential medical equipment used in the fight against COVID-19.<sup>[8]</sup>

Moreover, the Member States are invited to develop more robust and accurate reporting systems and to expand their testing capacities. Large-scale, fast and reliable testing based on comparable, mutually recognized data improves the precision of modelling and forecasting for the pandemic and facilitates the interruption of infection chains through the use mobile applications (developed following a common approach for voluntary, privacy compliant apps), and is thus considered a precondition for lifting social distancing measures. This necessarily entails the harmonization of the methodologies used to classify, gather and process data, as well as those applied to assess the performance of testing devices. In both cases, the Commission has already intervened to offer further guidance to the Member States thereby facilitating voluntary regulatory convergence.

In combination with the above mentioned necessary accompanying measures, efforts must be devoted to the development of a vaccine and – at least until an approved vaccine is “available in sufficient quantities to enable widespread and safe use” – to the development of safe and effective treatments and medicines.<sup>[9]</sup> In this respect, the Commission announces its active role in steering the research community and industry to jointly invest in large clinical trials, as well as its financial support in promoting the scaling up of the production of vaccines and medicines.

Finally, the Roadmap formulates a series of practical recommendations on how to lift containment measures. In general, Member States will have to proceed cautiously following a step-by-step approach being ready to swiftly return to stricter containment measures, continue to closely monitor epidemiological developments and insist on strong hygiene practices, social distancing and the use of facemasks. More concretely, Member States are invited to progressively move towards targeted measures, to gradually extend the geographical scope of application of the relaxing measures and to carefully phase, on the one side, the re-start of economic activities and, on the other, the possibility of gatherings. Of course, restoring the normal functioning of the Schengen area through a coordinated lifting of internal border controls constitutes the priority while the external borders should be opened only in a second moment, taking into due account the epidemiological situation and the risk of re-appearance.

The Roadmap develops along the main lines which have characterized EU action in the post-COVID-19 scenario (i.e. offering direct support to the EU healthcare sector, securing the supply of PPE and vital medicines, the movement of goods, the mobility of healthcare professionals and the displacement of medical teams) and coherently indicates the way out of the lockdown situation.<sup>[10]</sup> Despite the euro-skeptic narrative, and besides political theater, the Roadmap demonstrates the will of the Member States not only to cooperate within the many existing fora designed to favor the gathering and sharing of relevant data, but also to speed up the decision-making process in times of crisis. National governments have already started implementing these recommendations; and yet, unfortunately, very little is said in the media concerning this historic common strategic effort and the degree to which it is influencing the process of lifting containment measures to accelerate economic recovery.

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#### References[+]

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