European Union Responses to the Covid-19 Pandemic:
Adaptability in times of Permanent Emergency

Article 1

8.370 words

Abstract

Exploring the challenges of Covid-19 for the European Union (EU) during March-August 2020, this article argues that contrary to prior crises the EU has demonstrated a certain degree of adaptability to a 'permanent' emergency mode. This adaptability varies across policy areas under study. Inter-crisis learning has been higher in state aid and economic governance than in the area of Schengen. Discursive shifts co-exist and have been central to the areas of cybercrime, economic governance and climate change. Additionally, and despite the tensions, there are signs of renewed political commitment to the European project and an acceleration of decisions and initiatives that had been decided or discussed before the pandemic. Although (de) politicization and politicization trends continue to co-exist, we observe politicization at the top with European elites perceiving the Covid-19 emergency as an existential threat for the EU. Finally, we argue that the EU's adaptability and acceleration of prior trends do not necessarily involve a race that favor supranational tendencies.

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1. Introduction

As the rest of the world, Covid-19 has taken Europe by surprise and created an unprecedented global public policy emergency with implications on health policies, economic and social policies, security and the free movement of people both within Europe and beyond EU borders. Questions have arisen regarding what impact it will have on internal and external policies of the EU. Is the pandemic a critical juncture for the EU? What lessons should be drawn from the EU's economic policy response which involves an unprecedented recovery plan? Is the scale of the shift in economic governance is also happening in other policy areas? These are some of the questions that are addressed by the articles in this Special Issue.

The EU is confronted with a 'crisis' with a scope and ramifications across almost all public policy sectors which is without equal. The depth of the economic crisis, the rise of systemic vulnerabilities but also of socio-economic inequalities and access to health across the EU are unprecedented. The type of responses is also very unique. At first, the EU's response seemed uncoordinated, with a lack of immediate action vis-à-vis Italy in terms of medical equipment and a first emergency reaction at national level with the reintroduction of internal borders. The introduction of lockdowns and emergency measures has limited people's freedom to mobility, work, association and education. The state of European democracy was questioned because of the strict lockdown measures. Yet the adoption of the recovery package has happened in a rather rapid way compared to the Euro area crisis. Most importantly the pandemic has truly exposed decision-makers to increased uncertainty. The scientific knowledge about Covid-19, its spread and its effects, has been crucial to decision-makers but has not always meant that decisions were similar in different member states. Culture, trust in government, domestic politics and governance all matter in explaining the diversity of member states public policy answers.

This special issue problematizes the extent to which the crisis represents a paradigmatic change comparatively across different EU policy areas and if so, why. By paradigmatic change we mean a change in the dominant belief system. Although it is too early yet to identify a paradigmatic shift, the analysis developed in several policy areas help to identify if a shift in terms of policy beliefs is starting to take place or whether previous paradigms continue to matter. In this introductory article, we argue that the EU during the first phase of the pandemic (March-August 2020) has shown signs of adaptability to a 'permanent' emergency mode. Compared to the literature that has often accused the EU for being ill-equipped and in decline in its capacity to manage a number of crises including the Euro area crisis, migration crisis and Brexit (e.g. Dinan, Nugent and Paterson, 2017), we argue that the Covid-19 crisis proves that the adaptability of the EU to respond to crisis is now higher than before. This adaptability in times of permanent emergency signals a new phase in the two last decades of co-operative policy activity that has been described as an 'emerging policy space' which share the common concern to protect EU citizens from harm (Boin and al. 2006). Based on the initial empirical findings of the articles in this special issue, we claim that although a lot of the tendencies observed in the previous crises persist, the EU's capacity to react is more rapid during the Covid-19 crisis than in the past. Additionally, and despite the tensions, there are signs of renewed political commitment to the European project and an acceleration of decisions and initiatives that had been decided before the pandemic. It is argued that the EU project proves to be more resilient than previously thought.

Acceleration of prior trends can be towards further integration (e.g. cybersecurity) but it can also be towards more nationalization (e.g. Schengen). It could be argued that the Covid-19 crisis is enabling a re-evaluation of the role of the state (e.g. in welfare provision and public health). We should not necessarily interpret that as a weakening of the EU. In fact, it could be seen as a maturing of the relationship between the EU and its member states. After all, even in federal states, public health and welfare services are delivered by regional or state governments and not by the federal or central institutions. . Centralization does not suit all policy areas, but this does not necessarily signify a dislike for further European integration.

This introductory article chronicles in its first part the immediate policy response of the EU in the first six months of the pandemic which despite early chaotic national retrenchment days was followed by the mobilisation of EU's crisis instruments, swift responses and financial packages for the economy. Then, in a second part we review how the EU has tackled crises in the past decade and what makes this crisis special. More specifically we argue that the EU's policy response proves that the EU has shown a high degree of adaptability to the crisis but that this adaptability varies across policy areas. Although trends of politicization and depoliticization continue to co-exist, this crisis has revealed an important politicization at the top, at least in the first few months of policy response. While politicization is traditionally understood as a process whereby an issue enters the public debate; when happening at the top we borrow Schmidt's definition of 'deeper intensity of interactions among EU actors in political struggles not only over interest-based power and influence but also over which policy ideas are deemed most effective and legitimate' (Schmidt, 2019: 1024). Although politicization often takes place among societal actors and is a bottom-up process, we show that during the Covid-19 emergency the politicization of the crisis was top-down and involved political leaders such as Macron and Merkel. De-politicization, which has also be taking place, is a process that removes the political character of an issue from decision-making and can be seen as a mode of 'statecraft' with delegation to technocratic bodies for instance to shift away the blame of public policy failure (Wood, 2016: 522-23) In the third part, drawing from the historical institutionalist literature, we consider to what extent this crisis constitutes a critical juncture and whether the EU's adaptability to a permanent state of emergency brings policy change or continuity and why.

2. Responding to the Pandemic: an overview of the EU's response in the first six months

Initially, the first response of the EU looked uncoordinated with the disorganised adoption of lockdowns. The absence of exports of medical equipment from EU countries to Italy gave the impression that protectionism dominated the reaction of EU countries.. The reintroduction of internal border controls and the suspension of the freedom of movement by 17 member states, with a complete lack of coordination was not a positive sign for European integration either. Given the uncertainty and unprecedented nature of the pandemic, as well as the nature of EU multi-level governance, it is not surprising that a 'blame game' took place in the early days as to who is responsible and what policy decisions should have been made (Rhinard, 2020).

Yet very quickly the EU adopted a series of measures which demonstrated its adaptability to the crisis. The chronicle of the EU's response in the first six months of the pandemic can be analysed through the classification suggested by Rhinard (2020). In order to assess EU's performance, one needs to look at (i) whether the existing tools for crisis management/preparedness have been used (ii) whether the EU was able to anticipate secondary/cascading effects of the early days of the crisis and (iii) whether the EU has been 'projecting an image of competence' namely communicating well about the crisis and its management.

First, after a moment of national retrenchment in the first weeks of March, existing tools for crisis management and preparedness were mobilised quickly. The EU adopted decisions on Protective Equipment (PPE) which helped to buy equipment through EU funds coordinated by the European Commission. To that end the EU Solidarity Fund was revised (Regulation 2020/461). Quick decisions were also taken in the field of vaccine research and allowing 'green lanes' for essential workers and patients to move around Europe despite the suspension of Schengen. Ahead of the peak of the virus, the Croatian presidency activated on 28 January 2020 the EU's Integrated Political Crisis Response mechanism (IPCR) to enable information sharing.. This is one of the tools that the presidency can activate to coordinate the political response to a major and complex crisis. Initially activated only in sharing mode it became fully activated on 2nd March. Accordingly, this has allowed the coordination of meetings with representatives from the main EU institutions (Council president, the European Commission, the European External Action Service, affected member states and relevant parties) to develop concrete responses (Council of the EU, 2020).

Second, the EU was able to anticipate the cascading effect of the pandemic on the economy and tried to cushion the devastating socio-economic impact of lockdowns, support to businesses and workers was made possible swiftly. As of July 2020 €540 million for supporting jobs in the EU was invested. Hundred million euros went into the Support to mitigate unemployment risks in an emergency (SURE), €200 million was made available by the European Investment Bank to provide a pan-European guarantee fund for loans to companies and €240 million went through the European Stability Mechanism to EU member states for public health related expenses. Similarly, European leaders realized that they had to work together. Although the corona bonds dispute and joint debt issuance as a way to avoid conditionality and austerity which characterized the response to the Euro area crisis was highlighted in the media, and hence politicized the debate, the end result was the realisation of the need to move away from North/South divisions that had poisoned the Euro area crisis (see Ladi and Tsouharas, this issue). In order to anticipate the devastating economic impact of lockdowns, the EU together with its member states supported national airlines companies such as France and The Netherlands in the case of KLM. This is a real shift compared to the EU legal principle of avoiding state aid in the context of the Single Market (see also Meunier and Mickus, this issue). Revised state aid rules were adopted as early as 19 March. An EU public health strategy was adopted in July 2020 (EU4Health) to boost EU preparedness and to strengthen its health systems which is clearly anticipating the cascading effects, in spite of weak competences in the field (see Brooks and Geyer, this issue).An EU vaccines strategy was adopted on 17 June 2020 and €164 million provided to Startup and Small and Medium Enterprises (SMEs) who work in research on treatments and vaccines. The most important decision however was that of the

European Council on the 21st of July when it was agreed to create a Resilience and Recovery Fund (RRF) of €750 billion in grants and loans to support all member states and allow them to increase public spending to tackle the Covid-19 pandemic (see Ladi and Tsarouhas, this issue), On 11 September 2020, the Council revised the EU budget for 2020 with an extra €6.2 billion to enable the European Commission to invest in the development and deployment of a Covid-19 vaccine and to address the impact of the pandemic through the Corona Response Investment Initiative (CRII) and the Corona Response Investment Initiative Plus (CRII+).

Third, although probably too soon yet to tell if the projection of an image of competence has been effective, the EU has been actively fighting disinformation (see Carrapico and Farrand, this issue), including from China with a 'narrative battle' which has taken place amongst diplomatic circles. Day-to-day transnational acts of support have also been present with patients from Italy or France being treated in Germany. As reported by the European Council on Foreign Relations, the media did not report that 'Poland sent medical personnel to Italy, the Czech Republic donated 200,000 respirators to Slovakia, and Lithuania supplied 35,000 protective gloves to the Croatian police' (Loss and Puglierin, 2020). These transnational acts of support have sometimes been instrumentalized such as when the Hungarian government sent protective masks to Hungarian minorities in Slovakia (Loss and Puglierin, 2020). This third element is therefore still quite limited and it is difficult to assess whether the EU is projected as 'competent' in the management of the crisis yet.

The picture of the first six months of EU's response is that of an actor who has been reacting swiftly by using the possible crisis and mechanisms tools it had at its disposal and by anticipating future consequences and adopting reforms in terms of recovery fund, support to workers and businesses as well as developing the health agenda and investing in a future vaccine. This has been made possible within a spirit of cooperation as the EU's response can only be understood within its unique governance setting, made of EU member states. Next to the leadership played by the Franco-German couple in the adoption of the recovery plan, leadership of the von der Leyen Commission is also taking shape. The Commission has announced ambitious reforms and has capitalised on the pandemic 'to build the world we want to live in' (von der Leyen, 2020). The agenda announced by von der Leyen during the State of the Union in September 2020 is greener and more social than in previous years, with calls to reform the European migration system. Although our perspective is limited in time, and we cannot preempt the difficulties of future implementation the first six months have shown that the EU was able of cooperation, and to some extent unity. It seems therefore that far from disintegrating, the EU has been able to show preparedness and adaptability to a state of normalisation of emergency that we discuss next.

3. The EU's policy response to a permanent state of emergency

Is the EU's policy response to the pandemic representing a paradigmatic change compared to prior crises? What lessons can be drawn from a decade of literature on the EU's ability to cope with crisis? This section highlights that the EU is confronted with a permanent state of emergency and that the capacity of the EU to deal with crises is now part of its normal mode of policymaking.

The accumulation of crises in the past decade, starting from the Euro area crisis to the migration crisis and Brexit, have led many to question the capacity of the EU to respond to crises. Some have been interested to understand whether the EU develops some resilience to crises (Juncos, 2017). The argument goes that the EU should improve its capacity to be resilient and 'to be prepared for unknown risks; adaptation, learning by doing and flexibility as a way to respond to shocks, embrace change to live with rather than completely eliminate uncertainty' (Juncos, 2017). Resilience is about 'the ability to transform flexibly- to 'bounce forward' rather than back- in the context of ever recurring crises which one can neither fully predict nor control' (Paul and Roos, 2019: 397). Prior crises have led to a diverging degree of adaptability depending on the policy areas. While the EU has been able to introduce substantial policy and institutional change during the Euro area crisis the migration crisis did not lead to any real transformation of the Schengen governance (Schimmelfenning, 2018: 982). Due to the internal blockages of EU member states to reform Schengen or Dublin, 'the EU has focused on externalization to overcome the Schengen crisis' working on external solutions with dubious partnership with countries such as Turkey (Schimmelfennig, 2018: 982). However, Rhinard (2019) shows that in the last decade almost all EU policy sectors have developed procedures to scan for threats and risks, protocols for alerting political actors and procedures for speeding up decision making when a crisis erupts. The increased EU adaptability that we are now witnessing is also linked to these new mechanisms in place.

An important question has been whether the crises and ensuing policy choices in the EU have improved or diminished the quality of democracy. Research has highlighted the acceleration of secrecy practices, the adoption of extraordinary measures and the lack of consultation during crises (Keuder-Sinnen, 2017, Rhinard, 2019). For some the Euro area crisis has led to a weakening of the quality of democracy. Looking in particular at the role of the European Central Bank (ECB), and the way it has been empowered during the Euro area crisis, it has been argued that EU governance had developed 'coercive enforcement at the expenses of the voluntary cooperation' that was more common, such as the open method of coordination, very popular in the nineties. Some argue that the EU has used more coercive modes in the field of fiscal governance. In fact, some have been talking about a new mode of Europeanization, namely 'coercive Europeanization' (Leontitsis and Ladi, 2017). Likewise next to strengthening non-majoritarian bodies such as the ECB, the European Court of Justice (ECJ) or Frontex in the case of the refugee crisis, many have argued that parliaments across the EU have been weakened and executive strengthened (Moury, et. al., 2021). This impact of crises on democracy has been uneven. For instance, the role of parliaments in debtor countries would have weakened more compared to parliaments in creditors' countries (Steinbach, 2018). Many commentators have concluded that since the Euro area crisis, the space for citizens to be included in decision-making processes has been shrinking. The period that has unfolded since the financial crisis has seen social mobilization increasing against the financialization of the economy and the willingness to build 'another Europe' (Della Porta and Parks, 2018). The choice of conditionality during the Euro area crisis brought domestic upheaval in the bailed-out member states and created tensions at the European Council (Moury, et al, 2021).

One of the most striking features in certain policy areas is how little the overall process of European integration has changed in the context of previous crises (Hodson and Puetter 2019).

The literature on this topic is vast and is beyond the scope of this article. There has been as debate about the increased role of the European Commission that feeds in the discussion about the depoliticization of EU decision-making processes and the strengthening of technocratic institutions such as the ECB (i.e. Bauer and Becker, 2014; Dehousse, 2016 and Savage, 2016). However, in many respects, the process of European integration has remained path-dependent and there has been a reluctance by EU leaders to push for a full economic and/ or political union. Thus, the adoption of new policies and political goals such as Europe 2020 and the European Semester have certainly led to important changes in EU governance in an incremental way but have not necessarily led to profound changes (Jones, Kelemen and Meunier, 2016, Verdun and Zeitlin, 2018). Similarly, the migration crisis has led mostly to policy continuity or even inertia (Guiraudon, 2018). Schmidt (this issue) discusses how the Covid-19 crisis seems to have a positive effect in the integration process at least in the first few months of response.

Compared to any prior crisis, what is interesting with the Covid-19 crisis is that although it has started as a public health crisis, it is multifaceted and it has already affected a range of policy areas discussed in this special issue. We adopt van Schaik and al. (this issue) understanding of crisis as a situation which threatens the high priority goals of the decision-making unit which here is the EU, restricts the amount of time available for response and surprises the members of the decision-making unit by its occurrence (Hermann 1969; Degner 2019). However, following Voltolini, Natorski and Hay (2020) we acknowledge the discursive and endogenous nature of crises and the importance of the framing and re-framing of crises for the development of events and policies. The importance of discourse is indeed evident in the decisions taken for the closure of the borders between EU member states. The sudden reintroduction of internal border controls in Schengen is in line with previous framings during the 2015 migration crisis. In the present crisis, protecting the health of citizens in times of uncertainty has been used to justify the exceptional and unprecedented limitations to mobility in the EU and the Schengen area. It has however been linked to traditional notions of security, demonstrating continuity in discourse over crises (Wolff and al., this issue). A similar development has happened in the field of cybersecurity where the EU has made a discursive shift, vis-a-vis social media platforms and their role in spreading disinformation about Covid-19. This discourse has however been present since prior crises such as the Cambridge Analytica scandal and thus is again taken the form of an acceleration of former discourses that are now normalised (Carrapico and Farrand, this issue).

By definition, crises should sooner or later come to an end and give space to a period of 'normality'. In the case of the EU this 'normality' did not last very long since the Covid-19 crisis erupted just a few years after the 'end' of the Euro area and migration crises and while Brexit has not yet been completed. Three crises that were interrelated (Caporaso, 2018). The new 'normal' for the EU seems to be a state of crisis where emergency decisions need to be made. Crises are not new to the EU and compromise and change has often occurred during crisis (i.e. D'Erman and Verdun 2018 and Dinan, Nugent and Paterson 2017). This normalisation of EU public policy responses in times of permanent emergency is nonetheless accelerated by the exceptional nature and scale of the specific crisis. Indeed contrary to prior crises that were primarily financial and economic ones (Falkner, 2016), it seems that all policy areas are directly impacted by the pandemic. The Covid-19 crisis has affected EU citizens universally and in all corners of the Union,

revealing new aspects of the interdependence between member states and creating an increased demand for an adequate response from the EU. Brooks and Geyer (this issue) discuss how the EU's Civil Protection Mechanism (CPM) was not even designed with a universal crisis in mind and that is why it could not cope with the same requests for the same resources coming from all member states at the same time. The objective weaknesses of some existing EU policies and mechanisms to deal with a universal type of crisis which cannot be easily predicted facilitated processes of compromise between member states and gave space to policy entrepreneurs to push for change which was in most cases already in the EU's agenda (e.g. Ladi and Tsarouhas, Meunier and Mickus, this issue). The sequence of crises during the last decade and the threat that they pose to the EU edifice has made the Covid-19 crisis special not only because of its universality but also because of its timing. The close proximity to the previous crises meant that a lot of the experience accumulated when tackling the Euro area crisis led to policy learning that enabled decisive solutions (Ladi and Tsarouhas, this issue). Intercrisis learning, defined as 'learning from one crisis and making changes to prepare for another' seems to have taken place at least to an extent during the first phase of tackling Covid-19 outbreak in the EU (Moynihan, 2008).

Based on the literature so far, this special issue makes three main contributions. First, we argue that the 'adaptability' of the EU to the permanent state of emergency that Covid-19 represents is higher than in previous crises and is more extensive as it touches upon a broader range of policy areas. The signs of adaptability vary across policy areas, depending on the social, political and economic costs of this adaptation. Analyzing the Euro area and Schengen crises, Schimmelfennig shows that the changes were more extensive in the case of the former due to high costs of non-action: 'because bank failures would potentially drag down state finances and the entire economy with them, eurozone governments had little choice but to come to their rescue' (Schimmelfennig, 2018: 982). Similarly, with Covid-19 we see that contingent learning happened quickly on the economic front introducing a redistributive dimension which aimed at securing the EU's viability (Ladi and Tsarouhas, this special issue).

During the 2015 migration crisis on the contrary, the costs of policy inertia of Schengen were felt to be lower and also in the absence of strong transnational actors such as the banks and the financial markets, it seemed an acceptable situation to reintroduce internal border controls, opt for a marginal reform of existing agencies such as Frontex that became the European Border and Coast Guard Agency (Schimmelfennig, 2018: 984). In addition, the extent of supranationalisation and institutional setting also explains variation as the communautarisation of Schengen being nowhere closer to 'the depth of monetary integration' (Ibid, 985). Interestingly, the Covid-19 crisis' first response to reintroduce in an uncoordinated way internal border controls, allowed by the mixed nature of the Schengen governance, has not targeted only migrants and refugees but has for the first time in history affected all EU citizens. Compared to previous closures of the borders the political, economic and social costs have this time been higher, with important consequences for the transport of goods and cross-border commuting of citizens and residents of the EU. Although the costs depends on the length of the suspension and the number of countries, we already know that if that would last up to 2-year the 'costs to commuters between countries affected' ranges from 'nearly €2 million to €560 million' (European Parliament, 2016). And yet again the adaptability of the EU has mostly been possible

through the mobilization of an economic policy frame that allowed the single market to continue to work through special measures for cross-border cooperation in healthcare and allowing the opening of 'green lane' border crossings- for land, sea and air transport. In other words, it is mostly the economic costs of non-Schengen that have enabled the EU's policy adaptability (Wolff and al., this special issue).

Second, although (de) politicization and politicization trends co-existed, in the first phase of Covid-19 policy responses between March and August 2020 politicization took place mostly at the top. Politicization is commonly understood as the increase in salience of EU matters in the public sphere with the increasing mobilization and polarisation of a larger number of political and societal actors (Hutter et.al, 2016). The recent years of crises have proven that politicization was as important as de-politicization. Throughout the wave of crises, interdependent asymmetries amongst EU actors became higher and politicization has been happening at the top and the bottom of European integration. Research has shown that EU-level actors 'under stress' have used crisis management mechanisms that vary from 'restrained depoliticisation' to 'assertive politicisation' (Bressanelli, Koop and Reh, 2020). Policy itself is becoming increasingly politicized. Schmidt has shown that since the Euro area crisis the EU is characterized by a move from 'policy without politics' to 'politics *with* policy' which contrasts with what is happening at national level where the EU as a topic in public debate is moving from 'politics without policy' to 'politics against policy' (Schmidt, 2020, this issue).

Prior crises have shown that politicization is uneven and presents some regional (Northwestern, Southern and Central-Eastern Europe) and crisis-specific differences (Hutter and Kriesi, 2019). It also presents degrees of variation across policy areas. Most scholars agree that 'politicization is not going away' (Schmidt, 2019: 1032) and that it is now a defining feature of EU politics. Yet there are differences between politicization at the top and at the bottom. Politicization at the bottom involves the contestation and anger at policies which have contributed to increased inequalities (Schmidt, 2019: 1021).There are socio-economic reasons for that but also some identity and cultural reasons if one looks at the drivers behind Brexit and the rise of illiberal regimes in the EU such as in Hungary and Poland. Crises after crises it seems that trust in national governments and EU governance has kept on going down (Schmidt, 2019: 1022). With the Covid-19 crisis we observe that politicization in the first few months has mostly happened at the top, with for instance intensification of debates in the Council and a quite important polarization between the 'frugal four' led by Dutch PM Rutte (and including The Netherlands, Austria, Denmark and Sweden) being very cautious about the release of EU funds without strong conditionality and the Franco-German couple arguing for an EU-wide recovery plan based on a mix of direct transfers and loans (Ladi and Tsarouhas, this issue). This politicization at the top has enhanced the cooperation between member states in a number of policy areas. Brooks and Geyer (this issue) show that EU health policy-making became more complex since the Covid-19 crisis erupted. Although decision-making under these circumstances is more difficult, various policy initiatives such as co-ordination for the supply of PPE and an enhanced role for the European Center for Disease Prevention and Control (ECDC) were quickly adopted. Even more telling is the decisive action that the EU took on issues of global health governance and in response to the US withdrawal from the World Health Organisation (WHO). The EU's strategy for a vaccine available to all member states stands in

contrast to previous reaction to diseases such as the swine flu when EU member states were competing against each other to obtain vaccines (van Schaik and al. this issue). Schmidt (this issue) observes that since the Covid-19 pandemic erupted, politicization seems to have turned positive, with a new spirit of cooperation among national and EU actors.

Third, the adaptability of the EU to respond to the crisis and the acceleration of some trends does not necessarily imply that it is only a race that favors supranational tendencies. On the contrary many of the policy areas that are under study reveal that the state is also a key actor. For instance, in the field of economic governance developments show signs of further integration but other areas such as health policy show a persistence of state structures. This is not necessarily bad since even in federal systems centralization is not always considered to be the best option. Saurugger and Terpan (this issue) show how the European judicial system has been resilient and that the crisis did not disrupt the role of courts. Contrary to the prior economic crisis, the German Constitutional Court (FCC) was able to publish a judgement that constrained the ECB (PSPP judgment, 5/5/2020). The European judicial system has worked well despite of the intensity of the crisis, showing that in times of permanent crisis, both European and national courts continue to play together an important role.

4. The EU's adaptability to Covid-19: is the pandemic a new critical juncture triggering change?

Are crises enabling or not policy change? What is the degree of EU's adaptability and what is the nature of change that is taking place across various policy areas in light of the Covid-19 crisis?

The EU's adaptability to crises varies across policy areas, therefore displaying varying degrees of capacity or indeed necessity to change policy. Adaptability is defined as 'the ability of governments to change policy when such policy change is deemed necessary' (Tommasi, Scartascini and Stein, 2014: 223). In times of crisis policy adaptability is often valued but stability can also sometimes be seen as an important capacity of institutions like the EU to be resilient. Confronted with external shocks, some policy continuity can also reassure the various stakeholders, leading to incremental changes and muddling through. For example, no major steps forward have been taken in EU climate policy since the Covid-19 emergency erupted but this policy continuity can be seen as a positive development since backtracking in climate and environmental policies is often the case during crises. The reinforcement of the European Green Deal when tackling the pandemic and references to it in all major decisions of the European institutions can be seen as adaptability (Dupont and al., this issue). The process of 'layering' in cybercrime has not been disrupted by Covid-19 and on the contrary is accelerating the identification of social media partners as part of the policy problems that the EU faces in fighting Covid-19 disinformation (Carrapico and Farrand, this issue). The same happened with competition policy where previous tendencies for greater promotion and protection of European industry in the internal market were reinforced (Meunier and Mickus, this issue).

The present emergency tests the EU's policy adaptability as it provides a 'critical juncture' when a new policy path has been opened up or reinforced. Also, sometimes called 'crisis' or 'turning point', these exceptional moments have in common that they signify a 'distal historical causation' whereby 'events and developments in the distant past, generally concentrated in a relatively short period, that have a crucial impact on outcomes later in time' (Capoccia, 2016: 89). Critical junctures can open the possibility for policymakers, in a short period of time, to bring about innovative change. They are characterized as 'moments of uncertainty when actors can shape the institutions'(Christiansen and al. 2020: 3)They are however often followed by long periods of stability, which are characteristic of the path-dependency described by historical institutionalism (Daugbjerg, 2009: 397). They are difficult to identify and there can be also a series of reactions to an event that can appear to be counter reactions which are called 'reactive sequencing' (Mahoney and Villegas, 2007: 80) and explain the absence of policy change. Critical junctures are also central to HI approaches in EU studies and the Euro area crisis has often been described as a critical juncture with long-lasting effects (e.g. Verdun 2015). We will only know whether the Covid-19 crisis was a critical juncture for the EU in a few years' time. What we can do now is to assess, the direction of change due to this crisis in some significant EU policies and assess their depth and importance. All the articles in this special issue do that.

Crises traditionally provide international organisations (IOs) with opportunities for change. In particular, when cross-border problems arise such as a health pandemic, IOs can be strengthened in finding collective and global solutions (Ritterberger et al., 2019 in Debre and Dijkstra, 2020: 3). In measuring what policy adaptability different IOs have displayed when confronted with the Covid-19 crisis, scholars have suggested analysing change in policy scope and policy instruments (Debre and Dijkstra, 2020:3). This can range from a discursive response (being low adaptability), to establishing a new policy instrument, a new task. The ability to establish both a new task and a new policy instrument is rated as a high degree of adaptability. Interestingly the data shows that the EU has a 'very high' degree of policy adaptability, like the Council of Europe or the Organisation of the Islamic Conference. What matters is the 'bureaucratic capacity' of these organisations and the role of experts in bringing proposals and 'repurpose funding' (Debre and Dijkstra, 2020: 14). The Covid-19 crisis shows that the European institutions have by now acquired this bureaucratic capacity and they have managed to quickly come up with propositions and repurpose funding when necessary. The trajectory towards the Recovery and Resilience Facility demonstrates that (Ladi and Tsarouhas, this issue).

This special issue is not able to study policy adaptability on the long-run as the data gathered between March and August 2020 limits our analysis to analysing only the first sequencing of the critical juncture which is the 'phase of emergency crisis management'. This phase is traditionally followed by a 'phase of purposeful institution building' (Braun, 2015) which determines if policies are path-dependent and how policy legacies over time are having some lock-in effects. Preliminary signs of policy learning can also appear (e.g. Sabatier and Jenkins-Smith, 1993). Some have argued that 'policy learning follows change' (Kamkhaji and Radaelli, 2017: 714) and that crisis can be a 'trigger for learning' under some specific conditions (Ibid: 715). That pattern is not always straightforward and in the case of the Euro area crisis the causal relationship was reversed and the crisis produced some 'sudden change via fast-paced processes of cue-outcome associations'

which created feedback effects which strengthened and accelerated policy change (Ibid.: 715). Similar mechanisms but even faster can be observed during this crisis as far as EU decisions regarding the economic recovery are concerned (Ladi and Tsarouhas, this issue).

Policy adaptability might also be measured by a change in discourse. Ideational change can enable to alter 'the ways policy actors perceive their interests and the environment in which they mobilize' (Béland; 2010). Ideas can impact policy change in three main ways (Béland, 2010:704-5). First ideas participate in the construction and framing of policy issues and policy problems on the policy agenda. They may help to hierarchise and prioritise the policy problems that will be addressed since the policy agenda is 'narrow' and stakeholders such as 'political actors, journalists, and citizens cannot focus their attention on numerous issues and problems simultaneously' (Bélan, 2010: 705). Then ideas are there to help legitimize policy choices. Schmidt (this issue) argues that during the Covid-19 crisis discursive institutionalism is more useful than ever in order to understand the EU's response. It sheds light to the discourse and ideas of policy entrepreneurs. Without this particular EU leadership and without this set of policy entrepreneurs the response would have been very different.

However, it is rarely the case that just ideas enable policy change. The environment, as well as the resources mobilised matter and can take ideas forward or concretely promote new ideas (Beland, 2010: 702). This is why it is important to also analyse what policy venues and instruments are being mobilised to tackle the crisis. For instance, it can be expected that policy change might be enabled where prior crises have established new venues and instruments such as during the Euro area crisis. The pandemic arrives after a series of emergency plans that have been put in place in response to the exogenous shocks of the Euro area crisis, the refugee crisis, Brexit and several political crises at domestic level with the rise of populism and Euroscepticism. In some policy areas, it can be therefore anticipated that the resilience of EU capacities, through for instance the creation of new venues and new institutions during the Euro area crisis, have enabled quicker decision-making for the adoption of the recovery plan in July 2020. The adoption of the Resilience and Recovery Fund (RRF) and its redistributive element is seen as 'bold' and made possible due to the intra and inter-crises learning which enabled a double- loop learning (Ladi and Tsarouhas, this issue). There must be several iterations in order to learn from past failures. Thus it has been argued that the institutional memory of the failure to deal with Middle East Respiratory Syndrome (MERS) in Korea, has led to an important 'organizational restructuring' of its health sector which was better prepared to tackle Covid-19 (Lee, Hwang and Moon, 2020). Similarly, the constraining role of the judiciary during the crisis was mostly motivated by a strategic cognitive frame of each Court which is being developed within specific institutional arrangements (Saurugger and Terpan, this issue).

5. Conclusions

This special issue shows that in the early months of the Covid-19 crisis in Spring and Summer of 2020, the EU has not been dismantled, nor imploded. In fact, the EU has shown some degree of adaptability which requires us to adjust our analytical tools vis-a-vis the 'crisis' governance mode

that has been prominent in the literature so far. Despite the unprecedented scale of the crisis, the Covid-19 pandemic arrives after a sequencing of prior crises which have in some areas enabled inter-crisis learning and provided the background for policy learning. The EU is now confronted with a state of permanent emergency which is normalising what seemed exceptional before. In some areas such as state aid or economic governance we see important discursive but also policy changes which can be described as steps toward paradigmatic change. Varieties of public policy responses are however contingent upon precedent framings and discursive trends as well as the specificities of institutional venues in which public policy is being formulated i.e. judicial institutions. Institutional memory and legacies matter in explaining processing of layering in several policy areas such as health, cybercrime or economic governance. Domestic and EU leadership and the actions of policy entrepreneurs were of paramount importance for the successful response during the first six months of the Covid-19 crisis.

It is too early to really tell whether Covid-19 will be a critical juncture as more time is needed to assess the impact of this unprecedented event on EU's public policy and governance in the long term. Some distance will be needed to assess whether the solutions and policies adopted now will create a path for the future. There are however, a number of lessons we can draw from the various articles which should force us to rethink the way we analyse the EU and its public policy.

First the binary debate of politicization vs. de-politicization is somehow limited. EU policies are as much politicized as well as depoliticized. In the early days of the crisis, politicization has happened mostly at the top and led to important breakthroughs, for instance in introducing a re-distribution element to the EU recovery plan. In cases where politicization would have been too costly or could have prevented tackling the crisis, such as in the case of Schengen, EU institutions opted for bureaucratic and functional solutions such as the 'green lanes'.

Second, the EU shows adaptability to crises. Prior crises can help us explain EU public policy responses now.. In this permanent state of emergency, the EU has been able to deliver important public policy responses, based on institutions and paths crafted in the prior decade of crises. Policy learning and institutional memory matter in explaining the acceleration of a number of policy trends. At the same time the role of member states is crucial.

 The Covid-19 pandemic made it clear early on that the virus has no borders and that cooperation between member states as well as the backing of EU institutions proposals by key countries such as France and Germany were of paramount importance for the EU's adaptability. However, the EU's positioning in the WHO or the absence of confrontation between EU institutions and member states on the suspension of internal border controls might be temporary and linked to the need to offer immediate solutions to protect the EU's economy and citizens' health. In the field of state aid and economic governance, the changes are probably more profound but will only be successful in long-term if implemented at EU and national level. Yet one big difference this time seems to be that for the moment, and compared to prior crises, the EU and its member states are working effectively together. Politicisation at the top seems to be producing some positive results. This is at least a temporary conclusion of six months of emergency response.

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