COVID-19: COMMISSION PUBLISHES ROAD MAP TO COORDINATE LIFTING OF COVID-19 MEASURES IN THE EUROPEAN UNION

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On April 15, the European Commission ("Commission") published, in cooperation with the president of the European Council, Charles Michel, a European road map to phase out containment measures adopted across member states ("Member States") to contain the spread of COVID-19.

Although the Commission recognizes there is no one-size-fits-all approach to a gradual and effective lifting of containment measures, it argues that a highly coordinated way forward is a matter of common European interest. Indeed, the Commission points out that the drastic and effective measures enacted by Member States did not come without costs for the economy, and efforts must be undertaken to reduce the uncertainty currently weighing heavily on people and businesses. To that end, the Commission underlines two factors:

TIMING

The Commission argues that timing is essential and that the rollback of confinement measures must be gradual, especially since loosening of these measures will inevitably lead to an increase in the number of cases. In that regard, the Commission highlights three criteria to ensure the right timing of the lifting of the measures:

- An epidemiological criterion, where the phasing out of confinement measures may take place only where there has been a sustained reduction in the number of hospitalization and/or new cases;
- A criterion based on national health systems, meaning that Member States' capacities should not be at risk of being overwhelmed due to the phasing out confinement measures; and
- A criterion based on efficient monitoring of cases, which means that infected individuals may be detected and isolated for the phasing out to be successful.

COMMON PRINCIPLES

While the Commission recognizes that the sanitary situation may be different between Member States, it argues that there are common, fundamental principles on which a gradual phasing out must be based. In that regard, it identifies three common principles to be applied across the European Union ("EU"):

- Actions must be science-based, with health care at its center, while balancing social and economic imperatives;

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- Actions must be coordinated, meaning that Member States must ensure that there are no negative spillover effects on other Member States; and
- Respect and solidarity between Member States must be upheld to mitigate health, social, and economic impacts of the COVID-19 outbreak.

Beyond these guiding criteria and principles, the Commission sets out various accompanying measures. For example, the EU will gather data and develop a robust reporting system to better manage, understand, and predict the spread of COVID-19, and it will create a framework for contact tracing and warning with the use of mobile apps.

The Commission's road map includes several recommendations to Member States to consider when phasing out confinement measures. The recommendations are based on scientific advice from the European Centre for Disease Prevention and Control.

First, the Commission recommends lifting measures gradually and with sufficient time between the different steps in order to effectively measure the impact of the lifting of specific measures before continuing on a certain path.

Second, the Commission urges Member States to start lifting measures locally before expanding to a larger geographical area, with the possibility to redeploy restrictive measures should the phasing out prove unsafe.

Third, the Commission addresses the need to coordinate the reopening of the EU's internal borders, where necessary. Coordination in that regard would allow for the unimpeded flow of workers and goods.

Fourth, the Commission points out that phasing out confinement measures also means phasing in economic activity, and this should be done in a safe and measured way to minimize potential infection rebounds. Concretely, not everyone should go back to work at the same time, and safety rules should be maintained in the workplace, should working from home not be possible.

Fifth, the road map sets out a more precise gradual reopening of the economy and social life; in line with the above, it suggests the following sequence: (i) first schools and universities should reopen; (ii) then retail activities; (iii) then social activities, such as restaurants, cafés, and sport centers, and finally (iv) other mass gatherings.

Sixth and last, the Commission warns that efforts to contain the virus should in any case be maintained, and measures adopted should always be monitored in light of the sanitary crisis the EU is currently experiencing.

The road map is one element of the EU's action to counter the negative impact of the COVID-19 outbreak. Other measures taken at the EU level relate to containment, such as the EU export restrictions on medical products, or the EU-wide ban on all nonessential travel in and out of the Schengen area. EU measures also aim at coordinating the EU and Member States responses to the aftermath of the COVID-19 outbreak. In particular, the EU has eased its state aid framework and Stability and Growth Pact's fiscal rules, and it has set up a “Support to mitigate Unemployment Risks in an Emergency Fund” (SURE) to financially support (€100 billion) employment in the worst-affected Member States.

Ultimately, it will be for Member States to decide when and how to lift confinement measures. In that regard, France has already announced that it will start phasing out of confinement on May 11. Other countries, including Spain and Belgium, have also announced that they will start gradually lifting restrictive measures.

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