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European solidarity in times of crisis: a legacy to develop in the face of COVID-19

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Now more than ever, the fight against coronavirus encourages an analysis of the foundations and limits of solidarity between the Member States of the European Union, just as the 70th anniversary of the Schuman Declaration, often cited for its call for "concrete achievements that first create a *de facto* solidarity".

Given the current health and economic emergencies, but also the heated controversies caused by the presumed inadequacy or lateness of this "European solidarity", a historical assessment would appear beneficial on three counts: on the one hand, to recall that European solidarity is a tangible, substantial reality, including with regard to the coronavirus; secondly, because the debate over European solidarity often takes a moral turn, hence it is all the more enlightening to explore its genealogy; finally, to identify under what political conditions such solidarity can be deployed and, therefore, how it might be further developed.

Far from being innate or automatic, European solidarity is the product of a political construction, sometimes shaped by long diplomatic negotiations, but also improvised in successive crises. A good understanding of its origins and modalities is all the more salutary if we wish to shape it differently in the short and medium term.

1. EUROPEAN SOLIDARITY: ORIGINAL GEOPOLITICAL, PSYCHOLOGICAL AND LEGAL FOUNDATIONS

It might be politically rewarding, even narcissistic, to call for European solidarity as if we were "pulling a rabbit out of a hat". To record concrete demonstrations of this solidarity, including in the face of COVID-19, it is better to identify its geopolitical, psychological and legal foundations, in the light of 70 years of history of European integration.

1.1 The geopolitical foundations of European unity and solidarity

Although European integration is underway, and the EU has substantial policies and tools at its disposal, including in terms of solidarity, it was first and foremost the geopolitical context that led European countries to unite, so as to consolidate peace and because "unity is strength". In this respect, the European integration has witnessed three founding moments^[1]: after the Second World War, when the countries of Western Europe had to avert the Soviet threat and organise their reconstruction, with the support of the United States; after the fall of the Berlin Wall, when the Member States decided to deepen their union, in particular by launching the euro, and to embark on the "reunification" of the continent on the basis of successive enlargements; lastly, during the 2010's, which witnessed Europeans grappling with a series of crises (financial, migratory, Brexit) that jeopardised their unity, but which ultimately led to significant progress.

The resilience shown by the EU during this decade encourages us to acknowledge the solidity of the geopolitical foundations contributing to European unity - with the notable exception of "Brexit". Taken in isolation, the Member States are in fact experiencing a fairly marked demographic, economic and political decline in comparison with the United States and a number of emerging countries. Many external challenges and threats may prompt Europeans to close ranks to formulate more effective responses, including

^[1] See Yves Bertoncini, « Le Congrès de la Haye et l'Europe d'aujourd'hui : deux moments fondateurs », Collège d'Europe, May 2018

climate change, Russian aggressiveness, instability in the Middle East and the Sahel, terrorist attacks, financial deregulation, the rise of China, American isolationism and now the COVID-19 crisis.

At the same time, it is clear that "globalisation" is also generating social and political tensions within the Member States, as well as withdrawal reflexes on the part of its citizens, which do not really favour the expression of European solidarity. From this point of view, the COVID-19 crisis and the national and Community responses to it are a major test of the Europeans' cohesion and hence of their ability to show all the solidarity needed to overcome it. It is politically useful that COVID-19 has come from outside the EU and that it is affecting all Member States, albeit at different rates and to different degrees, whereas the crises in the euro area and the refugee crisis have hit some of them harder than others. This symmetry is, however, a necessary but not sufficient condition for a new dynamic in terms of European solidarity, since it is also based on specific psychological and legal foundations.

[2] Emile Durkheim distinguishes between "mechanical solidarity", based on the similarity between the behaviour of individuals and the values of a given society, and "organic solidarity", based on the complementarity of the activities and functions of individuals.

[3] The distinction between mechanical national solidarity and organic European solidarity can also be put into perspective: social and territorial solidarity within States is often called into question, while European solidarity may have emotional foundations (for example in the refugee crisis).

1.2 Psychological foundations that are more functional than emotional

The "European spirit" does not arise spontaneously, neither at the level of national leaders nor at the level of the peoples; the spirit of solidarity is expressed more in a national framework than at the Community level; emotional, instinctive "mechanical solidarity"[2], unites citizens of the same country and leads to a rapid mobilisation of States, equipped with the necessary skills and tools to implement it (including social protection); this

mechanical solidarity can even generate responses of mistrust towards European neighbours (re-establishment of border controls, illegal ban on the export of medical products).

If Europeans were more likely to see themselves as bearers of a common identity, as members of the same community of destiny and values, they would share more spontaneously reflexes of solidarity and be able to act to save this community as a whole. This is not the case, given the primacy of the bonds of allegiance to national political systems, within a Union that is only very partially federal[3].

This basic political reality does not rule out the existence of "organic solidarity" between European countries and citizens: such solidarity is less automatic and derives from the economic and human interdependence established between the Member States and their diplomatic commitments. More functional than emotional, this European solidarity is the by-product of a progressive political process, which has enabled the introduction of many tools that would be worthwhile highlighting rather than systematically deploring their limits.

Since European solidarity is not innate but the outcome of a political process, identifying its foundations should lead to a genealogy of the various stages that have enabled it to take shape. This historical overview shows that the "internal market" is the main political matrix within which European solidarity first developed, followed by economic and monetary union. It also leads to the identification of crisis management as the other matrix legitimizing the recourse to forms of European solidarity - albeit on more fragile political and legal bases.

Table 1
The main tools of European solidarity in spring 2020

Type of solidarity	Goal	Tools
Budgetary solidarity	Territorial cohesion	European Regional Development Fund; European Agricultural Fund for Rural Development
	Remuneration of farmers and fishermen	European Agricultural Guarantee Fund,
	Aid to people in difficulty	European Maritime Affairs and Fisheries Fund
	Police and judicial cooperation	European Social Fund, European Globalisation Adjustment Fund, Fund for European Aid to the most deprived
	Management and reception of asylum seekers	Internal Security Fund, Europol, Eurojust; European Corps of Border Guards (ex-Frontex), Rapid Border Intervention Teams
Financial solidarity	Loans, guarantees, purchase of debts of Member States (joint surety)	Loans for macroeconomic purposes (balance of payments): Balance of Payments Support Facility, European Financial Stability Facility, European Financial Stability Mechanism, ESM, SURE
		Microeconomic loans: EIB, European Investment Fund
		OMT, Quantitative Easing, PEPP
Economic solidarity	Community preference	Customs Duties
	Energy solidarity clause	Reverse flow mechanism
Solidarity regarding disasters and attacks	Prevention and management of natural disasters	Civil Protection Mechanism, European Solidarity Corps
	Response to a terrorist attack or armed aggression	Schengen Code, Europol, Eurojust, EU INTCEN, bilateral cooperations

Source : Yves Bertoncini, April 2020

1.3 The need for a legal basis: "solidarity in subsidiarity"

It is because it reflects the well-understood interests of the Member States rather than sentimental impulses that European solidarity is implemented on the basis of very detailed legal agreements, such as clauses which establish a "marriage of convenience". The Community Treaties have gradually extended the scope of European solidarity, the principle of which is affirmed by Article 3.3 of the TEU, according to which the EU "shall promote economic, social and territorial cohesion and solidarity between Member States"[4].

Over the course of these treaties, policies and tools have been developed to give concrete expression to this solidarity, in a world dominated by the principle of subsidiarity, i.e. by the idea that "Europe" should only intervene under specific, limiting conditions[5]. Consequently, the Member States have been able to choose whether or not to give the EU the necessary powers to implement this or that solidarity action, which must in fact be combined with the exercise of their own sovereignty. European solidarity can therefore be a component of agreements between States that are considered to be globally balanced and acceptable. In this context,

[4] Article 6.1 of the TEU states that The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000 (which has the same legal value as the Treaties) - including solidarity.

[5] The etymology of the word "subsidiarity" refers to the notion of "subsidy", i.e. aid, which can precisely give a concrete content to European solidarity intended for the Member States and their citizens.

it can be seen as a "contractual counterpart", which makes such agreements, ratified as such by the national authorities, possible and legitimate. However, European solidarity can also be viewed with suspicion if it leads to action that challenges the distribution of competences between the Community, national or even regional levels.

The political and legal challenges to the "European programme of food aid to the most deprived" by the German and Swedish authorities were one example of this[6]. It had indeed to be made permanent using another legal basis and by extending it beyond the food register alone[7]. For a long time, similar objections stood in the way of the creation of a "European Globalisation Adjustment Fund". Since the EU is at the origin of trade liberalisation that can lead to relocation and job losses, it is logical that it should contribute directly to compensating workers who are victims of such liberalisation[8]. But it has been able to do so only since 2007, on the basis of very limited resources, the use of which is regularly criticised by countries that consider that social issues should remain a national prerogative.

European "crisis solidarity" is therefore all the more contested since it was often not provided for in the Community treaties, which may even have ruled it out - such as the "no bail out" clause prohibiting the rescue of countries in financial difficulty, even though it was implemented under the pressure of events. It can also be denounced when it takes forms suspected of distorting the spirit, if not the letter, of the legal commitments made by the Member States, such as the ECB's repurchase of national debt. It is in this respect that the COVID-19 crisis makes European "de facto solidarity" even more topical, since it is often much more improvised and problematic from a political and legal point of view.

2. COMMUNITY SOLIDARITY AS A CONTRACTUAL COUNTERPART: SUBSTANTIAL TOOLS LINKED TO THE ECONOMIC INTEGRATION OF EUROPE

The "structural funds", established as the internal market was deepened, are one of the tangible expressions of European solidarity. They embody solidarity seen as the contractual counterpart of

political agreements generating more substantial gains for a given Member State, which agrees to compensate in return through budgetary transfers.

Jacques Delors promoted this contractual solidarity at the time of the completion of the single market and then the launch of the euro, by combining "competition that stimulates, cooperation that strengthens and solidarity that unites", an inseparable triptych in his view. The Community budget is the main, but not exclusive, vehicle for such redistributive solidarity, which has grown as European economic integration deepens.

2.1. The customs union and the common market, vectors of European solidarity in agriculture

The establishment of a 1st form of European solidarity is linked to the signing of the Treaty of Rome, which laid the foundations for a common market and a customs union that aimed to facilitate the free movement of products between Member States. While the liberalization provided for in this Treaty was intended to be of overall benefit to the six founding countries of the EEC, several of them considered that it would mainly favour German industrial products. On the other hand, they obtained that the EEC adopt measures to support agricultural production, which would progressively lead to the establishment of the Common Agricultural Policy in the 1960s.

General de Gaulle speaks of this European, and more specifically German, solidarity in his Memoirs: *"Let us agree that, of the six, it was Germany that accepted the greatest changes to its economic system. For, until now, while heavily subsidizing its agriculture, it has bought half of its food from countries outside the Community. Let us therefore welcome the very clear proof of European solidarity and of the application of the Franco-German agreement which has just been given by the Government of Chancellor Ludwig Erhard, and let us say that we shall have an opportunity to reciprocate this loyalty"*[9]. These remarks underscore the dual dimension of European solidarity in agriculture: a budgetary dimension, through support for producers' incomes thanks to a guaranteed price policy, and a more implicit commercial dimension, through the imposition of customs duties that make the purchase of foreign

[6] See Nadège Chambon, "Subsidiarity versus solidarity?"

The example of the Food aid programme to the most deprived", Policy Brief n° 30, Jacques Delors Institute, October 2011

[7] Regarding the negotiations that enabled the maintenance of the European aid programme for the most deprived, see Bruno Le Maire, *Jours de pouvoir*, Gallimard, 2013.

[8] It is a comparable reasoning that led the United States Congress to adopt in parallel as of 1964 a "Trade Promotion Act" and a "Trade Adjustment Act", to redistribute part of the gains generated by trade opening to those who lost out.

[9] On this subject, see Peter Becker and Yves Bertoncini, "La solidarité budgétaire dans l'Union européenne élargie", in *La France et l'Allemagne face aux crises européennes*, Claire Demesmay, Andreas Marchetti, (dir.), Presses Universitaires de Bordeaux, 2010.

agricultural products effectively more expensive and create a form of "Community preference".

Although the British were the greatest detractors of this double European solidarity in agriculture, their departure will not remove the criticism made by other countries, which are consumers rather than producers of agricultural goods: in this respect, they would prefer not only that European funds be devoted to other priorities, but also that European trade policy serve different interests. Maintaining the main principles of the "CAP" will thus be a confirmation of the existence of this European solidarity that is as tangible as it is contested.

It was on comparable foundations that a common fisheries policy was established in the 1970s, and then transformed under the joint influence of the enlargement of maritime exclusive economic zones and the accession to the EEC of countries with a high level of fishing activity (Denmark, Ireland, the United Kingdom, then Spain and Portugal). This common policy also reflects dual budgetary and commercial solidarity - which the negotiations following Brexit will bring to the fore, albeit in a negative way.

2.2. The "internal market", the main matrix of European budgetary solidarity

Another corollary of the market liberalisation initiated by the Treaty of Rome is the Community solidarity benefiting European workers, albeit in a more limited way. The beginnings of such solidarity emerged via the creation of the "European Social Fund", which finances the training and retraining of workers, following on from the mechanisms established by the "European Coal and Steel Community - ECSC". But the bulk of financial transfers for social or training purposes has remained almost exclusively the responsibility of

the Member States. And the successive reforms of European structural policy have gradually placed the actions of the ESF in a more territorial rather than personal perspective.

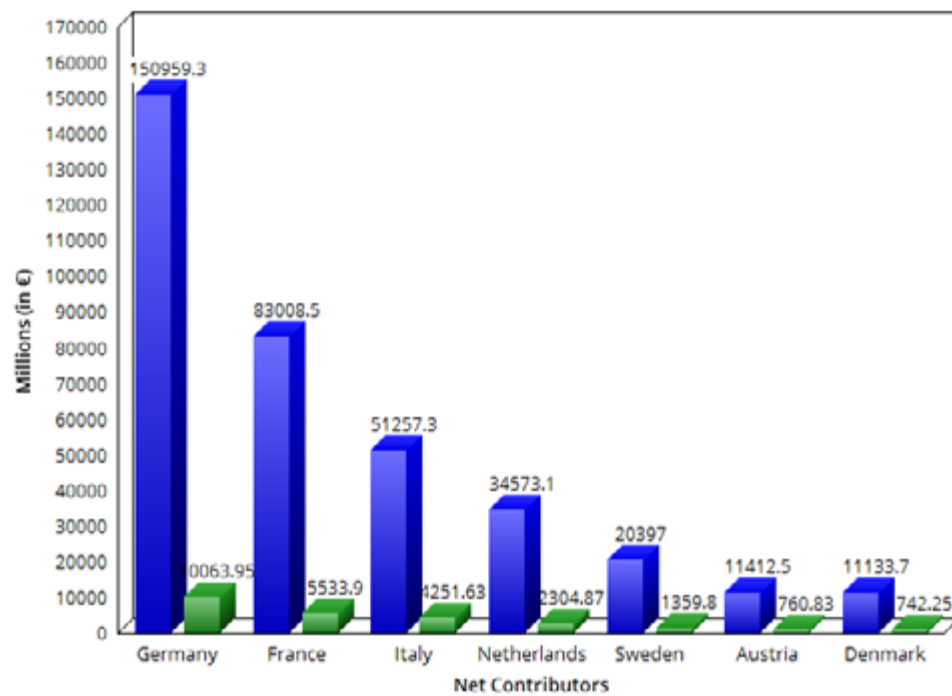
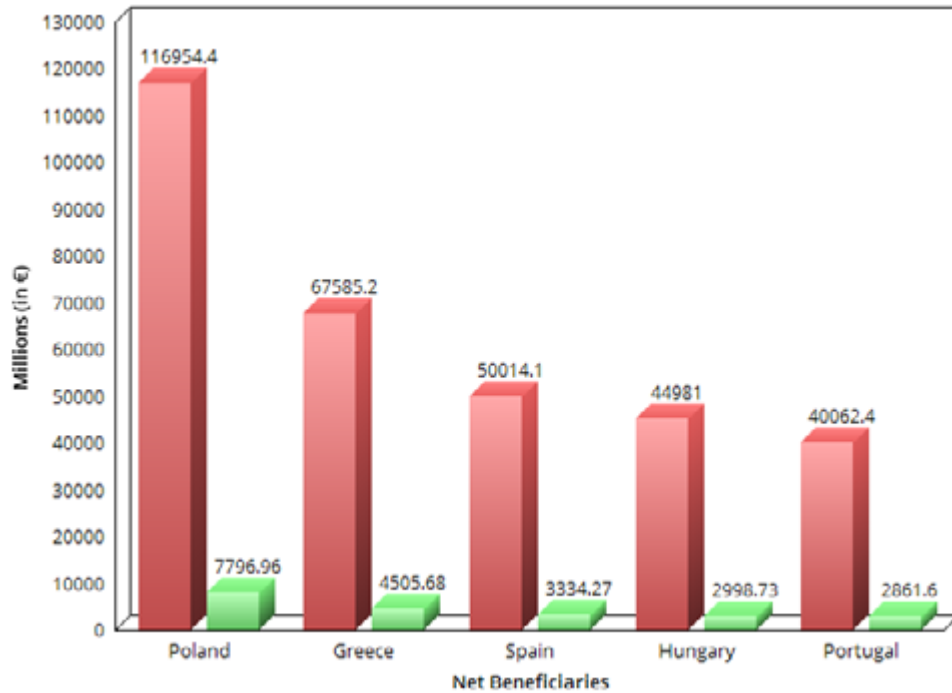
The milestone in the rise of European budgetary solidarity is then directly linked to the geographical deepening of economic integration. This deepening led to increased competition within the internal market, generating gains in growth and employment, but it also led to the risk of increased imbalances between European States and territories. Since the free movement of products and capital alone cannot bring about convergence between Member States, they deemed it necessary to promote it by means of Community level financial transfers.

It is in this context that European regional policy emerged after the 1973 "enlargement"; then structural policy, with the 1986 enlargement and the adoption of the Single European Act; then came structural and cohesion policy, with the launch of Economic and Monetary Union.

Enlargement to 22 new Member States, most of them poorer than the founding countries (with the notable exception of Austria, Finland and Sweden in 1995), contributed significantly to the development of this European budgetary solidarity over the decades^[10]. The six founding countries agreed to finance it heavily for political reasons, but also because they considered that these transfers would restore an overall economic equilibrium in view of the gains they derived from their membership of the internal market and the customs union. While it is perfectly legitimate to remind them of the existence of these gains, it is both unfair and counterproductive to deny the extent of the budgetary solidarity to which they have consented and are consenting in return.

[10] Enlargement to Spain and Portugal even led to budgetary support measures for workers in countries that are already members and that are likely to suffer economically and socially (in the form of "integrated Mediterranean programmes"). Unfortunately, nothing of the kind was planned for the accession of the countries of Central and Eastern Europe in the 2000s.

Table 2
Financial transfers given or achieved by some Member States (million €)



Source : European Commission (Annual Financial Reports), Yves Bertoncini calculations
 These amounts exclude administrative expenditure and traditional own resources (customs duties) but include the UK rebate.

2.3. The single currency and the challenge of its cohesion: the new frontiers of European solidarity

The launch of Economic and Monetary Union by the Maastricht Treaty also led to the expression of solidarity between Member States: on the budgetary front, with the establishment of a Cohesion Fund to help Spain, Greece, Ireland and Portugal in their efforts to achieve economic and social convergence; on the monetary front, since the pooling of strong currencies which have the confidence of the markets (such as the Deutsche Mark) with weaker currencies helped many countries to take advantage of lower interest rates for their loans^[11]. The deep reservations expressed in Germany at the time of the abandonment of the Mark bear witness to the major concessions made by that country, with a view to reasserting its European roots at the time of national and continental reunification; they also explain why the management of EMU was initially subject to rules of a rather Germanic inspiration.

At the same time, the establishment of EMU effectively led to the ECB being given the exclusive mandate to ensure that inflation is equal to or slightly below 2%. This also meant monitoring the development of public expenditure (debt and deficits) in the Member States, since this now had an impact on inflation and the stability of the euro area. To strengthen the incentive for budgetary discipline at national level, the European treaties specified that States, hit by a solvency or liquidity crisis, would not be supported by their peers (the so-called "no bail out" clause). EMU members also refused to provide it with a specific budget and did not undertake to coordinate their economic policies.

The financial crisis of 2008-2009, followed by that in the euro zone, led to a profound revision of the spirit and letter of the treaties, together with rules codifying the management of EMU, greatly increasing the element of solidarity in the action taken by the EU, in particular embodied by:

- numerous "innovative" actions by the ECB in support of banks and governments in difficulty, under the guise of promoting the transmission of monetary policy signals;
- the implementation of aid programmes for States in financial crisis (which was excluded by the Treaties), via the creation of specific tools (EFSM, EFSF and ESM);
- relaxing the rules applied to excessive public deficits and debts;
- the launch of a "banking union", providing for a European rescue fund for national banks (SRM), European supervision of these banks (SSM) and a European deposit guarantee.

While all these revisions of the EMU "baptismal contract" did not seem to pose any particular ideological, political or financial problem in some countries, the same was not true in many of them, where they even gave rise to legal action (Constitutional Court of Karlsruhe and the European Court of Justice). In particular, German taxpayers considered that these measures were not in line with the initial objectives of economic and monetary stability and that, by increasing the funds and guarantees provided by their country to European institutions such as the ECB or the ESM, they were exposing themselves to the risk of capital losses.

It is therefore not surprising that this progress in terms of European solidarity has resulted in a parallel strengthening in terms of national responsibility, marked in particular by the structural reforms undertaken in return for Europe's financial aid or by the adoption of a "Fiscal Compact" providing a stricter framework for Member States' spending. There is no doubt that a similar dialectic is already at work vis-à-vis the economic crisis linked to COVID-19: the most cautious States indeed need political or legal guarantees with regard to the guarantees and funds they provide to finance new solidarity actions.

^[11] The disadvantage of the single currency is that it means that the ECB has to define an average interest rate, which can penalise certain economies - as can the level of the euro exchange rate.

Table 3

Contractual clauses governing EMU: developments in the face of crises

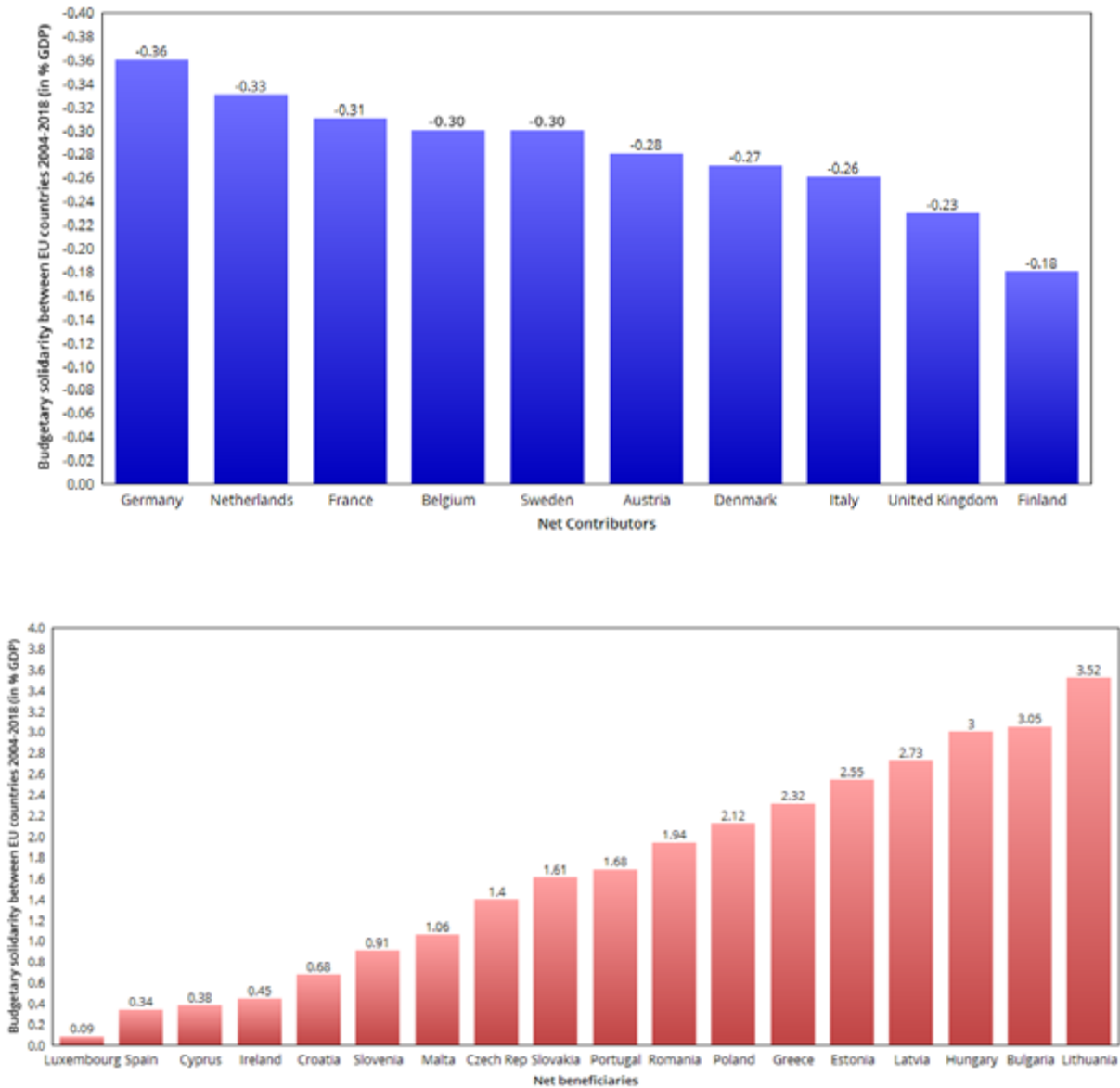
	EMU Original	EMU post "euro zone crisis"	EMU post COVID 19 crisis
ECB	Inflation of 2% or less	LTRO for banks Repurchase of government debt Quantitative Easing	Repurchase of private and public debt (PEPP) End of the principle of proportionality for the repurchase of State debts
Debts	Less than 60% and Less than 3% of GDP	Suspension of the 3% threshold / Adoption of the "Fiscal Compact"	General suspension of the Stability Pact
State aid in financial crises	Ruled out ("no bail out")	EFSM EFSF ESM (& Troika)	Unconditional ESM if health expenses Guarantee Fund for short-time working (SURE)
Other European Actions	----	Banking Union including a European deposit guarantee	Reconstruction Fund (resources & expenses to be specified)

Source : Yves Bertoncini

All in all, European "contractual solidarity" has given rise to substantial concrete achievements, even if the countries willing to demonstrate it wish to keep it within reasonable limits. Thus the "net contributors" to the Community budget (which transfer far more resources to the EU than they receive) are often reluctant to increase this budget, since they are mechanically

reliable for its costs. However, this restrictive will should not obscure the existence of massive budget transfers, over a very long period of time, between Member States: these transfers have no equivalent in any other region of the world and are essential for many countries, regions, localities - not forgetting farmers and fishermen.

Tableau 4
Soldes budgétaires nets des Etat membres 2004-2018 (en % PIB)



Source : European Commission (Annual Financial Reports), Yves Bertoncini calculations
These amounts exclude administrative expenditure and traditional own resources (customs duties) but include the UK rebate.

3 - EUROPEAN "DE FACTO SOLIDARITY" IN TIMES OF CRISIS: A MORE OR LESS DESIRED CONSEQUENCE OF NATIONAL MEMBERSHIP OF THE EU

The symbolic insertion of "solidarity clauses" to deal with crises in the Treaty of Lisbon is evidence of the existence of another form of solidarity. This solidarity is presumably linked to the Member State's status, which implies the sharing of common values but also the duty, at least in theory, to show mutual assistance and cooperation in the face of crises of various kinds. This solidarity can be described as the mechanical consequence of belonging to the EU, which is precisely often called into question when it comes to transforming it into tangible acts.

This obligatory solidarity is typical of the "de facto solidarity" arising from the "concrete achievements" referred to in the Schuman Declaration. It is because concrete achievements such as the euro zone, the Schengen area or the security of Europeans have been jeopardised over the last decade that tools to implement this de facto solidarity have been created as a matter of urgency. And it is also because this creation was not provided for in the European treaties that it has resulted in lively political debates, as in the case of the coronavirus crisis.

3.1. European solidarity regarding natural disasters: an asset to be developed in terms of health crises

Article 196 TFEU states "The Union shall encourage cooperation between Member States in order to improve the effectiveness of systems for preventing and protecting against natural or man-made disasters". The insertion of this "solidarity clause" establishes the principle of mutual assistance between Member States in the event of disasters for which they are not responsible. This has already led to the establishment of a "European civil protection mechanism" including several tools mobilised in the fight against COVID-19: an emergency coordination and response centre, a European civil protection reserve (made up of civil protection experts, means of transport and equipment), a European medical corps, etc.

Since public health is largely a national competence, the EU's response to COVID-19 has been limited to supporting and coordinating the implementation of health measures adopted by individual States. An additional reserve of medical equipment was therefore created in March 2020 ("RescEU"), including respirators and masks financed 90% by the Union and 10% by the Member States. The launch of a joint call for tender for the acquisition of medical equipment and the financing of European research projects on vaccines are also part of the European actions complementing the healthcare initiatives taken by the Member States.

Acts of solidarity between Member States have been introduced, in particular for the transfer of patients and the dispatch of medical equipment needed to combat the coronavirus. They have been facilitated by the Commission's salutary interventions, which reminded Germany and France that it was illegal to prohibit the export of medical equipment to Italy and other Member States; it also proposed that border controls be adjusted to allow the movement of medical staff, patients and medical products.

These tentative first steps highlight the need to draw lessons from the COVID-19 crisis so as to strengthen the EU's health coordination capacities - the European Council has specifically invited the Commission to make proposals on the subject. It is to be hoped that this will lead to a broadening of the financing and scope of intervention by the European Civil Protection Mechanism in Europe, well beyond the fight against forest fires.

3.2. "Enforced" solidarity vis-à-vis crises: independence in interdependence

Several major crises have hit the EU over the last ten years (economic, refugee, terrorist attacks and now COVID-19), to the point that this is jeopardising the existence of the "concrete achievements" like the euro zone, the Schengen area and European citizens' security. While all of these crises have cast doubt on the resilience of these emblematic European realities or on the membership of one Member State or another, they have all ultimately led to a strengthening of European integration, albeit at a very high political cost.

In fact, many euro area members were against

the solidarity initiatives that had to be taken under pressure to help Greece, Ireland, Portugal and Cyprus at a time when these countries no longer had access to the markets at sustainable rates. Many politicians and citizens in the recipient countries were reluctant to comply with the conditions set by European and international creditors in terms of structural reforms - to the point that Greece was close to exiting the euro area. However, the multiple costs of a disruption to the European Monetary Union were considered sufficiently high by both sides to warrant the necessary efforts to maintain its existence and strengthen its solidity, both in terms of European solidarity and national responsibility.

The massive influx of refugees led to similar tensions regarding the functioning of the Schengen area - including through the temporary restoration of border controls between Member States^[12]. The States most exposed to this massive influx (Greece and Italy) requested assistance from the other Members. Although almost immediate European financial solidarity was provided, the same was not true in terms of the sharing of asylum seekers, in particular because of the lack of confidence in the southern countries' ability or willingness to exercise effective control over the external borders of the Schengen area. The creation of "hot spots", followed by the creation of a European Corps of Border Guards, has narrowed this confidence deficit and mechanisms for relocating asylum seekers living in Italy and Greece have been introduced, even though very few Member States have been able or willing to fulfil the commitments they made to receive them^[13].

Terrorist attacks in Europe also put the Schengen area to the test. In addition to strong pan-European emotional support (particularly after the Paris attacks of 13 November 2015), they also prompted the temporary re-establishment of internal border controls. A cooperative logic was then set in motion, through the activation and improvement of the police and judicial cooperation tools provided for in the Schengen Code and bilateral cooperation, particularly in terms of intelligence exchange. This cooperative approach led to the rapid relaxation of internal border controls and the introduction of systematic checks on persons coming

from outside the Schengen area. Article 42.7 of the TEU was activated for the first time by France to address a formal request for "mutual defence assistance" on the part of its European partners.

Finally, the migratory and terrorist crises revealed the resistance and resilience of the Schengen area, largely because it is commensurate with the economic and human interdependence of the countries that it comprises - just as the euro zone is well suited to the economic and financial interdependence of its members.

We can already see that the COVID-19 crisis is giving rise to the same type of response from the Member States as the previous ones, through a combination of emotional national reactions and then European solidarity actions. While it is too early to say that it will not threaten the existence of the euro zone and the Schengen area in their current form, it would be wise not to underestimate the capacity for adaptation and solidarity that the Member States and the Community institutions have shown so far. Whenever it has come to the protection of these emblematic achievements of European integration, rather than exposing themselves to the multiple costs associated with a return to national independence, at this stage the strengthening of European cooperation and solidarity has prevailed. At the end of a "decade of crises" in Europe, it appears that only the British considered themselves sufficiently armed to take the perilous road to independence, refusing to accept the consequences of membership of the EU over the exercise of their national sovereignty, just as much as the budgetary and commercial solidarity which is its *quid pro quo*. The future will tell whether they have derived sufficiently tangible satisfaction from this unprecedented divorce to compensate for the very high costs involved.

3.3. A "forceps-based solidarity" confronted with the lack of trust between States: the emblematic example of the "coronabonds"

While the "de facto solidarity" rendered necessary by the recent international crises can be credited with consolidating European integration, albeit only partially, the downside is that it has been prompted under the

^[12] On this subject, see Yves Bertoncini, *More European solidarity in the face of migratory crises*, Jacques Delors Delors, April 2015.

^[13] On these questions, see Yves Bertoncini *Schengen: from resistance to resilience? European Issue Robert Schuman Foundation*, April 2018

pressure of reality and on the basis of compromises that have left deep political scars[14].

It's the urgent need to take decisions that are satisfactory to very divided States that often leads to the use of more implicit tools of solidarity. Even if this does not disarm critics, it was easier to mobilise the ECB to help States in financial difficulty, by inflating its balance sheet at the cost of virtual risks, rather than providing financial aid to Greece - whose possible debt reductions or cancellations, no doubt inevitable and even desirable, would be directly charged to the public accounts of creditor States. Member States may also try to force their way through, as they did when they decided on the relocation of asylum seekers by qualified majority, but then they run the risk of their decision not being implemented. Although such non-enforcement is politically and legally reprehensible[15], and could even lead to financial penalties, it might also encourage Member States to adapt the forms of their solidarity in such cases: it could thus be both humanitarian (reception of applicants) and financial (increased contribution to their reception by other Member States).

As the euro area and refugee crises have shown, and as the COVID-19 crisis has confirmed, the relations established between European States and citizens are not intimate or familiar enough for greater solidarity to be accepted instinctively, nor for it not to be conditional on a reduction in the deficit of trust between States. This lack of trust can be based on concrete facts (for example the difficulty of countries such as Greece or Italy in controlling their public finances), but also on a lack of knowledge, and even an abundance of stereotypes. It then fuels intense "co-owner crises"[16], who certainly do not wish to leave the shared house, but who need to be in an emergency situation before they are willing to finance the restoration of the roof, whilst they hardly see each other the rest of the time... In this respect, it is "positive" that, unlike previous crises, the coronavirus is affecting everyone (it is not "asymmetrical"). This alleged absence of "moral hazard" should not, however, mask the existence of political difficulties, which may become all the greater if the proposed solidarity mechanisms are largely based on moralizing postures rather than functional

arguments. Promoting more European solidarity presupposes a minimum of empathy towards all Member States, also by avoiding calling them "stingy" whilst they have been supportive for a long time. If the COVID-19 crisis has called for urgent action on health matters, it also requires giving a little "time to time" to enable a coherent European consensus to be forged on economic and financial issues - without suggesting that the way out of the crisis is through a single providential tool such as the "coronabonds".

In view of the legal and political constraints that weigh on them, it is worth noting that the European institutions have already shown considerable reactivity and solidarity in providing economic and financial responses to the crisis. In addition to the strengthening of EIB loans to SMEs and the launch of a Guarantee Fund for national spending linked to short-time working (SURE), it is remarkable that the ESM has been activated unconditionally to finance health-related spending - even if it is limited to 2% of the GDP of the beneficiary countries. It is even more remarkable that the ECB has indicated that it could purchase national debt without respecting the principle of proportionality[17], which constitutes a genuine federal leap forward and will inevitably lead to new legal challenges in Germany.

Having European bonds issued by a "European Treasury" (rather than by national treasuries) would naturally be welcome in response to the unprecedented scale of the current crisis, but also and above all to relieve countries that are particularly exposed and which do not have much room for budgetary manoeuvre (such as Italy). This presupposes that States agree to push back the frontiers of European solidarity even further: by agreeing to take on debt at the same interest rate, which means that loans will be cheaper for countries such as Italy, Greece or Portugal, but more expensive for countries such as Germany, the Netherlands and France; and by agreeing, if necessary, that countries using these loans can repay them in proportion to their GDP and not according to the sums, a priori larger, that they have borrowed. Pushing back this "species barrier" may be facilitated by the use of the "project bonds" concept, which targets funding for precisely identified reconstruction projects and which are not intended to pool past national debts.

Meanwhile, it is worth remembering that common

[14] On this theme, see Yves Bertoncini, *Sharing sovereignty and solidarity better : transcending euroscoliosis*, Jacques Delors Institute, October 2015.

[15] On 2 April 2020, the EU Court of Justice condemned the Czech Republic, Hungary and Poland for their non-participation in the relocation programme for asylum seekers, paving the way for possible financial penalties if the Commission so requests.

[16] On this theme, see Yves Bertoncini, *The Europeans and EU action: co-owners debate on the rise*, Briefing Note, Kantar Public/EPRS, February 2019.

[17] The principle of proportionality means that the ECB has to buy back national debt on the secondary market according to the distribution of its capital stock, which is itself indexed to the GDP of the euro area countries: this means that until now it has had to buy more German debt than that of other countries (unless these countries signed a memorandum of understanding with the ESM).

bonds are already being issued by European players thanks to guarantees provided by States (in proportion to their GDP), such as the European Commission (within the framework of the European budget), the EIB or the ESM. And that these "coronabonds" could also contribute to the formulation of a wide-ranging economic and financial response to the COVID 19 crisis. In this context, the negotiations on the Multiannual Financial Framework 2021-2027 could play a major role, since it is a more familiar and legitimate legal and political tool for the Member States than the issue of "Eurobonds". Its renegotiation could thus enable the creation of a European Reconstruction Fund capable of raising hundreds of billions of euros. It will then be a matter of giving priority to the neediest States, without complying with the rules of balance and "fair return" - otherwise Italy will be inadequately assisted, given its status as a net contributor to the EU budget, which would jeopardise its financial stability and that of the euro area.

Placing the emergence and strengthening of the tools that give substance to a broad solidarity between Member States of the EU in historical perspective encourages us to value its existence rather than deplore its inadequacies. It also helps toward a better understanding of the political and legal conditions, which enable the emergence of contractual, and de facto solidarity, both of which contribute to the smooth

running of European integration.

In this respect, it is certain that the accumulation of international crises that have become European over the past decade will not help the Member States and the European institutions to forge the compromises needed to effectively overcome the COVID-19 crisis. Beyond the immediate financial and social damage they have caused, previous crises have indeed generated "twin Euroscepticisms": while some of these Euroscepticisms have thrived on the rejection of a Europe with little solidarity and too much "austerity", others have been fuelled by the denunciation of the financial and then humanitarian solidarity efforts deployed on the European continent in the face of these crises. These two euroscepticisms are part of the realities and political uncertainties that must be taken into account in order to reach a European democratic compromise that is both effective and legitimate in the face of the coronavirus.

However, it is possible, and even probable, that the COVID-19 crisis will result in greater solidarity among Europeans, on the express condition that the requisite decisions are taken on a sufficiently clear and consensual basis, with due respect for national sensitivities and with all the necessary empathy and patience.

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