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Sovereignty in the EU crisis mode – comeback or illusion?

The notion of national sovereignty has regained importance in recent years, both on the international stage and within the EU. The current coronavirus crisis appears, at least at first sight, to be another example of the comeback of strong nation states. However, on closer inspection, a more nuanced picture emerges: as nation-state action is becoming increasingly ineffective in the medium and long term, the need for European (shared) sovereignty is being reinforced.

Conceptions of sovereignty and ideas about its appropriate level differ markedly among EU member states, as is also becoming apparent in the three countries of the Weimar Triangle. While French President Emmanuel Macron is the most prominent advocate of "European sovereignty", the Polish PiS government represents a purely intergovernmental vision of European integration. Germany supports the French understanding of the need for shared sovereignty in principle, but has been more hesitant in terms of, among other things, fiscal burden-sharing or a more independent European defence policy. Without any doubt, a decade of crises has left its mark on both political and academic debates surrounding sovereignty in the EU context.

A definition of sovereignty in the EU is difficult to find, as the Union is not a state, but an atypical international organisation. While in the nation state the people are the legitimising object of rule, there is no sovereignty as such at the supranational level. However, the competences of the EU extend far into those of the nation states, and even replace them in individual policy areas. European sovereignty should therefore be understood in a strategic sense as the politically coordinated

capacity to act on the basis of common values and interests and with solidarity between its members. During the coronavirus crisis, the question of European sovereignty has become more urgent than ever since the EU as a political and legal community requires problem-solving capacities in a global context. Against this backdrop, we discuss the following three questions: first, what do the crises of the past decade tell us about the state of sovereignty in the EU? Second, how does the coronavirus crisis fit into this picture? Third, what are the future prospects for national and/or European sovereignty in the light of these crises?

The battle between national and shared sovereignty

Over the past decade, the EU has faced a wide range of crises, both in terms of individual policy fields (fiscal policy, migration, foreign and security policy) and with respect to political developments in member states, namely the rise of populism, rule of law deficits and, of course, Brexit. All these dimensions have one thing in common, namely the struggle for sovereignty within the context of the EU's multilevel system. On the one hand, parts of the electorate perceive national sovereignty as being threatened by European integration, both because of and leading to an instrumentalisation of the sovereignty argument by governments and parties. Populist parties regularly point to an alleged erosion of national sovereignty because of European integration and the support of the latter by "the elites" against "the people". The management of the euro crisis and the controversies surrounding migration policy often serve as an example to back up this claim. Brexit

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can also be seen as the logical consequence of returning to a purely national understanding of sovereignty as was apparent from the Leave Campaign's infamous slogan "take back control!"

On the other hand, and against the backdrop of this growing trend of disintegration and progressive erosion of the European project, others have stressed the need for greater integration and a new understanding of the concept of sovereignty as such. In particular, Emmanuel Macron stated his vision for the future EU in his famous Sorbonne speech in 2017. To his mind, the member states need to pool their sovereignty to an increasing degree in order to regain at the European level what was lost at the national level. Such "European sovereignty" should be established through effective internal and external EU action in six "core areas" (security and defence, border security, foreign policy, climate policy, the digital transformation, economic and financial policy). Three years after Macron's speech, the most obvious successes have been achieved in the area of security and defence policy, for example with the launch of the European Intervention Initiative (EI2), or progress with regard to Permanent Structured Cooperation (PESCO). Climate policy might be the other example with the European Green Deal, although the latter may, in part, fall victim to the Covid-19 pandemic. Other proposals, such as the creation of a eurozone parliament with its own EU budget, were well received by other EU member states, but have only been implemented on a very small scale (such as the Budgetary Instrument for Convergence and Competitiveness, BICC). The opportunity to restructure fiscal policy was missed by Germany in particular, with a discussion now returning in the guise of "corona bonds".

Sovereignty in the coronavirus crisis?

With Macron's proposals reaching far into some policy areas that have been traditionally considered to be "national domains", diverging understandings of sovereignty in the EU context had already become a bone of contention among member states before the coronavirus crisis. The initial response to the pandemic occurred at the national level – which is hardly surprising as medical care is one of the core tasks of a nation state. Although there was a debate in the run-up to the European Constitutional Convention in 2002 to give the EU responsibility for pandemics, healthcare policy remained almost exclusively at the national level and is one of the least europeanised policy areas (with exceptions in the area of patient mobility and market-related issues such as medical devices). Accordingly and in parallel to the various previous crises, patterns of thinking in national categories immediately became apparent: many member states closed their borders even for commuters, imposing entry bans or blocking the export of protective clothing or masks. Some of the southern member states, acutely affected by the pandemic, criticised such a national approach and the lack of a European response.

On the other hand, and as another parallel to previous crises within the EU, interdependencies in the sense of pre-existing networks with regard to economic and labour market policy as well as in the logistics sector soon became apparent – challenges that member states cannot deal with on their own. The global demand for medical equipment rose sharply, causing the European Commission to pool orders from member states, especially in China. In addition, the Commission decided to create a strategic stockpile of medical equipment such as ventilators and protective masks as part of the emergency reserve rescEU. As for the economic consequences of the lockdown, it is perfectly clear that a crisis of this magnitude cannot be resolved at national level alone by any of the member states and,

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above all, even less so by the most affected countries. European sovereignty depends very much on European solidarity. A lack of the latter will not only weaken the European level, but also undermine member states' sovereignty itself.

The choice between shared or waning sovereignty

The difficulties in implementing Macron's reform plans illustrate the disagreement among member states about the future of European as compared to national sovereignty. Indeed, the appropriate response to this debate may lie somewhere in between. Macron's vision might turn out to be too ambitious to find the approval of all member states, e.g. those of the Visegrád Group with their intergovernmental understanding of European integration. However, the status quo is no longer adequate to effectively deal with common problems.

As a first step, a sensible definition of areas that are to be coordinated at national, intergovernmental or supranational level is needed, including the extension of EU competences where necessary. In the healthcare field, this may include an integrated European approach to, for example, the production and provision of medical equipment, enhanced early warning mechanisms or the more timely coordination of treatment capacities – none of these measures require shifting healthcare policy to the EU level altogether. Furthermore, while acute crisis management requires immediate action at the national and local level, longer-term pandemic preparedness and resilience-building were obviously not taken seriously enough in the past and call for European responses. Finally, managing the incipient economic and social crisis is a task that most member states will not be able to deal with on their own. To effectively cope with the crisis in an economic and financial sense, an instrument of joint and mutual liability with lower interest rates for more severely

affected countries is needed. The European Commission's proposal for a 750 billion euro coronavirus reconstruction plan is an important contribution, but it has yet to prove its effectiveness and, above all, requires the consent of all 27 member states.

Although post-coronavirus European economic sovereignty still needs to be fully spelled out, it will be the only viable way of preventing the EU from drifting further apart as well as ensuring the survival of the eurozone and with it the fundamental economic and political interests of member states. The countries of the Weimar Triangle have an important role to play in striking a "working" balance between the still markedly divergent understandings of both national and European sovereignty. In the long term, however, the choice is not between national and European sovereignty, but between shared or waning sovereignty.

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The series »Acting European? The European Union and the Weimar Triangle in the Coronavirus Crisis« sheds light on current responses and new policy approaches in tackling the long-term consequences of the pandemic both within the countries of the Weimar Triangle and at the EU level. The first part of the series looks at the national policies pursued by France, Poland and Germany, cooperation among them, and their visions of what a European response to the crisis should look like. The second part focuses on the EU level and examines how the present crisis is likely to impact key dimensions of cooperation within the Union and beyond its borders.

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