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THE EUROPEAN PARLIAMENT AND THE COVID-19 CRISIS

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Abstract

The COVID-19 pandemic had major implications for European Union (EU) governance. It posed major practical problems for the day-to-day functioning of the various EU institutions and bodies. Among those most heavily affected by the pandemic's repercussions was the European Parliament (EP), particularly in view of its great size, geographical dispersion and multilingual nature. The EP sought to overcome the problems posed by the pandemic as much as possible, in order to carry out its legislative obligations, to ensure that it had a say on the EU decisions that were taken but perhaps most of all to meet its democratic responsibilities and to demonstrate that democracy could not go into abeyance.

This article focuses on how the EP sought to manifest its role as provider of democratic legitimacy in the EU's COVID-19 response. To this end, the article first examines through what measures the EP managed to keep its legislative and other work going during the pandemic, not least by significant changes to its working methods as well as Rules of Procedure. The article then analyses how the EP pursued to ensure its own ongoing involvement in, and more generally enhanced democratic legitimacy of, EU crisis management through numerous resolutions commenting on the EU's handling of the pandemic and its implications for the Single Market and for other EU policies. The article concludes with the EP's analysis of the lessons learnt from the pandemic and its recommendations for the future as regards policy and institutional governance, notably those that were put forward in July 2023 by the European Parliament's Special Committee on the COVID-19 pandemic. In so doing, the article produces new insight on how the pandemic shaped the EP's role in EU politics and its own functioning in and beyond the COVID-19 crisis.

Keywords: *European Parliament, COVID-19, democratic legitimacy, crisis governance*

Introduction

The COVID-19 pandemic had major implications for European Union (EU) governance. It posed major practical problems for the day-to-day functioning of the various EU institutions and bodies. It created major policy challenges for the EU, and not just in terms of how it should respond directly to this crisis. The pandemic also posed longer-term questions, such as which of the organisational adaptations to and changes in institutional working methods implemented as part of the EU institutions' crisis response should be maintained in the future, and what longer term lessons should be drawn for EU policies and structures.

An institution facing particularly pronounced challenges in its functioning and its involvement in (and beyond) EU crisis governance was the European Parliament (EP). Not only did a preference for decision making among executive actors – that is, among governments and the Commission – aggravate the EP's ability to shape the EU's COVID-19 response, but this ability was further complicated by the EP's very nature as an institution of more than 700 members, working in the 24 official languages of the EU, and being based across all member states. Nonetheless, driven by its self-understanding as provider of democratic legitimacy to EU politics, the EP sought to manifest its position in EU crisis governance, both in the short term of the pandemic itself and the longer term of manifold potential future crises.

This article focuses on how the EP tackled the COVID-19 crisis. It examines to what extent the EP was able, and sought, to provide input, output and throughput legitimacy to the EU's pandemic response. In this endeavour, the article builds on the existing state of research: A number of scholars[1] have studied the EP's COVID-19 related actions during the '*fast-burning phase*' of the pandemic, i.e. the part of a crisis demanding quick decisions on and solutions to emergency situations.[2] This article extends this state of the art by also looking at the EP's involvement in the EU's response to the '*slow-burning*' phase of the pandemic, i.e. the period in which the crisis was not over and still needed resolving, but

[1] See i.a. Ripoll Servent & De Feo 2023; Elomäki & Kantola 2023; Berti & Ruzza 2022; Braghiroli 2022; von Ondarza 2020.
[2] See Schmidt 2022.

where immediate existential threats had abated.[3] In an even longer-term perspective, the article also discusses how the EP attempted to ensure that there would be greater democratic legitimacy in the increasingly frequent cases of EU crisis management more generally.

To this end, the following section outlines the underlying conceptual approach of the article. There follows an examination of the extent to which the EP managed to keep its legislative and other work going during the pandemic. Thereafter, the article examines the EP's policy output during the COVID-19 crisis, both in terms of its legislative and non-legislative work related to the pandemic. Last but not least, a section is dedicated to a review of the EP's own recommendations for the future as regards lessons learnt on policy and institutional governance, notably those put forward by the EP's Special Committee on the COVID-19 pandemic. All three of these analytical sections build on the previously described democratic legitimacy approach and seek to explain the EP's contribution with regard to the distinct dimensions of input, output and throughput legitimacy. These sections also shed light on shifts in the EU's institutional balance, particularly with regard to the EP's interinstitutional relations with the Commission and Council during the pandemic, and the concomitant development and self-understanding of the EP's role in EU crisis governance. The article closes with a short conclusion discussing how the pandemic as an unprecedented crisis situation – with major effects on public health and public life as well as on the functioning and institutional balance of the EU governance system – impacted the ability of the EP as representative of the people and only directly elected EU institution to provide input, output and throughput legitimacy to EU politics, in and beyond times of crisis.

Theoretical approach: democratic legitimacy in times of crisis

Representing the interests of the EU's citizens is part of the European Parliament's institutional DNA. As the only directly elected institution at the EU level and representative of the citizens, the EP has long claimed to hold a unique position in the generation of democratic legitimacy for EU politics (often coupled

[3] Such an approach has been applied by Díaz Crego (2022), albeit with a focus on the EP's functioning rather than its ability to provide democratic legitimacy to the EU's crisis response. More specifically, Díaz Crego's study focusses specifically on remote working methods in the EP during the COVID-19 crisis.

with demands for greater legislative, budgetary, initiative and oversight powers).[4] At the same time, a growing corpus of literature discusses how EU responses to various crises have circumvented EP involvement, i.e. for the sake of swifter decision-making, easier arrival at compromises among member states, or because the Treaties assigned the EP with a marginal role in the crisis-torn policy area in the first place, allowing other EU institutions to keep it sidelined in the heat of emergency negotiations despite increasing calls for more – or critique of insufficient – democratic legitimacy.[5] After all, emergency politics in democratic systems function differently from governing processes in 'normal times': executive actors take more immediate action for the sake of more effective and efficient policy output, often at the expense of reduced parliamentary involvement.[6] Particularly "in times when the 'ordinary' modus operandi does not apply", EU governance may resemble "integration without supranationalisation"[7] as swiftly convened intergovernmental coordination processes of crisis management take precedence over an expansion of established but more lengthy procedures with a balanced involvement of the Council of the EU, EP and Commission.[8] Such deviations from established procedures are typically justified with their perception as temporary measures – which, however, not all of them turn out to be.

At the same time, crises have the potential to open windows of opportunity for actors with less formal powers than they would like to hold – instances in which the EP has repeatedly sought to enhance its position via supranational activism beyond Treaty provisions, typically involving the argument of stronger EP

[4] See i.a. Roos 2021; Lodge 1998. The EP's parliamentary powers have evolved significantly since its creation as a largely consultative assembly. Nevertheless, Parliament remains fundamentally dissatisfied with its de-facto secondary position behind the Council of the EU, even though the Treaty of Lisbon formally put the EP on par with the Council as co-legislators in most policy areas. This has led MEPs to frequently call for extended competences and/or the better implementation of the EP's formally provided powers – including in times of crisis, such as the COVID-19 pandemic, as discussed below.

[5] See e.g. Crum & Merlo 2020 and Schmidt 2020 on the EP's involvement in Economic and Monetary Union following the euro crisis; Ripoll Servent 2019 on the EP's role in the failed reform of the Common European Asylum System following the 2015-16 'asylum [administration] crisis'. Gianna 2023 discusses the EP's failed attempts at shaping the Recovery and Resilience Facility and thus maximizing its own budgetary power in the context of the COVID-19 crisis.

[6] Schmidt 2022.

[7] Ripoll Servent 2019: 294.

[8] In terms of EU crisis governance, the EP has some power of oversight but limited decision-making or indeed legislative power (depending, however, on the policy area(s) affected). The EP can question the Commission and Council on their actions, adopt resolutions to express its positions, and influence to some extent the allocation of emergency funding through its budgetary powers – albeit not always to the extent the EP might aim for (see Gianna 2023). Generally, however, the EP heavily relies on good contacts with the other EU institutions (and most importantly the Commission) in order to be involved in often swiftly and non-publicly decided EU crisis response mechanisms.

involvement being justified by gains in democratic legitimacy.[9] Indeed, any deviation from treaty-based procedures and competence distribution opens room for questions regarding the extent to which EU governance is truly democratically legitimate – and legitimized. This article sheds light on such questions, as well as on the answers provided by the EP, in the context of the COVID-19 pandemic.[10]

More specifically, the examination of how the EP tackled the pandemic conceptually builds on Schmidt's triad of input, output and throughput legitimacy.[11] These three are distinguished from one another as follows: input legitimacy is determined by governance structures' and actors' "responsiveness to citizen concerns as a result of participation *by* [and *of*] the people".[12] Output legitimacy, in contrast, focuses on political performance and depends on the "effectiveness of […] policy outcomes *for* the people",[13] whereas throughput legitimacy – as a procedural criterion – assesses the "quality of governance processes"[14], with a focus on their "efficacy, accountability and transparency […] along with their inclusiveness and openness to consultation *with* the people".[15]

This article builds on the assumption that whenever the EP seeks to manifest and ensure its involvement in EU crisis governance, it does so with the ultimate aim of making sure that the 'people's representative' has a seat – and voice – at the table. This, in turn, constitutes a necessary precondition for democratically legitimate/legitimised EU governance. Although such a broad approach prevents a closer examination e.g. of individual MEPs' personal ambitions and pursuit of policy aims unreachable at the national level, it arguably represents the EP's fundamental *raison d'être* and resulting logic of action. Whereas crises in the early institutional development of the EP often enhanced rather than hindered the EP's involvement in European governance, this article seeks to examine whether in today's EU, large-scale crises have, instead, a greater potential of undermining the EP's established position in EU politics.

[9] See i.a. van de Grift & van Zon 2024; Meyer 2024; Roos 2021.
[10] To this end, the following analysis requires a conceptualisation of democratic legitimacy in operational terms. As its theoretical basis, this article understands legitimacy, along with Schmidt (2022) as citizens' consent with a governing authority and the quality, effectiveness, responsiveness and added value of its actions.
[11] Schmidt 2013; Schmidt & Wood 2019.
[12] Schmidt 2013: 2; emphasis in original.
[13] Ibid.
[14] Schmidt & Wood 2019: 728.
[15] Schmidt 2013: 2; emphasis in original.

In pursuit of an answer to this question, the following analysis sheds light on specific instances and procedures determining the extent of democratic legitimacy provided by the EP in the EU's response to COVID-19. This article does not attempt a black-and-white assessment of whether democratic legitimacy has, or has not, been achieved. Instead it seeks to trace more systematically the legitimisation strategies that were pursued by the EP in its involvement in the EU's pandemic response.

COVID-19: A new set of challenges for the EP

When COVID-19 struck in early 2020, it posed many new challenges for the EU institutions, both on the immediate logistical and also on the wider policy front. At first they struggled to adapt but after a while managed not only to keep their day-to-day activities going forward successfully, but also reacted to the new policy challenges as well. The process was sometimes an uneven one, but in the end was quicker and more effective than many had thought possible.

Bud did the pandemic come completely out of the blue? Had any relevant planning been carried out in earlier years? In practice the COVID-19 crisis took most policy-makers by surprise. There had been potential pandemic scares in previous years but they had been contained and were not truly world-wide in scale.

And yet the idea of a world-wide pandemic and of its potential practical and other implications had been envisaged by some policy-makers, including within the European Parliament at a much earlier date. One of them was Greek MEP Antonios Trakatellis, who was a member of its Environment Committee from 1994-2009, and was particularly active in the field of public health. He was already warning of the dangers of a future pandemic in 2005.[16] He organised a briefing for the Environment Committee's Health Working Group on the Spanish flu pandemic of 1918-20, and he and one of the co-authors of this paper were among the EP observers on the 2005 pandemic simulation exercise that was then organised by the European Commission. Entitled *"Exercise Common Ground: A Pandemic Simulation Exercise for the European Union",* it was carried out on 23-24 November 2005, and organised in order to evaluate the ability and

[16] See e.g. speech by Antonios Trakatellis during plenary debate on 25 October 2005, European Parliament, Strasbourg (https://www.europarl.europa.eu/doceo/document/CRE-6-2005-10-25-INT-2-034_EN.html [06.09.2024]).

capabilities of Member States to respond to an influenza pandemic.[17] There were 1100 participants from EU Member States, EU Agencies, pharmaceutical companies and the WHO. Among the potential problems identified were travel restrictions, school closures, the need for rapid vaccine development, identification of priority groups, and ensuring adequate hospital capacities. There was also discussion of how the European Parliament might continue to function in the case of such a pandemic. Just over 14 years later Mr Trakatellis's fears were realized and the challenges identified in *Exercise Common Ground* all came to the fore.

The EP's institutional adaptation to the pandemic

As soon as the scale of the pandemic became clear in late February and March 2020, it became quickly apparent that business as usual was no longer a viable option. The EP was particularly affected not least because of the dispersion of its activity, with plenaries in both Strasbourg and Brussels, committees in Brussels, and with 705 MEPs from 27 countries from all over Europe facing travel and quarantine restrictions as well as lack of transport, and hotel capacity. Moreover, the EP's uniquely multilingual nature required interpretation in many languages to ensure equality between its members.[18]

Neither the EP's rules of procedure nor its working practices were at the time adapted to face up to these challenges, and any informal changes could be subject to legal challenge. Unlike some national parliaments, for example, the EP's rules did not provide for delegated voting, and its decisions had to be taken by majority and, in some cases, by absolute majority voting, with no provision for these votes to be taken remotely outside Brussels or Strasbourg.[19] There was very little remote working in other respects for the EP staff and none for MEPs.

Unless appropriate measures could be taken, the EP would not be able to fulfil its formal legislative and budgetary roles, let alone all the other aspects of its normal work. The need for business continuity – not least to ensure the democratic legitimacy of the EU's pandemic response – was forcefully put by then President David Sassoli during the EP plenary on 26 March 2020 in which he stated that Parliament may have had to slow down, but that democracy could

[17] See Directorate-General for Health and Food Safety/European Commission (2006): Exercise Common Ground – A Pandemic Influenza Exercise for the European Union. Final Report, 27 March 2006 (https://ec.europa.eu/health/ph_threats/com/common.pdf [06.09.2024]).
[18] See Welle 2020.
[19] For the European Parliament's Rules of Procedure for the 9th parliamentary term, see Official Journal L 302, 22.11.2019, pp. 1-128 (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32019Q1122%2801%29 [06.09.2024]).

not be suspended in the middle of such a dramatic crisis. He emphasised the duty of MEPs to be at the service of the citizens and to make their contribution to the fight against this pandemic, guaranteeing the European Parliament's democratic functioning and its continuity of work.[20]

In meeting this challenge the EP was immediately confronted with a whole set of problems, some purely practical but others linked to the lack of cover in the EP Rules of Procedure or even to formal Treaty obligations. Among these problems was the question who should take the necessary decisions. Many decisions were delegated to Parliament's President on the grounds that *"the President is responsible for the security and the inviolability of the premises of the European Parliament"*,[21] as well as to the Conference of Presidents, consisting of the leaders of the EP political groups. From a democratic legitimacy perspective, this transfer of decision-making power undermined notably the dimension of throughput legitimacy within the EP's own policy-making. The adaptations were nonetheless considered necessary in order to ensure the EP's ongoing functioning which would contribute

a) to output legitimacy of the EP's own policy-making, since it allowed the EP to continue drafting, negotiating and adopting legislative and non-legislative output, and
b) to input legitimacy (through the EP's involvement as representative of the citizens) and throughput legitimacy (through parliamentary oversight, and through transparency and accountability provided by EP plenary and committee sessions, hearings and consultations etc.) of the EU's overall crisis governance.

One of the most pressing questions was furthermore how often and where the EP should meet. A specific complication consisted in the EU Treaty obligation for monthly plenaries in Strasbourg. On 5 March 2020, when the scale of the crisis was first becoming clearer, EP President David Sassoli declared that the part session should be held in Brussels rather than Strasbourg.[22] On 20 March 2020, faced with the need for the EP to adopt some urgent legislative measures related to COVID-19, the Parliament's Bureau confirmed that the next plenary session

[20] See David Maria Sassoli: Statement by the President, European Parliament plenary session, 26 March 2020 (https://www.europarl.europa.eu/doceo/document/CRE-9-2020-03-26-INT-1-026-0000_IT.html) [30.08.2024].
[21] See European Parliament's Rules of Procedure, op. cit., Rule 22-5.
[22] See press release 'Next week's EP plenary session to be held in Brussels not Strasbourg due to force majeure. Statement by European Parliament President David Sassoli', 5 March 2020 (https://www.europarl.europa.eu/news/en/press-room/20200305IPR74210/ep-plenary-session-to-be-held-in-brussels-not-strasbourg-due-to-force-majeure [06.09.2024]).

should be advanced to 26 March and that the existing rules needed to be adapted to permit remote voting by MEPs.[23] Various subsequent adaptations of the normal plenary schedule had to be made, with all sessions being initially held in Brussels with greatly reduced in-person attendance.

As the pandemic unfolded, most MEPs were unable for some time to travel to plenaries or to committee meetings, so that new means had to be found for them to view and to listen to the proceedings and to contribute to the discussions when they sought to do so. The remote participation of members was authorised by the Conference of Presidents at their extraordinary meeting on 19 March 2020, which was itself held remotely. Platforms to provide for remote interpretation for fully remote and hybrid meetings were also provided. From October 2020 a new possibility was opened up by permitting members to intervene remotely from the European Parliament's Liaison Offices in each Member State, very practical for those based in or close to their capital city but less so for those living in more remote parts of their country.[24]

A particular problem was posed, however, by the introduction of remote voting, where technical solutions also had to ensure the security of such voting. This issue was discussed at the EP Bureau meeting on 20 March 2020.[25] The decision was taken to update the existing Bureau rules on voting in order to permit remote voting by providing, by decision of the EP President, for a temporary derogation from the normal rules on public health grounds. The system that was initially used was of a cumbersome manual nature, whereby Members received electronically, via email to their official email address, a ballot form. This was to be completed by the Members and returned electronically in any clear and readable format to a functional EP mailbox (plenaryvote@europarl.europa.eu).

Guidelines for remote voting in EP committees were subsequently also adopted by the Conference of Committee Chairs (CCC) on 8 April 2020. At a later stage, faster electronic voting applications were developed, firstly I Vote, based on an external IT infrastructure, and then EP Vote, which had been fully developed in-house. As a result of the experience gained the procedures were again adapted at later dates. An example of this was the set of CCC Guidelines on the remote voting procedure in committees that was adopted on 6 July 2021. A procedure largely based on the one used in plenary, and also using the 'EPVote' electronic

[23] See Bureau of the European Parliament: Minutes of the extraordinary meeting of 20-03-2020, PE 649.204/BUR/rev (https://www.europarl.europa.eu/RegData/organes/bureau/proces_verbal/2020/03-20/BUR_PV(2020)03-20_EN.pdf [06.09.2024]).
[24] See Welle 2020: 6-7.
[25] See Bureau of the European Parliament, op. cit.

voting system, would be applied to committee votes. Some adjustments would, however be necessary, in particular in the light of the larger number of amendments tabled at committee level.

One important impact of all this is that committee procedures, normally much more informal and flexible than in the plenary, had to become more rigid and formal, for example, as regards deadlines, votes by substitutes and voting lists where oral amendments and split votes on compromise amendments were no longer to be allowed. The structure of committee agendas was also affected. For instance, a minimum of one hour would normally be given to Members to vote, unless the Chair considered that less time was needed. All these changes in the committees' work constituted once again a trade-off between different dimensions of democratic legitimacy. Namely, the restrictions in the committees' work as compared to their normal functioning reduced the level of throughput legitimacy in EP policy-making. At the same time, however, the thereby achieved continuance of parliamentary work safeguarded the in- and output legitimacy of EP policy-making. Given that the EP could uphold its parliamentary role and functioning, the adaptations in the committees' work thus also contributed to the safeguarding of democratic legitimacy of the EU's crisis response more broadly.

The newly introduced rules of remote work were mirrored by similar rules for the EP's own staff. Already by 8 March 2020 staff belonging to a risk group were either allowed to be on a teleworking scheme or re-assigned to a less exposed post. On 11 March a 70% teleworking regime was introduced "for all staff whose physical presence was not indispensable",[26] and this was further extended to 100% teleworking only four days later, on 15 March 2020. New IT tools were also developed to facilitate these changes.

The changes described above showed that the EP was able to respond to the crisis through creative use of existing rules and procedures. Parliament's services also examined practices in other parliaments such as the use of bigger venues or reduced participation of members to achieve greater social distancing, in order to see what lessons could be drawn for the European Parliament.

It had soon become clear, however, that there were potential legal constraints to such actions and that the EP Rules needed to be adapted to provide legal and procedural cover for the ad hoc measures that had been adopted. The German S&D MEP Gabrielle Bischoff was appointed as rapporteur of the EP Constitutional Affairs Committee (AFCO), that steered through the EP's

[26] Welle 2020: 3.

adaptation of its Rules of Procedure to deal with the extraordinary circumstances of COVID-19. In the course of this work, there was some disagreement on the extent of the changes that needed to be made, whether they should be kept as simple as possible or whether more detailed provisions were required. Finally, on 17 December 2020, the EP plenary adopted a new Title XIII of the Rules of Procedure, entitled "Extraordinary Circumstances". This new title contained four new rules, addressing amongst other issues the role of the EP President and COP in the handling of extraordinary circumstances, and a bandwidth of possible actions to be taken in these circumstances, such as displacement or postponement of a plenary or committee meeting, holding a meeting in separate rooms, remote participation of Members and temporary replacement of Members in a committee.[27]

Implications of the EP's handling of the COVID-19 crisis

The measures described above evolved over time to reflect different phases of the pandemic. By many indices they were successful in maintaining business continuity, in allowing Parliament to meet its legislative responsibilities and to carry out non-legislative work as well. At the same time there were considerable practical costs for the EP, with repercussions also from a democratic legitimacy perspective.

Some of the initial indices of success have been well documented. Remote involvement of members enabled exceptionally high participation in the April and May sessions after the outbreak of COVID-19 in early 2020. The number of Parliament votes went up rapidly as procedures evolved from a manual, to a paper-based system and then to an upgraded electronic voting system, with 11 votes over 3 voting sessions in March 2020, 128 over six voting sessions in April and then 358 voting operations in the course of three plenary days between 13 and 15 May. Overall between March and November 2020 there were 112 plenary days, 160 remote interventions in plenary, 762 items voted in plenary, 1680 remote meetings and with 138,000 participants in these remote meetings.[28]

Besides the central achievement of ensuring business continuity there were other successes for the Parliament in its handling of the crisis. The EP was able to show that it could be very flexible and adapt to new situations. Parliament's rules of

[27] For the entire process and all related information, documents and votes, see 2020/2098(REG) Amendments to the Rules of Procedure in order to ensure the functioning of Parliament in extraordinary circumstances (https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2020/2098(REG) [06.09.2024]).

[28] Figures mentioned in De Feo and Ripoll Servent, op. cit.

procedure were successfully adapted to provide legal cover for the changes that had been made and to take account of unforeseen circumstances of various kinds. IT developments within the Parliament were given a new impetus, with a range of new tools that would otherwise have taken much longer to introduce. Both Members and EP staff had much less travel, cutting costs, saving a lot of time, improving family life as well as the environment, and also pioneering new ways of working.

Some of the implications, however, were more negative. A few of these were of a technical nature, such as problems in ensuring interpretation, with a limited number of available interpreters, notably in view of the EP's heavy reliance on freelancers living all over Europe.

Other problems were perhaps even more fundamental, including from a democratic legitimacy perspective. The new procedures and the use of remote or hybrid meetings and voting meant that there was far less day-to-day contact between MEPs, between them and their staffs, and also with representatives of the other EU institutions, with interest groups and civil society. One of the key features of the multinational European Parliament are informal contacts between politicians of different nationalities and political families, and there was now much less scope for these contacts and for general networking. Preparatory meetings had to be scaled back or abandoned and procedures became more formal and rigid. Committee work as well as inter-institutional negotiations all became more difficult. All of these affected in particular the dimension of input legitimacy in EP policy-making and, by proxy, the EU's overall pandemic governace.

Another issue in this area of parliamentary work and role as provider of democratic legitimacy was that some MEPs were more disadvantaged than others. Some MEPs lived close to the Parliament's centres of plenary, committee and political group work, such as Brussels and Strasbourg and others were far more cut off, in many cases even from their own national capital where a number of decentralized EP meetings were held in EP Liaison offices. These were compounded by differences in the quality of internet connection and also in the linguistic capacity of MEPs, with fluency in English, in particular, being at a premium. These problems were explicitly recognized when the EP Rules of Procedure were revised, with the new Rule 237b on "Disturbance of the political balance in Parliament".

One consequence of all this was a factually reinforced position of Parliament's leadership compared to backbench members. In theory the latter may have enjoyed more freedom in deciding on how they would vote, but this was almost certainly outweighed by the disadvantages of reduced access to key decision-makers and informal (pre-)decision-making processes.

A final potential disadvantage that would be worthy of more detailed study is on the extent of disruption of the EU institutional balance. The large and more decentralized EP was at a particular disadvantage during the COVID-19 crisis as compared to the Commission, the Council and the European Council. The Parliament was able to fulfil its formal roles in the EU legislative and budgetary processes but almost certainly at the cost of lesser influence in the shaping of those processes.[29]

The long-term impacts of the crisis on the workings of the EP cannot yet be fully determined but a few general points can be made. The EP Rules of Procedure have been successfully adapted to provide for new crises and the EP's IT tools have been greatly reinforced. Thereby, the EP has sought to cement its functioning and role as the representative of the people and hence as provider of democratic legitimacy even in times of crisis.

Today, the Parliament has reverted to in-presence meetings, but there is now greater scope than before for hybrid meetings with voluntary remote participation by members of a committee. The conditions for such meetings are set out in the Conference of Committee Chairmen (CCC) 'Guidelines on hybrid modalities of committee meetings' of 13 July 2022.[30] Certain categories of meetings, however, such as Committee votes, trilogue meetings, including inter-institutional technical preparatory meetings, and in-camera committee meetings can now take place only in presence.

Remote working by staff is now also more frequent than before the COVID-19 crisis, although the Parliament has adopted a relatively conservative approach in its recent decision of its Secretary General of 18 December 2023 on teleworking in the European Parliament, which entered into force on 1 March 2024.[31] Staff members who perform tasks that can be carried out remotely are eligible to

[29] As has been shown in the case of the Recovery and Resilience Facility; see Gianna 2023.
[30] See Conference of Committee Chairs: Guidelines on hybrid modalities of committee meetings, 13 July 2022, DV/1260499EN.
[31] See The Secretary-General of the European Parliament: Decision of the Secretary-General on Teleworking in the European Parliament, 18 December 2023 (internal document, shared with one of the authors by EP staff).

telework but this is restricted to up to one day per week on an average monthly basis in the case of standard teleworking and to two days per week in the case of extended teleworking. Lists are also to be drawn up of jobs where teleworking is to be excluded or kept to a minimum. Teleworking away from the normal place of employment is also severely restricted.

The European Parliament's policy output relating to the COVID-19 pandemic

Through the various measures outlined above, the EP managed to uphold a significant level of policy-making activity. The EP's policy output in the context of the COVID-19 pandemic had both legislative and non-legislative components, the former consisting of Parliament's response to formal proposals from the Commission seeking to ensure the functioning of the EU and the mitigation of the pandemic's repercussions, the latter of EP own initiatives aimed at placing new COVID-19-related issues on the EU agenda, and at establishing distinctive points of view vis-à-vis the other EU institutions. The following analysis sheds light on these two aspects of Parliament's COVID-19-related work, and discusses to what differing extents the EP succeeded or failed in achieving certain political and institutional aims.

EP legislative policy-making in the pandemic context

In the intensive first weeks of the pandemic's 'fast-burning phase', the EP faced not only the urgently required adaptation of its working routines, but also the need for rapid adoption by 30 March of three co-decision proposals, which became Regulation (EU) 2020/460 (Coronavirus Response Investment Initiative), Regulation (EU) 2020/461 (extension of the EU Solidarity Fund) and Regulation (EU) 2020/459 (temporary suspension of EU rules on airport slots). It thus quickly became clear that the outbreak of the pandemic would bring executive decision-making to the fore, and would disrupt normal legislative policy-making procedures. Under these circumstances, the EP had to balance the need for rapid decision-making procedures on the one hand, and, on the other, seek to do justice to its more time-consuming parliamentary roles of deliberation, scrutiny, expertise and accountability.

In consequence, several EP resolutions on pandemic-related Commission proposals (including those of 26 March 2020 on the three above-mentioned draft regulations) were restricted to the minimum necessary paragraphs of introduction and parliamentary approval, as they were adopted via urgent procedure in the first reading. Negotiations between the EP, the Council and the Commission were only reflected in adopted texts at the final legislative stage.[32]

Other EP resolutions, however, commented more extensively on the substance of the proposals and on their strengths, weaknesses and consequences – not least with regard to democratic legitimacy. Among them are the EP resolution of 9 March 2021 and the EP amendments on the Commission proposal (adopted already on 13 November 2020) on the establishment of the 'EU4Health Programme'. These adopted EP texts sought to strengthen the programme's input legitimacy by means of greater involvement by Parliament and by different social groups in the EU responses to current and future health challenges. In these texts, as well as in other EP resolutions, Parliament repeatedly called for special support for particularly vulnerable groups. In so doing, the EP sought to cement its EU institutional role as the voice of the people, and thereby as a provider of input legitimacy for EU policy-making.

Output legitimacy figured slightly less explicitly in the EP resolutions on COVID-19-related Commission proposals. An example of this was the EP resolution of 8 July 2020 on a Commission proposal regarding the postponed application of new VAT rules due to the outbreak of the pandemic, which pointed to the need to stick to, and to implement commonly agreed rules even in times of a health crisis. In a resolution of 8 March 2022 on cohesion policy as an instrument to reduce health disparities exacerbated through the pandemic, the EP sought to promote enhanced output legitimacy through extended EU competences. The resolution argued, in particular, that the EU should obtain more room for manoeuvre to adopt hard law to tackle health(care) disparities and to better protect people's health. It also called "on the Commission to make full use of its competences in health policy" and appealed for the synergy in the usage of all available EU instruments and funds to achieve common goals. In a similar vein, in a vote by the EP on 13 November 2020 on the Commission proposal for the establishment of the 'EU4Health Programme', the EP succeeded – based on

[32] All EP resolutions referenced in this and the following sections are listed in Annex 1: *Table of EP resolutions related to the COVID-19 pandemic cited in this article*, including date of adoption, full title, and weblink to the full text of the resolutions.

the argument that more EU action in the area of health would be required following and legitimised by the experiences of the pandemic – in ingraining the 'Health in all Policies' approach in the programme, which explicitly supports EU health-related action in all "public policies, regardless of the sector".[33]

In terms of throughput legitimacy, the EP included various calls for more transparency and accountability in its pandemic-related resolutions. With regard to the 'EU4Health Programme', for instance, Parliament demanded high levels of transparency and accountability in the implementation of adopted policies, in the allocation of health-related funding, in the compilation and sharing of health-related data across member states, and in the provision of health products and services to citizens (see e.g. adopted amendments 27, 37, 83, 97, 111-113). Similarly, the above-mentioned EP resolution of 8 March 2022 on cohesion policy called for better and broader public information on health(care) rights and access.

EP non-legislative policy-making in the pandemic context

Compared to the EP's legislative policy-making, an even larger share of the own-initiative, non-legislative resolutions adopted by the EP in the context of the COVID-19 pandemic had a distinct legitimacy dimension. Already one month into the pandemic's fast-burning phase, the EP felt the need to explicitly and strongly emphasise the necessity of parliamentary involvement in the EU's crisis governance. In its Resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences, the EP stressed:

> *"Parliament, as co-legislator, joint budgetary authority and the only institution directly elected by universal suffrage, must be included as an integral and essential part of all discussions on the EU's response to this crisis and the subsequent recovery; […] this is a moment of truth for the Union that will determine its future […] and when a strong and united voice of the European Parliament is needed more than ever".*

The resolution called for measures to enhance the input legitimacy of the EU's pandemic response not merely with regard to the EP's own involvement as representative of the citizens, but also of civil society and of economic actors such as the social partners in pandemic-related decision-making, as well as the direct

[33] Article 2(10) of Regulation (EU) 2021/522 of the European Parliament and of the Council of 24 March 2021 establishing a Programme for the Union's action in the field of health ('EU4Health Programme') for the period 2021-2027, and repealing Regulation (EU) No 282/2014 (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R0522 [15.04.2024]).

involvement of citizens – via the Conference on the Future of Europe – in the long-term process of making the EU "more effective, united, democratic, sovereign and resilient". The resolution also emphasized the EP's role as a provider of throughput legitimacy for EU crisis governance, for instance in the declaration that the EP would hold "the other EU institutions […] accountable for their actions".

On 13 November 2020, the EP adopted a resolution focusing even more explicitly and extensively on the democratic repercussions of the pandemic. This resolution on the impact of COVID-19 measures on democracy, the rule of law, and fundamental rights focused largely on issues of throughput legitimacy. The EP put much emphasis on the need for measures to counterbalance excessive power shifts to executive actors in times of crisis, i.a. by ensuring the temporary nature of such shifts, by strengthening parliamentary and judicial oversight, and by developing new and more democratically sustainable "crisis management methods at both Member State and EU levels". The overall tenor of the resolution was that output legitimacy could not justify a lack of throughput legitimacy in the long or even mid-term. Instead, the EP called on member states to stick to democratically developed and legitimised procedures even in times of crisis, and to continue to ensure the transparency and accountability, fairness and openness of these procedures, not least through the involvement and oversight of legislative and judicial actors, through information to and opportunities of involvement of the public, and – much emphasised – through free and independent media coverage.

Beyond these considerations on enhanced throughput legitimacy, this resolution also contained substantial references to output legitimacy. It criticised the insufficient level of EU action in the area of health, as shown by the serious repercussions of COVID-19 for EU citizens. This lack of action, in turn, could and must be remedied by means of closer integration in the area of health, which would result in lower costs for citizens in subsequent health crises. The same argument was also made in EP own-initiative resolutions of 10 July 2020 on the EU's public health strategy post-COVID-19 and of 17 September 2020 on better EU coordination in the pandemic. The latter of these resolutions emphasized, furthermore, that "there is still scope for the European Union to better deliver on public health policy within the existing parameters of the Treaties".

The pandemic encouraged EP initiatives in pursuit of a higher degree of output legitimacy even outside the direct area of health policy. These initiatives included

on the one hand calls for new legislative measures and extended EU competences necessitated by the crisis situation, for instance in the areas of foreign policy (resolution of 25 November 2020 on the foreign policy consequences of the COVID-19 outbreak) and of education and youth policy (resolution of 22 October 2020 on the future of European education in the context of COVID-19; resolution of 10 February 2021 on the impact of the pandemic on youth and sport; resolution of 13 September 2022 on the impact of COVID-19 closures of educational, cultural, youth and sports activities on children and young people in the EU). On the other hand, the resolutions also called for a better implementation of already adopted legislation, not least through better information of those concerned and through improved data collection both on immediate and on long-term needs. These were also accompanied by reference to the EP's role as a provider of throughput legitimacy, for instance in the EP resolution of 19 June 2020 on the situation in the Schengen area following the COVID-19 outbreak.

More generally, many EP own-initiative resolutions pointed to the EP's role as a representative of the citizens and their interests, and thereby as a provider of democratic (input and throughput) legitimacy. The EP resolution of 17 September 2020 on EU coordination of health assessments and risk classification states unambiguously that

> *"Parliament, as co-legislator and the only institution directly elected by EU citizens, must be included as an integral and essential part of all discussions on EU coordination to tackle this health crisis".*

Other examples are the EP resolution of 17 September 2020 on increasingly problematic shortages of medicines, and the EP resolution of 19 June 2020 on the protection of cross-border and seasonal workers in the pandemic context. In both of these resolutions, as well as the own-initiative resolutions of 10 July 2020, of 17 September 2020 on EU coordination during the pandemic, of 22 October 2020, of 13 November 2020, of 21 January 2021, of 10 February 2021, of 15 February 2022 and of 13 September 2022, the EP sought to speak up on behalf of particularly vulnerable social groups, such as children, young persons, the elderly, women and girls, LGBTI+ persons, chronically ill persons, persons with disabilities, migrants, asylum seekers and refugees, prisoners, and Romani people thereby underlines its role as a voice for all groups of citizens in EU politics, and as a provider of input legitimacy.

This role also figured prominently in EP own-initiative resolutions that based on petitions, and hence on one of the most direct tools available to EU citizens to raise issues at the EU level. Not all of these resolutions, however, focused solely on input legitimacy. The Resolution of 21 October 2021 on EU transparency in the development, purchase and distribution of COVID-19 vaccines, for instance, which was based on three petitions, had a predominant throughput-legitimacy focus. The EP sought to go beyond the petitions' aim for increased transparency (a demand also included in the own-initiative resolution of 7 July 2021 on the trade-related aspects and implications of COVID-19) by adding a focus on its own institutional role. In particular, the resolution deplored the fact that Parliament was not involved – despite "its role as co-legislator"– in the Commission's vaccine strategy, "nullifying its ability to scrutinise the correct application of the Union budget". In addition the EP was very critical of the Commission's decision not to set up the new European Health Emergency Preparedness and Response Authority (HERA) by means of an ordinary legislative procedure. The EP considered that this effectively excluded Parliament "from overseeing the work of HERA", thus diminishing both input and throughput legitimacy in the process.

In comparison, certain other EP petition-based resolutions had a clearer input-legitimacy focus, for example, those of 8 July 2020 on the rights of persons with intellectual disabilities and their families in the COVID-19 crisis and of 24 November 2020 on the Schengen system and measures taken during the COVID-19 crisis. In both of these, the EP spoke up on behalf of specific groups of persons, namely persons with disabilities and their families on the one hand, and people living in intra-EU border regions on the other, and for their involvement in the drawing-up of concrete political measures potentially affecting them. The EP also promoted a higher degree of input legitimacy through stronger involvement of the social partners (see e.g. resolution of 19 June 2020 on European protection of cross-border and seasonal workers in the context of the COVID-19 crisis), patient associations (resolution of 17 September 2020 on the shortage of medicines), local governments (resolution of 15 February 2022 on the challenges for urban areas in the post-COVID-19 era), or simply "civil society" (resolution of 10 July 2020 on the EU's public health strategy post-COVID-19; resolution of 7 July 2021 on the trade-related aspects and implications of COVID-19). Another example was the EP Resolution of 21 January 2021 on the gender perspective in the COVID-19 crisis and post-crisis period, in which it not only called for more consultation of women's organisations, but more generally for the intensified

involvement of women in EU policy- and decision-making processes, including in the Parliament itself, and in the Council.

The work of the EP Special Committee on the COVID-19 Pandemic: lessons learned for the future and evaluation from a legitimacy perspective

A final major output of the European Parliament as regards the COVID-19 crisis was its comprehensive look at the lessons to be drawn for the future management of pandemics. Since COVID-19 was a cross-cutting crisis, involving many different actors in different policy areas, it was felt that this was best achieved not by means of a resolution from one or two EP committees but through an ad hoc body on a much broader basis. In March 2022, therefore, the decision was taken to establish a Special Committee on the COVID-19 Pandemic: lessons learned and recommendations for the future. The resolution establishing the Special Committee already contained a distinct legitimacy dimension, most explicitly in terms of throughput legitimacy: it called the Special Committee to reflect on

> *"democratic oversight of the pandemic response, including the inclusion of the European Parliament and parliaments in the Member States in decision-making and transparency".*

This section looks in more detail at the work of the Special Committee, and at some of its principal conclusions. A striking feature of the final voting in both committee and plenary was the degree of contestation that was involved. Instead of being the subject of a broad consensus within the EP, there was a considerable degree of opposition to its conclusions from both left and right and with the final vote receiving a smaller majority than would typically be the case.

The Special Committee had 38 members, was chaired by Kathleen Van Brempt (S&D, Belgium), and its rapporteur was Dolors Montserrat (EPP, Spain). After it was established, the Special Committee held 20 meetings between April 2022 and June 2023. It held a wide variety of hearings, including with relevant EU agencies, 8 European Commissioners and EU Health Ministers, pandemic specialists in Member States, vaccines and pharmaceutical manufacturers as well as representatives, of EU socio-economic organisations and of the Global South. Special workshops were held on subjects such as EU Crisis preparedness and response, Long Covid, and vaccines R & D. Members of the Committee also took

part in a series of site visits, including to the European Medicines Agency, a vaccines manufacturer, Lombardy and Veneto in Italy as well as to South Africa and Ethiopia.

The Committee's final report[34] proved to be highly controversial and over 3200 amendments were tabled. There were over two months of internal negotiations and MEPs from the different political families eventually managed to agree on a set of over 350 compromise amendments. The committee report was then adopted on Monday 12 June 2023, with a still divided final vote of 23 in favour, 13 against and 1 abstention.

The final resolution was adopted in the EP plenary on Wednesday 12 July 2023. Even by EP standards it was exceptionally long, consisting of 621 paragraphs. Again, there was not EP-wide consensus on the text, with 385 votes in favour, 193 against and 63 abstentions.

The main contents of the resolution

The adopted resolution and report sought to evaluate the effectiveness of EU and national measures and then put forward a series of recommendations to improve EU crisis management and preparedness for future health emergencies. Another key objective was for enhanced coordination and solidarity and for increased parliamentary oversight of any measures taken. In the words of the Special Committee chair, Kathleen Van Brempt,

> *"The report is more than just lessons learned. Let it be clear: it presents a clear road map to a more resilient and crisis resilient Europe".*[35]

This roadmap included repeated calls for more parliamentary oversight and involvement. The EP also promoted a higher degree of throughput legitimacy through more and better information of the citizens and of involved stakeholders, and generally more transparency and accountability of EU politics, including especially in EU responses to present and future crises.

The resolution covered four main sets of issues, health, democracy and fundamental rights, social and economic impacts, and the EU in the world. In the

[34] See Special Committee on the COVID-19 pandemic: lessons learned and recommendations for the future: 'Report on the COVID-19 pandemic: lessons learned and recommendations for the future', 26 June 2023 (https://www.europarl.europa.eu/doceo/document/A-9-2023-0217_EN.pdf [29.04.2024]).

[35] Press conference of 13 June 2023 by Kathleen van Brempt (chair) and Dolors Montserrat (rapporteur) on the COVI Special Committee's report on lessons learned and recommendations for the future following the COVID-19 pandemic (20230613-1400-SPECIAL-PRESSE).

field of health policy, the resolution called for investing more in healthcare in order to reduce healthcare disparities, strengthening national public health and enhancing cross-border health cooperation; introducing surveillance plans on emerging health threats; carrying out stress tests on national healthcare systems; increasing joint procurement activities; and improving the EU's strategic autonomy on key pharmaceutical medicines; with the ultimate aim of establishing a European Health Union. From a legitimacy perspective, this part of the resolution reflected predominantly the dimension of output legitimacy.

In the field of democracy and fundamental rights, the resolution recommended better crisis communication and more transparent decision-making processes, calling thus for enhanced input and throughput legitimacy particularly of the EU's crisis governance mechanisms. Parliament expressed its concern (in paragraph 364) that "during the pandemic, the executive branch had the upper hand in emergency decision-making, which undermined Parliament's prerogatives and ability to conduct political oversight". It regretted (in paragraph 355) that "Parliament had a very limited role during the pandemic, as decisions were left mostly to the executive branch" and further recalled "that the European Parliament and national parliaments need to exercise their core constitutional functions of legislation, oversight of the executive and representation of citizens regardless of the urgency". More broadly, the resolution emphasised the importance of strengthening citizens' support and trust for any measures taken, for example as regards the use of COVID-19 digital certificates, which had proved to be effective but whose application needed to be harmonized and where limitations of the civil rights of citizens needed to be avoided. The EP also emphasised once again that HERA, set up as a result of the COVID-19 crisis, and currently an integral part of the European Commission, should become an independent and sufficiently funded EU Agency, as this would increase the level of transparency and democratic scrutiny.

The resolution also examined the social and economic impacts of the pandemic, in particular the unprecedented job losses, in particular in the cultural and creative sector and for young people, women and workers in low-skilled positions, in the informal economy and in precarious employment. It went on to point out the importance of EU funding in helping firms stay in business and lowering the scale of unemployment. Sections of the resolution went on to examine the impacts of COVID-19 on the elderly and the particular crisis in care homes. As regards the impact on schools, the resolution recommended that they should remain open

wherever possible and while respecting the health and safety of students and of staffs. The resolution addressed thus – like many of the other EP resolutions discussed above – the particularly negative effects of the pandemic on vulnerable groups such as women, youth, and persons with disabilities. Following a similar input legitimacy logic as discussed for several cases above, the EP urged the other EU institutions as well as the member states to include the specific needs of these groups of persons within their pandemic-and crisis-related policy-making as a matter of standard practice, thus enhancing input legitimacy by involving vulnerable groups and other social stakeholders more frequently and extensively within policy-making processes.

A final key element of the resolution dealt with the implications for the EU in the world, and the need to step up solutions for global access to vaccines and to medicines, in view of the fact the pandemic had also increased global inequities in production, supply and access to life-saving medical products and health technologies. The resolution thus called for greater international investment and coordination, for constructive solutions on intellectual property protection, for greater cooperation between the EU and the WHO and improving the handling of future pandemics through the negotiation of a pandemic treaty.

Criticisms expressed by MEPs concerning the handling of the pandemic

The different criticisms expressed by MEPs with regard to the EU's handling of the pandemic fell into two categories. There were firstly those MEPs who supported the EP resolution but were critical of certain aspects of the EU's handling of the pandemic, and secondly those with more fundamental opposition, including many who voted against or abstained on the final resolution.

The resolution itself contained a number of critical paragraphs. These addressed, for example, the lack of solidarity and of a common European approach to tackle the pandemic early on, and to ensure the free movement of essential goods and medical equipment; and also exacerbated structural weaknesses of national healthcare systems, including workforce shortages and underfunding. The resolution was also critical of the lack of preconditions attached to public investments in COVID-19 vaccines, and of the spreading and dire consequences of disinformation.

Some of the criticisms expressed in the resolution have a distinct output legitimacy focus. The repeated calls for extended EU competences in the area of health were embedded in discussions of the EU's insufficient ability to react

swiftly and efficiently to the COVID-19 pandemic, as compared to what might have been possible in a European Health Union. The resolution also contained more and clearer warnings than the bulk of the EP's earlier COVID-related resolutions concerning risks to democratic principles, the rule of law and social cohesion in the EU. In a similar vein, it deplored inadequate levels of democratic legitimacy in EU policy-making and crisis management.

These general criticisms were supported by a majority within the Parliament, with the two largest groups (the EPP and the Socialists and Democrats) being mainly in favour, as was the Renew Group. Opposition to the report, however, came from within both the groups on the right and far right (ECR, ID Group and many non-attached members) and from the left (Green and Left groups).

These groups' criticism pointed at issues of lacking output and throughput legitimacy. Namely, some arguments on the right and far right included a lack of transparency; unnecessary restrictions of citizens' fundamental rights, e.g. regarding the movement of persons and their day-to-day actions; the dangers of globalism, sovereignty concerns (COVID-19 as an excuse to create EU health competences, etc.); and more specific matters, such as the evils of secret contracts with Pfizer.[36] Some of these concerns were also shared on the left, but their emphasis was often on other issues, including the lack of access to medicines in developing countries as well as the protection of pharmaceutical company profits to the detriment of public health.[37]

Conclusions: Success, but at what cost?

The COVID-19 pandemic confronted the EP with a unique crisis, particularly in view of its great size, geographical dispersion and multilingual nature. Indeed, these made the EP arguably the most affected of all EU institutions by the COVID-19 crisis. The EP sought to overcome the problems posed by the pandemic as much as possible, in order to carry out its legislative obligations, to ensure that it had a say on the EU decisions that were taken but perhaps most of all to meet its democratic responsibilities and to demonstrate that democracy could not go into abeyance. In doing this, through continuing to meet, ensuring

[36] See e.g. speeches during the plenary debate on 11 July 2024 and subsequent explanatory statements by Cristian Terhes (ECR), Virginie Joron (ID) and Robert Roos (ECR) after the vote on 12 July 2024.
[37] See e.g. speeches/explanatory statements by Clare Daly (Left Group) and Mikulas Peksa (Greens).

remote participation by MEPs and by staff and by adopting its own rules of procedure, the EP showed that it was adaptable and flexible in ensuring a high degree of business continuity during the pandemic, and thereby to provide democratic legitimacy to the EU's pandemic response.

In spite of these undoubted successes, there were also significant costs for the EP, including a shift in the institutional balance to the Commission and to the Council and European Council, and a degree of internal power shifts within the EP (in favour of the EP leadership as against backbenchers and MEPs at centres as against those living in more peripheral areas of the Union). Parliament's normal working methods were also undercut by a reduction in the informal meetings and networks that are of such importance within the EP. All of these shifts came at the cost of throughput legitimacy, despite the gains in input (through parliamentary involvement, as representative of the citizens) and output legitimacy (through enhanced EU policy output based on the incorporation of EP expertise). The EP's attempts to stay in the game thus resembled to some extent previous instances of crisis governance, in that Parliament faced the challenge of power shifts towards executive actors, with input and throughput legitimacy being considered less immediately important than output legitimacy in the form of efficient solutions to the crisis at hand. At the same time, as this article discusses, the EP managed to uphold its parliamentary role and functions despite its exacerbated circumstances of size, spread and multilingualism of its members and staff, plus the manifold internal levels and bodies of parliamentary work. Through its swift and – under these circumstances – efficient adaptation to the COVID-19 crisis, the EP contributed to the manifestation of an EU crisis governance mode that includes parliamentary involvement as a standard feature.

Indeed, some longer-term consequences of Parliament's involvement in the EU's handling of the COVID-19 crisis are already clear. Among them are the need for greater EU pandemic preparedness and a reinforcement of EU strategic autonomy, and the discussion of mechanisms ensuring both efficient responsiveness and democratic legitimacy even in 'fast-burning' crisis phases. However, further reflection and, eventually, formalisation is required on questions of what this might mean in practice, and where parliamentary crises routines applied so far might produce questionable outcomes, such as unjustified protectionism, or the further marginalisation of backbenchers and the (even if temporary) cutback on opportunities of networking and informal exchanges that are so crucial for the EP's ability to properly fulfil its parliamentary and

democratic functions. The EP will need to ensure an own clear stance on these functions and their fulfilment in times of crisis, or else it may struggle in future crises to assert its own role and necessity in ensuring the democratic legitimacy of EU crisis governance.

References

Berti, Carlo & Carlo Ruzza (2022): 'Populism, Science and COVID-19 as a Political Opportunity: The Case of the European Parliament', in Hande Eslen-Ziya & Alberta Giorgi (eds.): Populism and Science in Europe, Palgrave Macmillan, 91-115.

Braghiroli, Stefano (2022): 'The European Parliament put to the test by COVID-19: voting dynamics and coalition patterns of the EP's first response to the global pandemic', Journal of Contemporary European Studies, 30:4, 682-705.

Díaz Crego, María (2022): 'Online Parliaments?: The Impact of Hybrid Working Methods in Legislatures' Performance through the Lens of the European Parliament', *International Journal of Parliamentary Studies*, *2*(2), 304-321.

Crum, Ben & Stefano Merlo (2020) 'Democratic legitimacy in the post-crisis EMU', *Journal of European Integration*, 42:3, 399-413.

Elomäki, Anna & Johanna Kantola (2023): 'Feminist Governance in the European Parliament: The Political Struggle over the Inclusion of Gender in the EU's COVID-19 Response', *Politics & Gender*, 19:2, 327-348.

Gianna, Ermela (2023): 'Fight or flight? Explaining the role of the European Parliament in the establishment of the Recovery and Resilience Facility', *Journal of European Public Policy*, 1-32 (DOI: https://doi.org/10.1080/13501763.2023.2291129).

Lodge, J. (1998). The European Parliament. In S. S. Andersen & K. A. Eliassen (Eds.), The European Union: How democratic is it? (pp. 187–214). Sage.

Ripoll Servent, Ariadna (2019) Failing under the 'shadow of hierarchy': explaining the role of the European Parliament in the EU's 'asylum crisis', Journal of European Integration, 41:3, 293-310.

Ripoll Servent, Ariadna & Alfredo De Feo (2022): 'The European Parliament Under COVID-19: Institutional Adaptation in Times of Pandemics', in Olivier Costa & Steven Van Hecke (eds.): The EU Political System After the 2019 European Elections, Palgrave Macmillan, 285-305.

Roos, Mechthild (2021): The Parliamentary Roots of European Social Policy: Turning Talk into Power. Abingdon: Palgrave Macmillan.

Schmidt, Vivien A. (2013): 'Democracy and Legitimacy in the European Union Revisited: Input, Output *and* 'Throughput'', Political Studies, 61: 2-22.

Schmidt, Vivien A. (2020): Europe's Crisis of Legitimacy. Governing by Rules and Ruling by Numbers in the Eurozone. Oxford: Oxford University Press.

Schmidt, Vivien A. (2022): 'European emergency politics and the question of legitimacy', Journal of European Public Policy, 29:6, 979-993.

Schmidt, Vivien A. & Matthew Wood (2019): 'Conceptualizing throughput legitimacy: Procedural mechanisms of accountability, transparency, inclusiveness and openness in EU governance', Public Administration, 97: 727-740.

von Ondarza, Nicolai (2020): 'The European Parliament's Involvement in the EU Response to the Corona Pandemic. A Spectator in Times of Crisis', SWP Comment, No. 45 October 2020.

Welle, Klaus (2020), The European Parliament in the time of coronavirus. Protecting Members and staff, ensuring business continuity and implementing practical solidarity, Fondation Robert Schumann (https://old.robert-schuman.eu//en/doc/ouvrages/EN_European_Parliament_2.pdf).

Annex 1: Table of EP resolutions related to the COVID-19 pandemic cited in this article

Date	Resolution	Weblink
26 March 2020	European Parliament legislative resolution of 26 March 2020 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1303/2013, Regulation (EU) No 1301/2013 and Regulation (EU) No 508/2014 as regards specific measures to mobilise investments in the health care systems of the Member States and in other sectors of their economies in response to the COVID-19 outbreak [Coronavirus Response Investment Initiative]	https://www.europarl.europa.eu/doceo/document/TA-9-2020-0042_EN.html
26 March 2020	European Parliament legislative resolution of 26 March 2020 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2012/2002 in order to provide financial assistance to Member States and countries negotiating their accession to the Union seriously affected by a major public health emergency	https://www.europarl.europa.eu/doceo/document/TA-9-2020-0043_EN.html

26 March 2020	European Parliament legislative resolution of 26 March 2020 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports	https://www.europarl.europa.eu/doceo/document/TA-9-2020-0041_EN.html
17 April 2020	European Parliament resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences	https://www.europarl.europa.eu/doceo/document/TA-9-2020-0054_EN.html
19 June 2020	European Parliament resolution of 19 June 2020 on the situation in the Schengen area following the COVID-19 outbreak	https://www.europarl.europa.eu/doceo/document/TA-9-2020-0175_EN.html
19 June 2020	European Parliament resolution of 19 June 2020 on European protection of cross-border and seasonal workers in the context of the COVID-19 crisis	https://www.europarl.europa.eu/doceo/document/TA-9-2020-0176_EN.html
8 July 2020	European Parliament legislative resolution of 8 July 2020 on the proposal for a Council regulation amending Regulation (EU) 2017/2454 as regards the dates of application due to the outbreak of the COVID-19 crisis	https://www.europarl.europa.eu/doceo/document/TA-9-2020-0181_EN.html
8 July 2020	European Parliament resolution of 8 July 2020 on the rights of persons with intellectual disabilities and their families in the COVID-19 crisis	https://www.europarl.europa.eu/doceo/document/TA-9-2020-0183_EN.html
10 July 2020	European Parliament resolution of 10 July 2020 on the EU's public health strategy post-COVID-19	https://www.europarl.europa.eu/doceo/document/TA-9-2020-0205_EN.html
17 September 2020	European Parliament resolution of 17 September 2020 on COVID-19: EU coordination of health assessments and risk classification, and the consequences for Schengen and the single market	https://www.europarl.europa.eu/doceo/document/TA-9-2020-0240_EN.html#ref_1_8
17 September 2020	European Parliament resolution of 17 September 2020 on the shortage of medicines – how to address an emerging problem	https://www.europarl.europa.eu/doceo/document/TA-9-2020-0228_EN.html
17 September 2020	European Parliament resolution of 17 September 2020 on the cultural recovery of Europe	https://www.europarl.europa.eu/doceo/document/TA-9-2020-0239_EN.html
22 October 2020	European Parliament resolution of 22 October 2020 on the future of European education in the context of COVID-19	https://www.europarl.europa.eu/doceo/document/TA-9-2020-0282_EN.html

13 November 2020	European Parliament resolution of 13 November 2020 on the impact of COVID-19 measures on democracy, the rule of law and fundamental rights	https://www.europarl.europa.eu/doceo/document/TA-9-2020-0307_EN.html
13 November 2020	Amendments adopted by the European Parliament on 13 November 2020 on the proposal for a regulation of the European Parliament and of the Council on the establishment of a Programme for the Union's action in the field of health – for the period 2021-2027 and repealing Regulation (EU) No 282/2014 ("EU4Health Programme")	https://www.europarl.europa.eu/doceo/document/TA-9-2020-0304_EN.html
24 November 2020	European Parliament resolution of 24 November 2020 on the Schengen system and measures taken during the COVID-19 crisis	https://www.europarl.europa.eu/doceo/document/TA-9-2020-0315_EN.html
25 November 2020	European Parliament resolution of 25 November 2020 on the foreign policy consequences of the COVID-19 outbreak	https://www.europarl.europa.eu/doceo/document/TA-9-2020-0322_EN.html
21 January 2021	European Parliament resolution of 21 January 2021 on the gender perspective in the COVID-19 crisis and post-crisis period	https://www.europarl.europa.eu/doceo/document/TA-9-2021-0024_EN.html
10 February 2021	European Parliament resolution of 10 February 2021 on the impact of COVID-19 on youth and on sport	https://www.europarl.europa.eu/doceo/document/TA-9-2021-0045_EN.html#ref_1_3
9 March 2021	European Parliament legislative resolution of 9 March 2021 on the proposal for a regulation of the European Parliament and of the Council on the establishment of a Programme for the Union's action in the field of health – for the period 2021-2027 and repealing Regulation (EU) No 282/2014 ("EU4Health Programme")	https://www.europarl.europa.eu/doceo/document/TA-9-2021-0069_EN.html
7 July 2021	European Parliament resolution of 7 July 2021 on the trade-related aspects and implications of COVID-19	https://www.europarl.europa.eu/doceo/document/TA-9-2021-0328_EN.html
21 October 2021	European Parliament resolution of 21 October 2021 on EU transparency in the development, purchase and distribution of COVID-19 vaccines	https://www.europarl.europa.eu/doceo/document/TA-9-2021-0435_EN.html

15 February 2022	European Parliament resolution of 15 February 2022 on the challenges for urban areas in the post-COVID-19 era	https://www.europarl.europa.eu/doceo/document/TA-9-2022-0022_EN.html
8 March 2022	European Parliament resolution of 8 March 2022 on cohesion policy as an instrument to reduce healthcare disparities and enhance cross-border health cooperation	https://www.europarl.europa.eu/doceo/document/TA-9-2022-0058_EN.html
10 March 2022	European Parliament decision of 10 March 2022 on setting up a special committee on 'COVID-19 pandemic: lessons learned and recommendations for the future, its responsibilities, numerical strength and term of office	https://www.europarl.europa.eu/doceo/document/TA-9-2022-0069_EN.html
13 September 2022	European Parliament resolution of 13 September 2022 on the impact of COVID-19 closures of educational, cultural, youth and sports activities on children and young people in the EU	https://www.europarl.europa.eu/doceo/document/TA-9-2022-0314_EN.html
12 July 2023	European Parliament resolution of 12 July 2023 on the COVID-19 pandemic: lessons learned and recommendations for the future	https://www.europarl.europa.eu/doceo/document/TA-9-2023-0282_EN.html