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The Role of European Agencies in Transboundary Crises: Perspectives in the Post COVID-19 Era¹

George Nastos²

Abstract

European Agencies (EAs) have a significant influence on policy-making and decision-making in key areas, whether we are talking about the daily lives of the citizens or about crisis management. The emergence of EAs was an institutional response to the need for policy coordination in the EU's system of governance. The last decade has created a new reality for the European Union, characterized by successive external transboundary crises. The increasingly urgent need for a European crisis response could signal a more active role for European agencies. During the global financial and public debt crisis, part of the EU's response was to set up three new European Agencies. The refugee crisis further strengthened existing agencies, such as EASO and FRONTEX. EU agencies are already playing an increasingly important role in shaping European policies as solutions to crises. Through the experience of the ongoing pandemic crisis of COVID-19, this policy brief seeks to highlight the importance of European Agencies in an effective European response to crises and to contribute to the discussion about the future role of EAs in transboundary crisis management.

Keywords: EU Agencies; transboundary crises; European governance.

Introduction

A crisis is characterized as a large-scale event that occurs unexpectedly, requires immediate action and threatens the fundamental values of a society (Larsson et al, 2009). A key feature of crises is that they cannot be dealt with using standard practices and existing resources. They require urgent action by the authorities in conditions of deep uncertainty (Donaldson, 1991). Crisis management refers to the preparation of, response to and recovery from extreme events. It can be further analysed in specific phases and activities, including threat assessment, prevention, mitigation, and recovery (Widmalm, Parker & Persson, 2019)

Transboundary crises are defined as those threats that require urgent action and cross geographical, political, economic, social and legal boundaries (Ansell, Boin, & Keller, 2010). Transboundary crises involve higher numbers of participants, who tend to be more scattered and often with different agendas, while at the management level they create the need to adapt to an unprecedented partnership under conditions that are much more difficult to achieve (Ansell, Boin, & Keller, 2010). Crises require flexibility and adaptation to the particular circumstances they represent. These two key advantages are often limited by the political, administrative and statutory framework. In a fragmented

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institutional framework, conditions for effective crisis management at national level appear to be threatened by the roles played by national and regional governments (Parrado & Galli, 2021).

When discussing crisis management in the EU, the tendency is to focus on the key players and decision-making centers. This article seeks to highlight the role of European Agencies in managing transboundary crises in the EU and to contribute in the debate for a more active and effective role of EAs in crisis management. The first part provides a summary of the profile of EAs today. What EAs are, why they are created and what role they play in the European system of governance. Through the study of primary and secondary sources, the next part notes the main actions of the EAs in the pandemic crisis, any weaknesses that occurred and what new agencies were created. The last section summarizes the results and provides recommendations aiming to contribute in the further discussion about the role of EAs in crisis management, through the experience of the greatest health crisis in the history of the EU.

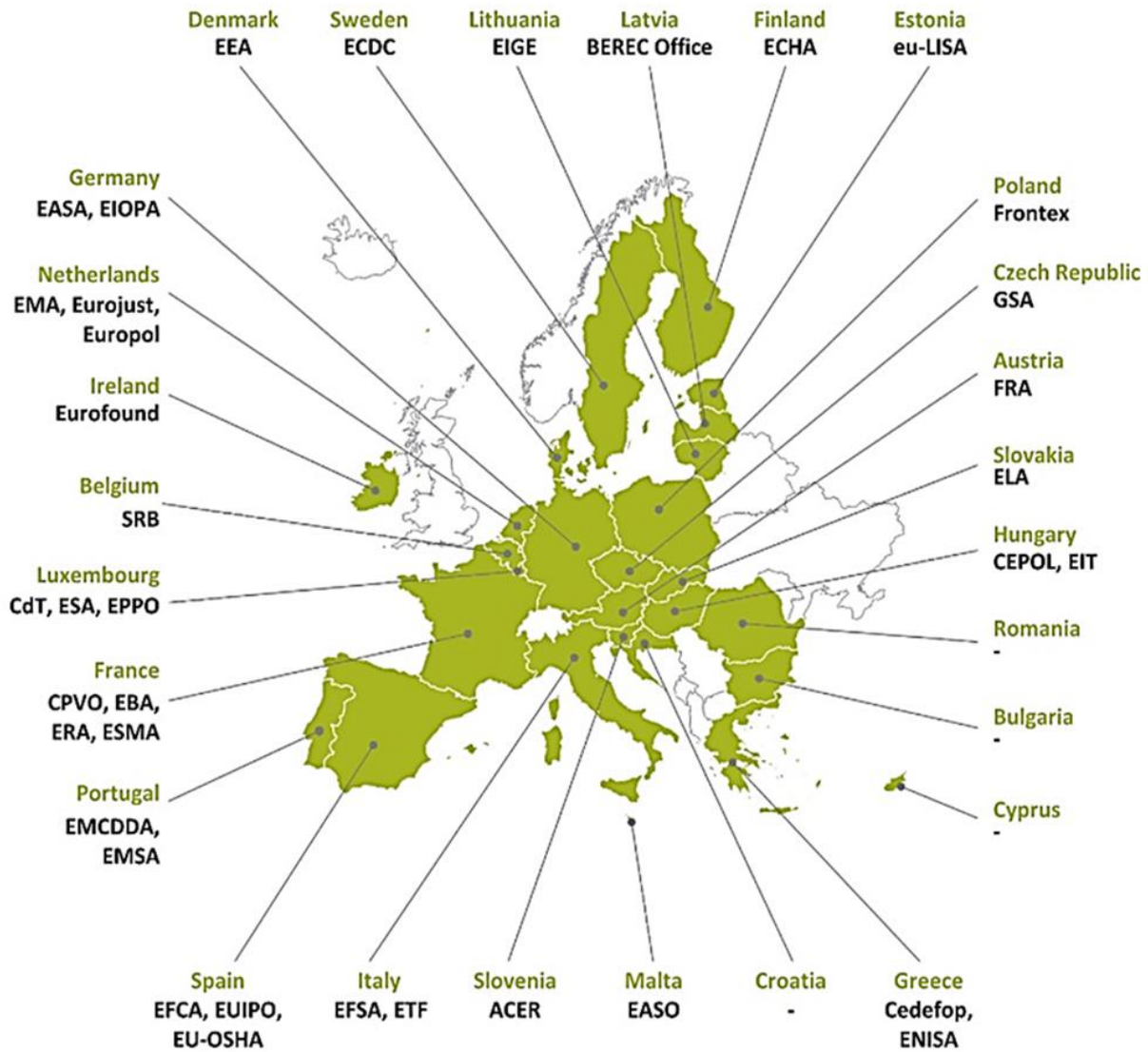
The European Agencies

EU agencies exist as "intermediaries" between the institutions of the EU and the Member States in the complex EU executive system (Everson & Vos, 2021). Most were set up as new bodies to take on responsibilities previously held by the Commission and/or the Member States. The reasons behind the creation of agencies are the highly technical nature of the tasks they are assigned to or the desire for efficiency. They are governed by a Management Board composed of representatives of both the Member States and the Commission. They contribute to the implementation of EU policies and support cooperation between the EU and national governments by pooling technical expertise (European Court of Auditors, 2020). The EU agencies operate within a framework of security mechanisms to ensure that the extension of the regulatory powers, caused by crisis situations, is discussed at the appropriate political level in a transparent manner (Pollak & Slominski, 2021).

The emergence, proliferation and institutionalization of EU agencies has been widely studied. Most studies on European Agencies concern their functioning, their contribution to the EU multi-level governance system, their role in decision-making, issues of legitimacy and accountability, whether and how they contribute to cooperation between Member States or whether they have gradually slipped out of the control of the Member States by exercising a de facto decision-making power. After the last major transboundary crises the EU faced, that is the financial and the migration crises, a relatively lesser until then field of study has emerged, concerning how a crisis situation affects EU agencies, what role EU agencies should play in crisis management and how they could contribute to

a more effective management of transboundary crises (Jordana & Triviño-Salazar, 2020; Pollak & Slominski, 2021).

Image 1: European Agencies (European Court of Auditors, Special Report 22/2020)



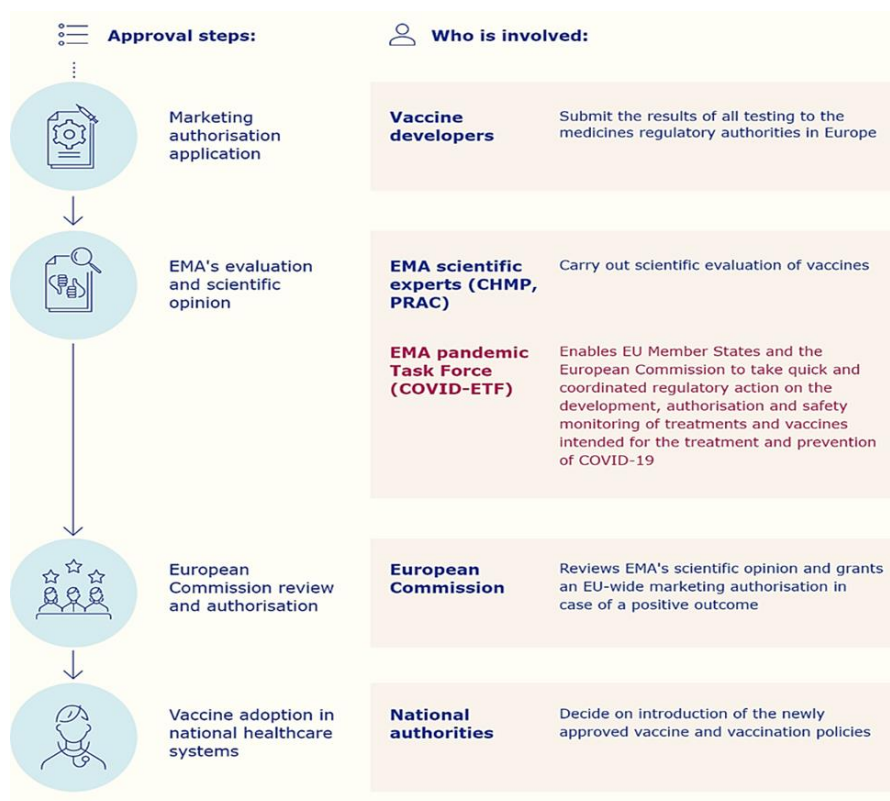
European Agencies during the COVID-19 pandemic

The COVID-19 pandemic, caused by the SARS-CoV-2 virus, has had an impact on most agencies in the European Union, which have directly or indirectly dealt with the crisis in various ways. Some EU agencies have been particularly active and important in supporting a functioning EU. The European Union Agency for Fundamental Rights (FRA) provides regular information on human and fundamental rights restrictions that have inevitably arisen from the efforts to control the dispersion

of the virus. The European Union Aviation Safety Agency (EASA) helps to ensure that aviation operations can continue as smoothly as possible while remaining safe for the public (Kaeding, 2020). Monitoring and publishing surveys regarding the impact of the pandemic in various policy areas, data collection and analysis, issuing guidelines, formulating and updating security protocols, playing a leading and decisive role in policy decisions, are some of the actions of almost all EU agencies. Two directly involved agencies in the COVID-19 pandemic crisis are the European Medicines Agency (EMA) and the European Centre for Disease Prevention and Control (ECDC).

The European Medicines Agency (EMA) plays an important role in enabling the development, scientific evaluation, approval and monitoring of COVID-19 vaccines in the European Union. EMA has set up task forces to address the scientific, regulatory and operational challenges posed by the COVID-19 pandemic. One of them, COVID-19 EMA pandemic Task Force (COVID-ETF), is to help the Member States and the European Commission to take quick and coordinated regulatory action on the development, authorization and safety monitoring of treatments and vaccines intended for the treatment and prevention of COVID-19 (European Medicines Agency, 2020).

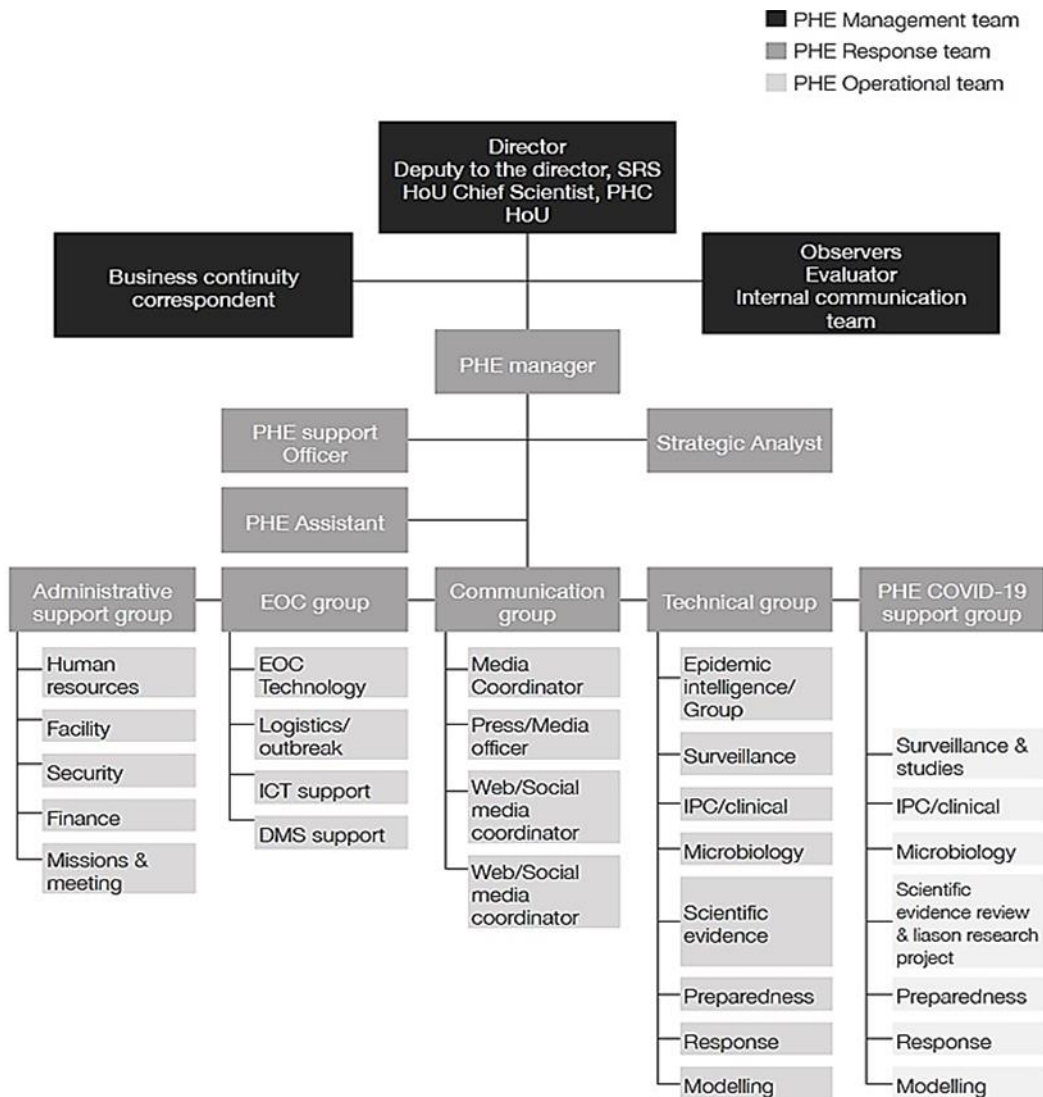
Image2: Evaluation and approval steps for COVID-19 vaccines (www.ema.europa.eu)



For the ECDC, the COVID-19 pandemic is the most serious public health crisis the agency had to respond since its establishment in 2004, when it was set up to support an effective European response to public health threats. ECDC's role includes the continuous publication of epidemiological data and monitoring results regarding the progression of the disease, its spread, hospitalizations, intensive care unit occupancy and other response measures in all Member States.

Also, it includes rapid risk assessments, scientific guidance to support decision-making issues related to effective pandemic treatment, the dissemination of disease information and treatment measures directly to physicians and the general public and responding to a wide range of specific requests from the European institutions and bodies, the Member States and other stakeholders (ECDC, 2020).

Image 3: ECDC’s Public Health Emergency (PHE) organization structure (ECDC, 2020)



Despite the active action of the EU agencies, many have criticized the effectiveness and contribution of some agencies to the crisis, especially during the first phase of the pandemic (Brooks & Geyer, 2020; Jordana & Salazar, 2020). Civil Protection Mechanism's (CPM) RescEU, upgraded from 2019, a system of a common stock of transport, medical equipment and hospitals, was not designed to meet a situation in which all Member States require the same resources at the same time. As Covid-19 unfolded, national governments were either already facing the pandemic or fearing that they would soon. The outcome, in many cases, was to keep strategic resources at home (Brooks & Geyer, 2020).

Also, there has been criticism of the slow procedures in the approval of COVID-19 vaccines, with vaccines receiving EMA's approval much later than both the United States and the United Kingdom. While the US and UK used quick approvals that limited the liability of providers when the vaccines were ready, EMA continued to slow down procedures. The rationale was that the procedures followed by EMA are "more appropriate" and "thorough" for the safety of the vaccines (Michalopoulos, 2020).

Although the ECDC's contribution is valued by many actors responsible for managing the pandemic crisis, there has been criticism of the organization's performance in the first phase of the pandemic in early 2020 (Jordana & Salazar, 2020). Criticism concerns the delayed assessment and response at the beginning of the pandemic and in the absence of a more precautionary approach on setting and guiding the agenda (ECDC, 2020).

As already mentioned, crises in the past have led to the creation of new agencies as additional tools for dealing with emergencies and preventing similar future crises. In April 2021 it was announced that a new executive agency would be set up to help Europe recover from the COVID-19 crisis (European Commission, 2021). The European Health and Digital Executive Agency (HaDEA) will implement the EU's COVID-19 recovery response programme. The newly established EU4Health, came into being on 26th March, making €5.1 billion available to strengthen the resilience of health systems and promote medical innovation and digital transformation. EU4Health is intended not only to fill any gaps revealed during the pandemic, but to ensure that the EU is prepared if faced with new health threats (Lovell, 2021).

As part of building a European Health Union, the European Commission has proposed, since November 2020, a new health security framework for future health challenges (European Commission, 2020). Based on lessons learnt from the coronavirus pandemic, the new framework will extend the role of EU agencies in the coordination of preparedness and response measures.

Conclusions and Recommendations

In the EU, there is no central agency for transboundary crisis management and, as Boldin & Boin (2017) argue, there is a gap between the rules written on paper and their practical use when it comes to EU crisis management. The immigration and economic crises have led to the expansion of the role of European agencies. The extent to which the EU decides to manage a crisis by strengthening transnational tools and policies has an impact on its agencies. The nature of transboundary crises makes the elements of coordination and information perhaps the most crucial part of successful crisis management. This indicates the important role of the European Agencies, as by their nature they are specialized bodies that become coordination nodes, harmonizing rules and providing reliable information in specific policy areas.

The pandemic will inevitably lead to an upgrade of the role of some European Agencies. As very accurately noted by Brooks & Geyer (2020), it seems likely that the Commission will seek to reiterate its "traditional" response to public health crises: the creation and strengthening of technocratic organizations, and to carefully lay the groundwork for a possible expansion of its spheres of activity, while avoiding a formal treaties change.

Trying to build a perfect central agency that would deal with transboundary crises, does not necessarily mean more effective crisis management. According to Boin and Hart (2010), the crucial issue is not formal structures, but the quality of communication and coordination within the agencies of different countries. Multiplying agencies, often with overlapping tasks, might make it more difficult to respond to transboundary crises, which by their nature require high levels of coordination, and to which the time factor is the catalyst for the successful management of a crisis. So the answer to crisis management is not more agencies. It is more detailed and better prioritization of initiatives, conceptualization of the problem, formulation of goals and the various alternatives to achieving them. When it is necessary for these objectives to be achieved through an existing or a new agency, the EU and the member states should provide those agencies with the necessary resources, autonomy, responsibilities for the fulfillment of their mission as well as control and accountability for their effectiveness.

In other words, the issue is not to increase the number of European Agencies in order to deal effectively with crises, but to upgrade the framework of their creation, resources, operation and evaluation. The latest European Court of Auditors Special Report on EU agencies (2020) suggests the need for reorganization, even reduction of agencies where there is coherence and overlap in the same policy area. The existence or creation of an agency should be on the basis of necessity with

clear responsibilities, mission and evaluation of achievement of objectives. In other words, the evaluation should focus not only on the activities of the organizations but also on their significant contribution to the implementation of the respective policy.

Monitoring and information about the contribution of European Agencies in politics and cooperation in the EU is limited. So, there is also a need for better information and discussion in the public sphere about the actions, the role and the performance (negative or positive) of EU agencies, as they may be pioneers in resolving crisis situations or long-term social challenges.

Finally, especially in transboundary crises, there is a need for closer operational links between the agencies' action groups and the Member States. As Jordana & Triviño-Salazar (2020) point out, when key EU policy makers agree on a common response that has fewer political costs than disagreement, only then can European Agencies, such as the ECDC, play a more active role. Transboundary crises of the last decade present an opportunity to open the discussion about a new, more effective and rational framework regarding the creation, the function and the role of European Agencies.

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