



Rahel M. Schomaker/Marko Hack/Ann-Katrin Mandry

National Pacemaking and Informal Arenas
– the EU’s Reaction in the First Wave
of the Covid-19 Pandemic



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Discussion Papers

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**FÖV 90
Discussion Papers**

Deutsches Forschungsinstitut für öffentliche Verwaltung

2021

Gefördert durch die Bundesrepublik Deutschland

Nicht im Buchhandel erhältlich

Schutzgebühr: € 5,-

Bezug: Deutsches Forschungsinstitut
für öffentliche Verwaltung Speyer
Postfach 14 09
67324 Speyer

<http://www.foev-speyer.de>

ISSN 1868-971X (Print)

ISSN 1868-9728 (Internet)

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Abstract

The outbreak of the Covid-19 pandemic in early 2020 and its consequences constitute a veritable capacity test for the European Union, challenging not only the single Member States, but also the European Union's ability to provide policy responses that address pandemic control as a union-wide "public good" in different dimensions related to inter alia public health, but also the freedom of movement or the single market.

Against this backdrop, this article attempts to take stock of the Union's early reactions to the first wave of the Covid-19 outbreak. After a brief introduction, we reflect on crisis management theories, power distribution in the EU, and the EU's institutionalised crisis reaction capacity. Subsequently, crisis reaction in selected policy areas in the European Union is analysed, before we finish with a concluding section. We find some evidence for the pacemaking function of the Franco-German tandem in the form of informal, decentralised action, as well as for a relative weak performance of institutionalised crisis management mechanisms on the EU level, but instead a centralisation towards the centre in the form of the European Commission.

Keywords: Covid-19, crisis reaction, European Union, informal arenas, Franco-German partnership

1. Introduction – the Puzzle

„Dann kamen die internationale Finanzkrise, die Euro-Turbulenzen und die Flüchtlingsfrage – angespannte Zeiten gab es also immer. Und immer wieder stellte sich heraus, dass Europa noch nicht ausreichend krisenresistent ist“ (Bundesregierung [BReg], 2020c).

The Covid-19 pandemic challenges not only the health systems and other policy sub-systems in the single Member States (MS), but also the European Union's (EU) ability to provide policy responses that address the nature of pandemic control as a union-wide “public good” affecting health and social policies, border control and security as well as topics related to the single market. Despite there are special crisis reaction mechanisms on the EU level, they were not fully exhausted. In many cases it was one or more of the single Member States that took action first, not the EU institutions even in policy areas where this would have been possible. Trends towards a centralisation of decision-making as well as the contrary, more decentralisation, can be observed when it comes to immediate crisis reaction in the different sectors, and formal as well as informal mechanisms and arenas are used.

Thus, in particular against the backdrop of the BREXIT and increasing populism in many countries, the pandemic constitutes a veritable capacity test for the EU integration project, as the management of the current crisis represents an example for EU policy making related to transboundary threats between supranationalism and intergovernmentalism, centralisation and decentralisation, and unveils power distribution amongst the Member States (*Matthijs, 2020*).

This article attempts to take stock of the Union's early reaction to the first wave of the Covid-19 outbreak. After a brief introduction, we reflect on crisis management theories, power distribution in the EU, and the EU's institutionalised crisis reaction capacity. Subsequently, crisis reaction in selected policy areas in the European Union is analysed, before we finish with a concluding section.

Arguably, our analysis can scrutinise an extract of the overall crisis reaction only, but by defining the time frame of observation, dimensions of change and the relevant actors involved, we assume that the approach chosen is suitable for this analysis (*Hay, 1999; Streeck/Thelen, 2005*). We cover the first six months of 2020, tracking developments from the very first proven infections in the EU until the far-reaching exit

from the lockdown in most MS by the end of June/mid-July 2020, analysing developments on the EU level (in particular actions of the European Commission, the European Council and specialised crisis management agencies), as well as decentralised initiatives by the Member States, in particular France and Germany, that aim to fight or contain the Covid-19 pandemic on the EU level. Selected fields that cover the different dimensions of the crisis – the threat (the virus) itself well as the related “politics” (fears and anxieties), as the “crisis” comprises the health threat per se as well as undesirable socio-economic consequences and potential negative long-term effects on the EU integration project as a whole – are focused on in the remainder of this article. Our empirical reconstructions – based on semi-structured interviews with EU officials in October and November 2020 as well as document analysis – appeal more to elucidate, rather than to substantiate our theoretical considerations in detail.

2. Power and Crisis Reaction in the European Multi-Level System

Crises shatter existing frameworks and powers, and so does the current pandemic with its various sub-crises. The effects of the single sub-crises cascade in complex ways through different policy sectors across MS and the EU institutions. In particular in a multi-level system, this situation “can easily create an authority vacuum since it is not clear who ‘owns’ the crisis and who must deal with it. This authority vacuum allows familiar tensions to play up and feed off each other: nation states versus international organizations; central authorities versus local first responders; public organizations versus private interests; state concerns versus citizen fears” (*Boin et al.*, 2013, p. 9).

In this sense, the COVID-19 pandemic is a multi-faceted crisis, thus the stakes are exceptionally high, and so is the regime threat. Consequentially, the question emerges which crisis reaction modes take place in a multi-level governance system in which “political arenas are interconnected rather than nested” (*Hooghe/Marks*, 2001a, p. 4).

Traditionally, centralisation has been discussed as the “classic” response to crisis situations (*t Hart et al.*, 1993), implying an “upward shift” in power and authority of decision making (*Boin et al.*, 2017, p. 49), and reducing complexity as “centralized crisis decisions are

taken by small groups of political and administrative elites” (*Drennan et al.*, 2015, p. 164; also *'t Hart et al.*, 1993, p. 21). Speed and efficiency of decision-making in small elite groups, but also the implicit system of checks and balances between individual views, access to expert information and – usually – a high legitimacy of decisions can be named as the key advantages of centralisation, in particular when pre-installed forums are used, while it also implies weaknesses due to exclusion of relevant stakeholders and resulting biases as well as bottlenecks and delays in the case of overburdening selected institutions or individuals (*Drennan et al.*, 2015, pp. 164–165). Thus, alternative crisis reaction modes can emerge, with formal or informal decentralisation being discussed as a common option in particular in “highly dynamic and technically complex crises (*Boin et al.*, 2017, p. 60; also *'t Hart et al.*, 1993). While “decentralization can be an ad-hoc response” in some cases, it is “typically undertaken on the basis of prior contingency planning rather than a situational usurping of higher-level powers. The core advantage of decentralization is that it allows for ‘local’ responses that need urgent decisions which cannot wait for approval further up the chain of command. ‘Local’ has various meanings. It can be municipal level but also state, region, or province level” (*Drennan et al.*, 2015, p. 165). While centralisation is often linked to explicitly strategic decisions, (informal) decentralisation is mostly associated with more operational action, but power shifts can be observed in both cases (*'t Hart et al.*, 1993).¹

The European Union not only in the times of crisis is meandering between centralisation and decentralisation, between supranationalism and intergouvernementalism. A closer examination of the past decades shows contradictory developments when it comes to the power of Member States (*Matthijs*, 2020). On the one hand, the supranational level has certainly gained in importance, for example in the course of the economic and financial crisis (*Bauer/Becker*, 2014). On the other hand, the importance of national governments – or more generally, the role of Member States and intergovernmentalism, in particular in the

¹ While there may be a general difficulty to operationalise the concepts of “influence” and “power” – in particular in the context of informal activities in the policy cycle – we understand both terms as control over (political) outcomes (*Dür/Bièvre*, 2007). Thus, actors can be judged as being powerful if they can influence outcomes in a way that brings them closer to their optimum points.

sense of an increasingly widespread deliberative transgovernmentalism – cannot be neglected (*Bauer/Becker, 2014; Tömmel, 2017*). Often it is still the national state to exert effective, but asymmetrically distributed influence. Particularly worth mentioning is the informal moment of this influence and distribution: “However, the rising inequality between the EU states does not only result from the changed weighting of votes in the Council. It can rather be attributed to the actual position of power of the individual Member State. Already after the expansion of the EU in 2004 and 2007, this had changed rather informally in favor of the big and old Member States“ (*Tömmel, 2017, p. 145*).

This implies to some extent more – informal – intergovernmental action with political leaders choosing to by-pass the Union’s framework. Thus, a general trend towards informal governance can clearly be observed in the EU, and has been amplified by crises, when “major crisis reforms were so politically sensitive that they had to be managed by the highest political level – meaning the Heads of State or Government (the Heads)” (*Smeets/Beach, 2020, p. 1137*). Overall, “over the past 25 years, the EU has evolved towards even greater reliance on informal institutions” (*Moravcsik, 2010; see also Christiansen/Neuhold, 2012; Reh et al., 2013*), in particular in the time of crisis informal arenas may fill a vacuum or gap, and provide additional flexibility. They arise and exist as substitutes as well as complements for formal arenas, thus offering coping strategies for dynamic environments by facilitating formality, rather making it more efficient, or circumventing it (see also *Christiansen/Piattoni, 2004; Kleine, 2010; Reh, 2014*).

In the past, it has often been the “tandem” or “couple” France and Germany, characterised by a strong partnership with parapublic underpinnings, which acted as an informal pacemaker and as the principal bilateral engine of European integration (*Guérot/Klau, 2012; Lüsebrink, 2011*). This strong influence can be explained by national characteristics (*Dür/Mateo, 2010*), but also their close cooperation after World War II – as stages of the Franco-German rapprochement, the foundation of the ECSC in 1952, the Treaty of Luxemburg in 1956, the Treaty of Rome in 1957 and finally, in 1963, the Élysée Treaty that represents the basis of the following Franco-German collaboration in the EU, can be named (*Lüsebrink, 2011*). The Franco-German cooperation is remarkably intensive and institutionalised, but while certainly the two countries have “a form of leadership in the (differentiated) European integration project”, there is also evidence of opposing perspectives in terms of formulation, decision-making and implementation (*Cole,*

2010, p. 156). In “most areas of EU politics, there is no such thing as a special Franco-German relationship, let alone a joint leadership role” (*Guérot/Klau*, 2012, p. 2), the absence of such “joint leadership role” in certain areas can be explained by divergent national preferences. Nonetheless, in particular in economic issues many initiatives emerged, even if the “two nations have distinctive economic policy traditions (German ordoliberalism, French dirigisme) that are opposed in key respects” (*Cole*, 2010, p. 161). Yet, from the creation of the European Monetary System (EMS) that was drafted by German Chancellor Schmidt and French President Giscard d’Estaing in order to tackle the change in currency exchange rates in 1971 to the adoption of the Single European Act that was mainly prepared by President Mitterrand and Chancellor Kohl and laid down the creation of a European Economic Union in 1985, consent between and joint impulses of France and Germany in the field of economic cooperation have played a dominant role.

Against this background, one may expect that much of this – joint – leadership aspiration comes to the fore in particular in the times of crisis in the form of an “ad hoc emergency government”. The “close co-operation and dominant role of Germany and France in eurozone crisis management” is one of the recent examples, when “frequent bilateral meetings between German Chancellor Angela Merkel and French President Nicolas Sarkozy before all important European summits, and the concomitant attempt to shape the European Union’s (EU) response to the crisis, earned them the label ‘Merkozy’” (*Schoeller*, 2018, p. 1019). These meetings not only displayed a strong informal moment in the Franco-German cooperation, but also the pacemaking function of the tandem. Also the BREXIT “has certainly sharpened French and German leaders’ perceptions of the challenges confronting the European project, its possible futures, and France’s and Germany’s common responsibility to prevent it from unravelling” (*Krotz/Schild*, 2018, p. 1189). Nonetheless, there is mixed evidence about a generalisability of the Franco-German pacemaking function (*Schoeller*, 2018; *Tömmel*, 2017). Indications for a decreasing influence are not only rooted in the internal dynamics between the two countries, but also in their role as a kind of spokespersons for “broader functional and spatial coalitions of interest throughout the EU. [...] These distinctive roles challenge the reality of a Franco-German axis at the heart of European integration. Empirical evidence casts doubt upon the Franco-German axis” (*Cole*, 2010, 163 et seq.). Bearing these limitations in mind, nonetheless, there is sound evidence for not only France and Germany being powerful actors in the

EU, but also the special role of the Franco-German partnership in the integration process (*Busse et al., 2020*).

Our analysis – focusing on questions related to centralisation and decentralisation in the course of the current pandemic, Franco-German action, and the nexus between the “tandem” and the EU level institutions, in particular those specialised on crisis reaction and the Commission – goes partly in line with observations from former crises and the idea of “New Institutional Leadership” in the sense that the political leaders of the EU Member State are involved in crisis management (acting as the “control room”), while the EU’s institutions deliver the substance of reforms (“machine room”) (*Smeets/Beach, 2020*). “In other words, while the EU heads of state or government would give the political impetus for reforms and generally act as the agenda setters, their close involvement then led to informally delegated authority to the EU’s institutions to manage the process of drafting and managing tasks” (*Matthijs, 2020, p. 1129*).

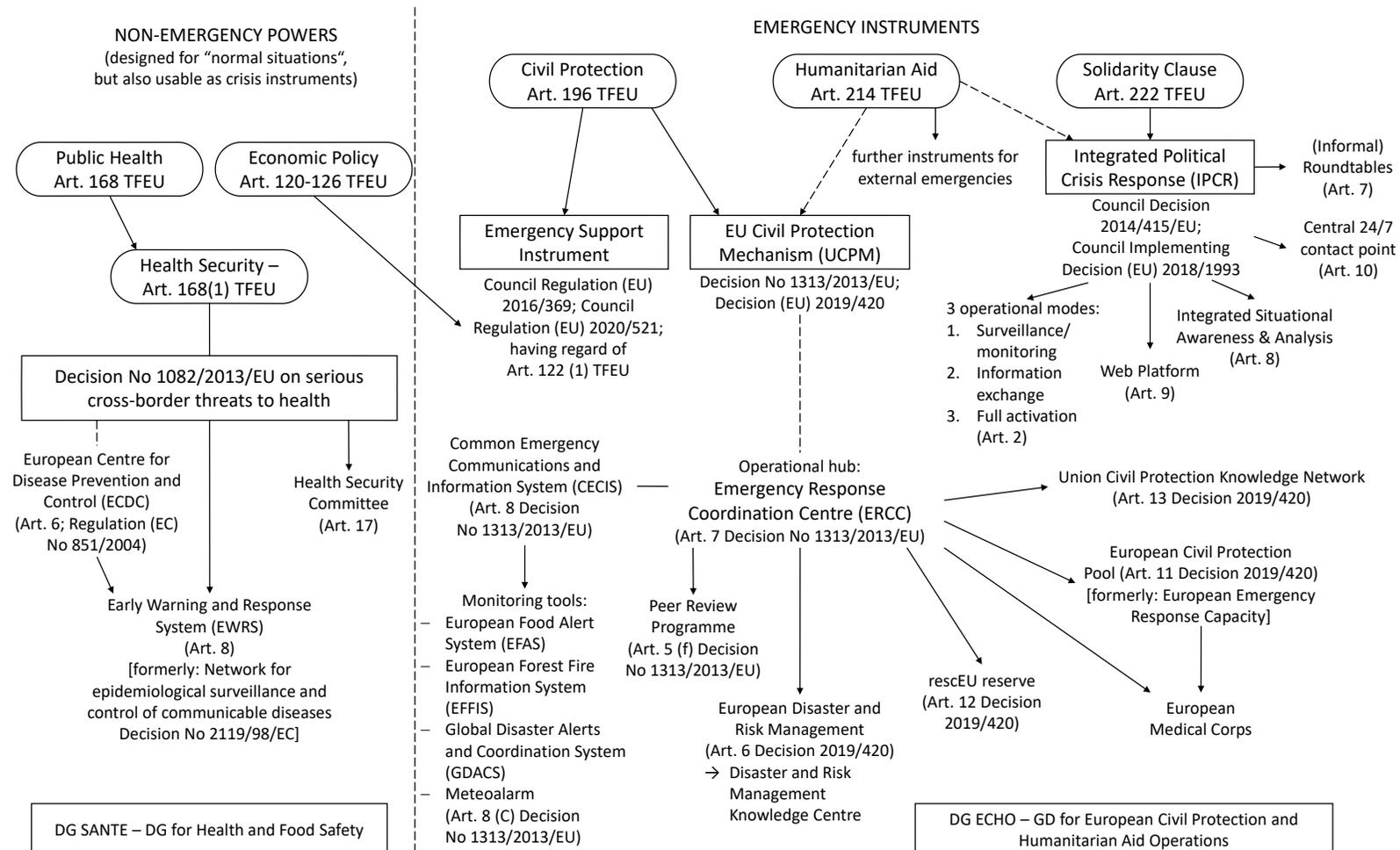
Indeed, the implicit assumption behind our analysis is that actors have a clear preference over outcomes. In the context of the Covid-19 pandemic, one may argue that the preferences of the different national actors as well as of those on the EU level are the same – to avoid an overload of the health system, and to protect lives. We argue that beyond this “first order outcome”, diverse preferences for “second order outcomes” or the procedural aspects may exist amongst the different actors. We assume that France and Germany use crisis management to reinforce their “second order preference”, and follow up with previous attempts towards a deeper integration, relying on their long-standing partnership; hypothesising that informal arenas are used for the uploading of policy impulses in this context as they provide sufficient space and speed to facilitate action, in the long run fostering the integration of initiatives and strengthening the EU quite in line with the idea of multi-level governance (*Busse et al., 2020; Hooghe/Marks, 2001a, 2001b; Płóciennik, 2020*).

3. Emergency and Crisis Management Capacities on the EU Level

Scrutinising the status quo, some crisis management capacity is institutionalised on the EU level, even if emergency management as well as health policy and public health is still very much dominated by national policies and under the control of the single MS, resulting in widely differing systems in terms of quality and coverage of services.

Nonetheless, a kind of “hesitant supranational turn” has become obvious in the last decade. Following one of the overall goals of the EU to “ultimately reduce health inequalities by addressing key health determinants, in response to cross-border health threats, e.g. pandemics, the EU has introduced special initiatives, such as the Joint Procurement of Vaccines against Influenza (H1N1) and Vaccination Strategies” (*Morris/Schneider, 2009, p. 4*). Furthermore, crisis and emergency management in a wider sense have become part of the EU’s agenda. While to some extent the whole project of European Integration can be judged as an “anti-crisis attempt”, cooperation, coordination and joint action related to crises of different kinds has partly been institutionalised. In a nutshell, the following instruments can be used by the EU level when it comes to severe health crises or emergency and disaster management (figure 1).

Figure 1: Instruments for Crisis Reaction



Source: Authors' compilation

First, non-emergency powers may be used as crisis instruments. Originally designed for “normality”, these instruments have been somewhat enlarged and can also be used as crisis instruments. This applies inter alia to economic policy and in particular public health – e.g. the Health Security Committee (HSC), the European Centre for Disease Prevention and Control (ECDC) and the Early Warning and Response System (EWRS) that is managed by the ECDC. However, in the broad field of public health, the EU’s competence is still limited. Overall, EU action “shall complement national policies” and “shall be directed towards improving public health”, “and monitoring, early warning of and combating serious cross-border threats to health” (Art. 168(1) TFEU). Insofar as no common safety concerns in the areas of Art. 168(4)(a)-(c) TFEU are affected, the EU only has a supporting, coordinating and complementary competence concerning healthcare under Art. 6(a) TFEU (*Lurger*, 2018, Rn. 53) as Art. 168(7) TFEU explicitly rules out any harmonisation of the Member States’ health systems (*Kingreen*, 2016, Rn. 1).

Second, specific emergency instruments exist, being designed to address transnational threats (*Renda et al.*, 2020; Decision No 1082/2013/EU). Most instruments are related to civil protection (Art. 196 TFEU). The Emergency Support Instrument backs MS to address crisis situations inside the EU, complementary to other EU and national instruments and programs, and “intends both to enhance existing EU programmes and instruments, and to complement ongoing efforts at national level” (Council Regulation (EU) 2016/369; Council Regulation (EU) 2020/521; European Commission [COM], 2020q). Aspects of financial support are in the focus of this instrument.

The EU Civil Protection Mechanism (UCPM; based on Decision (EU) 2019/420; Decision No 1313/2013/EU) comprises a variety of instruments and forums, inter alia the Emergency Response Coordination Centre (ERCC), the operational hub of the EU Civil Protection Mechanism (COM, 2020p). The main aims are as follows:

- I. “Civil protection cooperation and development of EU emergency response capacity”: Its “[a]round-the-clock presence” ensuring “real-time monitoring and immediate reaction”, the ERCC “manages a reserve of pre-committed assistance from EU Member States” and additional participating States, while “countries may commit resources on standby in a pool” (quality through certification process) (COM, 2020p).

- II. “Coordination platform for civil protection and humanitarian aid”: In its role as the operational hub of the UCPM, the centre shall improve “coordination between civil protection and humanitarian aid operations”, ensure the deployment of emergency experts and maintain “a direct link to civil protection and humanitarian aid authorities in EU Member States with real-time exchange of information” (COM, 2020p).
- III. “Enhancing crisis response coordination at European level”: The centre allows for “cooperation and coherence of EU action at an inter-institutional level, focusing on coordination mechanisms with the European External Action Service, the Council and EU Member States. It also acts as the central 24/7 contact point when the Solidarity Clause is invoked”, providing “emergency communications and monitoring tools through the Common Emergency Communication and Information System (CECIS), a web-based alert and notification application enabling real time exchange of information” (COM, 2020p).

Integrated into the Union Civil Protection Mechanism, the “rescEU reserve” aims to strengthen European preparedness for disasters, enlarging capacities “to respond to forest fires, medical emergencies or chemical, biological, radiological, and nuclear incidents” (COM, 2020w). The “European Medical Corps” is coordinated by the above described ERCC and comprises all medical response capacities committed by Member States to the “European Civil Protection Pool”, the concrete aim is to “prepare for, and respond to, health emergencies inside and outside the EU” (COM, 2020s).

Moreover, the “Peer Review Programme” provides a country or a region with the “opportunity to reflect on its readiness to cope with natural and man-made disasters and to identify ways of strengthening its broader prevention and preparedness system” (COM, 2020v). The “European Disaster and Risk Management” helps populations to better cope with disasters, and maps key risks, while additional “prevention and preparedness missions” can be carried out also in non-emergency contexts (COM, 2020r). The “Union Civil Protection Knowledge Network” aims to “bring together civil protection and disaster management experts and organisations, increase knowledge and its dissemination within the UCPM, and support the Union’s ability and capacity to deal with disasters” (COM, 2020y).

With regard to Third Countries, humanitarian aid (Art. 214 TFEU) can be used in the context of emergency action that takes place outside of the EU (COM, 2020t).

Furthermore, the solidarity clause (Art. 222 TFEU) enables joint action. Based on this, the Integrated Political Crisis Response (IPCR) arrangements provides an institutionalised mechanism for information exchange and coordinated action in cases of major cross-sectoral crises at the highest political level. The IPCR can be triggered either by the Council Presidency or “following the invocation of the solidarity clause by a member state” (European Council [EUCO]/Council of the European Union [Council], 2020b). Thus, the IPCR helps the Presidency of the Council to better coordinate the political response to crises; it coordinates EU institutions, Member States, and other specifically relevant actors. The IPCR can be used for emergencies both inside and outside the EU, its operation modes are

- I. Surveillance/“monitoring”: enabling an easy sharing of existing crisis reports
- II. “Information-sharing mode”: creation of analytical reports and the use of the web platform for a better preparation
- III. “Full activation mode”: “involving the preparation of proposals for EU action to be decided upon by the Council or European Council” (EUCO/Council, 2020b)

In addition to the instruments as presented, “in virtually every Commission DG, Council working group, or EU agency one can detect formal and informal capacities to bring member states together and make urgent yet deliberate decisions on crisis-related topics” (Boin et al., 2013, p. 130).

4. Fighting COVID-19 in the EU

Despite the “institutional preparedness” as delineated above, the EU still seems “to be surprised and confounded by new transboundary crises” (Boin et al., 2013, p. 105), in the pandemic, “national and EU political leaders found themselves overtaken by an emergency situation” (Alemanno, 2020, p. 308). Thus, an explicit and formal “European answer” was delayed or even lacking in many policy fields, while single

Member States took action, jointly or independently, often using informal arenas (Busse et al., 2020).

Analysing the interplay of action undertaken by France, Germany, and the institutions of the EU, in the current pandemic, a very ambivalent and fuzzy picture becomes visible. In general, “in all countries, the most important initiatives were taken only when the number of reported cases – and deaths – began to increase, and public awareness grew accordingly” (Bouckaert et al., 2020, p. 3). Nonetheless, timing and sequencing of measures differed significantly between the countries (Hale et al., 2020), “most European Union (EU) Member States have taken gradual, sparse and inconsistent steps” (Renda et al., 2020, p. 274), cooperated only partially with each other, and a clear “European answer” to the crisis was lacking in many policy fields, as to be drawn from the remainder of this chapter (Busse et al., 2020).

4.1 Public Health and Emergency Management

Being affected prominently, the case of public health and emergency management perfectly illustrates the ambivalent picture regarding leadership and institutionalisation of action. Monitoring of health risks and publication of information concerning COVID-19 started in France with the beginning of January 2020, Germany was a relative latecomer, starting action in public health almost one month later only (Bundesgesundheitsministerium [BMG], 2020).

On the EU level, the Early Warning and Response System (EWRS) was activated on January 9th, by the DG SANTE, and a first meeting of the Health Security Committee (Art. 17 Decision No 1082/2013/EU) took place in an informal way on January 17th (Europäische Kommission [KOM], 2020b), followed by further formal or informal meetings, e.g. an informal multinational meeting of health ministers from Italy, Germany, Austria, Slovenia, Switzerland, Croatia, and France with EU commissioner Stella Kyriakides took place by the end of February, followed by a public announcement (Ministère de l'Europe et des Affaires Étrangères/Représentation permanente auprès de l'Union Européenne, 2020). Nonetheless, the exchange of epidemiologic data was agreed on under the umbrella of a multilateral agreement (BMG, 2020), irrespective the existing mandate of the EWRS; also first return flights for MS nationals were organised on a national level or bilaterally by France and Germany, before it was formalised later on, when a co-

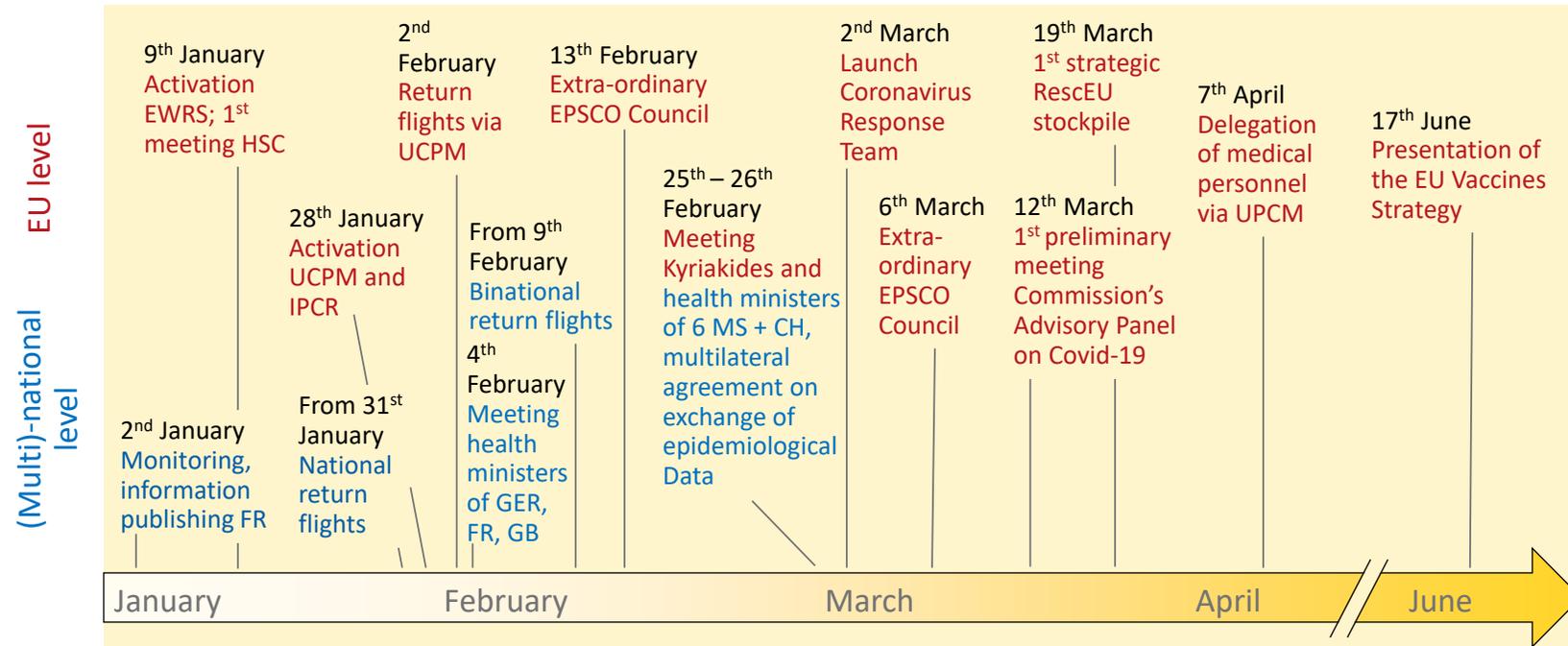
financing through the EU Civil Protection Mechanism was decided on (BMG, 2020; Gouvernement [Gouv.], 2020a). Nonetheless, some action was carried out under the UCPM, e.g. the delegation of medical personnel to Italy in April. In the following months, the Commission took more and more action in the area, e.g. announcing a European strategy to accelerate the development, production and provision of vaccines against COVID-19 by June 17th, but without using the full authority of the institutionalised anti-crisis measures.

Significant differences in timing and organisation can be observed with respect to the activation of formal risk management procedures: While in France a national, centralised strategy was applied from the very early stage in January, “in Germany, due to initially lacking legal provisions in this regard, declaration was only made by the federal parliament by the end of March” (*Bouckaert et al.*, 2020, p. 3). The federal structure and the lack of centralised risk management procedures in Germany explains for that, as crisis management task forces had to be established on the Federal level after the local and regional level took action in the very first days. On the European level, after the early activation of the EWRS, on January 28th, the Integrated Political Crisis Response Mechanism (IPCR) of the Council as well as the EU Civil Protection Mechanism (UCPM) was formally activated, the latter one following a French request (KOM, 2020b; Gouv., 2020a).

As for the health sector in the narrow sense, the EU’s limited action can be explained easily by the restricted legal competence in this field. Nonetheless, with the European Centre for Disease Prevention and Control, the Early Warning and Response System, the Health Security Committee, as well as the Civil Protection Mechanism, specific mechanisms related to public health and emergency management exist. “However, there is no evidence, that they were able to play a leading role. Next to the usual turf wars between the Commission President and the European Council President, there is clearly a lack of single command when member states disagree about issues that are not linked to clear EU competence” (*Bouckaert et al.*, 2020, p. 7). Overall, the crisis mechanism of the EU did not work as expected, there was little coordination from the EU level, “significant gaps remain on the implementation of the EU Decision on Serious Cross-border Threats to Health, and the EU framework remains highly limited by the need to respect the competences of EU Member States. The main coordinating agency – the ECDC – is also understaffed and under-budgeted” (*Renda et al.*, 2020,

p. 277). Thus, the “pandemic highlighted that coordination arrangements that rely primarily on incentives are too weak to allow for a rapid concerted response” (*Beaussier/Cabane*, 2020, p. 5), opening up space for informal action by the Member States and some centralisation in favour of the Commission and its President. To some extent it was France that acted as a pacemaker by introducing national measures and nudging the EU level institutions to become more active, but the Franco-German cooperation in public health and crisis management remained at a low level.

Figure 2: Timeline – Reactions in the Field of Public Health and Emergency Management



Source: Authors' compilation

4.2 Border Closures

Although the freedom of movement within the Schengen Area is meant to be a key pillar guaranteed by the EU, gradually all MS started to close their borders as the COVID-19 pandemic spreads in Europe. The basis of the Schengen Convention that regulated the gradual abolition of border controls seems to be temporarily suspended (Convention implementing the Schengen Agreement, 2000). However, the Schengen Borders Code allows the MS to reintroduce border controls temporarily as long as “a serious threat to public policy or internal security has been established” (COM, 2020x).

Already by the 10th of March 2020, as many Member States such as Italy had been severely hit by the coronavirus pandemic, the members of the European Council in a video conference stressed the need for a close coordination with the European Commission and emphasised the importance of a joint European approach (EUCO/Council, 2020a).

Nevertheless, it was Austria as one of the first Member States that closed its shared land borders on the 11th of March with Italy, which struggled to control the coronavirus outbreak in its country. Only one day later, Hungary closed its land borders with Austria and Slovenia in order to slow down the spread of the virus (COM, 2020u). In the next day's Denmark sealed all land-, sea- and air borders, Czechia closed its air borders and all land borders with Germany and Austria, while Austria closed its frontier with Switzerland and Liechtenstein; Lithuania sealed off all internal borders and Poland closed its land borders with Czechia, Slovakia, Germany, Lithuania, its sea and air borders to fight the coronavirus pandemic (COM, 2020u; *Shotter*, 2020).

In order to stem the spread of the virus the European Commission invited on March the 16th the Heads of State or Government of the Schengen Member States to introduce a ban on non-European Union citizens from entering the EU for a period of 30 days (COM, 2020c). This decision was initiated by a previous (informal) phone call between the heads of the European Commission and Council, the German chancellor Angela Merkel and the French president Emmanuel Macron, who accused the MS of taking unilateral measures (Schengennisainfo news, 2020b).

On the same day, shortly after the Commission's proposal to introduce a temporary restriction on non-essential travel to the EU, Spain

announced to close its borders, so that only Spanish citizens and residents could enter the country via land borders (El País, 2020). Until this point in time, already nine EU states (Czech Republic, Cyprus, Denmark, Hungary, Latvia, Lithuania, Poland, Slovakia and Spain) fully sealed their borders to non-residents and non-nationals. Although Germany tried to resist border closing and maintain the Schengen agreement, it decided for a part-closure and sealed its land frontiers with Denmark, Luxembourg, France, Switzerland and Austria. On March the 26th the German authorities extended its part-closure and sealed all internal land and air borders with Austria, Switzerland, France, Luxembourg, Denmark, Italy and Spain as well as its sea border with Denmark (COM, 2020u; *Retzman*, 2020). Also, on March the 16th France announced to close its borders one day later to contain the coronavirus outbreak (*Meilhan*, 2020; BBC News, 2020).

The EU cancelled the celebration of the 25th anniversary of the Schengen Agreement's implementation, under which European Member States formally abolished border controls with one another on the 26th of March. Instead of celebrating the abolition of internal borders, a re-fortification of borders across Europe was recorded (Johansson, 2020; Schengenvisainfo news, 2020a). On requests made by the members of the European Council, inter alia, to facilitate transit arrangements for repatriated citizens, the Commission published a guidance document on the implementation of the temporary restriction on non-essential travel to the EU on 30th of March (COM, 2020b). Furthermore, on 8th of April the European Commission invited all Schengen Member States (including Bulgaria, Croatia, Cyprus, and Romania) and Schengen Associated States (Iceland, Liechtenstein, Norway, and Switzerland) and called for a prolonging of the temporary travel restriction until 15th May (COM, 2020i).

The free movement of people and goods across the borders of each country of the European Union, one of the core elements of the Schengen system, seems to be temporarily suspended. Although the EU already attempted to stress the importance of a commonly coordinated European approach to effectively respond to the COVID-19 outbreak at an early stage, all MS gradually took unilateral moves with regard to the reintroduction of border controls and travel restrictions. This time it was not the Franco-German tandem that acted as a pacemaker in regard to border closure. Nonetheless, it was an (informal) initiative of the German and French leaders that paved the way for the introduction of first measures at the European Level (travel ban for non-European citizens).

Figure 3: Timeline – Border Closures



Source: Authors' compilation

4.3 Digital Measures to Fight COVID-19

An example for a lack of coordination between the EU and the Member States, and diametrically opposed approaches of France and Germany is the field of digital measures in pandemic control, in particular the development of applications (“APPs”). While the digitalisation of the public sector and the industry has been on the agenda for a while, since the outbreak of COVID-19, increased support of the Commission for the European Member States to find digital solutions was announced, and general actions were taken, e.g. on March 20th, 2020, the European Commission called for a reduction of the pressure on the internet infrastructure; also a special reporting mechanism to monitor internet traffic in the single MS set up by the Commission and the Body of European Regulators of Electronic Communications (BEREC) was introduced, and consultations with European mobile phone operators on network resilience and the need to collect anonymised mobile metadata took place (COM, 2020g, 2020h, 2020n, 2020o).

Nonetheless, it was Austria that on March 25th introduced a first contact tracing app called “Stopp Corona” (*Hoppenstedt/Breithut*, 2020). Subsequently, not until April 8th, the European Commission took action, recommending steps and measures for the development of a common EU approach containing the use of mobile application and data (COM, 2020h). The proposed joint toolbox, focusing on a common coordinated approach for the use of tracing apps as well as for predicting and modelling the spread of COVID-19, was introduced one week later (eHealth Network, 2020c; COM, 2020g), and guidance on mobile applications in compliance with EU privacy and personal data protection legislation was published (COM, 2020d). Yet, only on May 13th, 2020, about two months after the first introduction of an app in the EU, the Commission published interoperability guidelines for approved contact tracing mobile applications in the EU so that citizens can be alerted even when they travel within the EU, supporting a gradual lifting of travel restrictions and restoring the freedom of movement within the EU (eHealth Network, 2020b; COM, 2020f). In contrast to most MS, where mobile tracing apps were designed in accordance to their national COVID-19 crisis management strategy, these guidelines set out minimum requirements for apps to be voluntary, temporary, transparent and based on Bluetooth technology that does not allow tracking user’s location (COM, 2020f).

Somewhat inconsistent with the Commission's decentralised approach, France on June 2nd introduced the "StopCovid" tracing app based on a centralised database, while other Member States as Italy stuck to a decentralised approach that stores the information on the respective device, not providing them to a centralised database or server (France 24, 2020). According to the operational instructions published by the French government, StopCovid is not a commonly used contact tracking app and it refuses the use of geolocalisation (Gouv., 2020b, p. 8). Thus, the French tracing app is incompatible to other systems across the EU (France 24, 2020), and is not fully in line with the EU recommendations that suggest "appropriate safeguards such as pseudonymisation, aggregation, encryption and decentralization" (COM, 2020a, p. 6).

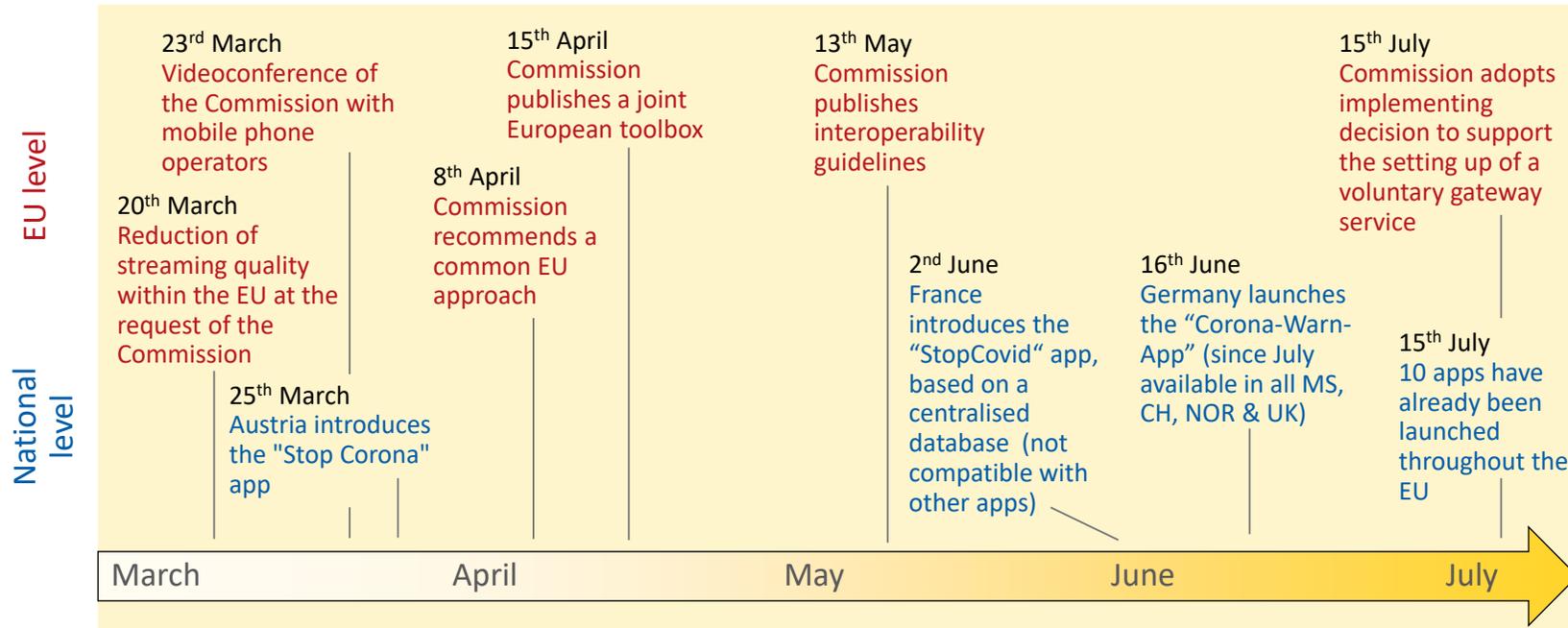
On June 16th, Member States agreed on a set of technical specifications to guarantee information exchange and interoperability between national contact tracing apps on a decentralised architecture, with the EU supplying a so-called "gateway service", an interface that supports an efficient transmission of relevant information between national contact tracing apps and servers (eHealth Network, 2020a; COM, 2020j). As a latecomer, at the same day, Germany launched the "Corona-Warn-App" following a decentralised approach that since July is available in all MS including Switzerland, Norway and the United Kingdom (Corona-Warn-App Open Source Project, 2020). Other countries like Slovenia and Croatia followed the German approach in July (Novak, 2020; Penić, 2020; Total Slovenia News, 2020).

Finally, on July 15th, in order to facilitate the interoperability of the apps, the Commission adopted an implementing decision to support the setting up of a voluntary gateway service. Consequently, citizens, who are travelling in the EU, will only need to install one app. At this point in time, 10 apps had already been launched throughout the EU (COM, 2020k).

As can be clearly drawn from this example, it was not the French-German tandem, but other Member States that acted as pacemakers, with the EU being – given the huge aspirations in terms of digitalisation – not able to fulfil its coordinating function in time, even if via the IPCR or the EWRS formal mechanisms would have existed. Centralisation in favour of the EU level institutions cannot be observed, but in the contrary, the existing legal framework and mechanisms obviously were not fully exploited: Contrary to the last activation of the IPCR mechanism during the "migration crisis" in 2015, in the pandemic an upgrade of

the IPCR mechanism to full mode happened much later. While in 2015 it took a little more than a week for an escalation of the IPCR arrangement from “information sharing mode” to “full activation”, 2020 it took more than one month (March 2nd 2020) (EUCO/Council, 2020b). An IPCR full activation allows for an identification of major gaps across different sectors in order to elaborate concrete EU response measures, also in the field of digitalisation, thus, by an early activation the Union could have been triggered to take more rapid decisions (EUCO & Council, 2020c).

Figure 4: Timeline – Digital Measures



Source: Authors' compilation

4.4 Fighting the Socio-Economic Consequences of COVID-19

In contrast, including short-termed as well as long-termed components, the mitigation of the socio-economic consequences of the pandemic imposingly reveals the interplay of the different actors, and the special role of the Franco-German tandem in the sense of an informal decentralisation.

Very early, before the full economic consequences of the pandemic were foreseeable – as the “lockdown”, the partial freezing of economic activities in most European countries, started only by mid-March – the EU level took action to shield the Union against the economic impact of the crisis. On March 10th, the first video conference of the members of the European Council took place, with the President of the European Commission, Ursula von der Leyen, the President of the European Central Bank, Christine Lagarde, the President of the Eurogroup, Mario Centeno, and the High Representative Josep Borrell also participating. Talking about tackling the socio-economic consequences of the crisis, there was consent to take action: “The Union and its member states, we stand ready to make use of all instruments that are necessary. In particular we will address any impact on liquidity, on support for SME's and specific affected sectors, and their employees. Flexible application of EU rules in particular as regard State aid and Stability and Growth Pact will be needed” (EUCO/Council, 2020a).

Consequently, the European Commission received a mandate to “further step up its response” to the COVID-19 pandemic on all fronts and “coordinate Member State actions” (COM, 2020e). Subsequently, von der Leyen declared that the Commission will, first, “make sure that state aid can flow to companies that need it” and, second, “make full use of the flexibility which exists in the Stability and Growth Pact”, and promised to clarify the rules for governmental action (COM, 2020e), also the “Coronavirus Response Investment Initiative” directed at the health care systems, SMEs, labour markets and other vulnerable parts of the economy was announced (KOM, 2020b; COM, 2020m; EUCO/Council, 2020e). Only France reacted earlier than the EU level, as the first meeting with economic actors in France took place on the 21st of February, but with the first supporting measures coming into force approximately at the same time as in Germany – in mid-March.

Immediately after the announcement, on March 13th, the Commission presented EU-wide coordinated measures to address the socio-economic consequences of the Covid-19 crisis, granted i.a. in the form

of state aid, flexibility of the EU fiscal framework, liquidity for the banking sector, and EU funds (KOM, 2020b; COM, 2020m). Subsequently, on March 16th, a teleconference of Council President Charles Michel, Commission President Ursula von der Leyen, French President Emmanuel Macron and German Federal Chancellor Angela Merkel took place, followed by a meeting of Michel with the Commission President, and the President of the European Central Bank afterwards (EUCO/Council, 2020g), as well as a meeting of the Eurogroup (EUCO/Council, 2020f). In the following weeks, additional initiatives emerged from the Commission and the Council. E.g., on March 19th the European Commission adopted a Temporary Framework to enable Member States to further support the economy in the COVID-19 outbreak, and on March 20th, it proposed the activation of the general escape clause of the Stability and Growth Pact (SGP) that, once endorsed by the Council allows “Member States to undertake measures to deal adequately with the crisis, while departing from the budgetary requirements that would normally apply under the European fiscal framework.” (European Commission 2020c).

While the initial action was taken by the EU-level – jointly by the different institutions –, the inclusion on the French president and the German chancellor in this very first phase indicates for the strong position of the two countries, but also their joint aspiration for leadership in the times of crisis. This picture becomes even clearer analysing the following months that were characterised by alternating bilateral Franco-German and EU level initiatives, and a strong influence of the Franco-German tandem on the EU level activity.

While on April 2nd the Commission proposed to set up a €100 billion solidarity instrument to “help workers keep their incomes and help businesses stay afloat” (Initiative “SURE”) and suggested to redirect all available structural funds to tackle the pandemic with the most deprived receiving special support (COM, 2020i), on the same day, Olaf Scholz and Bruno Le Maire proposed concrete steps to provide financial security in times of the pandemic that were planned to be agreed upon during the next video conference of the Eurogroup. This comprehensive proposal included the use of extended ESM credit lines under favourable conditions for the recipient countries, and the creation of a pan-European credit guarantee fund (hedging credits to SME) with the European Investment Bank acting as a guarantor, possibly with additional guarantees from a part of the Member States and the EU budget, and supported the SURE-program. In the context of this joint proposal, Le Maire

underlined the excellent quality of the Franco-German cooperation, emphasising that the Franco-German attempts are related to the close link between the economies of the two countries (*Sandberg, 2020*). Shortly later Scholz pointed that "in this hard time, Europe has to stand united. Thus, together with Bruno Le Maire I invoke all Euro-countries not to refuse a solution of the complex financial issues, and to find a good compromise – for all citizens" [authors' translation] (*Kissler, 2020*). This statement, followed by a press conference on April 8th, after the meeting of the Ministers of Finance, where Scholz again pointed on the close Franco-German ties and positions in the crisis, clearly indicated for the close cooperation that at least partially went through informal cooperation (Bundesministerium der Finanzen [BMF], 2020a; *Hanke/Berschens, 2020*; *Schubert et al., 2020*). Thus, the agreement of April 9th, comprising a first €500 billion package and inducing a discussion on a proposal for a temporary recovery fund, can at least partly be seen as a success of the Franco-German impulse (BMF, 2020b).

The same pattern can be observed in the case of the reconstruction plan for the EU. Initially, a "European Marshall Plan" was called for by Commission President von der Leyen on April 4th (KOM, 2020a). Severe conflicts of interest between the single MS about the concrete form of a recovery program emerged, becoming visible e.g. during the video conference of the Eurogroup on April 7th to 9th that comprised negotiations on further measures for a coordinated response, inter alia via the communitisation of debt (Eurobonds or "Coronabonds").

During the next months, the interaction between France and Germany became closer – with initial internal discords about the communalisation of debt being solved – and the interplay of the Franco-German tandem with the EU level intensified (*Schubert et al., 2020*). The official proposal for a "Joint Roadmap for Recovery" was prepared by Council President Michel and Commission President von der Leyen as a key instrument to support a lasting recovery, defining four key areas for action (Single Market, massive investment efforts, EU global action and better governance), and presented on April 21st (EUCO/Council, 2020d). Subsequently, against the backdrop of escalating controversies among the MS in particular about the financing of this rescue plan, the "Franco-German Initiative for the European Recovery from the Coronavirus Crisis" was issued following the video conference of German Chancellor Merkel and French President Macron on May 18th (*Płóciennik, 2020*). The initiative proposed action to be taken for economic recovery, but also for an adjusted governance in public health and emergency

management, in detail firstly, strategic sovereignty in the health sector by elaborating or developing an EU “Health Strategy”, secondly, setting up an ambitious economic “Recovery Fund” at the EU level to foster solidarity and growth, thirdly, the digital and green transformation, and lastly the strengthening of economic and industrial resilience and sovereignty, while giving new impulse to the Single Market. While the already endorsed assistance package was judged as “a first, remarkable step” by Chancellor Merkel, longer-term support for recovery was considered necessary: “[W]e need a reconstruction fund” [authors’ translation] (BReg, 2020d). From the very beginning, the initiative was presented as a joint project: “the Franco-German friendship requires such a signal” (BReg, 2020b), Merkel stated, „a programme of this sort would have to be approved unanimously by all 27 EU Member States. But if Germany and France provide an impetus, it can help build a consensus in Europe“ [authors’ translation] (BReg, 2020d).

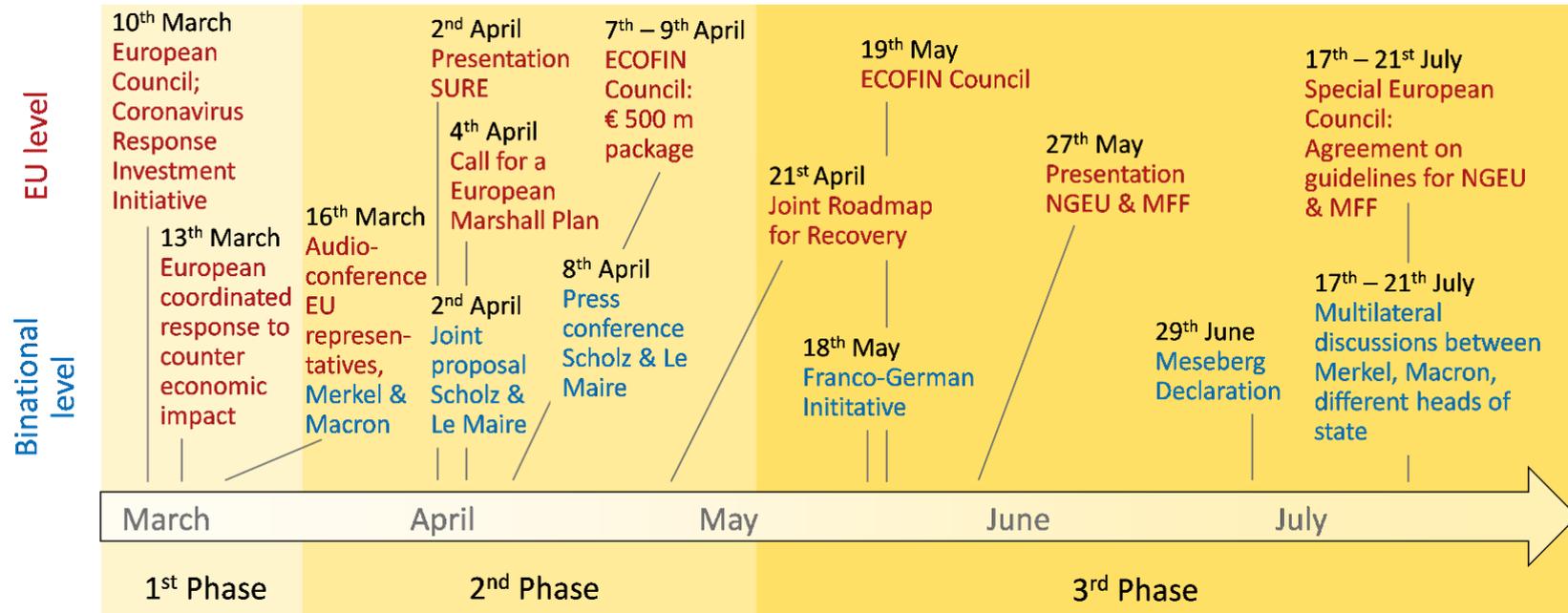
On the basis of the French-German initiative, the European Commission was asked to elaborate a proposal that can be approved by all 27 Member States (BReg, 2020d). The joint press conference of Scholz and Le Maire before the video conference of the ECOFIN on May 19th underpinned this leadership aspiration and the will for innovative action, when Le Maire commented: “It’s the first time that Germany and France stand together to have a funding through debt of new investments for European countries”; during the conference, Le Maire underlined again the intensive collaboration of the two ministers in the previous weeks (BMF, 2020b). Based on this initiative, on May 27th, the European Commission presented its proposal both for a recovery fund “Next Generation EU”, and the EU's long-term budget, the multiannual financial framework (MFF) for 2021-2027 (KOM, 2020b; EUCO/Council, 2020d).

Divergent national interest in particular about the communalisation of debt and the question if grants or loans should be distributed characterised the time-consuming negotiations about the recovery fund, with several rounds of informal consultation and, again, the clear signal Franco-German leadership aspiration, inter alia in the context of the “Meseberg Declaration on the Reform of Europe” that was issued in the context of bilateral consultation between Merkel and Macron on June 29th: The declaration not only confirmed joint positions, and proposed further action to be taken fighting the socio-economic consequences of the pandemic, but also highlighted other policy areas that are focused on by the tandem, e.g. climate protection, increasing sovereignty in the

field of digitalisation and the foreign relations of the EU, as well as the aspirations of the tandem: according to the German chancellor, “German-French unity is meant to set a positive impulse for the whole EU” [authors’ translation] (BReg, 2020a; see also BReg, 2020e). Thus, the arrangement found during the Special European Council in Brussels from July 17th to 21st, when the Heads of Government agreed on the long-term EU budget as well as on the €750 billion recovery fund “Next Generation EU” (NGEU), of which €390 billion being distributed in the form of grants to Member States and €360 billion in loans, was substantially influenced by the tandem (EUCO/Council, 2020d).

Summing up, action undertaken in the COVID-19 crisis to address socio-economic issues can be disentangled to different phases. In the first phase, there was almost no cooperation, all countries focused on national problems, while the EU level took initial, but limited action. In the second phase, first attempts were made in particular by France and Germany to achieve compromises, even if there was still limited consent about core issues as e.g. common borrowing/Eurobonds. Finally, in the third phase, joint initiatives emerged in which EU higher echelons and German and French political leaders passed the ball to each other, with France and Germany acting jointly (Riegert, 2020). In this context, it became obvious that the close Franco-German cooperation does not end with short-termed initiatives on economic issues, but also comprises long-term approaches in other fields, e.g. foreign and security policy (Blume, 2020). Thus, parallel informal decentralisation as well as some tendencies towards centralisation (in favour in particular of the Commission) can be observed. These trends does not seem to be substitutive, but complementary.

Figure 5: Timeline – Reactions in the Socio-Economic Field



Source: Authors' compilation

5. Conclusion

Focusing on the crisis reaction in the COVID-19 pandemic, it is obvious that “national responses are necessary but not sufficient; and to the extent that national responses are different and divergent, more co-ordination is required” (*Bouckaert et al., 2020, p. 2*). While formal arenas for anti-crisis measures do exist in the EU – e.g. the IPCR or the UCPM with the Emergency Response Coordination Centre – their possibilities were not fully exhausted in the course of the COVID-19 pandemic. The reaction mechanisms and institutions of the EU failed to provide coherent support or coordination to its Member States, e.g. in aspects related to immediate public health measures, but also concerning more indirect aspects related to pandemic control as e.g. the free movement of people or digital contact tracing. “The crisis emphasised the limits of current arrangements, primarily because of the lack of binding provisions” (*Beaussier/Cabane, 2020, p. 6*), leaving space for MS to adopt “different, uncoordinated and at times competing national responses according to their distinctive risk analysis frameworks, with little regard for the scientific and management advice provided by the European Union (EU), notably its dedicated legal framework for action on cross-border health threats” (*Alemanno, 2020, p. 307*). Even if the narrative of the French-German tandem acting comprehensively as a pacemaker is too lopsided – as initiatives also were issued by only France or Germany, or other Member States –, in shielding the EU against the socio-economic consequences of the pandemic, but also concerning joint action to help Third Countries to fight COVID-19, it was clearly the tandem’s informal, decentralised approach that induced acute action as well as wide-ranging reform plans.

While the (informal) decentralisation observed was not based on formal prior contingency planning, it surely was a recourse on the well-established partnership of the Franco-German tandem more than a “situational usurping of higher-level powers” (*Drennan et al., 2015, p. 165*). Revitalising the tandem, and balancing controversial interests of other Member States, informal action by France and Germany substantially contributed to the final agreements, and could be a step towards a higher integration level after the crisis according to the long-term aspirations of the initiatives.

Furthermore, while some informal decentralisation can be observed, a trend towards a centralisation in terms of a power shift towards the

specialised agencies in health and crisis management is not in evidence. It was predominantly the Commission with its (new) President Ursula von der Leyen acting, not only related to health issues, but in particular to mitigate the socio-economic effects of the crisis – a pattern that already could be observed in previous crises (e.g. *Bauer/Becker*, 2014; *Peters et al.*, 2011). This “invisibility” of the specialised agencies is insofar surprising as obviously both sides, the MS as well as the EU level institutions, declare to prefer a closer cooperation and a strengthened centre also in fields that currently are dominated by the Member States: Whereas the Commission claims more flexibility and underlines the limitations of the current crisis mechanisms, concerning especially the resources that are fully based on the MS (COM, 2020k), in all Member States – with the exception of the Czech Republic, Hungary and Poland – sound support for a stronger mandate of the EU in public health policy exists (*Busse et al.*, 2020).

Against the backdrop of these ambivalent findings, which lessons can be drawn from the preliminary and inchoate analysis of early steps of crisis response? Centralisation in the time of crisis in the multi-level system of the EU can stand for a power shift towards specialised agencies as well as towards the Commission. Over the last decade, the Commission has become more political in several ways, and a kind of “presidentialisation” can be observed (*Becker et al.*, 2016), harnessing “‘focusing’ events to prompt decision-making” (*Nugent/Rhinard*, 2019, p. 206). Arguably, the current crisis may reveal the same pattern, as the Commission and its President became very proactive, at least behind the scenes, partially circumventing existing specialised agencies. This may not least be triggered by the fact that the current President of the Commission is a physician by training, and may therewith be specifically interested in the topic at stake. Thus, even if as in previous crises the Commission has not been too visible at all early crisis management stages, in the end it could be one of the “unexpected winners” (*Bauer/Becker*, 2014). Notwithstanding, much room for manoeuvre was left to the MS – not only given cases where institutionalised power on the EU level was missing, but also in cases when in “the name of the unfolding emergency” (*Alemanno*, 2020, p. 311) the enforcement of EU law was suspended, e.g. in border closures, or when obviously the Commission was able to exploit decentral initiatives by the Member States to reach own objectives. Thus, centralisation in favour of the Commission and informal decentralisation seem to be complements, not substitutes.

Beyond this, several scenarios are possible in the progress or aftermath of the pandemic. Despite the centralisation towards the Commission, institutionalised mechanisms or instruments that have the potential to “integrate” decentral initiatives are likely to be developed further, e.g. the rescEU that has to be fully made operational using the funds inter alia from NGEU and the new MFF. Moreover, the current crisis may induce a subsequent formalisation of informal arenas as it happened in the past, e.g. in the case of the Health and Security Committee that was created in 2001 as an informal coordination network, but in 2013 reached a formal status as an intergovernmental institution (*Beaussier/ Cabane, 2020, p. 5*). While further research may shed light on these issues, obviously the scenario of a tendency towards disintegration induced by a “coronationalistic path” (*Bouckaert et al., 2020, p. 8*) being followed by the single MS cannot be underpinned by our findings.

By contrast, “the advent of the COVID-19 pandemic so far has shown that, rather than wallow in post-Brexit despondency, continental European elites are trying to seize the moment to forge a new ‘grand bargain’ for their enlightened project of integration [...]” (*Matthijs, 2020, p. 1133*), even if the solidarity clause was not formally activated. Yet, understanding the Franco-German tandem as one centre of European politics whose joint leadership aspiration may in the long run also strengthen the EU institutions – as intensified coordination and increased EU-capacity in public health, but also more cooperation in fiscal issues or related external action, are main aims included in the Franco-German initiatives –, a deeper integration in the aftermath of the pandemic is not unlikely, at least in some policy areas. Thus, further research may in particular examine those policy areas where the tandem holds different positions to explore if there is a substitutive or complementary relationship between the tandem and the EU level institutions, in particular with a view on action in informal arenas as e.g. the Commission’s Expert Groups.

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ISSN 1868-971X (Print)
ISSN 1868-9728 (Internet)