



THE IMPACT OF THE PANDEMIC ON THE FREE MOVEMENT OF PEOPLE IN THE EUROPEAN SPACE

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Abstract

This paper highlights the impact of the pandemic in the European space, which involves the protection measures against the SARS-COV-2 virus, its harmful and destructive effects manifested on the population, while highlighting the operational activities of the states, regarding the protection of citizens' health. These actions of the states, with regard to the protection measures against the pandemic, incontestably imply a "passage" in the online sphere of all the processes that ensure the normal conduct of society, restricting certain rights and freedoms of citizens, including the right to free movement, this being possible only on the basis of a health certificate, recognized at European level. So this restriction of movement across borders is a safe way to prevent the population from becoming infected with the killer virus.

Keywords: European citizenship, free movement of persons, restriction, health certificate, SARS-COV-2 virus

INTRODUCTION

According to the general theme of the conference, the society is facing a drastic deficiency in the situation of the share capital, in this period of the pandemic. This crisis stems from the complete cessation of everything that means activities that maintain the state economy, of the blocking of tourism, but also of the total lack of activities in the labor system. This creates a pressure on the economic and social relationship of the Union, in a context in which, at the level of all countries, there has been a blockage for a fixed period of time on the movement of citizens from one State to another. Therefore, taking a synthesis look at the current European situation, it is easily observable an absolutely disastrous scenario of the economies of the states, this being a strong reflection of the impact of the pandemic on the free movement of people in the European area.

For almost 2 years, we have been facing a special situation, worldwide, which, certainly, will be extinguished extremely difficult. Of course, this COVID-19 pandemic (SARS-COV-2 virus) broke out at the end of 2019, more precisely on December 1, 2019, when the first case of coronavirus was detected in wuhan city,

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China (https://ro.wikipedia.org/wiki/Pandemia_de_COVID-19). This over-infection negatively influenced the economic coefficient, due to the restriction of free movement. Ensuring a fair balance between the interests of society and protecting the lives of European citizens has become the great challenge of the current times and of the alleged joint efforts on the part of the governments of the Member States, but also the firm reaction of the Institutions of The European Union (M. Pătrăuș*, 2020, p.124).

At European Union level, the European Commission has implemented a proposal for a recommendation, which certainly guarantees a restriction of free movement in the context of the pandemic (https://ec.europa.eu/commission/presscorner/detail/ro/ip_20_1555?fbclid=IwAR1xZnV6XtGeDcN_4r8pVAV2TUrgOnTwGXo-JUGR0b-ulvIOqulxYGv91uM). The Commission has structured its proposal on the basis of 4 main focus areas, where Member States are closely working together. The Commission's actions are: the application by the Member States of common criteria and thresholds, when deciding whether or not to impose travel restrictions; the establishment of common criteria on the basis of a commonly agreed colour code; establishing a common framework for measures applicable to travellers coming from high-risk areas; providing clear and timely information to the public on possible restrictions imposed (Ibid.). In this period troubled by the effects of the pandemic, EU Member States are showing solidarity, helping each other with sanitary materials, or even by treating patients in the neighbouring country.

A notable example is the transport by plane from Bucharest to Oradea, and from Oradea to the level of specialized medical centers in Hungary, severely affected by the SARS-COV-2 virus (https://ec.europa.eu/info/live-work-travel-eu/coronavirus-response_ro). It should be noted that the aircraft intended for the transport of infected persons belongs to the Romanian Air Force, being configured to exercise medical missions, having as effect a strong link between the health system and the Ministry of National Defense (<https://www.digi24.ro/stiri/actualitate/opt-pacienti-covid-in-stare-grava-transportati-cu-o-avioane-militare-de-la-bucuresti-la-timisoara-si-oradea-1701167>).

The European Union has taken the decision to adopt a therapeutic strategy by which it signs a purchase contract with the pharmaceutical company ELI LILLY, through which it administers a treatment with monoclonal antibodies to the affected people. 18 Member States are participating in this procurement contract with a view to acquiring approx. 220,000 (<https://www.agerpres.ro/mondorama/2021/09/21/coronavirus-comisia-europeana-a-semnat-un-contract-pentru-achizitia-unui-tratament-anti-covid-19-cu-anticorpi-mono>) treatments.

I. FREE MOVEMENT OF PEOPLE WITHIN THE EUROPEAN UNION DURING THE PANDEMIC

The free movement of persons implies the absence of any discrimination, based on original citizenship, between the workers of the Member States regarding employment, remuneration and other conditions of work and employment

(A. Fuerea, *European Union Law - principles, actions, freedoms*, Ed. Universul Juridic, Bucharest, 2016, p. 191). In this respect, persons are granted rights which they can assert in court in any Member State. Limitations are obviously regulated, on the grounds of public policy, public security or public health (Idem). "The free movement of persons ... it is a reality within the European Union" (In his work *European Social Law*, A. Popescu and N. Voiculescu support the idea that free movement is an equal provision for all citizens) Bernanrd Teyssie outlines a definition of the free movement of persons as follows: "it is a fundamental right that national jurisdictions must defend" (A. Fuerea, *European Union Law - principles, actions, liberties*, Ed. Universul Juridic, Bucharest, 2016, p.191).

The regulation of free movement is laid down in the Treaty on the Functioning of the European Union, in Title IV. According to Article 45 of the Treaty on the Functioning of the European Union provides: '(1) The free movement of workers is guaranteed within the Union. 2. Freedom of movement shall entail the abolition of any discrimination on grounds of cattiness between workers of the Member States as regards employment, renown and other working conditions. 3. Subject to restrictions justified on grounds of public policy, public safety and public health, the free movement of workers implies the right to: (a) to accept actual offers of employment; (b) to move freely within the territory of the Member States for this purpose; (c) to stay in a Member State in order to pursue a paid activity in accordance with the provisions of the law; (d) to remain in the territory of a Member State after having been employed in that State, under the conditions which will be the subject of regulations adopted by the Commission' (Idem, p. 188).

An example constituted, based on the above article, is represented by the fact that the Romanian citizens, who were in lockdown, due to the ravages made by the SARS-COV-2 virus, felt contaminated by the strong economic crisis that the society was facing at that time, thus resorting to a mass migration, at night, in the German state, to pick asparagus, following, then, a passage, under conditions that are absolutely not in accordance with the legislation (<https://www.dw.com/ro/germania-sezonieri-rom%C3%A2ni-la-sparanghel-%C3%AEn-condi%C5%A3ii-de-covid/a-56912160>). Thus, it is easy to see the strong repercussions that the pandemic is exerting on the political and economic situation of the states, while also resulting in an economic decline that is very difficult to remedy. As for the sanitary measures to combat the virus, a number of conditions apply for employees to carry out their work without their lives being endangered. In this case, we can mention, PCR test, documents recognized at European level attesting to artificial immunization (vaccine) or natural against the virus (Ibid.).

II. ISSUES REGARDING THE STATUS OF THE EUROPEAN CITIZEN AFFECTED BY COVID-19

The Maastricht Treaty introduces the legal concept of citizenship, through which a transition from the economic community to a political union takes place. Starting from this process, peace is promisingly ensured, thus allowing all the constituent

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states of the European Union to live together by virtue of common rules and institutions, freely consented to. The Single European Act, the content of which applies from 17 to 28 February 1986, emphasises that the right of residence applies to all citizens of the Member States. In other news, the European-normative provision undeniably guaranteed the free movement of persons, with economic and financial activity, but not for the other citizens of the Member States (M. Pătrăuș, 2021, p. 150).

There is a new set of legislation, recognised at European Union level, which regulates free access to employment in a country, as well as new rights, at the level of which the broadening of the field of integration is devoted, such as the right to a cultural activity or the protection of the environment. These new laws fit thoroughly into the modern conception of citizenship, therefore, the conception has the disadvantage that it eliminates from the level of the concept, the large part of its specificity, since the rights of any citizen become absolutely equal to the rights of any other human being (M. Pătrăuș, 2021, p. 151).

As regards the status of a European citizen, European citizenship highlights a link between the citizen and the Union, highlighted by rights, duties, but also participation in political life. This link between the Union and the citizen allows the separation to be blurred, due to the fact that the majority of citizens in the Union become absolutely interested in the measures applied at union level, in compliance with the obligations, but also in participating in various political-democratic activities (M. Pătrăuș, 2021, p. 152).

CONCLUSIONS

Due to the context of the current situation generated by the COVID-19 virus pandemic, the migration process acquires new valences, with a strong restriction taking place caused by the intentions of the medical staff to prevent the population from overinfection. From a legislative point of view, a set of clear rules governing movement from one state to another has been adopted at European Union level. The constitution of this legislation is the result, both of the disastrous health situation and of the economic and financial impact on the citizens of the European Union, who are undeniably forced to submit, both to these legislative rules, on freedom of movement, and to medical actions to introduce artificial immunisation. At the same time, following the immunization process, a medical certificate, recognized at European level, is issued, through which citizens manage, to some extent, to overcome the restriction barriers adopted by the authorities.

The immunization process, the legislative norms implemented by the European Union authorities, but also the effort of the medical staff in combating the virus, are legal and sanitary actions, incontestably capable of bringing back the life of citizens into a sphere of normality.

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