

**Student:** Ella de Jonge

**Title:** Transparency in the Time of COVID-19: Inter-Institutional Information Sharing for European Parliamentary Oversight in the EU Vaccines Strategy

**Abstract:**

This thesis examines the principle of inter-institutional transparency during the EU Vaccines Strategy and its possible implications on European Parliamentary Oversight. The COVID-19 pandemic illustrates the importance of transparency in times of emergency. The EU Vaccines Strategy expanded the competence and responsibility of the European Commission, which requires an effective flow of information with the European Parliament to ensure parliamentary scrutiny. This inter-institutional relation between the executive and the parliament is crucial for the development of transparency within the Union. Moreover, transparency shortfalls can weaken the oversight role of the European Parliament. In response to critique on a lack of transparency in the EU Vaccines Strategy, the thesis aims to provide a deeper understanding of how transparency was shaped in times of a pandemic.

By construing a conceptual framework consisting of three dimensions of transparency, the thesis examines the conduct of the two institutions during the Vaccines Strategy. The thesis argues that while several tools of oversight were employed to increase information sharing, the EU Vaccines Strategy is not compatible with the democratic spirit of EU transparency law. This has negatively affected the role of the European Parliament as an oversight institution and places the EU Vaccines Strategy in a larger context of transparency issues in times of crisis. To maintain democratic legitimization of the EU executive, the institutions should strive for open inter-institutional information sharing regimes and ensure adequate oversight mechanisms.

**Student:** Léa Schumacker

**Title:** Proportionality of Internal Border Controls: From the COVID-19 Pandemic To the 2021 Proposal

**Abstract:**

Most Schengen Member States reintroduced internal border controls in response to the COVID-19 pandemic. These controls, which in some instances lasted for several months, jeopardised the principle of an area without borders and had to comply with the principle of proportionality. This thesis examines four aspects of these controls related to proportionality: the type of threat invoked by the Member States, the adequacy of the measures, the duration of the controls, and the scrutiny over proportionality. First, it demonstrates that the current Schengen Borders Code contains appropriate safeguards for each aspect. However, some Schengen Member States disregarded them during the COVID-19 pandemic, and the Commission did not use its scrutiny powers. In December 2021, the Commission proposed to amend the Schengen Borders Code, which adapts the rules to the

Schengen Member States' practices during the COVID-19 pandemic. Then, this thesis argues that this proposal improves the aspects of legal certainty and scrutiny but does not satisfactorily address the aspects of adequacy and duration of the controls. In addition, the thesis presents four recommendations to increase the proportionality of the controls that the Schengen Member States would reintroduce following the 2021 proposal.

**Student:** Eline Sijmons

**Title:** Proportionality of Free Movement Restrictions during the COVID-19 Pandemic in the Euregio Meuse-Rhine

**Abstract:**

During the COVID pandemic, the Euregio Meuse-Rhine changed from one of the most integrated border regions of Europe, to an area with strict border checks. This thesis defines the proportionality of COVID measures in the Euregio in relation to the free movement regime. In doing so, this thesis refers to the Citizens Directive and the Schengen Borders Code. The main question this thesis seeks to answer is: "How did the free movement restrictions in the Euregio Meuse-Rhine during the first year of the COVID pandemic comply with the proportionality principle?" The thesis shows inconsistency in measures and inconsistency in compliance with the proportionality principle in the EMR countries.

**Student:** Eleni Superman

**Title:** National compulsory COVID-19 vaccination obligations for workers and the prohibition of discrimination in EU law

**Abstract:**

In September 2021, the ECtHR has received two separate applications originating from Greece, alleging that the Greek rule compelling compulsory COVID-19 vaccination for workers, interferes with, among other provisions, the prohibition of discrimination as codified in Article 14 ECHR. Allegations of discrimination are based on the premise that unvaccinated workers are dismissed from employment, and hence are subjected to differential treatment, in contrast to employees who are vaccinated, and in turn, do not face sanctions. For discrimination to occur, the differential treatment must stem from one of the protected characteristics as prescribed in Directive 2000/78/EC and Article 21 CFR. Due to the fact that vaccination status does not constitute one of the characteristics protected by EU legislation, this thesis examines whether dismissals of workers resisting vaccination on the basis of one of the protected characteristics can amount to discrimination within the meaning of Article 2 Directive 2000/78/EC and Article 21 CFR. In turn, the thesis examines whether any infringements of the aforementioned Articles can be justified in the pursuit of the legitimate aim of protecting the public health. Therefore, the research question explored

is the following: to what extent are COVID-19 vaccination obligations discriminatory under the Directive 2000/78/EC and Article 21 CFR? With a view to demonstrate whether fundamental rights standards are undermined by compulsory COVID-19 vaccination obligations, the Greek Article 206 Law 4820/2021 is to be assessed in light of the standards stemming from the Directive and the Charter. For the purpose of the assessment of the Greek vaccination obligation, the grounds relevant for the answer to the research question are the following: religious beliefs, disability, and political opinion. Said grounds are considered relevant, due to the fact that research has shown that the three protected characteristics constitute the main ground for vaccination against COVID-19 opposition in Greece.

**Student:** Jonas Wilden

**Title:** Preserving Fair Competition in the Internal Market in Times of Crisis – The General Court’s Application of the Proportionality Principle in EU State Aid Law During the COVID-19 Pandemic

**Abstract:**

This thesis deals with the General Court’s application of the principle of proportionality in EU State aid law, and whether it was applied in the best legally possible way to minimize distortions of competition caused by the huge amounts of State aid authorized by the European Commission in response to the COVID-19 pandemic. It first provides a general overview of EU State aid law and how the established legal framework has been complemented in response to the pandemic’s direct and indirect economic impact. It then explains how the principle of proportionality – as a general principle of EU law – serves as a legal tool to limit potential distortions of competition that accompany the granting of State aid. Subsequently, it examines whether the General Court properly applied the proportionality principle to preserve fair competition in the internal market during the COVID-19 pandemic. To this end, it focuses on the Court’s judgments in T-238/20 and T-388/20, which concern two Covid-related aid measures (a scheme and an individual measure respectively). The analysis does not only show that, due to a flawed application of the proportionality principle, the General Court permitted the approval of State aid that went beyond what was necessary to achieve its objectives, but also reveals a more general and hitherto unidentified conflict between the authorization of individual aid and the proper application of the proportionality principle in EU State aid law.