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THE EU'S RESPONSE TO INTERNAL CRISES AND EMERGENCIES: TOOLS, COMPETENCES, POLICY DIRECTIONS, AND INSTITUTIONAL BALANCE

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1. Introduction

The second workshop of the Jean Monnet Centre of Excellence on Crises and Emergencies in EU Integration (EmergEU) was held in Maastricht on 30 and 31 March 2026. Building on the findings of the first work package of the Centre, which studied the notions of 'crisis' and 'emergency' in the EU legal and political system,[1] the focus shifted to exploring EU responses to recent *internal*[2] crises and emergencies and their impact on the EU constitutional and political order. We zoomed in on three case studies concerning both slow-burning and fast-burning crises experienced by the EU over the past two decades: health and internal market; economic and monetary union; and values and the rule of law. For each of these three policy areas, our participants sought to map the tools that the EU used and developed to tackle crises and emergencies, and assess the impact of the EU legal and policy measures on core elements of the EU constitutional framework such as the division of competences between the Union and the Member States and the principle of institutional balance.

The workshop developed around four panels, one for each policy area and a final one offering broader institutional reflections. A full programme is available on the EmergEU website.[3] The goal of this working paper is to highlight a few horizontal trends across policy areas. To do so, it focuses on four elements that emerged from some of the papers presented and discussed in Maastricht: a) the rise of EU funding as an instrument to address crises and emergencies; b) the flexible and dynamic use of the *existing* competence framework; c) the gradual transition from *ad hoc* reaction

[1] See a synthesis in the first EmergEU working paper: Guido Bellenghi, Giselle Bosse, Andrea Ott, Esther Versluis, 'EU Crises and Emergencies: What's in a Name?', EmergEU Working Paper 1/2025, available at https://www.maastrichtuniversity.nl/sites/default/files/2025-11/EmergEU%20WP%2012025.pdf.
[2] The activities belonging to the third work package, concerning *external* crises and emergencies, will take place throughout the academic year 2026/2027.
[3] https://www.maastrichtuniversity.nl/events/eu%E2%80%99s-response-internal-crises-and-emergencies-transforming-competences-institutional-balance.

towards institutionalized frameworks of reactions to emergencies; d) and finally, institutional balance tensions.

2. Tools: Funding as a response to crises and emergencies

Several participants discussed the mobilization of EU funding as an increasingly popular and crucial response to crises and emergencies. This was in particular at the core of many contributions to the economic and monetary union panel. NextGenerationEU is the most evident and obvious example of reacting to an emergency through funding: the EU mobilized an unprecedented amount of resources with innovative budgetary and governance constructions in order to respond to the economic crisis generated by the COVID-19 pandemic. Whereas NextGenerationEU was crafted as a temporary and exceptional programme, set to expire by the end of 2026, its legacy is evident. Markakis ('ReArm Europe and Its Implications for EU Fiscal and Economic Governance') for example showed how the ReArm Europe/Readiness 2030 Plan, presented by the Commission in 2025 as a response to new global security challenges, shows significant elements of continuity with NextGenEU by making EU financial assistance (although this time only in the forms of loans) central to the EU response, and relying on similar legal and financial constructions. Patrin ('Residual Executive Power in the EU - Institutional balance and regulatory patterns after the pandemic') similarly showed the emergence of new modess of governance that rely extensively on funding, moving away from the traditional integration through law paradigm towards a new mode of integration and governance through funding.

Debande's contribution ('Crisis-driven Innovation in EU budgetary Governance: The 2028–2034 Own Resources Decision and the New Crisis Mechanism) also highlighted the pivotal importance of funding as a crisis-response tools, analyzing the proposed introduction of a standing crisis-borrowing capacity in the next Own Resourced Decision. The mechanism would more structurally embed crisis borrowing in the budgetary framework and is also part of the move from 'reaction' and *ad hoc* emergency responses towards 'preparedness' that will be discussed below. Most importantly, it speaks of the key importance of borrowing and spending as fundamental components of EU's crisis management.

In another policy field – health – Delhomme ('Covid-19 and EU health governance: much ado about Nothing?') also engaged with the importance of funding. In the aftermath of the pandemic, the 2021-2027 Multiannual Financial Framework significantly increased the budget for health spending, from the 450 million available in the previous MFF to the 5.3 billion made available for the EU4Health programme. In a context of limited EU competences, such an increase of EU funding was one of the most important contributions to the European Health Union.

3. Competences: The flexible and dynamic use of *existing* competences

Many contributions engaged with the effects of crisis and emergency responses on the EU competence framework, and on how the latter, in turn, shaped the EU's response by allowing or impeding certain policy choices. A common thread that emerged is that the need to address crises and emergencies often pushed for a creative and flexible use of EU competences; but that the reaction always developed within the confines of that competence framework, and was shaped by it. In contrast to the Eurocrisis, where Member States opted to 'jump outside' the Treaty framework to develop solutions to the crisis – think of the European Stability Mechanisms – the responses to recent crises in all three policy areas studied entirely took place 'inside' the Treaties, and without amending them.

For example, Feisel ('The "Internal Market Detour" for Defending Democracy') and Fisicaro ('The Rise of Values-Oriented Legislation in the EU: Positioning Article 2 TEU in the System of EU Competences') discussed in their papers the question of competences in the context of the values and rule of law crisis. They both showed that EU institutions often opted for a broad reading of the competence catalogue, but the choices made remained within the limits of that framework, despite the doubts raised by certain Member States as well as scholarship. From another perspective: the competence framework fundamentally shaped EU legislative action to protect EU values. More specifically, Feisel discussed the 'internal market detour' for the adoption of democratic legislation, i.e. the use of the internal market legal basis of Article 114 TFEU to adopt instruments such as the European Media Freedom Act or the Political Advertising Regulation. While that is certainly a broad interpretation, Feisel argues that it does not fundamentally depart from the established reading of Article 114 TEU and that its legality is hard to question. At the same time, she argues that it can generate different questions on a normative and theoretical level. Analyzing the position of Article 2 TEU within the system of competences, Fisicaro offered comparable reflections, highlighting that recent initiatives to protect and promote EU values have developed entirely within the existing competence framework and without fundamentally reshaping it. To the contrary, the limits of that framework also required, for example, to explicitly design conditionality mechanisms as budgetary tools in order to remain within the boundaries of relevant legal bases. Both papers ultimately pointed out both the flexibility and the limitations of the competence framework: even a creative and expansive reading of existing legal bases cannot completely fill the gap between the proclamation of the values of Article 2 as foundations and objectives of the Union, on the one hand, and the lack of a concrete legal mandate to protect and promote those values, on the other.

A less creative and expansive approach was evident in the EU health-crisis response, according to the Delhomme. Here EU measures developed according to the existing division of competences, and did not tilt the existing balance. During the Covid-19 pandemic, where the EU had more robust shared competence – medicinal products, devices and equipment – it took a stronger role, leveraging both the public health and the internal market competence. On the organization of healthcare system, which remains a national competence, the EU took a step back. And even the post-pandemic approach has not changed the picture: there has been no redefinition of EU competences in the field of health.

Discussing the repayment of NGEU debt, Caruso offered similar findings on EU fiscal and economic competences. NGEU was certainly an example of a creative and flexible use of EU competences. But ultimately it has not paved the way towards a full fiscal union, which would instead necessitate a transfer of competence via Treaty change. The choice to focus on strengthening and developing new EU own resources – instead of opening a discussion on full debt mutualization – to repay the NGEU debt would show the lack of political appetite for a deeper discussion on the EMU division of competences.

The discussion on competences therefore largely confirmed the analysis of the first work package, based in particular on De Witte's contribution to the 2025 workshop, that the EU has proved able to adapt and creatively respond to crises and emergencies 'within the constraints of its legal order'.[4] A critical reminder came however from Engel ('Emergency Laws as the New Normal: Stress-Testing the Outer Boundaries of EU

[4] Bellenghi and others, supra n 1, p 1.

Competences and the Institutional Balance'), who argued that the growing reliance on emergency legal bases speaks of a constitutional setup that is unsuitable for the current challenges, an issue that can only be addressed via Treaty reform.

4. Policy direction: towards institutionalized frameworks of reaction

Several contributions to the workshop looked beyond the short-term response to crises and emergencies and examined the medium and long-term strategy of EU institutions. In different context, what is emerging is a more proactive approach, where the EU develops legislative and budgetary mechanisms that can be activated once an emergency occurs. This shift from *ad hoc* reaction towards institutionalized mechanisms and frameworks of reaction is happening in different fields.

Barbieri ('Between Treaties' serendipity and legislative creativity. The interplay between the IMERA, Article 122(1) TFEU and Article 36 TFEU in tackling emergency of the supply chains') and Della Corte ('The Regulation of Resilience in the EU Internal Market: Safeguard or Risk to EU Emergency Law?') discussed mechanisms developed in the internal market field. Barbieri focused on IMERA (Regulation 2024/2747 on the Internal Market Emergency and Resilience Act), which provides a framework enabling the Council and the Commission to adopt executive measures in the event of internal market emergencies. Della Corte looked at what he defines 'the regulation of resilience' in the internal market, which centres around two types of instruments: first, rules that strive to ensure preparedness for disruptions; second, emergency powers, such as those of IMERA, that can be activated under pre-determined circumstances. Next to IMERA, other examples are initiatives such as the EU Chips Act (also providing for emergency powers), the Critical Raw Materials Act (CRMA), and other sector-specific frameworks. Both contributions analyzed the constitutional questions raised by this shift towards the development of permanent governance structures for emergencies: Barbieri from the perspective of the interaction between IMERA and Treaty-based emergency legal basis or derogation clauses such as Article 36 TFEU; and Della Corte exploring tensions with constitutional principles and rights that the 'securitisation' of certain economic sectors can create.

A similar approach was also followed in the field of health, as discussed both by Della Corte and Delhomme, most crucially with the development of HERA, the Health Emergency Preparedness and Response Authority in 2021. HERA, a new Commission

Directorate General, strives to strengthen the resilience of the medical supply chains in the EU, and can be granted emergency powers by the Council in specific scenarios. The Regulation on serious cross-border threats to health, which allows the Commission to declare a public health emergency, and in turn opens the door to the conferral of emergency powers to HERA by the Council, complements the picture. In addition, a new Emergency Task Force was developed within the European Medicines Agency. Preparedness and crisis management became therefore core elements of Union's health governance, as argued by Delhomme.

As already discussed above, a move towards stable and institutionalized frameworks to react to emergency was also discussed in the economic and monetary union panel, with Debande, as well as Caruso, engaging with the envisaged standing crisis-borrowing capacity in the next Own Resourced Decision. Given the centrality of funding as an instrument of crisis reaction, the Commission has proposed to make borrowing a more stable component of the union budgetary and constitutional framework.

The context of the values and rule of law crisis is different, but there too we find traces of a move from a reactive to a more proactive approach. The legislation to promote democracy discussed by Feisel is arguably the best example – with the EU focusing on harmonising core democratic features, instead of reacting to a crisis. But also the conditionality mechanism on which Fisicaro reflected are illustrations of an attempt of the EU to be better equipped in cases when crises (of values) emerge.

5. Institutional balance: The unresolved tensions

Several contributions explored the impact of crisis and emergency reaction on the principle of institutional balance. There was wide agreement that tensions have emerged and remain, at best, unresolved. This is not necessarily a claim that there were evident breaches of the principle of institutional balance during crises and emergencies. But emergency-driven measures have in some cases fundamentally reshaped the powers and mandate of EU institutions and that, in the absence of Treaty reforms, affects and calls into question the balance established by the Lisbon Treaty.

An example is offered by Bobic, who looked at the European Central Bank. She argued that the measures taken by the ECB to respond to the Eurocrisis, and in particular the programmes of public sector purchase, are at odds with the narrowly defined

Maastricht mandate that envisaged the ECB as a politically neutral institutional player. Crises forced the ECB to step out of its mandate and adopt policies with robust redistributive effects. For Bobic, that calls into question the very possibility and desirability of a neutral central bank.

Other participants highlighted a growing empowerment of the executive, and a parallel sidelining of the European Parliament, both during the emergencies themselves – in line with expectations – and in the mechanisms designed to react to them, including the institutional frameworks discussed in section 4. Barbieri, for example problematized the delegation of powers to the Council and the Commission in IMERA, in light of the very broad substantive scope of the Regulation as well as the broad discretion it offers to the executive on the adoption of measures. Della Corte also pointed out how the exercise of emergency powers in the new 'resilience' regulations leaves the EP with no real capacity to substantively influence emergency responses. The EP remains outside the decision-making process.

Also in health policy, the role of the EP in developing the EU response was marginal, as was highlighted by Delhomme, and the emergency was managed by the executive. That comes with constitutional costs and calls into questions the Parliament's ability to meaningfully shape policies and thus provide democratic legitimization to the Union.

As for the values and rule of law field, Lanotte ('Constraining the Discretion of the Commission: An Antidote to the EU's Values Crisis') raised relevant institutional balance questions. New conditionality instruments have empowered the Commission and left it with extensive discretion. This has in turn led the Commission, in some occasions, to prioritize broader political considerations over compliance with EU law and values. Lanotte explored therefore possibilities to constrain the discretion of the Commission and prevent its abuse.

Drawing on the different policy-specific studies, Patrin made the institutional balance central to her analysis, focusing on the increase in the Commission's executive powers. This was not the result of a fundamental constitutional choice to empower the Commission, but rather the ultimate consequence of the need to develop centralised and effective crises responses. Whereas the European Council and the Council took the lead during the pandemic in framing the EU reaction, they were then *de facto* forced to rely on the Commission's institutional structure to manage frameworks developed during emergency, in particular NGEU. The EP, in contrast, played a minor role both in shaping decision-making during the emergency, and had little possibility to provide effective democratic oversight on later choices on the management of the frameworks developed. In other words: the imbalance of powers created by crisis-driven executive power was not restored in the aftermath of emergencies. Executive power shifts are residual because they resist beyond the emergency, they do not just vanish at the end of it. Patrin offers therefore a perspective that builds on, but ultimately partially diverges from, the findings of the first EmergEU workshop, which framed intergovernmental institutions as the 'winners' of emergency politics, with a resulting 'intergovernmental drift'.[5] While sharing the diagnosis of the tilt to the intergovernmental executive *during* the emergency, Patrin emphasised however the robust empowerment of the Commission *after*, and as a result of, emergency measures.

[5] Bellenghi and others, supra n 1, p 4.