

EN

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Answer given by Mr McGrath  
on behalf of the European Commission  
(3.12.2025)

The impact and challenges brought by the COVID-19 pandemic from a rule of law perspective have also been examined in the Commission's Rule of Law reports. The Commission made clear from the outset that the response to the COVID-19 pandemic must fully respect the fundamental principles and values as set out in the Treaties. Emergency measures had to be limited to what is necessary, strictly proportionate, clearly restricted in time, and in line with constitutionally enshrined safeguards, as well as European and international standards.

The Commission has no competence to comment on individual cases. The Commission can only intervene with the Member States in the area of fundamental rights if an issue of EU law is involved<sup>1</sup>.

The organisation of and the delivery of healthcare services, such as COVID-19 testing, are the competence of EU Member States. In such cases, it is for Member States, including their judicial authorities, to ensure that fundamental rights are effectively respected and protected, in accordance with their national legislation and constitution, as well as their international human rights obligations.

Contrary to the statement in the question, the Commission and the European Centre for Disease Prevention and Control have reviewed pandemic restrictions for proportionality, effectiveness and social impact<sup>2</sup>.

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<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=EN>.

<sup>2</sup> See for example <https://www.ecdc.europa.eu/en/publications-data/ecdc-expert-consultation-implementation-and-evaluation-non-pharmaceutical>, <https://www.ecdc.europa.eu/en/publications-data/covid-19-after-action-review-public-health-response-slovenia>, <https://www.ecdc.europa.eu/en/publications-data/lessons-covid-19-pandemic-may-2023>, <https://www.ecdc.europa.eu/en/publications-data/covid-19-after-action-review-finnish-advice-making-school-interventions>, and others.