Political, social, and economic consequences of digitalisation during the COVID-19 pandemic

Edited by
Dániel Mikecz

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POLITICAL, SOCIAL, AND ECONOMIC CONSEQUENCES OF DIGITALISATION DURING THE COVID-19 PANDEMIC

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Contents

EDITOR'S NOTE

As in February-March 2020 the COVID-19 pandemic appeared in Europe as well schools, universities were shut down, white collar workplaces switched to home office and also political action should be changed according to the requirements of social distancing. Most of the communication between teachers and students, colleagues, citizens and politicians went online. Social movement activists and community organizers found new ways of expressing discontent: car marches, socially distanced protests, shoe demonstrations. Confinement, alienation could be experienced in Europe from Lisbon to Budapest. Our volume, the 'Political, social, and economic consequences of digitalization during the COVID-19 pandemic' wishes to understand primarily the political, but also the social and economic consequences of the sudden digitalization during the COVID-19 pandemic lockdown in the European Union. Beyond politics, the volume also focuses on individual freedom and teleworking, but we also aim to give a liberal answer to the challenges of digitalization. Nevertheless companies and individuals donated computers, laptops, tablets, web cameras for students, teachers and schools for the successful transition to online education. Cultural institutions, like theaters and music bands started to hold online performances and concerts. In the emergency situation companies which were not prepared should also reorganize and pursue online their daily activities. All these developments amplified the digitalization of social communication.

This publication wishes to assess the political, social, cultural and economic consequences of digitalization during the COVID-19 pandemic. It also focuses on EU level policy solutions which were introduced to ease related conflicts and problems. Nevertheless, even during an emergency situation the liberal principles of the EU should not be abandoned. The chapters of the volume have been selected according to the above mentioned goals. Carmen Descamps' chapter looks into the changing circumstances of working, how people can collaborate across boarders, how they can profit from the adaptation to the lockdown by being a digital nomad. Marco Mariani contradicts the COVID related lockdown and health security measures and individual freedom from a classical liberal perspective. Márton Schalnger analyzes the interrelation of the pandemic and employment in the Hungarian context. In his contribution he emphasizes how the pandemic promoted the tendency of remote working. Finally, in his chapter, Ricardi Silvestre scrutinizes the effect on lockdown measures on European mobility and the various digital solutions, which were developed during the COVID pandemic. Nevertheless, he also highlights the dangers and threats of these applications on privacy and summirizes the consequences of lockdown on European freedoms.

Chapter 1

Brave new world? How the pandemic influenced the future of work and boosted digital nomads

Carmen Descamps

Will the future of work be different in a post-COVID-19 perspective?

The outbreak of the COVID-19 pandemic in Europe in March 2020 led to unprecedented social, economic and health challenges. The subsequent and at the time of writing still ongoing health crisis significantly altered the way people live and work across Europe. Everybody was affected in one way or another. The pandemic also changed people's views on a set of rules and daily routines linked to work, which had been established and proven over years. Going to an office seemed like a natural thing for most, as (physical) office presence was in many cases linked to or even synonym for available

hard- and software, social interaction with colleagues and expected productivity. 18 months later, it is undeniable that the various short - and medium term challenges in the context of the crisis have induced some changes or adaptations which might be there to stay also in a long-term, post-pandemic perspective.

While nation states and the European Union (EU) as a whole tried to manage the unfolding health crisis on their respective levels and to offer a concerted European approach[1], European citizens were increasingly torn between varying regulations, recommendations and prohibitions affecting both their professional and private life. As such, the pandemic was simultaneously both a public health emergency and a source of profound social and economic disruption.

Already before the crisis, people worked from other locations than an office, be it from home or other remote working places worldwide. While self-employed persons were already mostly free to choose their work location, the proportion of telework among employees significantly increased during the pandemic due to social distancing measures.

At present, with the rollout of the vaccine and a full vaccination rate of 65% across Europe,[2] many talk about "going back" to the office or already do so. For some, it might also be an attempt to turn back time and to go back to life in 2019,

"this article adopts a "moving forward"-attitude to tap on the potential of change and to embrace the new opportunities in a post-2021 perspective"

(in)voluntarily ignoring the profound change that has affected the way we work, with whom, from where and last but not least also how we understand ourselves as European citizens. Despite the economic recovery and vaccination rollout being in full swing in most European countries, the full impact on European labour markets remains to be seen. It is likely that the proportion of telework will further increase where possible and consequently also change the employer-employee relationship. Instead of a "going back"-attitude in trying to (re)establish the 2019 status quo, this article adopts a "moving forward"-attitude to tap on the potential of change and to embrace the new opportunities in a post-2021 perspective.

The present article is a contribution to further understand the political, social and economic consequences of the sudden digitisation induced by the pandemic across Europe. It focuses on the nexus between the consequences of the pandemic in a professional environment, the future of work and free movement in Europe. The aim is to show to what extent working habits of European citizens changed towards remote models, prompted by an ongoing digitisation during the pandemic, which opportunities lie in such a new situation and which strategies European countries adopted to attract remote workers. The article is voluntarily biased insofar as it adopts a positive attitude towards consequences of the "digitisation wave" in the context of the pandemic and its opportunities for work and free movement.

The first part briefly reviews core terms underpinning this article, before retracing the consequences of the pandemic in the area of work and policy responses. The second part reviews the terminology describing various forms of remote work in relation to international mobility, by underlining common points as well as distinguishing factors. The third and last part puts a spotlight on the increase of digital nomads and Europe as a possible "new Eldorado" for remote work in a post-pandemic scenario, including a case study on Spain.

Terminological bases

To start with, it is worthwhile to review and define some basic terms underpinning this article for a shared understanding. For the purpose of our research interest on digitisation and the future of work, we will take a closer look at the terms nationality (also in relation to citizenship), residency, work, job, and freedom.

Nationality describes the formal legal link connecting a person to a particular state in international law. As such, it has a twofold function of being a fundamental right and at the same time a person's legal status. Article 15 of the Universal Declaration of Human Rights states that "[e]veryone has the right to a nationality". It is worthwhile to underline that despite a linkage between both terms, nationality is legally and technically different from citizenship.[3] Citizenship is a political concept, which can be granted after fulfillment of certain legal conditions (residency / physical presence, investment, sociocultural links, etc.). (National) Citizenship confers a number of rights and obligations regarding a person's affiliation with state and society, such as political participation (i.e. voting or standing for elections, also known as active citizenship).

Residence implies that a person is living in a given jurisdiction, which constitutes the center of her or his living. A person therefore eats, sleeps and works in this place, which can be a region/province, state or a country. Residence in a place may also involve minor temporary physical absences. We distinguish between temporary and permanent residence.

Work, as defined by the International Labour Organization (ILO), "comprises any activity performed by persons of any sex and age to produce goods or to provide services for use by others or for own use."[4]. According to the same source, job is "defined as a set of tasks and duties performed [...] by one person for a single economic unit.". It usually refers to employment and comprises one or more jobs.

Self-employed people have as many jobs as the businesses (economic units) they own or co-own.

Freedom, put simply, is the ability to act without constraints. Liberals support individual freedom, which is as much a freedom to (i.e. speak up, as for freedom of speech) as a freedom from (i.e. oppression, in a human rights perspective). From a European legal perspective, **Freedom of Movement**, as one of the Four Freedoms, is enshrined in the Treaties and part of the EU Citizenship provisions.[5] In the context of the present article, Freedom is understood in a context of freedom of movement and even the freedom to (temporarily) move in a professional context, enabled by the digitisation of working environments during the pandemic. Sometimes, and not only since the outbreak of the pandemic, such freedom of movement in a professional context induces a hybridisation between freedom and mobility, for instance for digital nomads. Digital nomads might have a subjective notion of freedom, as boundaries between work and leisure can become increasingly blurry and usually require a high degree of self-responsibility, self-discipline and organisation, which will also be of interest at a later point.[6]

The future of work – how COVID-19 affected businesses and personal attitudes

In 2020, and in the course of a couple of months only, COVID-19 has profoundly disrupted and redefined large parts of our lives. Other than pointing out the vulnerability of national and European systems (ranging from supply chains to health prevention), it has heavily affected the business environment and how people relate to each other. Face masks have become a daily accessory for most and probably will remain so for a couple of months still, queuing up or working with a safe distance does not strike us that much anymore and we had to learn that the golden rule was to stay away from each other. Social distance at a

moment of uncertainty, when many probably would have needed social interaction the most, seemed like a hard price to pay to protect our health and that of others.

In a world where many of the rules, practices and behaviours of pre-COVID-19 times have been transformed almost overnight, people adapted to or consciously adopted new ways of working, made possible in part by a pandemic-induced wave of digitisation. Modes that sometimes also compensated for the losses or challenges endured during the pandemic. To better understand the changes regarding the future of work and the boost of remote work and the phenomenon of "digital nomadism", the following section briefly sketches out major changes and short- and medium term adaptations to the "new normal" that have been prompted by the pandemic. For the purpose of this article, the focus will lie on the work environment and the area of freedom of movement.

New ways of collaborating within and across borders

Given an initial lack of extensive studies stemming from the novel nature of the virus, there was widespread uncertainty over efficient short- and medium-term strategies to contain the spread of the SARS-CoV-2 virus during its first months. This situation led to sometimes quite heterogeneous policy responses across European countries or even regions, with particular implications for border regions and their citizens. Citizens' freedom of movement was radically restricted at local, regional, or national level during the pandemic by measures adopted to fight Covid-19 and to limit the risk of contagion.[7]

National policy makers adopted various measures across Europe.[8] Some were seen as rather radical and restrictive, while other measures relied primarily on citizens' self-responsibility in imposing softer restrictions to their daily lives. Sweden and the Netherlands, for

In practice, cross-border travel or commuting became impossible, prohibited or at least far more time-consuming for many Europeans.

instance, stood out as more liberal proponents of COVID-19 rules, whereas other countries, such as France, Germany, Spain, Italy or Belgium (non-exhaustive examples), imposed more restrictive and far-reaching measures.

Shortly after the outbreak of the COVID-19 pandemic in Europe, citizens were advised to limit social contacts in a private and professional environment and to maintain a high level of hygiene, especially through regular hand washing or -disinfection. Masks of any kind, from first handmade items to more protective FFP2 models, became for many Europeans key to indoor and sometimes also outdoor activities. Measures that were more restrictive included prohibition of small to large gatherings of any kind, curfews, lockdowns involving the closure of non-essential businesses and schools for weeks or months as well as limitations to free movement across regions or countries, such as French laissez passer limited in time and distance.
In countries with very early curfews (i.e. nationwide 6 p.m. curfew in France), citizens often had to significantly rearrange their daily schedules to fit their private pursuits and necessities into a much shorter day.

Following from the foregoing, measures taken at local, regional, or national level often greatly restricted citizens' freedom of movement and thus achieving the opposite its original

intention: the "right of everyone to leave any country, to enter their own country of nationality, and the right of everyone lawfully in a country to move freely in the whole territory of the country."[9]. Also the European Parliament noted that "[a] wide majority of Member States have reintroduced temporary controls at their borders, with a dramatic impact on Schengen and free movement."[10]. In practice, cross-border travel or commuting became impossible, prohibited or at least far more time-consuming for many Europeans.

Yet, it is worthwhile to note that both the European Commission and the European Parliament closely monitored the proportionality of restrictive measures taken, in order to protect citizens' rights and to uphold civic freedoms during the pandemic. Italy was severely hit by a major COVID-19 outbreak from February 2020 onwards, leading to a saturation of the public healthcare system and local quarantine measures. Human Rights Watch acknowledged the protection of individual freedoms in this case albeit the "progressively restrictive measures" taken by Italian authorities to contain the spread of the virus.[11]

In addition to flight shaming in the context of climate protection and Fridays For Future demonstrations, holiday shaming erupted as a novel phenomenon especially around festive moments or the holiday season as to whether one should go on holidays or travel home to see friends and family, in particular for those residing abroad.[12]

Of course, such restrictions also had to be understood in the light of the evolution of the pandemic and the incidence in a given area (i.e. an EU member state or a particular region), with countries being hit unequally by subsequent infection waves and governments as well as populations reacting differently to such challenges or showing varying willingness to follow such rules or recommendations.

New ways of working within and across borders

Among the COVID-19 measures that are relevant to the world of work and thus also to this contribution, two areas stand out in particular. The first one is social distancing, especially in closed spaces such as offices, ranging until the extreme form of isolation in case of a person having been declared a contact case after prolonged intense contact with an infected person. The second area with a high impact on the world of work are restrictions to free movement. Travelling, for whatever reason, became unlawful, making both business and private trips almost impossible. Given the radical impact of the transportation standstill, it is hardly surprising that the aviation industry has not yet fully recovered by now.

As vaccines were still being developed during the first year of the pandemic, many employers were advised or forced to enable teleworking wherever possible and to avoid physical gatherings in closed rooms. Staff once needed permission to work from home, with the pandemic it became the other way round for coming to the office. In short, as long as there was no reasonable argument against remote work, former teams were not allowed to meet with each other in person anymore, not allowed to meet across

teams, even less to travel and had to make their private homes fit for work purposes – with potential partners and children probably being present as well. Other former in-person activities, from yoga classes to medical appointments, moved online as well. The sum of professional and private challenges and the increased need for adaptation required by the pandemic coupled with a high level of uncertainty had considerable visible and invisible effects on people, and mental health became even more present in both employers and employees discussions and preoccupations.

Following from the two core restrictions to the work environment mentioned beforehand, both employer and employees had to sometimes radically alter their modus operandi to adapt to new working circumstances, ranging from mobile ICT[13]] equipment and office VPNs to

digital working routines such as team meetings or – management and collaborative working, only to name some of the challenges.[14]

Preparing the work environment for the "new normal"

The pandemic has accelerated the digital transition of work in many areas, ranging from remote work to online or hybrid events. Some digital habits will most probably be there to stay, may we like them or not.[15]
At first, the use of digital platforms such as Microsoft Teams, Slack or Zoom was far from being perfect in the eyes of some, due to either technical problems, lack of digital literacy or user's behaviour (i.e. wrong sound and camera adjustments). Nowadays, as a post-pandemic learning, many hope to replace some (formerly in-person) meetings or even business trips with digital tools. **At the same time, the pandemic also underlined that digital meetings or events cannot replace in-person formats, and in particular its informal parts where sometimes the important deals are struck.**

The rapid growth of the US conference platform Zoom in 2020 is a good example of the global digitisation wave.[16] Launched in 2014 with 400,000 users after its first month, Zoom transformed into the probably the most-used web conference platform by 2020. Its growth coincides with the beginning of the pandemic and thus restrictions to physical meetings and free movement.

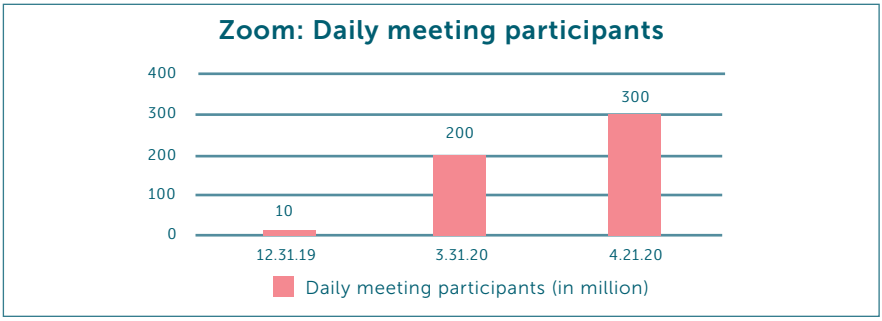

Figure 1
Source: Brian Dean/ Backlinko.com[17], Zoom.

Figure 1 shows a rapid growth in daily Zoom meeting participants between December 2019, when COVID-19 was still contained to China (Wuhan), and the first quarter of 2020, when the virus had arrived to other countries and various lockdowns and states of emergency were put in place in various countries around the world, including many European countries. In only one quarter, the number of daily Zoom participants skyrocketed with an increase of 2900 per cent (300 million daily users worldwide) since December 2019. Against this background, it is less surprising that the Zoom app also hit an all-time record in daily downloads in April 2020, with 3.5 million installations in a single day.

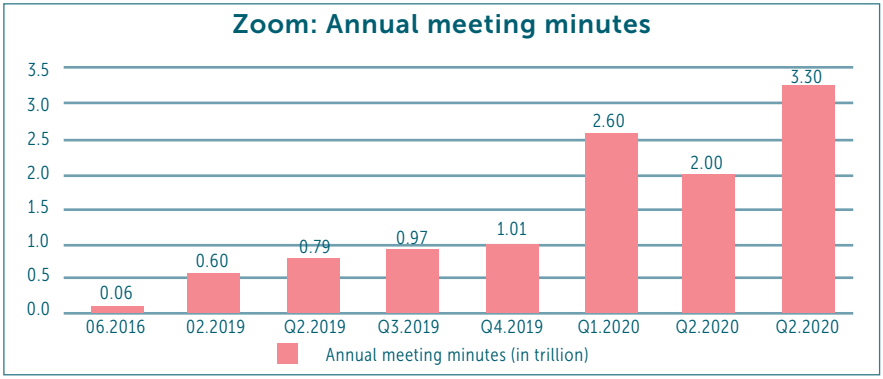

Figure 2
Source: Backlinko.com, Zoom.Data are estimated by multiplying the figures from the final month of each quarter by 12.

Data depicting the annual meeting and webinar minutes on Zoom confirm the rapid digitisation trend (Figure 2 & 3). With an increase of 3300 per cent in Zoom meeting minutes in one year (Q3 2019 vs. Q3 2020), it is undeniable that people meet, talk and learn online in the "new normal". Likewise, annual Zoom webinar minutes were multiplied by 14 during the first quarter of the pandemic (Q4 2019 vs. Q1 2020).

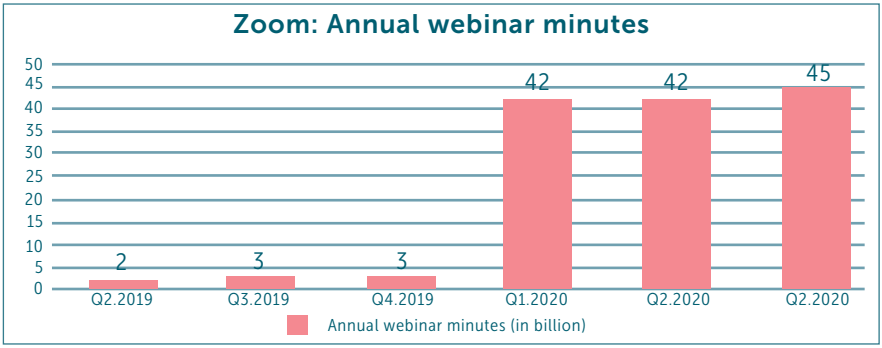

Figure 3

Source: Backlinko.com, Zoom.

Of course, digitisation of work goes much further than the mere use of digital conference platforms. It also requires other ICT technologies such as VPNs, access to online servers or shared drives, digital competencies and the necessary hardware. Nonetheless, data on Zoom use provides a good case in point to measure opportunities for digitisation and the future of remote work, in particular in a perspective of freedom of movement, which will be of particular interest in the next section.

Opportunities and challenges stemming from the "new normal"

In short, limitations in physical contacts and freedom of movement resulted in a sharp increase in digital meetings for private and professional purposes. However, such trends did not come without unwanted side effects. One of the most familiar ones is Zoom- or screen fatigue. It stems from the fact that more virtual get-togethers could now be packed into one day than face-to-face meetings, as well as increased screen-based activities in the private sphere such as streamed series or social media consumption.

While remote work and the COVID-19 induced digitisation might have led to a better work-life-balance for some, others reported that the limits between private and professional life became increasingly blurry. Such

impressions were mostly due to temporal or spatial motives, as the living room or kitchen became temporary offices for many, often also shared with partner, children or pets and in the spotlight during video calls. Homes becoming offices were not the only established norms being questioned, also city centres emptied and workers escaped to the countryside.

"Homes becoming offices were not the only established norms being questioned, also city centres emptied and workers escaped to the countryside."

Regarding productivity, remote work and especially digital meetings do not yield equally satisfying results according to employees' expectations.[18] Not being able to directly control (physical) attendance anymore, employers had to be more flexible and trust their employees, thus reinforcing a result-oriented logic even more. However, productivity did not always go hand in hand with the time invested in remote work, leading sometimes to an increased (mostly internal) pressure and the attempt to "make up" for the productivity gap by overworking.

Not only for frequent business travelers and tourists, the routine of leaving one's own four walls was radically changed into hardly leaving them at all, be it as precautionary measure or as a combination of national lockdown and curfew. As stated beforehand, home became the office for many and even once restrictions were gradually easened, remote work rules remained in place and people did not immediately turn back to work on full capacity.

Rapid digitisation and remote work on the one hand, and short- to medium term mental health effects of the crisis and a desire for temporary or permanent change and broadening one's horizon on the other yielded some – previously less imaginable – opportunities of remote work in combination with free movement, such as work from abroad.[19] Common characteristics of what is commonly known as "digital nomads" and recent developments in light of the pandemic will be further analysed in the next section.

"I've been looking for freedom" : Types of remote work

After briefly reviewing the various challenges and policy responses stemming from the pandemic on individual and collective levels across Europe, the following section analyses different practices of remote work. As stated beforehand, remote work became common practice for many during the pandemic, yet it is not a genuinely novel phenomenon. The need for geographic proximity between work and home has already been dissolved much earlier, although the mobility of human capital was heavily boosted during the recent health crisis. First predictions and learnings over the past 1,5 years indicate that we can expect the rules governing work to be rewritten, although it is yet too early for empirical evidence on the future of work in a post-COVID-19 to support such assumptions.[20]

The aim of the present section is to review options in a pre- and post-COVID-19 perspective and to obtain insights about prospects regarding the future of work.

Development of remote work over time

Technological progress and the democratisation of ICT's has highly benefited various forms of remote work. With prices for broadband data transfer and equipment decreasing throughout the EU, telework as a first

form of remote work has also become less expensive to implement for companies. Mobility, in this context, is understood as both physical relocation and technological connectivity.

For the purpose of this contribution, special attention shall be paid to the following forms of remote work, each with its own degree of (location) freedom regarding relationship: *Teleworker, Digital Nomad, and Freelancer.*

	Balance between	***Location***	***Type of employment***	***Travel***	***Identity formation***	***Location examples***
Digital nomad	leisure and work 2 types: – work-life – lifestyle perspective	independent and warius, choice based on leisure and life-style („lifestyle mobility"); temporary character: movement from one work-place to another → international (semi-) perpetual travel	possibility of freelance	on-going, by choice (travel can be both condition and possibility for digital nomads)	loosening of nation-based ties, rejection of „homeland-centric identities" and common → identification based on lifestyle and community formation among like-minded nomads	Chiang Mai, Thailand, Bali, Indonesia; several European countries (i.e. Estonia, Spain) → special digital nomad visa regimes, co-working & co-living spaces
Freelancer	family / private duties and projects	independent, choice based on projects / work	freelance, can be digital nomads	optional, but frequent	nation-based / nation-centric	co- working spaces, cafés, etc.
Telecommuter (Teleworker)	family duties and employment	fixed, one specific geographic area based on work or employment → intermittent remote worker	generally employed	working condition (travelling professional)	nation-based / nation-centric	office space, home office, occasionally other locations (business travel, third countries etc.)
Employee *(without possibility of telecommuting)*	family duties and employment	fixed, based on employment	employed	working condition	nation-based / nation-centric	office space

Table 1
Forms of location-(in)dependent work
Source: own comparative overview, based on Hannonen 2020[21].

- ***Teleworker*** – the intermittent remote worker

In 2002, Article 2 of the European Framework Agreement on Telework defined telework as "a form of organising and/or performing work, using information technology, in the context of an employment contract/ relationship, where work, which could also be performed at the employer's premises, is carried out away from those premises on a regular basis."[22]

Such arrangements did already allow for some (geographical) freedom from where work could be carried out, hence with a temporary notion. Already two decades ago, the use of telework varied significantly across EU member states, being highly prevalent (at least 25% of time) in Scandinavian countries, East and Central European countries and Benelux. Between 2000 and 2005, the share of telework in (today's) EU-27 countries increased from 4% to 7% of the overall average proportion of employees.[23] Since then, the increase of telework over time is even more prevalent when comparing data in a more recent pre- and post-COVID-19 perspective (Figures 4 and 5).

Based on a comprehensive dataset by Eurofound from spring / summer 2020, when countries were in their first lockdown or gradually reopening, around 15% of respondents in the EU-27 at least worked several times a month outside office spaces, with almost 10% doing so on a daily basis.[24] As for previous data, the high variation across EU member states still prevailed, and to some extent followed the previously described regional patterns in the Baltics, Benelux as well as East and Central Europe (Figure 4). Such diversity across Europe can be explained by a combination of factors, such as a country's technological affinity and infrastructure, management culture and employees' needs for spatial and temporal flexibility.

Frequency of telework before the outbreak of COVID-19

Answers include 'daily', 'several times a week' and 'several times a month'

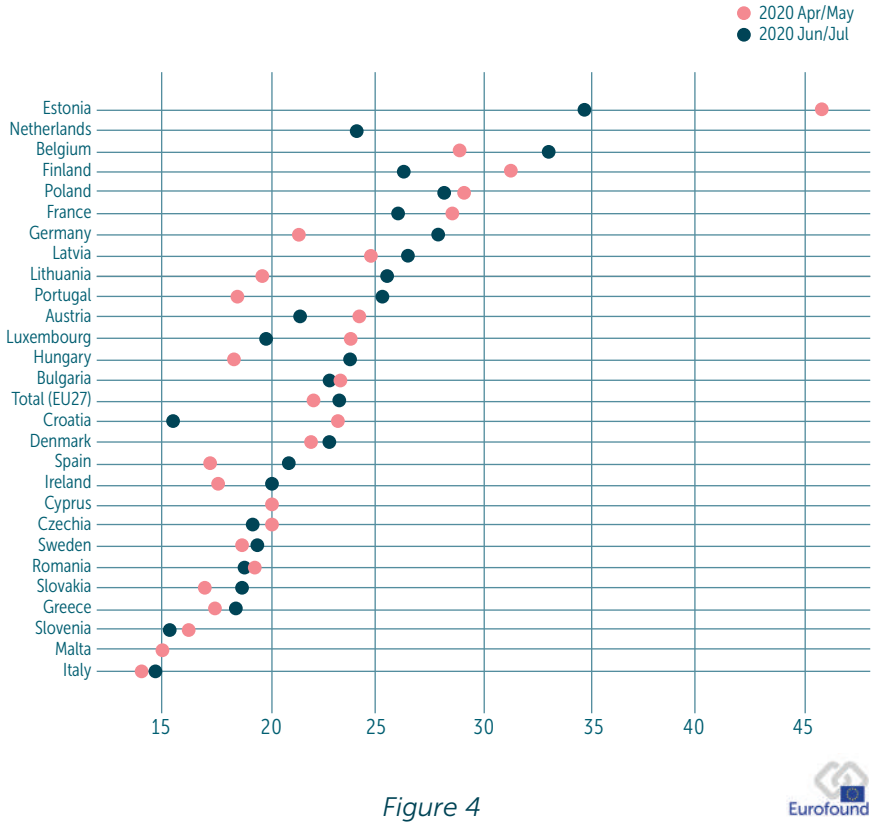

Figure 4
Source: Eurofound

The pandemic-induced boost in telework is shown in Figure 5, with over one third of all EU-27 respondents (36%) starting to work from home because of the COVID-19 situation.

Have you started to work from home as a result of the COVID-19 situation?

Total share of 'yes' answers.

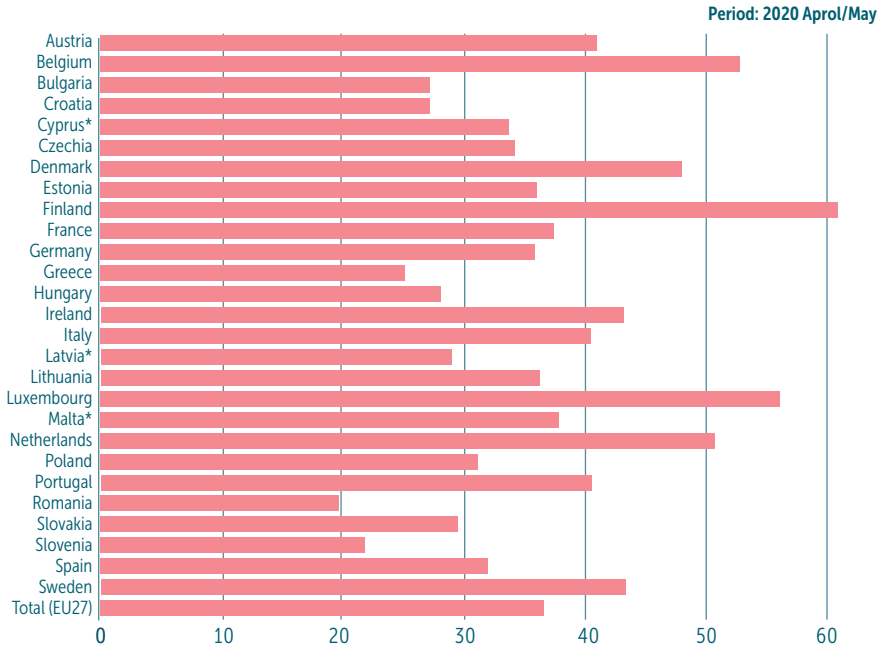

Figure 5
Source: Eurofound

It is worthwhile to highlight that the number of teleworkers in spring 2021 fell as more workers returned to the office, but the desire to telework has not waned. Many EU workers expressed a preference to work from home (at least) several times per week in the long term as well, citing work-life balance (family duties vs. employment) as their main motivation. As workers continue to work more autonomously from home and companies invest in ways to facilitate this, the COVID-19 crisis can be an opportunity for many businesses to move towards win-win arrangements.

- ***Digital Nomad*** – the ultimate remote worker

No longer live where you work – this might sound familiar to the estimated 35,000,000 digital nomads, or "location-independent entrepreneurs", around the globe.[25] A stable workplace is not a requirement for digital nomads, many of whom lead nomadic lifestyles and work from any location with internet access – coffee shops, hotel lobbies, restaurants, co-working spaces, or even mobile homes. Digital nomadism is both a new economic model and a cultural phenomenon.

Digital nomadism is both a new economic model and a cultural phenomenon.

One would probably first think of a lifestyle- and travel-oriented individual, highly equipped with ICTs and probably located somewhere in Bali or Thailand, drinking a detox juice under a palm tree while clarifying details with a client before going surfing with like-minded digital nomads. Admittedly, such a conception is neither creative nor very accurate. According to data collected by the blog "Nomadlist" based on its users, the average digital native is a white heterosexual 32-year-old male US-citizen, single, describing himself as progressive, atheist and a coffee-lover, staying on average a little more than two months at one place.[26] While such a snapshot does not allow for an accurate representation of digital nomadism, it still indicates a tendency.

However, the problem in describing and defining what digital nomads are (instead of

what they are not, or by overly generalising) lies in the term itself. The abundance of explanations in relation to digital nomadism indicates the ambiguity of the practice itself. The term digital nomad stems from a book published in 1998 by electrical engineers Tsugio Makimoto and David Manners, to predict an outcome of technological advancement on people's lives and their gradual freedom from time and location. But: "The difficulty of measuring the phenomenon comes from its scale, as digital nomadism spans several categories and types of employees"[27], as Hannonen points out (see Figure 6). As shown in Table 1 as well, those categories are not always mutually exclusive, but fluid and overlapping.

Interrelation of digital nomadism with related phenomena

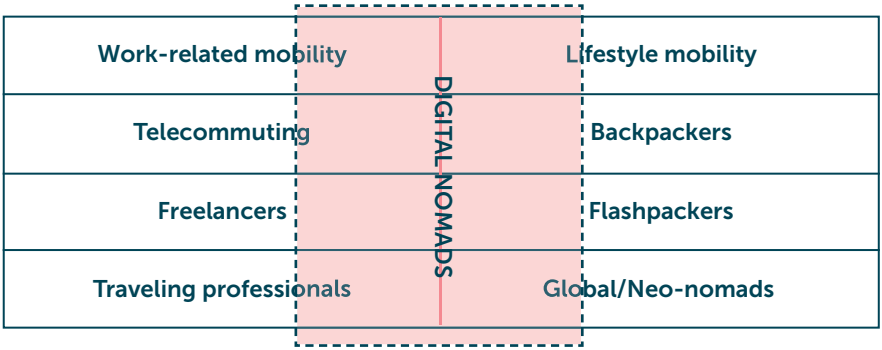

Figure 6
Source: Hannonen (2020), 339.

A broad majority (83%) of digital natives is self-employed (freelancer), and 17% of them employed by companies as remote workers.[28] A digital native can therefore be a freelancer, while the opposite might not necessarily hold true in terms of personal mobility and lifestyle.

Contemporary research identifies two types of digital nomadism, with individuals holding either a (1) work-life or a (2) lifestyle perspective. The former emphasizes digital nomadism as an outcome of changing working

conditions and increases in mobile and distance work, whereas the latter favours location independent lifestyle[29]. The lifestyle-component of digital nativism also comprises a whole community sharing a similar state of mind and which can replace other attachments, such as place of residence, permanent office space and even nationality of self-identification.

It is interesting to highlight that depending on the definition, digital nomadism can comprise either remote work with mobility as a possibility or a condition. The latter translates the original understanding, while the former became more prominent during the pandemic and new pathways for intermittently remote workers emerged. For the present contribution on the future of work and a slight emphasis on the work-life perspective, the following definition by Cook, based on both journalistic and scholarly sources, is retained:
Digital nomads are understood as "young, work-oriented professionals who reject outwardly imposed structures of traditional office work - such as the 9 to 5- and place value on autonomy, flexibility and the ability to travel and work where they please."[30]

"I've been looking for freedom..." - David Hasselhoff might have inspired some digital natives, yet the impression of ultimate freedom deserves some nuancing. Despite often the idealistic conception of digital nomadism as a

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Freelancers are defined as professionals who are self-employed predominantly by choice, without any prior notion of mobility.

synonym for "workation" (neologism of work + vacation), the notion of freedom for digital nomads is merely subjective as boundaries between work and leisure become increasingly blurry. Such a status or state of mind confers numerous rights and obligations, and especially the amplification of self-responsibility in a liberal sense: "The idea that the burden of disciplining and personal responsibility is shifting (and should shift) from the institution or the state to the individual."[31]

In the context of the pandemic, the freedom as where to (temporarily) settle allowed digital natives to seek locations with low to non-existent presence of COVID-19, less restrictions, higher vaccination rates, simply better weather conditions or other advantages in case of long-term stays, as will be analysed in the last section of this article.

• ***Freelancer*** – the "in-between" or the "a little bit of everything"
Travel is a differentiating factor between digital nomads and freelancers. However, as already indicated, the boundaries between these two categories are fluid, if not blurry. Freelancers are defined as professionals who are self-employed predominantly by choice, without any prior notion of mobility. It is however quite common that those freelancers also travel for or to their clients, ranging from regional to international mobility. According to Pieter Levels, the founder

of the previously mentioned website Nomadlist.com, one out of three freelancers becomes a digital nomad. Levels further estimates that 60 % of the working population will be freelancing by 2035, with digital nomadism reaching one billion people by the same year.

After reviewing the basic types of remote workers and their specificities, the next section concentrates on the expansion of the category of digital nomads in the course of the pandemic and incentives by countries or regions and municipalities to attract such (temporary/ permanent) location-independent workers. First impacts of COVID-19 on the situation of teleworkers as the most location-dependent category of the three ones presented[32] have already been shown and will be further explored in the following section.

Digital Nomads during COVID-19

While digital nomadism was already on a steep rise in recent years, the interest for the not-so-novel-anymore phenomenon hit an all-time record during the pandemic (Figure 7). Despite travel restrictions, the pandemic clearly accelerated the trend, as data from both the US and Europe confirm. It also made distinctions between the different, already fluid and overlapping categories of remote workers (Table 1) even more blurry.

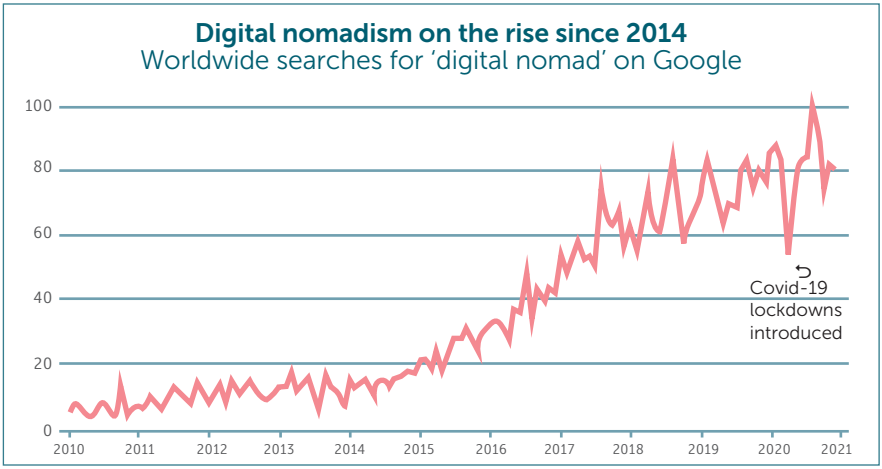

Figure 7
Source: Techmonitor / Amy Borrett[33], based on Google Trends.

The report "COVID-19 and the Rise of the Digital Nomad", based on the 2020 State of Independence in America Report, gives an accurate picture of the major changes in the make-up of digital nomads in the US.[34] According to the findings, the pandemic led to a dramatic rise of almost 50% of American digital nomads, from 7.3 to 10.9 million. The biggest change was that traditional employees were "unleashed from their offices and many, instead of staying in one place, are taking to the road."[35] In 2020, the number of employed individuals working as digital nomads grew by 96 %,

from 3.2 to 6.3 million. However, the increase in digital nomads among freelancers was far more modest with only 12 %, stemming from the fact that freelancers already had more location freedom pre-COVID-19 and the impact of the pandemic on their workplace was less pronounced.

Unfortunately, a pan-European dataset for similar assumptions regarding the future of work and the share of digital nomads is lacking so far. A closer look at the legislation regulating telework and changes induced by the pandemic can help to predict future trends regarding remote workers, among them (intermittent) digital nomads.

While only seven EU member states out of 27 did not dispose of a statutory definition and specific legislation regarding telework before COVID-19, the post-pandemic situation brought some novelties. By March 2020, hardly one year after the outbreak of the health crisis, five countries had already implemented legal changes to introduce or update legislation and 12 other countries reviewed the possibility of a new specific legislation on teleworking.[36] While remote work at first was far from ideal circumstances, the taste of a new way of working certainly had a lasting impact.

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However, albeit to a lesser extent, a similar shift towards a growing number of digital nomads, also among traditional workers (teleworkers) can

be expected in Europe as well.[37] Rather unsurprisingly, destinations around the world have quickly responded to the new phenomenon and have started to present themselves as digital nomad friendly. Cities, regions and whole countries have been marketing themselves as an ideal place for short-, medium or long-term location-independent persons.

Europe, the new Eldorado for remote work?

"Why Europe is a great place for digital nomads"[38], titled the Economist in October 2021, 18 months after the outbreak of the pandemic in Europe. With many borders being de facto closed during the pandemic, less international flight connections available and freedom of movement restricted within Europe to limit the spread of the virus, working where others go on holidays was a tempting option for (mostly) lucky students, remote workers or freelancers. As mentioned beforehand, the perceived freedom often came at a certain price: the ability of self-organisation and discipline.

Also in a non-pandemic context, Europe is indeed a popular place for remote work. The website Nomadlist.com declares Lisbon as the prime destination for digital nomads, and lists four European cities among its TOP 10 (three in Portugal). Main criteria for choosing a location, according to the website and its users, are cost of living, (high speed) internet connection, security and fun.

Even more during the first months of the pandemic, countries discovered their untapped potential in this regard by attracting remote workers. In preparing for the "new normal", many countries were eager to turn the new situation into business and even demographic opportunities. The following paragraphs therefore briefly analyse the opportunities for remote work in Europe and its legal basis, and highlight the situation of Spain as a case in point for opportunities for both countries and individuals.

Opportunities for Europeans: Remote work and Freedom of Movement

Already pre-COVID-19, freedom of persons enabled European citizens to move and reside freely within the EU without any need for a work or residence permit. The underlying freedom of persons[39] is the cornerstone of EU citizenship, and joins the core provisions on freedom of movement.[40] EU citizenship grants a number of rights to EU citizens,[41] of which freedom of movement is probably the most cherished one - not only since the pandemic. For stays in another EU country of up to three months and thus suitable for short-term or intermittently remote workers, EU citizens are not required to fulfill specific obligations regarding registration or social security contributions. For longer stays, specific requirements may apply depending on the host state.

Regarding tax obligations, European citizens continue to pay taxes in the country of employment and (permanent) residence if they reside in another EU country for a maximum of 183 days. Beyond this threshold, taxes have to be paid on a proportionate basis to the host country and the country of

Estonia successfully marketed its country profile as an attractive business ecosystem for both entrepreneurs and investors, generating more than €51 million in additional taxes for the treasury.

(registered) residence. Other important points to consider when working remotely from another EU country are insurance issues, i.e. health and liability insurance and related coverage abroad.

Of course, such provisions only apply to EU citizens. Third country nationals will often have to apply for visa schemes or fulfill specific obligations to relocate to Europe and start or continue doing business there. This is where specific initiatives by European countries, regions or cities and even villages tap into.

Opportunities for international remote workers: The case of Spain

With its e-residency scheme, Estonia was a European pioneer in attracting foreign publics. In 2014, it was the first country to offer e-residency, which counts almost 85,000 people from more than 170 countries to date.[42] May they be business owners, entrepreneurs, freelancers, consultants or digital nomads, common characteristics of applicants are digital-based work by location independent persons who wanted to start and/ or run a European company. Especially following Brexit, running businesses through Estonian e-residency to keep access to European markets as well as the freedom of being location independent became increasingly popular.[43] Estonia successfully marketed its country profile as an attractive business ecosystem for both

entrepreneurs and investors, generating more than €51 million in additional taxes for the treasury.

The case of Spain is a more recent example of a country which has launched several initiatives in the light of the pandemic and its observed and expected changes to the future of work, in order to attract foreign entrepreneurs and location independent persons. The aim of the last section of this contribution is to analyse two projects, which both seek to create a more welcoming and suitable work environment for digital nomads or entrepreneurs and digital expats at large. Among the initiatives are one network at regional level as well as a governmental bill at national level. Spain has a lot to offer to people planning to relocate to the Iberian peninsula for a variable time period, be it for remote work or even more traditional work relationships. Mediterranean climate, Spanish culture, nature and an overall good quality of life are frequently cited in this context. However, there are also downsides, which sometimes tend to be overlooked. Spain displays the highest unemployment rate in the EU-27 with 14.6%[44] (figures seasonally adjusted) and work is mostly concentrated in Madrid and Barcelona, as well as a few other smaller cities. Especially during the financial crisis 2008 - 2014 and the following years, young Spaniards moved from away from the countryside to bigger cities in the hope to find decent work. The phenomenon of España vacía ("empty Spain") is unfortunately not a recent one, but has been exacerbated with the economic boom and later the financial crisis. Ongoing depopulation led to a lack of various kinds (i.e. inhabitants, investment, jobs, social structures, health facilities and public institutions) in villages and small cities, making them less attractive for people to live or move there. According to a report by Banco de España (Spain's national bank), the country shows a high degree of concentration of people in both urban and rural areas and 42% of Spain's municipalities were at risk of depopulation in 2021.[45]

The most recent health crisis will not be able to radically revert this trend, but a 2021-born initiative aims to halt it at least a little: the

"National network of welcoming villages and small towns for telework" (Red Nacional de Pueblos Acogedores para el Teletrabajo[46]). To date, 27 villages of less than 5,000 inhabitants are part of the newly founded network, which promotes rural Spain as an optimal destination for remote work, supported by Spain's national electricity system operator, a social NGO and an international tourism platform. The network's primary goal is to contribute to revitalising and repopulating rural and sparsely populated areas, by attracting a floating population and foreign talent, boosting economic activity, and finally revitalising the cultural and leisure offer as well as strengthening the social fabric. Understand also: villages fighting for their survival.

In order to achieve this, the mission of the initiative is to guarantee the necessary and favourable conditions for people who wish to work remotely in any of the villages of the network, whether for a short, medium or long period of time. "The pandemic has brought teleworking to the forefront and has also contributed to changing the perception that people living in urban areas have of the rural environment, which is now seen as a safe space with a high quality of life.", summarizes one of the co-initiators the new opportunities. A central website gathers information on participating villages and towns as well as life there (accommodation, coworking spaces, internet coverage, public transport, banks / ATM, cultural offers and traditions, average cost of living, etc.). In addition, new residents can rely on local hosts and their help and guidance for an even more immersive stay. On the list of possible destinations are towns on the Canary Islands, as well as in northern or southern Spain, all far off the beaten tourist paths and attracting future residents with inspiring surroundings and quiet locations.

Another, even more recent initiative to attract foreign talent and investment, among them digital nomads, is the Spanish preliminary draft bill to promote the start-up ecosystem.[47] The draft bill, commonly known as **"Start-up law"**, was introduced by the Spanish Council of Ministers on 6 July 2021 and still undergoing the legislative process at the time of writing. The law

seeks to encourage and support economic redevelopment in the post-pandemic era through various ways.

It could attract an influx of international workers to support its economic recovery and place Spain as a leading entrepreneurial nation with a global appeal, if approved. Economic stimuli of the draft bill include for instance tax incentives, more facilities for investors and greater flexibility for founders of start ups. For the purpose of this article, particular attention shall be paid to international remote workers. According to the draft bill, Spain plans to create a specific tax regime that relaxes the conditions for them to be subject to non-resident income tax, with a reduced tax rate of 15% instead of 20% for a maximum of four years.

The draft bill also foresees a new type of visa targeting international mobility, the **digital nomad visa**. It would allow remote workers to stay and work in Spain while working as a freelancer or for a company anywhere in the world through the exclusive use of ICT technologies for one year maximum, with the ability to request an extension for another two years. In a spirit to combat brain drain, to overcome the recession caused by the pandemic and to use the new opportunities stemming from remote work, Spain aims

to use its untapped potential as well as EU financial support in the framework of "Next Generation EU" (NextGenEU) to develop an entrepreneurial ecosystem with an innovative vocation. The draft bill and the measures targeting digital nomads and remote workers focuses on regulating a very recent reality that increased during COVID-19 crisis. There are many, hence not all employees or self-employed workers, who currently telecommute around the world, some of them wishing to move to Spain and continue teleworking for foreign companies or clients.

The given Spanish examples are a pertinent testimony to the consequences of the pandemic (for the best and the worst), the future of work, as well as an ongoing digitalisation and first responses by national politics to seize new opportunities and combat old problems at the same time. In doing so, the country on the Iberian peninsula received European support. Spain is the first recipient of NextGenEU funds, much of which will also accompany the dual transition (green and digital). At the current stage, it is far too early for a first assessment of both the network of villages or the draft start up bill, but the projects are promising and welcomed by actors across the political spectrum.

Conclusion

The present contribution aimed to analyse the challenges and changes arising from the COVID-19 crisis under the angle of digitisation and free movement. The rather rhetorical introductory question "Will the future of work be different in a post-COVID-19 perspective?" can be answered with a clear "YES". It is interesting to observe that, at a time where more and more restrictions to freedom of movement through border closures and often also individual freedoms were imposed in many EU member countries, many were at the same time freed from the traditional workplaces and rules governing daily office routines for more freedom -

with a lasting impact. This opened a door towards remote work from third locations as a source of revitalisation and inspiration in the context of the pandemic, and may it only be for a limited period of time.

From a current perspective, employees' attention towards work and in particular work-life balance has considerably changed in many sectors. The pandemic showed that "another way" of working was possible, with more emphasis on flexibility and trust instead of (mere) office presence. The result-oriented approach to work was even more fostered. During the pandemic and the subsequent path towards the "new normal", employees appropriated some characteristics of digital nomads, with the first working remote thanks to ICT. Yet, the assessment deserves nuancing, as remote work is by far not equally shared among areas. Sometimes, the very nature of some occupations makes it difficult or impossible to perform them away from the standard worksite (i.e. sales workers, personal service workers, hairdressers).

Based on figures about Zoom use, it was shown that COVID-19 and the global pandemic accelerated and amplified existing trends towards remote and flexible work in areas where it was possible. As a subcategory of these trends, digital nomadism has also been accelerated and amplified. The example of Spain highlights the fact that countries and regions also discovered their untapped business and human potential regarding hosting digital nomads. Consequently, they are increasingly selling their country as an attractive location for remote work. First (lasting) policy changes such as digital nomad visas or updated laws on remote work are already underway, with even more probably to come in the next months. In short, digital nomads are a business opportunity and source of human capital that countries shall embrace.

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Chapter 2

The impact of the Pandemic on economic, civil and social freedoms. The Italy case

Marco Mariani

Introduction

The pandemic crisis of 2020-2021 has exacerbated legal, social and economic problems of great impact for those who take the liberal point of view, as they concern the Rule of law and the relationship between Authority and Freedom. For those who are incurable optimists, such as myself, this has however represented an incredible opportunity for development and growth.

Suffice it to say that one of the reasons for the low economic growth of southern European countries is undoubtedly the lower level of investment, both public and private, compared to

the EU average, especially in technological innovation (software, hardware, big data) and human capital. This has slowed down the digitisation process that has made an important contribution to labour productivity growth in recent years.

However, the recent pandemic has given an unprecedented boost to the digitisation process, with a sudden and unexpected conversion of many economic activities to digital. In this profoundly changed scenario, the question arises whether the digital divide between European countries still exists and what its extent, if any, is.

In this scenario of economic and social change brought about by the urgency of countering the effects of the pandemic, science and technology are inevitably at the forefront. However, this leads to new and, if I may say so, deeper questions from a legal and philosophical point of view, especially if we take the liberal point of view.

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Legitimate political and health needs are contrasted with legitimate concerns about the consequences of legislative choices for individual freedoms. This conflict is inevitable in a liberal democracy. On the other side of this conflict is the area of the moral choices of individuals. These choices are also marked by a plurality of options, some opposed to others: to accept the legislator's decisions, or to reaffirm the right to self-determination in health matters? Doesn't the

pandemic - which potentially affects everyone, regardless of our will - have the traits of what theologians call 'serfdom'? Whatever choice I make, precisely because of the pervasiveness of the evil that has broken out, I can harm, even unconsciously, the other person. In this sense we are in a situation of "servant will". My freedom is limited by a constraint (a fault, the risk of infecting) which subjugates my decision. Does this mean that there is no room for freedom?

Italy's position in the international digitalisation scenario

In order to try to understand Italy's current position in the international scenario in terms of digitalisation, it is useful to analyse the data referring to the Digital Economic and Society Index (DESI), a synthetic indicator calculated by the European Commission since 2014 to monitor the progress of European countries in terms of digitalisation and to favour international comparisons.

DESI considers the following dimensions: connectivity, human capital, use of internet services, integration of digital technology and digital public

services. In all cases, there is an increasing trend in all EU countries, but with very different growth rates and levels.

Between 2015 and 2020, with an overall increase of 36 per cent in the level of DESI, the countries with the highest growth are, in order, Hungary (49 per cent), Poland (47 per cent), Italy (45 per cent) and Ireland (44 per cent). The countries that gained positions in the ranking in 2020 compared to 2015 are therefore those whose degree of digitalisation was among the lowest, supporting the hypothesis that the sudden conversion to digitalisation of many economic activities has allowed the countries that were lagging the furthest behind, such as Greece and Italy, to at least partially catch up with the more advanced countries, while still occupying the bottom of the ranking.

Looking at the individual dimensions of DESI, the first - defined by connectivity - measures the deployment and quality of broadband infrastructure. Denmark, Sweden and Luxembourg score the highest. People's use of the Internet increased dramatically during the pandemic, leading to recurrent access to social media and online platforms. Italy is in 18th place, recovering eight positions compared to 2018.

The second dimension of DESI measures human capital and is crucial, as it allows us to quantify the skills needed to take advantage of the possibilities offered by digitalisation. Finland, Sweden and Estonia are the most advanced countries, while Italy occupies the last position. In all countries, however, there is still a significant gender gap as only one in six ICT (Information Communication Technology) specialists is a woman. The third pillar concerns the use of Internet services. Italy is in third to last place, with no improvement on 2018, while Northern European countries such as Finland, Sweden and the Netherlands remain at the top of the list.

The digital technology integration dimension of DESI specifically concerns the use by businesses in their activities. The EU countries that do best are

Ireland, Finland, Belgium and the Netherlands, while Italy is in 25th place, but recovering one position compared to 2018.

The supply of digital public services is finally defined with the fifth dimension of DESI and refers mainly to services to businesses and citizens, from the availability of searchable data to eHealth services. The countries with the best scores are Estonia, Spain, Denmark, Finland and Latvia. Italy recovers three positions compared to 2018, but is only 20th in the ranking.

From this simple descriptive analysis we can see the existence of a consistent gap between the Northern European countries, characterised by a virtuous circle of economic growth, high productivity and high levels of digitalisation, and the Southern countries, Greece and Italy in particular, which come from decades of low economic growth, and, therefore, with exactly the opposite characteristics. On the basis of the DESI index referring to 2020, in which there has been a sudden conversion of many economic activities towards the digital age, the more backward countries seem to have closed a small part of the gap compared to the more advanced ones, but the absolute data clearly indicate that the path to recover productivity and economic growth is still very long and requires substantial interventions.

On this point, at least if one considers the recent National Recovery and Resilience Plan approved in the summer of 2021, Italy seems to be on the right track.

On 14 June 2021, Regulation (EU) 2021/953 was adopted by Parliament and the Council, which provided for a digital green certificate to facilitate the secure free movement of citizens in the EU during the COVID-19 pandemic. However, as already stated in the Commission's proposal, it should not be a precondition for freedom of movement, which is a fundamental pillar of the EU integration process, or for exercising other

fundamental rights. The certificate can be used by all EU citizens and their family members, but point 12 of EU Regulation 2021/953 refers to EU Regulation 2021/954 the extension of the measures for issuing the green certificate also to third-country nationals who are or will be legally resident in the Member States and are authorised to travel within the Union. The certificate is valid in all EU Member States - so that the restrictions currently in force can be lifted in a coordinated manner - and certifies that a person has been vaccinated against Covid-19 (without distinction as to the type of vaccine inoculated), has tested negative in a rapid molecular or antigenic test or has been cured of the virus.

The European Green Pass therefore has a harmonisation and free movement function, which is consistent with the founding values of the Union. It describes a factual situation (vaccinated, cured, recent negative swab holder) that Europe considers sufficient for it not to be possible for Member States to impose further burdens on access and movement on Green Pass holders. The Green Pass says nothing about the greater or lesser contagiousness of the holder, even though it assumes that those who find themselves in one of these three conditions are potentially less dangerous from the point of view of the spread of the vaccine than those who are not. However, it should be borne in mind that all three conditions certified by the Green Pass are not a scientific guarantee of non-contagiousness. In fact: a) as is clear from the leaflets and informed consent forms, vaccines do not protect against infection but only against disease; b) swabs contain a not inconsiderable percentage of errors; c) recovery is no guarantee of non-infectiousness. These are aspects that cannot be overlooked either when the vaccine is still in the experimental phase (since it has only obtained emergency authorisation) or once the trial is over if its ability to limit contagion is not confirmed.

The introduction of green certification in Italy: continuity or discontinuity with the European "Green pass"?

Even those who decide not to vaccinate - it is worth remembering - exercise a legitimate choice in the absence of compulsory vaccination, and their refusal should be protected and not cloaked in apocalyptic moralism. The trivialization and vulgarization of these arguments is likely to feed, on the contrary, a social and anthropological divide, the basic theme is how to protect health in accordance with the Constitution, being able to distinguish constitutionally oriented measures from measures that move outside the constitutional perimeter. The right to health, as a fundamental right of the individual and an interest of the community, remains an absolute priority, but it must be pursued with measures that, as stated in the introduction, are balanced between the protection of rights and the non-derogation of duties.

Finally, it does not leave one indifferent to the fact that the Council of Europe, in its resolution of 27 January 2021, given the current non-compulsory nature of the vaccine and the simultaneous need to respect the full exercise of freedom of self-determination of individuals, also referring to Articles 8 and 9 of the ECHR and Article 5 of the 1996 Oviedo Convention on Human Rights and Biomedicine, has resolutely affirmed the need to ensure that no one is discriminated against for not being vaccinated. The conditions imposed for obtaining green certification, however, as already expressed, leave one wondering whether this recommendation is actually met.

However, some Italian politicians (from "populist" parties) have argued, in particular with reference to the Italian green pass, that an EU rule would prohibit any discrimination against non-vaccinated persons. According to them, discrimination is prohibited in particular by "Article 36" of Regulation (EU) 2021/953 of the European Parliament and of the Council of the EU of 14 June 2021, which governs the EU Digital COVID

Certificate - commonly known as the "European Green Pass" - with regard in particular to the freedom of movement of EU citizens.

Recital 36 states that "direct or indirect discrimination against persons who are not vaccinated", whether for medical, practical or choice reasons, must be avoided. Therefore, 'possession of a vaccination certificate (...) should not be a precondition for the exercise of the right to free movement' or for the use of 'cross-border passenger transport services', such as airlines, trains, coaches, ferries and so on. Finally, it says, 'this Regulation cannot be interpreted as establishing a right or obligation to be vaccinated'.

It must first be made clear that No 36 is not an article but a 'recital'. Recitals serve to justify the rules contained in legislative texts but, unlike articles, they do not contain normative statements. In other words, recitals have no binding effect and can at most be used in case of doubt as to the interpretation of the actual rules contained in the text.

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It should be remembered that Community law prevails over national law, so that an Italian provision in conflict with a European one is bound to fail. Why, then, does this not happen with the ban on discrimination against non-vaccinated persons?

As already mentioned, No. 36 is not a rule but a recital and therefore has no possibility to prevail over national rules. But even beyond that, recital 36 refers to a specific European document, the EU Digital COVID Certificate, which has a clearly defined purpose. As stated in Article 1, the regulation has the "purpose of facilitating the exercise of the right to free movement during the COVID-19 pandemic" by holders of the EU green pass and "shall also contribute to facilitating the progressive lifting of restrictions on free movement put in place by the Member States".

So if a country decides to impose its own national green pass, possibly even different from the European one (e.g. for access to restaurants, cinemas, workplaces or schools), the regulation has nothing to do with it. But even with regard to transport, which has to do with freedom of movement, at least two considerations must be made.

Firstly, the non-discrimination (regarding freedom of movement) referred to in recital n. 36 should be understood in the sense that even a person who is not vaccinated, but who has a recent negative swab or a recent test showing that he or she has recovered, is entitled to a European green pass. Not in the sense that an unvaccinated person without a green pass should have the same rights as someone who has one. In fact, the regulation allows discrimination against those who do not have a European green pass (i.e. - apart from those who have not yet applied - those who are not vaccinated, or do not have a negative swab or a recent certificate of recovery).

Secondly, Article 11 of the regulation explicitly provides that states may impose additional restrictions on freedom of movement "on public health grounds".
These restrictions must be justified and communicated to other states and the Commission, but they are legitimate.

The Italian way to the Green Pass certificate

The improvement in the national pandemic situation, also due to the acceleration of the vaccination campaign, led the "Draghi Government", which took office on 13 February, to adopt, with Decree Law no. 52 of 22 April, converted into Law no. 87 of 17 June 2021, a series of measures aimed at the "gradual recovery of economic and social activities" for the period 1 May-31 July 2021.

This is, as is well known, one of the last measures that is part of a sequence of regulatory acts set up, in a first phase, according to the scheme provided for dealing with emergency situations by the Civil Protection Code (Legislative Decree no. 1/2018); subsequently, the regulatory strategy changed and recourse was made to a series of decree-laws constituting the legal basis to allow, by means of decrees of the President of the Council of Ministers, the adoption of concrete measures to combat the virus.

The already composite framework of legal instruments has been supplemented, often in contradiction with the government's decisum, by regional or trade union ordinances in a whirlwind of interventions that, in addition to altering the constitutional architecture in an

These restrictions must be justified and communicated to other states and the Commission, but they are legitimate.

unprecedented patchwork of legislation, has caused bewilderment and disorientation among citizens called upon to observe strict behavioural rules affecting personal freedoms and aimed at containing the virus.

More specifically, with particular reference to the provisions limiting freedom of movement, which is constitutionally guaranteed (Article 16 of the Constitution) by a 'reinforced' legal reserve that most people consider to be relative and not absolute, we have moved from the lockdown of the first phase of the pandemic to a regime that differentiates the territories of the Regions according to a series of parameters which, combined by an algorithm, attribute a weekly colour to the latter, which corresponds to a greater or lesser incidence of restrictions both with regard to personal freedoms and to scholastic, productive, economic and social activities.

Within a regulatory framework aimed at the progressive relaxation of the restrictive measures, the decree, in referring to the provisions dictated on the point by the D.P.C.M. of 2 March 2021, the first Prime Minister Decree (D.P.C.M.) of the Draghi era, establishes, in the context of the progressive easing of the restrictive measures, the cessation of the ban on travel between the regions that are located in the white and yellow belt and allows travel in and out of the territories located in the orange or red zone, as well as for proven business needs or for situations of necessity or for health reasons, and for the return to their residence, domicile or home, even to persons with green certificates COVID-19 as defined by the following art.9 of the decree.

These same certifications may be requested, by means of orders issued by the Ministry of Health, in order to derogate from the prohibitions to travel to and from abroad or to be exempted from the obligation to undergo health measures in order to make such travels (art. 2, paragraph 3).

In addition, this type of certification may be required for participation, in the yellow zone, in open-air shows and sporting events if this is provided for by the guidelines adopted respectively by the Conference of Regions and Autonomous Provinces or by the undersecretary with delegated powers for sport (art. 5, paragraph 4). Similarly, access to fairs, conventions and congresses that will be held in the yellow zone in the presence of the public as of 15 June, may be reserved only for those in possession of green certifications if provided for by the guidelines adopted pursuant to Article 1, paragraph 14, of Decree-Law no. 33 of 2020 (art.7, paragraph 2).

The law converting Decree-Law no. 52/2021 also introduced additional articles concerning the use of green certifications (Articles 2-bis, 2-quater and 8-bis).

In particular, art. 2-bis regulates access to health and social care facilities by those accompanying patients who, if in possession of COVID-19 green certifications, are allowed 'to stay in the waiting rooms of emergency and acceptance departments and first aid wards', while art. 2-quater provides for the possibility for guests of residential facilities (RSAs and similar facilities) to temporarily leave the places of care and assistance where they are, 'provided that they have COVID-19 green certifications'. 2-quater provides for the possibility for guests of residential facilities (RSA and similar facilities) to temporarily leave the places of care and assistance where they are, 'provided that such persons have the COVID-19 green certificates referred to in Article 9'. Finally, art.8-bis allows from June 15 in the yellow zone "the festivities following civil or religious ceremonies, even indoors, (...) in compliance with protocols and guidelines adopted under Article 1, paragraph 14, of Decree-Law No 33 of 2020 and with the requirement that participants are equipped with one of the COVID-19 green certifications referred to in Article 9 of this decree.

In the wake of the "reasoned risk" called for by President Draghi, Decree-Law no. 65 of 18 May 2021 was then issued which introduces further significant measures aimed at the progressive reopening of economic, social, sporting and cultural activities in the yellow zone at predetermined intervals and, at the same time, modifies the parameters for entry into the 'coloured zones', in line with the criteria proposed by the Ministry of Health, so that the incidence of contagions in relation to the total population, as well as the rate of occupation of beds in the medical area and intensive care units, are of primary importance (Article 13).

The measure, which, insofar as it is not amended by the decree itself, does not affect the provisions of Decree-Law no. 52/2020, allows, among other things, in the yellow zone, from 15 June 2021 "festivities resulting from civil or religious ceremonies, including indoors, in compliance with protocols and guidelines adopted pursuant to Article 1, paragraph 14, of Decree-Law no. 33 of 2020 and with the requirement that participants have one of the COVID-19 green certifications referred to in Article 9 of Decree-Law No. 52 of 2021" (art.9, paragraph 2).

During the parliamentary examination, the measures set forth in the aforementioned decree-law no. 65/2021 merged, together with the provisions set forth in decree-law no. 56 of 30 April 2021 containing the extension of certain legislative deadlines, into the text of the law converting decree-law no. 52 /2021 (Law No. 87 of 17 June 2021), which, in Article 1, paragraph 3, consequently repealed the entire Decree-Law No. 65/2021, without prejudice to the effects and legal relationships arising from such legislative measure.

The negative evolution of the epidemiological situation caused by the increase in the number of infections resulting from the spread of the so-called Delta variant has finally prompted the Government to follow the example of the decisions taken in France, which has introduced the obligation to possess the COVID-19 green certificate to have access to

places of culture or entertainment (sports facilities, cinemas, museums) with the intention of shortly extending its use to include cafés, restaurants, trains and long-distance buses.

Preceded by many discussions and controversies within the same government majority, the Council of Ministers of 22 July approved the text of the decree-law containing 'Urgent measures to cope with the epidemiological emergency from COVID-19 and for the safe exercise of social and economic activities', which came into force on 23 July 2021, the day of its publication in the Official Gazette (Decree-Law No. 105/2021).

Well, the decree, which establishes, among other things, the extension of the state of national emergency until 31 December 2021 and the modification of the parameters for the colouring of the Regions, inserts in the body of Decree-Law. 52/2021 the new article 9-bis entitled Use of COVID-19 green certifications, according to which, as of next 6 August, access to the services and activities listed in points a) to i) of the first paragraph of the same article, ranging from catering services to public competitions, is allowed only "to persons holding one of the COVID-19 green certifications, referred to in Article 9, paragraph 2" and that is, as will be explained below, to persons in possession of the green pass certifying the successful inoculation of at least one dose of vaccine against Sars-CoV-2 or recovery from infection with Sars-CoV-2 (valid 6 months) or the performance of a rapid molecular or antigenic test with a negative result to the virus Sars-CoV-2 (valid 48 hours).

The obligation is foreseen for white zones but the provision also applies to yellow, orange and red zones, "where the services and activities referred to in paragraph 1 are permitted and under the conditions foreseen for the individual zones".

Without prejudice to the obligation of green certification COVID-19, the decree, modifying in this sense the provisions of art.5, paragraphs 1 and 2 of

In this sense it is a measure that, although it clearly has difficulties in application, gives us serenity, it does not take away serenity'.

DL n.52 /2021, adopts a series of further measures regulating, in the white zone and in the yellow zone, the performance of shows open to the public in theatres, concert halls, cinemas, entertainment and live music venues and in other venues or spaces, including open-air ones, as well as public participation in sports events, establishing the maximum capacity allowed in relation to the maximum authorised capacity.

As for the "philosophy" that inspires the decisions of the government, it should be recalled that in the press conference held immediately after the Council of Ministers of 22 July, President Draghi explained in his own way, and that is with clear and strong words, the decision to extend the use of the green pass, stating that if the Italian economic situation is now clearly improving, this is due to the positive trend and the net acceleration of the vaccination campaign that has allowed, indeed, the economy to recover. Hence the urgent invitation to all Italians to vaccinate themselves, an invitation accompanied by the consideration that "the Green Pass is not an arbitrary, is a condition for keeping open economic activities" and "is a measure by which Italians can continue to exercise their activities, to have fun, to go to restaurants, to participate in outdoor shows, indoors, but with the guarantee of finding themselves among people who are not contagious. In this sense it is a measure that, although it clearly has difficulties in application, gives us serenity, it does not take away serenity'.

Therefore, the massive use of the COVID-19 green certificate may encourage those citizens who are still sceptical and/or hesitant about the need to undergo vaccination, as seems to emerge from the substantial increase in bookings on the various regional platforms that was recorded as soon as news of the adoption of this measure was received.

The extension from October 2021 of the Green Pass certificate to all Italian workers

From 15 October to 31 December 2021 (when the state of emergency ends, subject of course to changes or extensions) the Green Pass will also be mandatory for all workers: the Council of Ministers has given the unanimous green light. The measure is the next step in combating the spread of the SARS-CoV-2 coronavirus, especially the dreaded (and highly contagious) delta variant in the run-up to the winter season.

The measure covers private employees, civil servants, domestic workers and the self-employed with a VAT number - even magistrates (but not lawyers); smart workers are excluded (but special measures may come later), as are those who have obtained a vaccine exemption for medical reasons. It will be up to employers to verify the green pass, probably with the same C19 verification app used by bars, restaurants and many other establishments. It remains to be seen how this will be done in the case of self-employed individuals - for example plumbers or bricklayers.

Penalties include fines from 600 to 1,500 euros, immediate suspension from work for private employees, after 5 consecutive days for public employees, will formally count as unjustified absence, and therefore salary will be suspended (however, you cannot be fired).

Final considerations

The coronavirus pandemic has challenged many of our certainties and has changed and will change our lifestyle for a long time to come. In this context, the introduction of the EU COVID-19 certificate represents an attempt to overcome the restrictions on freedom of movement in the necessary balance between the protection of the fundamental right to health (Art. 32 of the Constitution), which is seriously threatened by the health emergency, and the other constitutionally recognised rights whose exercise has been wholly or partly restricted in the contingent strategy of the fight against the virus.

Some sectors, such as tourism, have been severely affected by the pandemic crisis: according to data from the World Travel and Tourism Council, the tourism sector, which had contributed 25 per cent to job creation in the five-year period 2014-2019, has seen its contribution to global GDP fall by about half by 2020 as a result of the global reduction in travel and the loss of almost 62 million jobs.

The introduction of the so-called European green pass, now certified as an EU digital Covid, is therefore an initial response to the concerns of southern European countries, Italy in particular, which, more than others, have seen a sharp reduction in income from the tourism industry and have therefore fought for the introduction of this instrument.

In the closing press conference of the recent G20 summit held on 4 May 2021 by videoconference among tourism ministers under the Italian presidency, President Draghi said: 'we need to offer clear, simple rules to ensure that tourists can come to us and travel in Italy safely. From the second half of June, the green certificate will be fully operational within the European Union. Thanks to the pass, tourists will be able to move from one country to another without quarantine, provided they can prove that they

are cured of Covid, vaccinated or have a negative swab. These are the conditions that are normally required for a green pass.

However, it cannot be ignored that, beyond the critical aspects connected to the protection and treatment of personal data - aspects on which the Guarantor, as we have seen, has already authoritatively pronounced itself - there subsist many perplexities on the use of the green certificate as a necessary condition to use certain services or to enter certain places open to the public.

In this sense, the hypothesis has been raised that the imposition of the possession of the vaccine green pass is resolved in the imposition, "surreptitious", of an obligation to vaccinate. It has been argued, in fact, that "(I)n the absence of the generalized compulsory vaccine, in fact, make the green pass necessary to exercise the right to move or to access certain places/services, would entail,(...), the choice between vaccination or undergo continuous testing or, even worse, give up a priori the exercise of their rights.

The issue is necessarily intertwined with that of the availability of vaccines and the consequent organisation of the administration of doses.
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The uncertainty as to the number of doses available has been accompanied by media communication which, instead of favouring correct information for the public, has fuelled fear and unease, amplifying out of all proportion the differing opinions held by the scientific community, a situation that is quite normal when one considers that this is an unknown virus against which the vaccine has represented one of the few, if not the only, winning weapons.

The non-binding indications of the Vaccine Plan have led to unjustifiable territorial differences in the administration of vaccines and has been negatively accentuated by the protagonism of the Presidents of the Region. This has made dramatically clear the seriousness of the injury inflicted by "competitive regionalism" to the principle of unity of the state system. This has had inevitable repercussions on the protection of health that the health system should guarantee to every individual on equal terms.

If we then turn our gaze from the national to the global situation, we realise the enormous disparity between States in achieving a vaccination coverage that would protect the world's population from the virus: in a situation in which only rich countries are able to provide sufficient doses for their citizens, the introduction of certification would only accentuate the inequality of the less developed areas of the world, which do not have access to reasonably priced vaccines and do not have healthcare facilities worthy of the name.

In the Rome Declaration of 21 May 2021, which concluded the Global Health Summit sponsored by the Italian G20 Presidency, summit participants reaffirmed their commitment to fighting the pandemic, stating that 'the pandemic continues to be an unprecedented global health and

socio-economic crisis, with disproportionate direct and indirect effects affecting the most vulnerable, women, girls and children, as well as frontline workers and the elderly.

The crisis will not be over until all countries are able to control the disease and, therefore, large-scale, global, safe, effective and equitable vaccination, in combination with other appropriate public health measures, remains our top priority, along with a return to strong, sustainable, balanced and inclusive growth."

Coronavirus vaccination is described as "a global public good" and the need to "intensify efforts, including through public-private and multilateral synergies, to improve timely, global and equitable access to safe, effective and affordable COVID-19 tools (vaccines, therapies, diagnostics and personal protective equipment, hereafter 'tools')" is emphasised.

This is the direction of the UN-backed global collaborative Act-Accelerator initiative involving governments, scientists, civil society, businesses and international or philanthropic global health organisations to accelerate the production of and equitable access to COVID-19 diagnostic tests, therapies and vaccines.

Among the four pillars of the Act-Accelerator project (diagnostics, therapies, vaccines and the health system), the COVAX (COVID-19 Vaccines Global Access) programme is the most important and the most funded. It aims to facilitate access to vaccines for the world's poorest countries through a platform that supports research, development and large-scale, affordable vaccine production.

If this is the case, the COVAX programme, which promised 2 billion doses by the end of 2021 but is currently behind schedule, needs to be speeded up: It is not just a matter of solidarity and international cooperation, but of

The strategy to fight the virus must therefore be global to have any chance of success: 'no one will be safe until everyone is safe'.

countering the emergence of new variants of the virus that, by circulating in poor countries, could wipe out the huge financial and scientific efforts made so far and render the vaccines produced and distributed so far around the world ineffective.

As WHO Director-General Tedros Adhanom said, "This is not a question of charity, it is a question of epidemiology [...] we need more funding, we need countries to share doses immediately, we need manufacturers to prioritise contracts with Covax and we also need a significant increase in vaccine production". In this respect, the Rome declaration contains an explicit commitment to 'close the funding gap for ACT-A, in order to enable it to fulfil its mandate' as well as to 'conduct a comprehensive strategic review as a basis for a possible adjustment and extension of its mandate until the end of 2022'.

It also affirms support for 'the global sharing of safe, effective, quality and affordable vaccine doses, including working with the ACT-A vaccine pillar (COVAX) when national circumstances permit'. The strategy to fight the virus must therefore be global to have any chance of success: 'no one will be safe until everyone is safe'.

If this is the way to tackle the pandemic, it is understandable that the introduction of green

certification cannot be considered by itself as a sufficient tool to return to normality.

The Green pass deserves particular attention - especially from a liberal perspective - as it is articulated between the guarantee of fundamental freedoms and the duties of economic and social solidarity, with immediate effects on the principle of equality.

Several articles of the EU Treaty and of the Italian Constitution are affected by the entry into force of the Green pass, in fact, in addition to Articles 2 and 3 of the Constitution, it has a direct impact on Articles 11 (clause for the implementation of international agreements), 13 (freedom of thought), 16 (freedom of movement), 24 (right of defence), 32 (right to health), 77 (urgent decrees by the Government), 117 (division of legislative competences between State and Regions) of the Constitution. Therefore, this paper has attempted to highlight the legal nature of the Green Pass, its peculiarities, its factual and normative presuppositions, its objectives, the legal mechanisms through which it was introduced into our legal system, and its ability to affect fundamental freedoms.

The hope is that the study in question, and above all its argumentative plans, may constitute, beyond slogans and simplifications, a useful element of debate and comparison at institutional level, in the scientific community, among legal operators (judiciary and lawyers), trying to go beyond the sterile and superficial contrasts too often of an apodictic and instrumental nature. This is an issue that involves the very nature and essence of Democracy.

Taking into account all the circumstances, the fact that the law has introduced, alongside a rather circumscribed obligation to get vaccinated (for the moment), a "green certificate" to frequent certain "sensitive" places or carry out certain activities that objectively present greater risks of contagion, does not therefore constitute an attack on freedoms, but rather the affirmation of a more calibrated burden. This choice certainly limits, but only temporarily, certain prerogatives of individuals, but it does so by law - as it must - in a justified and reasonably proportionate manner, based on scientific evidence and for a limited period of time (until 31 December next).

In this matter, as the Italian Constitutional Court has repeatedly stated, burdens are less constraining than obligations and offer more room for individual self-determination. It is also a perfectly reasonable decision - and one that in no way subverts the principle of equality - to establish by law that those who take seriously their duty of solidarity towards others, the sick and the vulnerable, by constantly undergoing tests (if they so choose) or vaccinating themselves (as science suggests), enjoy greater freedom of movement and action than those who decide to forget solidarity and their being one among many, or do not fully understand it.

For some time now, our legal system (like many others) has thus abandoned the compulsory logic of the vaccination policies of the past, except in situations where its adoption appears or returns to be indispensable. In short, we have moved towards a decidedly milder

policy, seeking in this way to undermine individual freedoms as little as possible and calibrating impositions in proportion to the actual risk. In other words, we have started to work with a scalpel and not with a hatchet, even if the return to compulsory vaccination for many vaccines, as happened in 2017 and as the Court has more than justified in 2018, shows that this path also has its dark sides.

Not even in the situation generated by the pandemic, with the at least 130,000 Italian deaths, with the often unfortunately realised risk of overcrowding hospitals (delaying essential diagnostic and surgical functions), with the ascertained and asymmetrical reduction in life expectancy in various parts of the country, with the economy hit by a deep crisis, has it been decided to use strong-arm measures in vaccination matters, preferring instead - in the wake of what has just been said - the path of calibrated intervention that is more respectful of proportions. The use of the green pass - like it or not - is the precipitate result of all this, and it is at the very least strange that many are contesting it and calling for the introduction of obligations, not by invoking greater security (which would be entirely reasonable) but by denouncing the violation of freedoms that it would cause.

Quite the opposite is true: the green pass serves to protect individual choices about their own (and other people's) health as much as possible, reducing the risks for everyone and encouraging a return to a kind of normality, but without introducing further obligations in such a sensitive area (as one could).

In such a framework, distinguishing the condition and possibilities of those who have been vaccinated (or undergo a test) does not mean derogating from the principle of equality, nor does it mean creating hateful discrimination, as some people claim. The cases compared are, in fact, objectively different and, as the Italian Constitutional Court always remind us, there is a violation of the principle of equality when equal situations are

offered different disciplines, not when, for different situations, regulations are reasonably adopted in view of those specific differences.

These are passages that the same Constitutional Court has already addressed precisely in its more than consolidated case law on compulsory or even only recommended vaccinations, but seem to have been forgotten by many. This is the same Court that, since its inception (No 1/1956), and then countless other times - as, moreover, all the constitutional courts of the democratic world - explained until exhaustion that no right is born unlimited, that every right meets the limits of the necessary balancing derived from the confluence, in the same case, many other prerogatives and interests of constitutional importance, that there is also a duty to care in light of what is enshrined in art. The same case involves so many other prerogatives and interests of constitutional importance that there is also a duty of care in the light of Article 32 of the Constitution (when the health of individuals is essential to the health of others, not when it is a matter of free personal choices, i.e. affecting only those who make them, as in the case of the end of life).

All this translates into action the otherwise too vague reference to "respect for the human person" that stands out in the second paragraph of Article 32 of the Constitution: in the sense, that is, of simultaneous respect for oneself and for others.

The first Italian and European case law on the subject also confirm these assumptions, which have been consolidated for some time.
It is worth mentioning the very recent decision of the European Court of Human Rights, issued on 24 August 2021, which rejected the request for suspension made by 672 French firefighters who challenged the mandatory vaccination imposed on them. It is significant that the French Conseil Constitutionnel, between May and August 2021, has already ruled a couple of times on an instrument similar to the green pass adopted in France, deeming unfounded the related questions of constitutionality.

However, one should also consider what was ruled, just a few weeks ago, by the Regional Administrative Court of Lazio (Rome, section III-bis, 2 September 2021, no. 4531 and no. 4532), which rejected the precautionary petitions filed against the administrative acts adopted in application of the emergency decrees, which imposed the obligation of the green pass for school staff until 31 December 2021, with suspension from work and salary for those who did not produce it. Eloquent are the arguments of our administrative judge: as to the alleged violation of the right not to vaccinate, it replies that this prerogative does not possess an absolute value nor can be defined incompressible, having instead to be balanced with other essential public interests (the need to ensure public health, to limit the spread of disease, to ensure the proper conduct of the essential public service of the school in attendance). The right in question, continues the Regional Administrative Court, was moreover recognised by the legislator by allowing, as an alternative to the vaccine, the submission of a rapid molecular or antigenic test with a negative result.

The presentation of the result of the test in place of the green certificate in fact gives body to a faculty respectful of the choice not to undergo vaccination: it was provided in the sole interest of those, and, consequently, it does not seem irrational that the cost of the swab is to burden those who want to benefit from this alternative to what is made authoritatively available by the State and science.

Previously, we point out (at least) these other local rulings on the subject (but others are expected): the Court of Belluno, 14 May 2021, considered legitimate the forced placement on holiday of the health worker who, while performing duties that led him to be in close contact with the public, refused to undergo the mandatory administration of the vaccine against Covid; see also the order of the Court of Modena, labor section, 23 July 2021, no. 2467, which does not accept the request to affirm the nullity / invalidity / illegality of the precautionary suspension order. Also see the order of the Court of Modena, labor section, July 23,

It is therefore worth asking: is the requirement of a vaccination certificate for access to public facilities really a libertarian measure, forcing us to derogate from basic principles of our democracies?

2021, No 2467, which does not accept the request to affirm the nullity / invalidity / illegality of the precautionary suspension from work and pay of two physiotherapists working at an RSA who refused to undergo the vaccine against SARS. It also assumes what was stated by the Regional Administrative Court for Puglia (Lecce, sec. II, 5 August 2021, No 480), which did not accept the request for suspension of the measure of suspension from the exercise of the profession adopted against the health care professional who had not carried out the vaccination, after having ascertained the impossibility of using the same to other tasks that do not put him in contact with users and health care personnel of the structure.

But the issue also raises important questions of principle from a philosophical point of view. Philosophy cannot tell us how to sustain economic recovery, nor can it suggest the most effective health treatments against the virus. But it can play an important practical role in the public debate, as John Rawls (in his "Political Liberalism") already pointed out: to help us coherently reorder our values and deepest convictions about justice, bringing some clarity to the public discussion. It is therefore worth asking: is the requirement of a vaccination certificate for access to public facilities really a libertarian measure, forcing us to derogate from basic principles of our democracies?

One of the most important ideals of liberalism is the so-called 'harm principle', proposed by John Stuart Mill in his "Essay on Liberty". The basic idea is very simple: individual conduct can only be legitimately subject to legal restrictions if it causes harm to other non-consenting persons. All conduct whose effects (even negative effects) are solely on the individual himself or on consenting third parties should not be prohibited by the state. Thus, for example, citizens are free to smoke, to eat a diet rich in saturated fat, or to have unprotected sex. The individuals involved are consenting adults - one might add 'vaccinated', as the phrase goes, but in this context it would be ironic indeed - and the consequences of their actions fall on them alone.

Clearly, Mill's principle represents a regulatory ideal, and in practice there are various exceptions. (We do not think, for example, that compulsory wearing of helmets on motorbikes automatically makes a country illiberal, although the effects of this behaviour fall only on those who adopt it). Moreover, it is not always easy to establish what can be considered as harm to others and what cannot. In the public debate, for example, there are also those who have argued that, by not vaccinating in times of pandemic, one is harming other people by running a greater risk of falling ill and burdening the national health system. This is an overextension of Mill's idea, for whom behaviour that entails a risk of direct (and quite likely) harm to others should be prohibited; but it is undeniable that there is disagreement among philosophers on some specific cases. However, these minor difficulties aside, Mill's principle is generally shared by liberals.

When by one's own behaviour one causes harm to another person who had not consented to take that risk, one might say that one is allowing oneself an 'excess of freedom', creating an inequality between one's own freedom and that of the other. Is the obligation to have a vaccination certificate in order to access public facilities really a liberticidal measure, forcing us to derogate from basic principles of our democracies?

Consequently, it is quite difficult to claim (in good faith) that the choice not to vaccinate does not entail greater risks for other people.

With this ideal in mind, let us now reflect on the proposal to restrict certain freedoms of those who decide not to vaccinate against Covid-19. It is possible to get a green pass even if you are cured of the disease or have a negative swab within the last 48 hours, but - as the controversy in France, Italy and other countries shows - it is the vaccine that is the real crux of the debate.

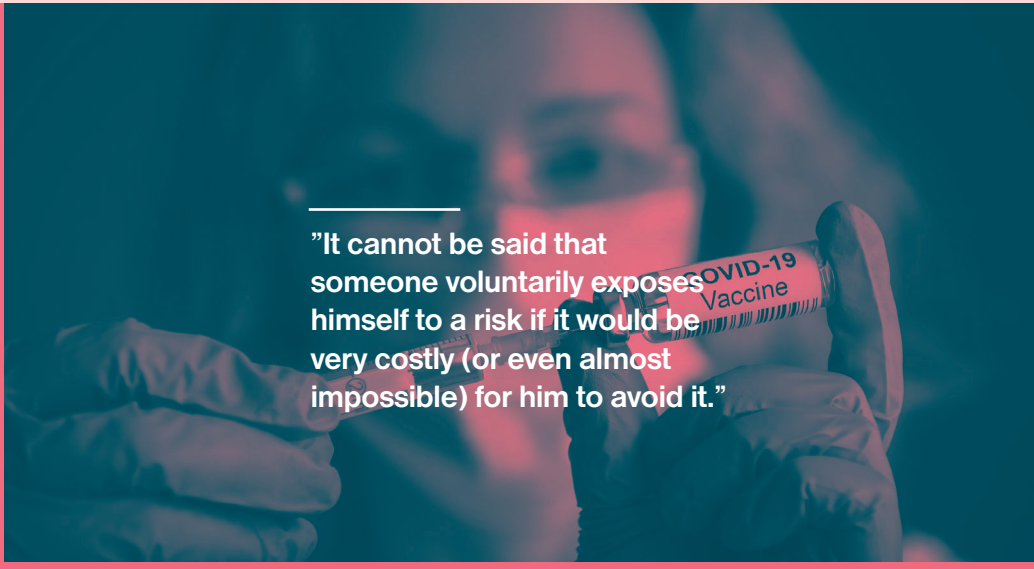
Those who oppose this measure claim the right to choose for themselves what health treatment to undergo. The choice not to vaccinate, they argue, is comparable to the choice to smoke: it only harms those who make it, while others are free to adopt more "virtuous" and safer behaviours for their health. Secondly - some might argue - even the potentially harmful presence of unvaccinated people in bars, cinemas or theatres is not condemnable on the basis of the Mill principle. One might compare it - would say the opponent of the green pass - to unprotected sex between consenting persons, since if a person goes to such places he or she implicitly agrees to run the risk of being infected.

Of these two arguments, the first is trivially untrue: vaccination not only often protects the individual from falling ill (especially from becoming seriously ill), but - it is now clear from a large body of literature - also greatly reduces the possibility of infecting those around him. Moreover, experts have made it abundantly clear

that the more the virus circulates, the more likely it is that, from one variant to the next, the vaccine's own protection can lose its effectiveness. Consequently, it is quite difficult to claim (in good faith) that the choice not to vaccinate does not entail greater risks for other people.

The second argument offers a more interesting discussion. Although it is perhaps just as extreme (and, in my view, wrong), it may at first glance have some semblance of plausibility. After all, in the contexts in which we interact with other people, we often expose ourselves to certain risks: if a pedestrian is walking along a road with many cars, he is clearly more likely to be run over than if he were walking in an isolated wood. In such cases, the person voluntarily exposes himself to the risk and takes responsibility for it.

On closer inspection, however, this second argument also proves to be fallacious. And it is precisely the car metaphor that can help us refute it (and clarify what is to be understood as damage in Mill's perspective). The reader will recall that the cardinal principle of liberalism is to guarantee the highest degree of personal freedom compatible with the equal freedom of all. It is true, as we have said, that various behaviours may imply increased risks to other people; but there are activities that so increase the likelihood that others will be harmed as to be incompatible with respect for their freedom. A motorist juggling the streets of a city certainly poses a risk to pedestrians. But if he respects the highway code, this risk remains small enough to guarantee the freedom of all - both those who drive and those who walk.
If, on the other hand, you speed through a built-up area at 75 km/h or look at your mobile phone, your behaviour unduly increases the danger to passers-by, in fact causing them harm: you may not hit them, but the risk of doing so becomes so high as to be untenable for a reasonable person. The disrespectful driver might argue that, to avoid danger, people could simply refrain from walking.



Apart from the obvious fact that this would make life risky for other drivers as well, the argument is vitiated by a major error: it cannot be said that someone voluntarily exposes himself to a risk if it would be very costly (or even almost impossible) for him to avoid it. It is absurd that, in order not to be run over, a person is required not to leave his house. On the contrary, the motorist can peacefully reduce his speed without affecting his right to move.

It cannot be said that someone voluntarily exposes himself to a risk if it would be very costly (or even almost impossible) for him to avoid it. The same reasoning applies to the unvaccinated person: he cannot claim to harm others, increasing their risk of being infected, by saying that they can simply stay at home. Once again, the cost to people of avoiding the (probable) danger would be too high: it would in fact affect their right to live and move in safety. This would not respect the equal freedom of all citizens. On the other hand, when everyone has the opportunity to be vaccinated quickly (without long waiting lists), the 'opponent' could easily reduce that risk by taking a drug whose safety is proven by the best available data.

It is easy to see the analogy between free movement in times of pandemic and driving a car. Both activities are not without risk. Just as we recognise the legitimacy of the highway code and the licence (a licence that certifies that the driver is less likely to cause an accident), so the requirement for protective equipment and the green pass, which certifies that the person is less likely to be a vehicle of contagion, seem acceptable. In this way it is possible to guarantee maximum freedom compatible with the equal freedom of all.

There is talk of a health neo-totalitarianism scenario towards which liberal democracies would be sliding. On the contrary, it is precisely the importance of the moral action of the individual - the root of his or her negative freedom - that further accentuates the difference between liberal and totalitarian democracy. Liberal democracy is based on the individual's first and foremost moral freedom, to the extent that the future of all depends on the intertwining of the choices of the many, even in their unintended effects. This does not happen in autocracies, where there is no room for the 'libertas minor' of individuals and their plurality.

Not to see this difference is to confuse physical-moral coercion, where there is no freedom, and self-discipline, for the sake of freedom.

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Chapter 3

The effect of COVID related lockdowns on workplaces

Márton Schlanger

The COVID-19 pandemic changed employment and the workplace in Hungary in a major way, and these changes could prove permanent. Not only did the pandemic see many small businesses shut down – even the biggest, most essential businesses had to face major changes. This is because the 'workplace' as we know it is gone, replaced partially with the comforts of our own living rooms and bedrooms. With the first shipments of vaccines being distributed at the time of writing this article, the question rises: Is it time for **Hungarian workforce to return to office work? Or, perhaps, the days of traditional workplace are over?**

A large portion of the workforce, not just in Hungary, but all over Europe and the rest of the world, had their employment situation change drastically – often times for the worse. Corporate downsizing, businesses closures,

halted sectors such as tourism or entertainment, work overload, workforce spillover between sectors and numerous other events all took a toll on the "working man".

However, the COVID-19 pandemic also had some positive impacts. One might argue that the workplace regulations that were adopted to protect the health of employees helped optimize workload and working hours as well. Another positive impact is that geographical location became less limiting for jobseekers, as more and more companies and businesses switched to remote working as a result of the pandemic – and many will consider keeping the current system or switch to a hybrid allocation of workplace and remote labor once the pandemic is over.

Back to the office?

This study has two main goals. First, to investigate the Hungarian workforce situation, how it might redistribute itself in the post-pandemic world. To do this, a look at the data collected by the Hungarian Central Statistical Office regarding the state of the workforce before and during the pandemic – such as unemployment, remote jobs and labor migration, – shall be taken. Second, some light needs to be shed onto the COVID-19's effect on Hungarian (labor) migration both domestically and internationally, as this is a topic that is of great interest to the Hungarian politics.

In order to attempt answering the question of Will we ever see our offices again?, one must first address the following issued: who are the affected workers, how many of them could there be, and where will they end up after the COVID-19 pandemic? Can we provide an approximation as to how many Hungarians will never see their pre-pandemic workplaces again? For now, instead of answering that question, let us see where may we look for the answers.

To study the redistribution of workforce during and after the COVID-19 pandemic, one must first talk about the identity and quantity of affected workers. This involves investigating how (in what way) the employment status of workers could have been influenced by the COVID-19 virus, create separate categories, and estimating the amount of people who are affected and belong in one of these categories.

So which are the affected groups in Hungary (and possibly in other EU countries)?

The specific groups affected by the pandemic are most likely similar across European countries, as it comes from the nature of the pandemic to impact specific areas of life. The numbers, on the other hand, are specific to each country. So which are the affected groups in Hungary (and possibly in other EU countries)?

On permanent leave

To say that one's work situation was affected by the COVID-19 pandemic does not exclusively mean people who lost their job – for many, it could have acted as a catalyst, or a defining factor in their own decision regarding their employment. One can easily make a distinction between people who were forced to leave their workplace and people who did so electively.

There is also a third group, who were forced to leave but decided not to get a new job. One of

the factors that could have led to the decision of leaving is health concerns. People were and still are scared of the COVID-19 virus, worried about their own and their family's health. Many decided to step out of the office for one of three reasons. First, to continue their job from home, if possible. Second, to find an occupation that is compatible with remote working. Third, to cease to work in general until the situation is safe again, which requires adequate savings or taking up a loan.

Even when considering those who lost their job, many decided not to look for new work. A record high, one in five of unemployed and inactive Hungarians are between ages 15-24[1]. A number of young people who have parental support decided to either enter the labor market late, or – if they already had a job – decided to do something other than work for the past year. Some out of fear that they might infect their older relatives living with them, some simply because they could. The scarcity of workplaces employing this age group was also a big reason why so many of Hungary's unemployed are young people.

Another well-defined group of people who left their job are crucial to mention, and they are healthcare workers. The interview with Adrianna Soós, the president of the Independent Healthcare Union, was all over the news in late August 2020, when she reported that until then in 2020, approximately 6,500 healthcare workers quit their jobs, which is a shocking number in a country where only 120,000 people work in this profession. In addition, over 10,000 social workers decided to call it a day[2].

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[1] Hungarian Central Statistical Office (2021) Quick Reference – Unemployment, 2020 December. Available [online]: https://www.ksh.hu/docs/hun/xftp/gyor/mun/ mun2012.html

[2] Danó, A. (2020) "Besokallt orvosok: tömeges leszerelés csata előtt – Interview with Adrianna Soós" [in]:: Népszava Online. Available online]: https://nepszava.hu/3089118_besokallt-orvosok-tomeges-leszereles-csata-elott

At the time of writing, in February 2021, an additional 5% of all healthcare workers refused to sign their renewed employment contracts for the next year. As the COVID-19 pandemic is seen as something temporary, a small bump on the road of our working years, many Hungarians are playing the waiting game and wait for things to blow over before finding a new job.

Some data that demonstrates this unwillingness to work during the COVID-19 pandemic is available at the Hungarian Central Statistical Office. Their reports indicate that by the end of 2020, inactive population (people who do not have a job and are not looking for one), increased by 50,000 people compared to the same time a year earlier[3]. Consequently, even though the unemployment situation in Hungary slightly improved after the summer 2020 deep dive, the employment rate was still equally alarming at the end of the year. Note that a summer employment deep dive is also due to a cycle, as during these months the short-term tourism and catering jobs keep the numbers high.

Finally, as we are talking about not seeing our workplaces again, let us take a look at remote working. While there is no official prediction yet as to how many home office workers got too accommodated to the new lifestyle to let it go, the Hungarian Central Statistical Office has been measuring remote work since 2001. Up until February 2020, before the first lockdown, less than 3% of employed Hungarians (45,000 people) worked remotely [See: Figure 1], and this number includes those doing occasional work from home. Then, in March 2020 the number increased to 153,000 and in May 2020 to over 300,000.

In the Hungarian capital, Budapest, remote working peaked at over 21% of all work hours during spring. By the end of the year, the number of

[3] Hungarian Central Statistical Office (2020) Quick Reference – Unemployment, 2020 Aug-Oct. Available [online]: https://www.ksh.hu/docs/hun/xftp/gyor/mun/mun2010.html

remote workers went down to 180,000. Hence, what used to be a 3% of the working population is now set at a 7% mark. Between February and May 2020, the number of people working exclusively remotely increased 14 times[4].

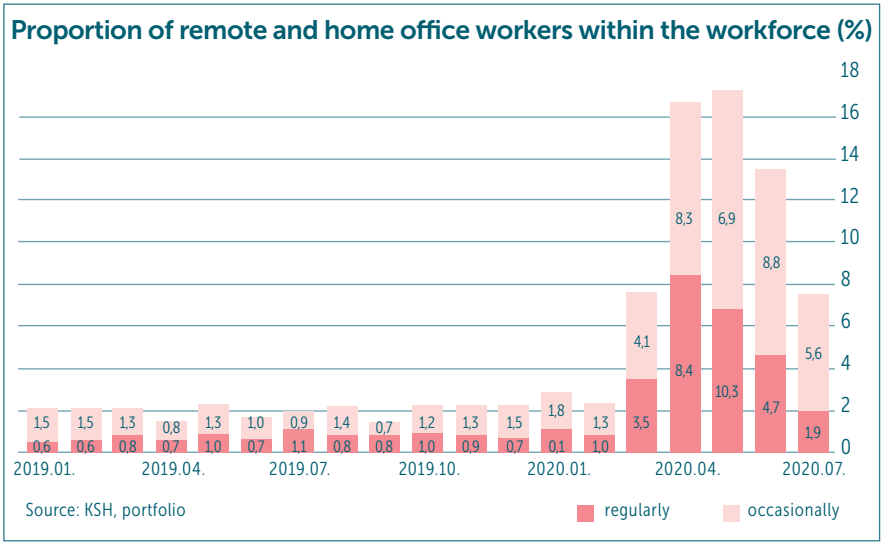

Figure 1: Remote workforce in the first wave of COVID-19 in Hungary [green: regular remote work; orange: occasional remote work, %] Source: KSH (2020) Portfolio.hu

In Hungary, it seemed that the seriousness of the COVID-19 virus was dictated by the Hungarian government and the government only. When measures and restrictions were strict, most people took the COVID-19 virus seriously. However, during the summer of 2020, when measures and restrictions were more relaxed, for many it seemed like the COVID-19 virus was not even around. This summer of freedom is also visible in

[4] Hungarian Central Statistical Office (2021) 9.17.3. Monthly development of remote work for employees aged 15–74 for 2019-2020. Available [online]: http://www.ksh.hu/docs/hun/xstadat/xstadat_evkozi/e_tavmunk9_17_03.html

the remote workforce data, as the rate of home office workers decreased to around 5% during those months [See: Figure 1]. A new, hybrid style of working is born and it will affect how work hours are spent even after the COVID-19 pandemic. Just a one percent increase in remote work force in Hungary, counting those who work both at the workplace and at home, would mean between 10,000 and 20,000 people, which, in a country of nine million, is a considerable change.

The Lost Hungarian Jobs

Unsurprisingly, some sectors were struck particularly hard during the COVID-19 pandemic. Therefore, being without work for most people was not a matter of choice. Let us look at a few examples. Small and nonessential business owners and their employees lost big on account of COVID-19. Official, up-to-date statistical data regarding businesses is not available yet, but Bisnode may come in handy. Bisnode is a private Hungarian corporation focusing on big data and smart data analysis. They report that in 2020 the number of newly founded businesses came to a halt. This is a surprising change, considering that the number of small businesses increased by over 30% between 2013 and 2019. Bisnode also states that liquidations (termination of a company without a legal successor) are up by 17% by the end of 2020 – this means that 17% more businesses shut down compared to 2019. Most business sectors in Hungary also ended the year 2020 with less companies than at the end of 2019[5].

Another group that was hit hard in Hungary during the COVID-19 pandemic, just like everywhere in the world, is the catering and tourism industry. Most of this activity was legally restricted, so there is little to be

[5] Bisnode Report (2021) Stagnált a cégek száma 2020-ban. Available [online]: https://www.bisnode.hu/tudastar/gondolatok/stagnalt-a-cegek-szama-2020-ban/

surprised about. Normally, one way to measure the contribution of tourism to the economy is by looking at nights spent in housing and other facilities accommodating tourists. This number decreased by over 92% during 2020, and that is including the summer vacation[6]. Domestic tourism in summer months, however, was still significant, especially around lake Balaton. Still, an industry depending on short-term travel was set to experience problems, considering that crossing the Hungarian border, in most cases, came with mandatory quarantine.

An important issue caused by the COVID-19 pandemic is related to student work. As stated earlier, the number of young (under 25 years of age) unemployed people made up one fifth of all unemployment in 2020, which is also due to work opportunities being scarce.
A significant share of student work consists of catering, hostess work, or takes place in pubs and bars, cinemas, and other similar job places, all of which were nearly non-existent during the lockdown.

Most student work in Hungary is done through various student work agencies. One of the largest companies which employs students is Cinema City, the Polish-Hungarian cinema chain. Normally, if a student were to visit the website of one of the big student work agencies, they would be greeted with pages upon pages of (mediocre, but available) job opportunities. But since the first wave of COVID-19, there have been cases where a student would go online and see a total of eight available positions to go pick and choose from.

Once the lockdown started, the aforementioned student jobs such as catering or hostess work were no longer available. This is an even bigger problem, considering that unlike a regular daytime job, student

[6] Hungarian Central Statistical Office (2021) 4.5.16. Guest Nights in Commercial Accommodation by Type of Accommodation for 2016-2020. Available [online]: http://www.ksh.hu/docs/hun/xstadat/xstadat_evkozi/e_oga004a.html

They just stop sending out work schedules – no goodbyes and no severance payments.

work agencies are not responsible for the fate of the suddenly unemployed students. They just stop sending out work schedules – no goodbyes and no severance payments.

These were just a few examples for COVID-19's areas of impact. Now, let us move on on the national level. As said before, the number of inactives rose by 50,000 in 2020 compared to 2019. But this only includes people who are not looking for work. To be categorized as unemployed in Hungarian statistics you have to be actively looking for work. The number of unemployed people rose by 39,000 after the first wave, and was somewhat better, but still 31,000 higher by the end of 2020, compared to the same time in 2019. It was not only the employment that decreased, but also the number of jobseekers increased by an additional 10,000, bringing the total difference to over 40.000[7].

An even higher number was measured by the National Employment Service (NFSZ), which stated that the number of registered jobseekers peaked at 67,000 higher than previously[8].

[7] Hungarian Central Statistical Office (2020) Quick Reference – Unemployment, 2020 Aug-Oct. Available [online]: https://www.ksh.hu/docs/hun/xftp/gyor/mun/mun2010.html

[8] NFSZ – National Employment Service (2020) A Munkaerőpiaci helyzet alakulása a nemzeti foglalkoztatási szolgálat legfrissebb adatai alapján, 2020 December. Available [online]: https://nfsz.munka.hu/nfsz/document/1/3/6/0/doc_url/nfsz_stat_merop_helyzet_2020_12.pdf [in Hungarian]

This does not inform us of magnitude in itself, so, to put all of this data in perspective there are roughly 220,000 unemployed people in Hungary, which tells us that the lowest increase, 31,000 means employment decreased by 14% by the end of 2020 (!). This is the current state of Hungarian workforce.

One could say that this is, indeed, a very special and memorable year. However, from August to December 2020, one could already observe movement in the right direction, and with the several million euro monetary aid from the European Union, the effects described above may be counteracted in a swift manner. Losing a job still remains easier than finding one, so the road ahead is long.

Labor Migration and Remote Work

Migration is a very special word for the Hungarian political sphere. The last seven years of political discourse were filled to the brim with talk of immigrants, due to the ruthless conditioning of government media in Hungary. For a while, every time you opened an online news portal, the first thing you saw was an article or a video about immigrants. One could say they were everywhere but in the actual country, seeing as most refugees were making their way towards Western Europe.

To be sure, for a country with so few immigrants (apart from the ones that were already living in Hungary) Hungarians care a lot about the topic. Not just because of the refugees coming their way, but because of the increasing number of Hungarians leaving the country for Austria, Germany, England and other countries. Despite being among the most anti-immigrant countries politically, Hungary has many emigrants of its own, leaving to work, live and study abroad.

Labor migration means to relocate in pursuit of a new occupation.
The COVID-19 pandemic compelled countries to completely rearrange and

relocate their workers in the matter of months. This hard shift in the idea of the workplace has the potential to open up new interpretations of work, work hours, or the workplace itself. The economy and companies were required to test a new method of operation that never would have happened without the pressure of the COVID-19 virus.

From this period of pressure testing, a new meaning of work could be formed down the line. For some people, remote working may have brought balance between work hours and personal life. For other people, the new setting may have brought the exact opposite: a tip in the fine balance between working and other activities. Most people, such as manual workers did not even experience the luxury of home office. But in some cases, the transition to remote work brought upon a combination of work and personal life that crossed over 1,000 kilometers. I personally went from working at a Hungarian office and living in Hungary, to writing about Hungary for a Polish publication while living in the Czech Republic, attending university in both Hungary and Prague, and still having an office job in Budapest. At least two of these things would be impossible in the pre-pandemic times. There are upsides of being in lockdown when the opportunity to work are from everywhere. However, when half of the country can go anywhere, especially if they cannot cross the border and, therefore, are restricted to Hungary, it unveils a slight problem. Some places are a bit more popular than others. Hungary's lake Balaton nearly became the setting of a modern day civil war, after virtually everyone with a weekend home decided to spend the lockdown there. Shops there were constantly out of stock, the streets were busy, and it became suboptimal for quarantining, which made locals very angry.

Domestic and International Migration of Labor

For the past few years, Hungarian families, often young couples, have been increasingly moving from the capital to the nearby towns and villages. From traditionally having a positive flow of people, Budapest,

the capital, turned to a negative one a few years ago. A similar development was observed in the 1990s. The last three years of negative balance for Budapest seem to resemble the that period of Hungarian history, which saw a negative migration balance of 17,000 by 2000[9].

Similar to Budapest, other Hungarian major cities have experienced a negative balance in the recent years too, while population of villages and small towns increased. This trend is not necessarily a bad thing. However, it is a reflection of people's preferences in terms of place of living and these preferences might be strengthened with the possible increase in remote work. If the relocation between cities and countryside increases, and if it were to reach the early 2000s levels, politicians will take a note of such a shift, which might be followed by yet another change in how the districts are divided geographically.

To sum up, Hungarian domestic migration trends are in correlation with the migration changes caused by the COVID-19 virus. Consequently, Hungary could see a noticeable redistribution of population between urban and rural areas in the years to come.There are a number of sources praising the unlimited opportunities of remote work, a door to a new

However, the unlimited opportunities are exceedingly limited when it comes to international work for Hungarians.

[9] Hungarian Central Statistical Office (2020) 1.6. Domestic migration (1990-). Available [online] https://www.ksh.hu/docs/hun/xstadat/xstadat_eves/i_wnv001.html

life, since one can work anywhere and live elsewhere. However, the unlimited opportunities are exceedingly limited when it comes to international work for Hungarians.

First, remote working only applies to intellectual work, which is only 40% of Hungarian workforce[10], while most Hungarians emigrate to do physical labor. Second, to even consider a remote working as an international career, the language barrier still exists. This rules out more than half of Hungarian population, since when it comes to speaking foreign languages Hungarians only surpass the Great Britain and Romania in the EU[11]. Since this data is from 2018, and Britain is no longer part of the EU, Hungary now assumes second place on that list, with 57% of people speaking only Hungarian. Finally, to be able to live anywhere and live off remote work, your salary must have adequate purchasing power in the country of your residence. To sum up, western salaries open doors in CEE, but not the other way around. And one must remember that this is true only for multilingual intellectual workers, which is a relatively small group in the Hungarian working population.

Finally, what is the attitude of Hungarians about emigration? First, the government aims to convince more and more Hungarians living abroad to come home. There was even a program funded by the government starting in 2015 called Youth, Come Home! Furthermore, the government is engaged in a continuous campaign for Hungarians to come back, aimed primarily at young people, as 28% of emigrants are under 30, whereas 64% of them are under 40[12]. Yearly emigration of

[10] Hungarian Central Statistical Office (2020) 2.1.8.2. Number of Employees by Main Occupational Group, by Sex - FEOR'08 (2011–). Available [online] https://www.ksh.hu/docs/hun/xstadat/xstadat_eves/i_qlf035b.html
[11] Eurostat (2018) 65% Know at Least One Foreign Language in the EU. Available [online] https://ec.europa.eu/eurostat/web/products-eurostat-news/-/EDN-20180926-1

Hungarians is between 20.000 and 25.000. Based on government reports, Hungary is close to turning the migration balance of Hungarian-born citizens positive.

COVID-19 might have helped achieve this goal. One of the ultimate aims of current Hungarian government policy is to turn the natural depopulation around, as Hungarian population is decreasing by 4-5% each year. However, in 2017, there were 364,000 Hungarians that stated they are thinking about moving abroad to work. 85,000 of those people were in the process of relocating and 71,000 of them had already found work abroad[13]. What happened to these people, we do not know, as since this question was polled, the UK left the European Union, making the second most popular emigration destination that much more complicated. Also, COVID-19 struck. Combined with the fact that many Hungarians had to come home in 2020, either because their workplace/school closed, or out of fear for travel restrictions and Brexit, one can expect next year's migration balance to be very different from what could have been seen in previous years. If it is true that the migration of Hungarian-born citizens is already turning positive, this will just add fuel to the fire.

With remote work becoming more widespread, there will be an increased demand for foreign jobs in Hungary. This would create an interesting situation. For a Hungarian remote worker, it is worth working for a foreign company, as their salaries will increase. At the same time, it will also be beneficial for them to remain a Hungarian resident, as not

[12] Lakatos, J. (2015) "Külföldön dolgozó magyarok, Magyarországon dolgozó külföldiek" [in:] Statisztikai szemle, No. 93/2, pp. 94-112. Available [online]: https://www.ksh.hu/statszemle_archive/2015/2015_02/2015_02_093.pdf [in Hungarian]

[13] Hungarian Central Statistical Office (2017) 9.5.2.7. Number of 15-74 Year Olds Planning to Work Abroad by Steps Taken to Work Abroad. Available [online]: https://www.ksh.hu/docs/hun/xstadat/xstadat_evkozi/e_munkforg9_05_02_07.html

only it is home, but they will be able to afford more with their salaries in the Hungarian market.

Then, the question arises: What does exactly the government want with the Come Home program? They want the sons and daughters of the nation to venture home? This is what the message suggests. If so, what happens when they do come home, but they will not be part of the Hungarian work force? Is that still considered a win? Most importantly, COVID-19 may have helped the Hungarian government to turn this migration balance positive, and intellectual workers whose main reason for emigrating was prosperity may be tempted to come or stay home and work remotely, which means the government's efforts were not in vain. However, was the intention really just to invite these young Hungarians back to their motherland? Was this a form of national identity politics, or was it an economic consideration? Perhaps we will soon find out.

So, Will We Ever See Those Offices Again?

First of all, we probably will not. I will not, for sure. However, the Reader might. Especially if he or she belongs to a majority of the Hungarian workforce. For everybody else, this is not so certain. A sample calculation was put together for this article about the affected workers [See: Figure 2].

First, unemployment rose compared to the previous year, with 31,000 more from the workforce becoming unemployed by the end of 2020. These people were all out of a job and looking for work. Do not let this fool you, though, as significantly more people lost their jobs and, therefore, are out of their old workplace. However, this number does not show that because many had found a new job shortly after and others entered the labor market.

To learn exactly how many people lost their job, let us check the official data for labor market reallocation between activity groups on previously employed people who became unemployed. In 2020, 1.1% of Hungarians aged 15-74 transferred from the employed group to the unemployed group. As there are roughly 3,800,000 people in this category that means 41,000[14]. Then, inactives – these are the people who were not even looking for a new job in 2020. Their number is much higher. Using the same statistical data, 2.1% of 15-74 year olds transferred from employed to inactive. This is an additional 80,000. So, there is already 121,000, and there are more.

Next, some business owners also will not see their offices again, even though they were not employed, because the businesses have shut down. Now, while the employees of companies are already included, and presumably, so are the owners of small businesses (less than 10 employees), which is 76% of all businesses[15], one may assume that out of the 26,000 terminated companies[16] only 24% of them have owners that are not technically employed by their own company. Therefore, there are about 6,000 business owners that now lost possession of their office.

Finally, remote work and home office. We have seen that 3% of all work was done remotely in Hungary before the COVID-19 virus, which increased to 17% during spring 2020, ended up at 7% by the end of the year, and in some places (like the capital) peaked it at 21%. If we assume

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[14] Hungarian Central Statistical Office (2020) Labor Market Developments, 2020. Jan-Jun.. Available [online]: https://www.ksh.hu/docs/hun/xftp/idoszaki/mpf/mpf202/index.html

[15] Hungarian Central Statistical Office (2021) 3.2.6.2. Number of Registered Enterprises by Size Class - GFO'142015-2019. Available [online]: https://www.ksh.hu/docs/hun/xstadat/xstadat_evkozi/e_qvd021.html

[16] Bisnode report (2021) Stagnált a cégek száma 2020-ban. Available [online]: https://www.bisnode.hu/tudastar/gondolatok/stagnalt-a-cegek-szama-2020-ban/ [in Hungarian]

that just 1% of employees will stick to home office, there is a minimum of another 10,000 that will not see their pre-pandemic workplace again. To sum up, approximately 80,000+41,000+6,000+10,000 = 137,000 or 3.6% of the active population in Hungary will not see their old workplace again.

New Unemployed	**41000**
New Inactive	81000
Owners of terminated companies	6000
Remote Workers	10000
Total	137

Figure 2: People who will not see their pre-pandemic workplace again
Source: Own calculation based on statistical data for Hungary

Final Thoughts

Academics understandably did not hesitate to start researching and analyzing COVID-19's effect on society even before it was over. Many of the changes analyzed, also in this article, will not be seen clearly until years after the COVID-19 pandemic is over. Most data needed for such an analysis (such as demographics, financial effects and workforce allocation) will only be available in the future. Yet, from what is already available, it was possible to review the current state of Hungarian workforce. However, this is only a snapshot of the COVID-19 economy, and to process the events of 2020, not only humanity, but also science will need a few years to assess the experience. This does not mean we cannot make any interesting observations.

In Hungary, over one-fifth of all workforce in Budapest, the capital city, transitioned to a remote work routine in a matter of two months. This goes to show how little intellectual work is tied to a physical workplace. With

intellectual work making up 40% of all work in Hungary, which is a big portion of Hungarian working hours, this kind of mobility within the workforce resembles war time economy levels. Once you can work on your laptop or phone, you can physically be anywhere, even though for Hungary there are limits to this application.

The conquest of remote work could have a global impact. However, for Hungarians, and nations in similar shoes, there are more limitations than just the work location. The Hungarian remote worker's salary will not buy them a house by the ocean. For them to unlock the potential of remote work, and, therefore, for remote work to affect the Hungarian economy in the long run, these people first have to find a foreign job, for which the competition could rise tenfold as a result of the COVID-19 pandemic. Noteworthy, remote working can create an even bigger gap between manual and intellectual workers. To talk about remote work as the future of Hungarian work economy means to leave about 60% of Hungarians out of the equation, or the 57% who speak only Hungarian. Therefore, when we ask "Will we see our workplaces ever again?", the quick answer is: yes, we will, because the majority of Hungarians will see the COVID-19 pandemic's end not as the beginning of a new world, but rather as the return to their previous life.

As for Hungarian migration, the effects of COVID-19 may compliment already existing trends, but these trends are highly dependent on both Hungarian and international events, which could change in a single year. All in all, remote working during the COVID-19 pandemic, the possible optimization of workplace, and work hour allocation is a continuous process that is streamlined, global, and not a cause of the COVID-19 pandemic alone, as it started way before. We just had the opportunity to test it during the epidemic. A big increase in remote work, part-time jobs, alternative means of income, the average man's introduction to the stock market, and so on – these are all defining elements not only of the COVID-19 pandemic, but of the evolving economy of the 21st century.

Chapter 4

Digital solutions for free movement in the European Union: lessons from COVID-19

Ricardo Silvestre

Introduction

In the summer of 2021, I was at the Franjo Tuđman airport in Zagreb, ready to fly to my home country after a couple of wonderful days in Croatia. I went for the automatic check-in, already a spectacular feat of technology to the comfort of the traveler and the functioning of the air carrier. The information displayed on the screen of the self-check-in kiosk was expected: I needed my tickets to be printed at the counter. This was my second time traveling to a foreigner country since the beginning of the SARS-CoV-2 appearance, and the resulting disease propagation in the form of the COVID-19 pandemic. In the previous trip, we didn't had, yet, the EU Digital COVID Certificate (Certificate, from now on), so, I intuited that the need to have the ticket printed by a human had to do with the need of said human to

physically check my Certificate, and to see if the proper time had elapsed since my second vaccine dose, or, in case I had the result from a test for COVID-19, to see of the day of the test and its validity. When I reached the counter, I was attended by a very nice Croatian young lady that looked at my passport and Certificate. She then asked where my Passenger Locator Card was, a requirement of the Portuguese public health authorities to trace passengers that may have been exposed to COVID-19. Paranoid as I am with the desire that all related to international travel goes well (and I can imagine some readers nodding their head in agreement, some even violently) I felt my heart starting to race, as the adrenergic response started to take over my body. Probably sensing that, the young lady rapidly said that there wasn't a big problem. I could do it on my phone, get an email with the Locater Card and show-it at the Lisbon airport, upon landing.

On the 21st of February of 2020, in Northern Italy, there was a significant increase of cases of a new disease first observed in the Chinese municipality of Wuhan. This disease led to the development of serious respiratory conditions, some needing hospital care, and resulting in a high number of fatalities. It wasn't long for Member States of the European Union to report cases inside their borders. Previously, on the 13th of the same month, a EU Extraordinary Health Council meeting took place, where health ministers called upon the European Commission to coordinate risk assessment, and to give guidance on traveling, anticipating that the outbreak would escalate quickly (Council of the European Union, 2020). On February 24th, Mr. Janez Lenarcic, the European Commissioner for Crisis Management, showed awareness that internal borders inside the Union could be closed, and urged that such decisions needed to be proportionate, based on scientific criteria, and done in coordination with other Member States (European Commission, 2020b). In March, the number of infections, and the stress in the national health services increased even more. On March 10th a confinement in Italy was determined, with only authorization for

This led to halt of free movement inside the European Union, with disruptions in the circulation of people, goods and services.

circulation to get groceries and medicines. On March 11th, it was the turn of Austria and Slovenia to close the borders with Italy, and the following day it was Hungary that introduced border controls with Slovenia and Austria. From them on, like dominoes, restrictions on internal boarders expanded throughout Central and Eastern Europe (Robert Schuman Foundation, 2021). This led to halt of free movement inside the European Union, with disruptions in the circulation of people, goods and services.

If the expression "free circulation of people goods and services" may look familiar to you, that is normal, because is one of the precepts in the genesis of the European Union, of the reality now with the Schengen Agreement, and for the future of the European project. However, we can also view this expression as a reflection of freedoms based on liberal values and ideas: economic liberalism, economic globalization, freedom of trade, market economy, open society, internationalism, freedom of movement, of furthering one's education. These are freedoms hard won from the time of thinkers like John Locke and Montesquieu, and with advancements like the Declaration of Independence of the United States, the French Revolution, the Declaration of the Rights of Man and of the Citizen, and the Enlightenment. In a more contemporaneous setting, they are rights for

positive liberty in the Jean-Jacques Rousseau's perspective of freedom (Stanford Encyclopedia of Philosophy, 2016). In fact, these freedoms allow for the development of the individual and for his or her community. But also, for a larger idea: of collaboration between different people, regions, nations, for the creation of growth, and for working together for the advancement of peace, society, and modernity.

Birth of a space

Because of the devastation that it caused, one of the most impactful consequences of World War II in western Europe was the need of workers to rebuild countries and economies. This labor was then directed to the fields for agriculture and mining, for the cities for rebuilding, and for the spaces in between to relaunch industry. The recruit of millions of workers was facilitated by guest-worker agreements, mainly from southern countries in Europe and beyond. These mass movements were one of the provisions included in the treaties that created the European Coal and Steel Community in 1951 (Euro-Lex, 2017a) and the European Economic Community, codified in the Treaty of Rome in 1957 (Eur-Lex, 2017). Naturally, it took time for such an ambitious endeavor to be functioning at full force, and that was achieved in 1968. From 1970 on, workers started to test the legal limits regarding issues like deportation, access to benefits and family rights. In fact, the term "worker" started to feel as incomplete regarding this kind of Europeans, looking for a better future to themselves, their loves ones, and even their adopted countries. The term "persons" was generally accepted as a better way to describe them (Koikkalainen, 2021). As more and more calls happened for a more integrated Europe, and with that an expansion of the benefits from the movement of people, the Single European Act of 1986 (Eur-Lex, 2018) opened the door for the creation of an internal market, with not just people having freedom of movement, but also goods, services, and capital. This was then

enlarged, in 1990, to students (Eur-Lex, 1990) and pensioners (Eur-Lex, 1990a). It was in 1992, and with the signing of the Maastricht Treaty, that the concept of a European Union citizenship started to take shape, and to be refined with following treaties on the function of the Union (Descamps, 2019). The most emblematic moment in the categorization of a European Union open to movement relating to labor, trade, and tourism, was achieved with the Schengen Agreement, which took effect in 1995, partially at the time, and then extended in the Treaty of Amsterdam of 1997 (European Communities,1997) allowing European citizens to cross borders between Member States without a control of passage or of documents. The Schengen Area includes now 26 countries, being 22 from the European Union and four from the European Free Trade Association. Bulgaria, Croatia, Cyprus, and Romania are expected to join this area once they meet certain requirements necessary to be part of the Agreement (Koikkalainen, 2021).

In Article 3º of the Treaty on European Union, it is stated that the Union shall "offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured." In addition, Article 21º of the Treaty on the Functioning of the European Union (TFEU), mentions that "every citizen of the Union shall have the right to move and reside freely within the territory of the Member States". Also, Directive 2004/38/EC concerns the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. This also governs free movement of persons who are engaged in economic activities containing limits and conditions. However, still on TFEU, on Article 168º, when it relates to the protection of the public health there are shared competences between the political center of the European Union and the Member States. With more detail, Article 45º of TFEU details the conditions for restrictions to free movement based on public policy, public security, or public health. The most important regulation for checks on borders,

entry conditions and the conditions of temporary reintroduction of border controls in the Schengen Area, is the Regulation 2016/39912, also known as the Schengen Borders Code. In here, Articles 25º, 28º, and 29º clarify how Member States can temporarily reintroducing border control in situations of serious threat to public policy or internal security. In fact, the re-introduction of temporary border controls was, in itself, the response to another kind of crisis, in particular the Arab Spring that led to mass migrations to Europe (Hess, 2017). The Schengen Governance Package that entered into force in 2013, specify that Member States can introduce temporary border controls via three measures that have different time limits and extensions: "foreseeable events", border controls that can be introduced for thirty days and renewed for up to six months; "urgent cases," with immediate action required on border controls for ten days but can be extended for up to two months; and when "serious deficiencies" of borders endangers the Schengen Area. In this last case, border controls can be extended for up to two years with an approval of the European Commission and Council. However, this kind of measures need to be always observed as exceptional circumstances. In fact, that is mentioned in the document, stating that it "should only be effected as a measure of last resort, for a strictly limited scope and period of time" (Eur-Lex, 2013, p. L295/1). Matters of public health are not included in serious threats, but in the purview of public policy. This was the reason to reinstate border controls by Member States during the pandemic. Also, the diseases that causes the restriction need to have epidemic potential, as defined by World Health Organization. The European Commission, to account for the need of a joint response presented a "A European roadmap to lifting coronavirus containment measures" (European Commission, 2020) with a call for coordination between Member States to avoid negative effects and political friction, based on common principles, using science and public health as guiding principles. The lifting of measures was to start locally, and gradually extend to a broader geographic area, considering

Particularly, one of the more urgent needs to ensure the availability of goods and essential services including guidelines for border management, and measures to protect health of border crossers (European Commission, 2020c).

national specificities, and a phased approach on the opening of internal and external borders for the flow of essential workers and goods. Then, internal border was to be lifted in a coordinated manner, first between identified low-risk areas, and in a second phase with external borders to reopen and provide access for non-European Union residents, accounting for pandemic status outside the Union. Particularly, one of the more urgent needs to ensure the availability of goods and essential services including guidelines for border management, and measures to protect health of border crossers (European Commission, 2020c).

There was also a need for all internal borders to stay open to freight traffic, and for guaranteeing essential products in supply chains. Of notice, one of the first concrete measures taken by the Commission was the creation of "green corridors", or "green lanes" (European Commission, 2020d). The objective was adapting controls at the borders that would expedite transit of goods. For example, minimal checks and screening carried out without the drivers having to leave their vehicles, drivers of freight vehicles only needing to show document personal identification and driving license, letter from the employer whenever necessary when an "electronic submission/display of documents should be accepted" (European Commission, 2020d). The main concern, at the time, was

that "the free flow of goods, especially in times of emergency and in the interest of all, requires that Member States respect and full implement the Guidelines at all border-crossings at internal borders" (European Commission, 2020e, p.1). This aimed to ensure a continuous movement along the trans-European transport network (TEN-T), with the most important connections by road, rail, and inland waterways, including ports and airports. Apart from the concern of ensuring the flow of goods, there was also the need to create an efficient response to the pandemic, to reassure the citizens that delivery of supplies was going to be assured, and to mitigate the impact on people's day-to-day needs and, more broadly, of the economies.

Transnational, seasonal and border workers

Between 2017 and 2018, the number of workers that circulated in the Schengen Area increased to 1.5 million (European Commission, 2020a). These include workers whose place of employment is not limited to a single Member State to others that reside in another European Union country, leading to a regular crossing of borders (de Wispelaere, 2020). A good expression to be used to describe this work force could be

'highly mobile workers' (Rasnača, 2021). This kind of mobility, and movement, generates economic growth. According to the European Parliament Research Centre, wealth creation tied to this activity is estimated to be around €106 billion (datum from 2017) (European Parliament, 2020). To this, there is a need to add capital generated with tourism, particularly essential for some Member States, and that can account for 10% of the European Gross Domestic Product ((Robert Schuman Foundation, 2021). On the opposite side, the reintroduction of border controls, and the shutdown of the Schengen Area, has costs of around 5 to 18 billion Euros, a 2016 estimation based on freight transport, cross border passenger mobility, tourism, and administrative costs at the border, and that "would inevitably impact the EU economy as a whole" (European Commission, 2016, p.3). When lockdown measures, border controls and travel restrictions were introduced due to the COVID-19 pandemic, intra-Euro trade decreased close to 8% when comparing March 2020 to March of 2019 (Eurostat, 2020).

During the first months of the pandemic, while there was an effort to maintain the transnational workers and supply chain systems operating, there was a difficulty for business to access the pool of cross-border workers, particularly in the agricultural sector, due to the impossibility of seasonal workers to move to areas in need of that sort of labor. On March 16th of 2020, the European Commission contemplated the suspension the Schengen Agreements, and with that the rights acquired by it, due to the critical situation resulting from the spread of infections. However, there was a call for the maintenance of the Single Market, and the circulation of European Union citizens and residents (European Commission, 2020c). The facilitation in border-crossing was also extended to personal from medical, security and protection areas, workers from critical and essential infrastructures, expert personal in energy, information, and communications, and of people involved in the supply of medicines, medical supplies, medical devices, and personal protective equipment. In specific, it was asked of the Member

States to allow, and facilitate, the crossing of borders of those workers considered to be essential, in services like food processing, healthcare and care sectors (European Commission, 2020c). On the 30th of March, the European Commission followed-up with a communication on "Guidelines concerning the exercise of the free movement of workers during the COVID-19 outbreak", with the acknowledgment that frontier workers, posted workers and seasonal workers, were crucial for providing essential services and the supply of goods.

In the middle of May 2020 there was a first proposal for the re-establishment of (some) normalcy regarding circulation inside the Schengen Area, with the help of a "phased and coordinated approach for restoring freedom of movement and lifting internal border controls" (European Commission, 2020h) something underlined by the Joint European Roadmap towards lifting COVID-19 (European Commission, 2020). One solution was implemented for Europeans to understand, and track the evolution of the pandemic, with the creation of a European map based on color code (green, orange, red, grey), adding information on travel restrictions, and measures regarding testing and self-quarantine (Council of the European Union, 2020a).

Tourism

In 2020, there was a decline of 60% in international tourism (Organization for Economic Co-operation and Development, 2020). This is particularly important when thinking about an industry that is estimated to give work in the European Union to around 13.6 million people (Eurostat, 2019). Even if the COVID-19 pandemic was undoubtably a shock to the system of the tourism industry, it's not unusual for this sector to suffer because of health crises, mostly in regional contexts, since a worldwide pandemic hasn't been a reason for developing contingency plans. Some studies have been performed to evaluate effect of health crises, related to tourism in Hong Kong, that

The possibility of traveling inside one's own country, without constraints of crossing borders, made this a primary focus for this industry as the first steps of recovery...

suffered from the SARS epidemic in 2003 and in the H1N1 in 2009 (Hung, 2018). A return to levels of tourism demand seen before the pandemic is important to drive the economic recovery, particularly in certain Member States, due to the impact of tourism being so significant.

One of the first signals of recovery was domestic tourism. The possibility of traveling inside one's own country, without constraints of crossing borders, made this a primary focus for this industry as the first steps of recovery, mostly because domestic tourism accounts for around 75% of the total tourism economy in OECD countries (Organization for Economic Co-operation and Development, 2020). For that, recommendations like hygiene measures, social distancing, internet scheduling of vacations, traveling to fewer urban areas, were deemed to be acceptable solutions for leisure time. However, an even bigger boost for the normalization of the tourism sector it's international traveling. For that, the European Commission published a document called "Tourism and Transport in 2020 and Beyond" with a roadmap to recover tourism and transportation (European Economic and Social Committee, 2020). This document includes three areas to help to restore the industry: unrestricted free movement and the reopening of borders; a focus on transport and connectivity; and an improvement in tourism

services, particularly in hospitality. In this last area, there is also the need to guarantee the safety of staff, suppliers, and associated personal involved in the process. This can be achieved with the application of preventive measures, a requirement for full vaccination, and routine testing. These measures also have the added benefit of preventing new outbreaks of the pandemic (Xiaowen, 2021).

Other concrete initiatives were also put in place, especially to help small and medium enterprises (European Commission, 2021d) including vouchers with safe refunds, in case of cancelations due to pandemic progression or regression, protection on jobs via the SURE Programme (European Commission, 2021), financial support via loans of the European Investment Fund (European Commission, 2021a), and flexibility in implementing state (European Commission, 2021b).

Regarding digitalization advances on the tourism industry, the establishing of internet as a ubiquitous reality brought the possibility of costumers to reserve hotels, planes, tours, admission to culture and sports events, to give some examples, without having to interact with a human being until the moment of "crossing the door". In the last 25 years, there was a multitude of websites that became an easy and useful tool to schedule vacations or organize professional traveling. However, the COVID-19 pandemic accelerated some transitions in the industry that were like the rest of society: a bigger use of digital platforms allowed the removal of employees that don't have a face-to-face interaction with guests to work remotely, and the transition of internal meetings, like the case of managerial positions with services employees, to happen online (António, 2021).

Asylum seekers

With the pandemic raging in March and April on 2020 in the European Union, most Member States had to interrupt the registration of asylum

seekers which lead to a notable drop of application (87%) when compared to January and February of the same year (European Asylum Support Office, 2020). The crises of refugees in Europe that happen in 2015 exposed deficiencies in the common European asylum system, based on the Dublin III Regulation (Eur-Lex, 2020a), making the European Union to reform the way to deal with migrants, refugees, and asylum seekers. With the COVID-19 pandemic, some of the same problems were observed, and new ones presented themselves. Some of criteria for evaluation of asylum application include: family unity; issuing of a residence permit or visa; illegal border crossing/illegal stay; place of legal entry. The processing of this information was (further) complicated with the pandemic and border closings. On 30th of March 2020, the European Commission provided information regarding temporary travel restrictions, repatriations, and of people needing to stay in the European Union longer than allowed due to travel restrictions (Eur-Lex, 2020). The effect of the pandemic was notable regarding the movement of people moving in the direction of the Union. The Eastern Mediterranean rout decreased 99%, the Western Balkans by 94%, Western Mediterranean 82%, and Central Mediterranean 29% (Frontex, 2021). Simultaneously, the travel restrictions between the Member States stopped transfers of people that were granted asylum, which amounted to suspension of the Dublin regulation on this need. This suspension altered the functioning of the Common European Asylum System, and the European Commission's had to implement relevant provisions in asylum, return procedures, and resettlement (European Commission, 2020f).

Some technical recommendations, that focus on digital solutions, can be observed in the document, like lodging of applications, "where necessary and as far as possible" to be done via submission of an online form, and confirmation to the applicant by email (European Commission, 2020f, p.5). Regarding Dublin regulations, there was an indication for Member States to designate an e-mail address for the applicant to submit

documents, and alternate means of proof and information, in compliance with data protection. It was also determined by the European Commission that DubliNet, the secure electronic network of transmission channels between national authorities, should be used when dealing with asylum applications (European Commission, 2020g) and should be made available to a "sufficient number of staff working" (European Commission, 2020f, p.10). The exchange of data between Member States was to be done via the Member States' National Access Points, with secure connection and access to DubliNet guaranteed for staff working remotely (European Commission, 2020f, p.10).

In the middle of April of 2020, Member States started to come back to a (new) normal, with less stringent conditions for resumption of asylum services. Some of new measures to accelerate the services included work in shifts, teleworking, adjusted number of people by square meters, use of masks, and disinfecting working areas. The introduction of flexible measures, like working in shifts and teleworking allowed the expedition of cases where interviews had taken place, and thus reducing the number of pending cases (European Asylum Support Office, 2020, pp. 6-7). In some countries there was the need to redesign the arrival centres and to implement special arrangements for the submission of the requests. For example, newly arrived asylum seekers had to be placed in quarantine, or self-isolation, and have their requests registered after the end of the confinement period and/or upon medical screening. In addition, self-report COVID-19 symptoms were required, with temperature checks or epidemiological triages. For in person interactions, staggered hours and appointment-only was a way to avoiding long queues and waiting times (European Asylum Support Office, 2021).

Another technical solution, in this case dealing with face-to-face interactions was to set videoconference hardware and software in reception centres (European Asylum Support Office, 2020). However,

In fact, in Belgium, a pilot project was suspended, due to the need to a "longer-term framework structure for interviews by videoconference, alongside in person interviews" (European Asylum Support Office, 2020a).

some questions were raised due to the use of this solution, including on legal framing, because of access to the technology, familiarity of the asylum seeker to use the technology, the quality of the conversation online and its effect on the application process, and the protection of personal data. In fact, in Belgium, a pilot project was suspended, due to the need to a "longer-term framework structure for interviews by videoconference, alongside in person interviews" (European Asylum Support Office, 2020a). Other technical solutions, regarding the facilitation to virtual access to information included YouTube videos, hotlines, and online platforms (European Asylum Support Office, 2021).

Erasmus students

European programs that allow international students to attend institutions of higher education in other Member States has transformed said institutions, promoting their internationalization (Dias, 2021), improving their academic programs (Nada, 2018), and creating campus diversity (Dakowska, 2017). With the COVID-19 pandemic, there was a disruption on the Erasmus+ Mobility Program (Central European University, 2021), due to the closing of countries and regions, and, with that, the institutions of higher learning in them. At the start of the pandemic, 95% of European institutions saw a negative impact on the mobility of international student (Marinoni, 2020). It is fair to

say that the entire system, from institutions to teachers to students, was not ready for a crisis like the pandemic. Therefore, there was a need to find solutions that would permit the continuation of the programs. Exchange students in the spring of 2020 had to choose between discarding plans to attend the institution where they were enrolled, staying at the university while using online learning tools and maintaining social distancing. Others had the option of returning to their home countries and continuing their courses also with the use of digital tools.

Even before the pandemic, as it is expected from institutions of higher education, and due to the ubiquity of the internet mentioned previously, in some Member States, there was already the possibility to online submission of the documents required for applications, both for students from the respective country, or from other parts of Europe. As already mentioned with other aspects of the COVID-19 crisis, the pandemic served to accelerate digital solutions for operational and academic back-office needs. At the same time there were other measures like the extensions of the enrolment deadline, and postponement of classes to the following academic year for international student's incapable of traveling outside their country (European Asylum Support Office, 2021). By the end of 2020, as the pandemic improved, the backlog of visa and residence permits was resolved and there were no reports of significant delays in Member States. Still, the impact of the pandemic, when comparing 2020 to 2018 and 2019, caused a decrease in the number of visas to new international student (European Asylum Support Office, 2021). By December of 2020, some of the European Union countries put in place specific provisions to prevent visas, or permits, from being withdrawn, and to give international students additional time to finish their studies.

One of the first solutions to mitigate the lack of free movement of students was to migrate to the online space. This, naturally, caused the need to change from a mode of teaching based on in-person interactions, in the classroom, in the lab, in the field, to a mostly in-home setting, for students and teachers alike. This assumes a particular importance, since there is

evidence that both in a virtual off-campus setting, and for on-campus, students need social networking, and the support from the student community and teaching staff (Nada, 2018). Simultaneously, socio-cultural characteristics of the host institution can get more complicated in the virtual context, where contact with culture quirks and nuances is limited to online classes. This reduced social interaction causes an effect on student's affective, behavioral, and cognitive adaptation, which also causes fewer moments of information transmission, and the diminishing of the quality of interactions with the teaching staff (Koris, 2021). Equally important, online education is not the main reason to adhere to an international exchange program like, for example, Erasmus+. Adaptations to different educational systems are more easily understood, and solved, when the student experiences them in person. And frankly, being online is not the experience that exchange students enroll for (Virág, 2020)

Digital solutions

Contact Tracing

After the first full contact with the pandemic, that lead to lockdowns and societal anxiety about the progression of the disease, by the summer of 2020, the situation got slightly better with a decrease in infections and in incidence rates in most of the European Union. This led to an increase in traveling for professional and personal reasons. A potential technical solution for the control of the pandemic, and the accounting for movement and societal interactions, was tracing apps. At that time, vaccines were still in development stages, and contact tracing aimed to control the spreading of the virus, by warning users that they were in contact with potential infected people. The principal argument for contact tracing was based on the linking of a standard contact tracing tool with the interoperability of mobile applications (or apps). This, theoretically, could lead to detection, and hopefully containment, of chains on transmission and avoid community spreading. Aggregation of

data can also be used for forecasting of the spread of the virus, and to screen and evaluate how the implementation of public health measures, and their efficacy, being that the last one correlates with delivery of medical services and other critical services. In fact, there is precedent for the usefulness of aggregated mobility data in medical emergencies, for example with the cholera outbreak of 2010 in Haiti, the Ebola epidemic in West Africa in 2015, and COVID-19 in China (eHealth Network, 2020a). For this mechanism to work properly, the European Commission asked mobile network operators across the European Union to voluntarily share the aggregated mobility datum to fight the pandemic, within certain boundaries. For example: "to compare spatial dynamics of the epidemics using historical matrices of mobility national and international flows"; to "quantify the impact on mobility of physical distancing measures (travel limitations, non-essential activities closures, total lock-down etc.), including the phasing out of such measures as relevant"; to "feed epidemiological models, contributing to the evaluation of the effects of physical distancing measures on the reduction of COVID-19 transmission rates in terms of reproduction number (i.e. expected number of secondary cases generated by one

Equally here, the European Union lead the way, with the adoption of Recommendations (Department for Digital, Culture, Media and Sport, 2020) and a "toolbox" (eHealth Network, 2020) to facilitate interoperability of apps, while protecting privacy and data.

case)"; and to "feed models to estimate the economic costs of the different interventions, as well as the impact of specific control measures on intra-EU cross border flows due to the epidemic" (eHealth Network, 2020a).

Equally here, the European Union lead the way, with the adoption of Recommendations (Department for Digital, Culture, Media and Sport, 2020) and a "toolbox" (eHealth Network, 2020) to facilitate interoperability of apps, while protecting privacy and data. At points of entry in the European Union, like international airports, ports, international railway stations or land border crossings, preparedness measures were implemented as a contact-tracing effort, to ensure freedom of movement (European Commission, 2020i). However, the launching of the solution was marred in problems. From operation to data protection, to the adherence by the users so reduced to the point that contact tracing apps didn't became an efficient way to control the pandemic (Lohininger, 2021). Still, the development of this contact tracing apps, from the start, included two fundamental requirements: they were to be adopted on a voluntary basis, and the software had to be implemented under a Free Software licence (Free Software Foundation Europe, 2020). In some Member States concerns were raised right away, being in Germany, due to proprietary conditions with interface software's (Free Software Foundation Europe, 2020a) or

in Portugal due to governmental intentions of making the download of the app mandatory (Defesa dos Direitos Digitais, 2020).

Despite several Member States launching contact tracing apps, and the creation of centralized and decentralized protocols for the apps, there wasn't operational agreements, and that hindered interoperability. This was further complicated by the fact that Apple and Google released, in May of 2020, a joint framework and protocol specification for contact tracing, that made designs of new apps to fit that framework, and/or a reconfiguration of the existing ones. The European Union tried to centralize the interoperability "in house", with the European Commission launching a gateway service to standardize national apps across the Union. However, the concerns from Europeans on the questions of privacy, the need to have a smartphone, and the scant adherence of users (Germany around 21%, Italy 14%, and France 15%, to give some examples (Jonker, 2021) made this option to take a back seat to the one that would become the best solution to open the European Union to free movement: the creation of an EU Digital COVID Certificate when vaccination and testing for infection became widely available and trustworthy.

Digital certificates

As the European Union was making efforts on reopen societies, particularly traveling between Member States, and internationally, the Certificate was introduced to simplify freedom of movement in Europe. The Certificate aimed initially to be a harmonized system used by all Member States to let travelers prove that they do not represent a potential health hazard to the country of entry. This technical solution was, for example, recommended by the World Tourism Organisation, as a call to have the summer of 2021 as the beginning of the post-pandemic era, in a "safer and more sustainable way" (World Tourism Organization, 2021). Like with other digital based solutions, data

protection, especially of medical nature, was a concern from the start. In the European Union, the General Data Protection Regulation (GDPR) (Eur-Lex, 2016) it's the document that ensures data protection and security, and it was part of the conceptualization of the Certificate. In accordance with the GDPR, there is a minimum amount of data collected for the Certificate, including name, date of birth, date of issuing, type of vaccine and vaccination dates. To verify the validity of the Certificate, a digital gateway checks only its authenticity without transferring any data (European Commission, 2021c). This digital gateway also ensures that the Certificate cannot be falsified, due to the reading of encrypted data generated from "public keys" that only the "private key" of the Framework can unlock.

The Certificate aims to be accessible, secure, and non-discriminatory, with a description of the vaccination status, result of a COVID-19 test, including RT-PCR tests, and rapid antigen tests, and status of recovery from the infection (European Travel Information and Authorization System, 2021). The European Union eHealth Network (eHealth Network, 2020b) adopted a set of guidelines with a focus on three pillars: a minimum data set needed to produce the Certificate, a standard unique identifier for the Certificate proof, and a trusted framework for establishing certificates' authenticity, integrity, and validity. The trust framework aims to be flexible enough to encompass different cases, allow to produce digital, analogue, off-line, and on-line, Certificates, as its verification. With a little more detail, the production of the Certificate is completed in three steps: the collection and registration of datum in the citizens health information system by a competent authorized entity; the issuing of the Certificate; and the presentation of the Certificate to a verifier, understood as a border guard or a healthcare professional. This allows for a cross-border interoperability and a streamlining of the process (eHealth Network, 2021). The encrypted data is never combined on a central server and is stored locally in the form of a Quick Response Code, known as a QR code, in a "wallet app"

on a smartphone, or printed in paper. Because of no personal data being exchanged, or stored, when reading the QR code, this enables a validation of the Certificate without the need an internet connection (de Flores, 2021). These concerns, trying to make the producing and validation of Certificates as robust and safe as possible, has the added advantage of the software being open-source, its code accessible to everyone (de Flores, 2021). With this technical solutions, airports, public authorities, hotels, event organizers for cultural, sports and leisure by scanning the QR code can check the condition of the citizen quickly and easily.

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Another major concern, when thinking about the massification of production of Certificates, and its mandatory presentation in some Member States to access some services, is inclusiveness. The trust framework should guarantee this, supporting a range of Certificate presentation, from plain paper, augmented paper certificates (e.g., paper certificate with printed machine readable like barcodes, QR codes, Machine Readable Zones), to digital certificates. Simplicity and user-friendliness are crucial for the Certificate digital systems to be easily streamlined. A lack of simplicity increases the time to implement a compliant digital vaccination certificate system, and a lack of user friendliness hinders the implementation of the system (eHealth

Network, 2021). Equally, modularity and scalability are key, particularly in the case of additional usage scenarios, cases, and different types of Certificates: being from different kind of tests for COVID-19 and variants, or proofs of recovery from infection.

Regarding the crucial question of the identification of the Certificate holder, said identification is bound to the Certificate when its issued (ID binding) and is verified when the Certificate is presented and verified (ID verification). The "ID binding" at the issuing step, and the "ID verification" at the presentation and verification will prevent possible impersonation attempts (eHealth Network, 2021). Another major protection regarding data usage and protection, found explicitly in the GDPR, are questions of time limitation and data retention. Also here, the European Commission, via the eHealth Network, guarantees this point. During the crisis data shouldn't be retained for longer than 90 days, or until the end of the crisis, whatever arrives first (eHealth Network, 2020a). However, being clear that the time horizons of 90 days are not adapted to the extension of the period that the pandemic is taking hold in Europe. The other often need that is particularly mentioned in such sensitive questions as handling personal data, even if anonymized, its transparency of the process. To assure that, the European Commission recommended public health authorities that they should inform the civil society, and other stakeholders related to the process, of what kind of data is used and the result of that utilization (eHealth Network, 2020a).

Dangers and cautions

Concerns that digitalization can cause serious problems, while making our lives notably easier, are legitimate, and need to be confronted in a direct way. In fact, some of these concerns relate to losses of liberties, essential tenets of liberalism, democracy, and inclusiveness. For example, the massification of cell phones makes the option of having the Certificate in digital form on a wallet app for increase in our freedom of movement

appealing. However, this can cause inequalities while trying to fully function in a society under a pandemic environment. There should be the possibility of having Certificates in paper form, with those being similarly accepted as the digital ones.

Another valid concern is the privacy of medical data. As presented above, the European Union, and the stakeholders involved in the process, look like they are on solid ground when connecting the digital certificates to only vaccination status, and to anonymize and decentralize the information. Still, there is a continuous need make sure that only personal data gather is the one that is strictly necessary for the function of the digital certificate, vaccinations, test results or recovery from infection. There could be a temptation of gathering data resulting from the utilization of the certificates, or information related to the time of recovery of an infection and share that data with third parties. Some precedents are quite worrisome, ranging from lack of protection of personal data on cell phones, on digital platforms, and on social networks. It is understandable that citizens don't want their information, in this case of medical nature, to be controlled, or turned into a product to be commercialized. This leads to another important concern, and that is of a surveillance society. Again, the starting point of the process was a positive one, with verification of Certificates not transformed in information sharable with third parties. Also, verifiers are prohibited of retaining personal data obtained from the Certificates. The principle of having, by design, the creation, and control, of public keys to protect privacy is correct and should be maintained that way. Then there is the need of proportionality. If it is undisputed that vaccination is the best way to get out of the pandemic, and if vaccines are safe, everyone should take them. However, there are others that, for multiple reasons, don't, or can't do it. If daily routines get to be associated with the easiness of having a digital certificate, there should be a similar system installed for testing possible contagium with COVID-19. This system should be easy, and accessible, considering locality, price, and quickness in the obtention of results and declarations.

Another positive aspect is the finality of this this solution: a sunset clause. Set by the European Commission regulation, this technical tool is set to be active for 12 months, from the time of entry into force. This is a positive development, since restrictions to fundamental rights should not outlive the pandemic (Lohininger, 2021). The temptation of extending the need of presenting a Certificate beyond necessary, is an understandable one, when viewed in a maximalist protective posture. Once governments start relaxing, or exacerbating, measures, there should be mechanisms in place to adjust those positions to the ones produced by public health institutions of reference. Equally, the easiness to produce, store and use the Certificate can open the path for even more forms of documentation for free movement "easy to get and to show", and can led to intrusions in private live, aided by technologies like biometric identification, metadata and geodata. The COVID-19 crises brought the need to find smart and secure way to show proof that you are not a health threat to others, and therefore your freedom of move, either to work, study, or to ask for asylum in European Union, could be guaranteed. However, it is necessary to remain vigilant to not let those conditions to expand and become a way to decrease said liberties.

Conclusion

"The freedom to travel, live, study, work and retire in the EU is one of the most important rights enjoyed by EU citizens" (European Movement International, 2021). These are, at the core, liberal values: individual freedoms; access to education; opportunities to work; to look for batter conditions of life; to enjoy positive liberty that allows to develop the individual's potential, and with that the development of society. The global nature of the pandemic created similar problems that affected all almost equally, and structural changes are needed in a systemic level. Local measures will not be enough to relaunch economies and societal live. This need to be a joint work, with a digital approach. Recovery from the pandemic can work as a roadmap to deal with other urgent needs,

as it is the climate crises, the protection of biodiversity, energy independence, remodeling of cities and transportation, factors that will help decrease the ecological impact and help prevent future pandemics. Digital technology has been critical to maintaining economic and social life throughout the pandemic, but they also need to be a factor for a successful transition to a sustainable, post-pandemic economy and society. The President of the European Commission, Ursula von der Leyen, made part of the agenda for the future of the Union a green and digital transition. For example, the fund NextGenerationEU, a €750 billion recovery program, was designed to be an instrument to help Member States deal with the aftermath of COVID-19 pandemic. In that fund, is not an accident that at least 20% of the recovery funds will be destined for a digital transition. These kinds of solutions allow citizens, governments, and business to access goods, services, and people, essential to fight the effects of this crises. Therefore, the European Union should facilitate the exchange of solution building between stakeholders involved in fighting the crises, but also to invest in companies, particularly when thinking about start-ups and small and medium enterprises that are working on developing innovative technology that allow to access, test, and control the spread of the virus (European Movement International, 2021). These have been trying times: a scary pandemic, a worrying number of sick people in hospitals, and the tragedy of death and suffering. However, human resilience is notable, and it looks like we are going to be able to "come out from the other side" of this pandemic, with the help of other proof of human ingenuity, digital solutions to make life easier, better, while maintaining our basic freedoms. In this way, we can continue to strive to make the world a better place.

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