

COVID-19 as a Global Institutional Event and Its Institutional Treatment in Greece

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Abstract. this article, reflects an oral presentation given on 5 March 2021. Offering remarks and comments on the institutional impact of the anti-COVID measures indicates the institutional relevance of the pandemic. It is argued that the COVID-19 pandemic, notwithstanding its global nature, has marked a gradual retreat from the globalization. It has also marked the ‘return’ of the state -in contrast to the market- as the powerful actor suitable to assume and guarantee the measures necessary to combat the pandemic. The pandemic has also brought up some more general issues, such as the relation between science and politics, the relevance of the Constitution in times of ‘exception’, the reinforcement of the Executive at the cost of the Legislative, the need to accept limitations to the individual rights in order to combat the pandemic, the role and the limits of the Judiciary in times of the exceptional threat posed by the pandemic. The article then briefly presents the anti-COVID measures taken by Greece until the first months of 2021 and ends up raising the question whether the pandemic has created the pattern and mindset for permanent changes in our institutional structures and procedures.

Keywords: *COVID-19 Pandemic, Science, Politics, Exception, Rule, Anti-COVID Measures, Democratic Procedures, Individual Rights, Greece*

1. Introduction

The present paper offers some remarks and comments about the institutional impact of the anti-COVID measures made earlier this year. and reflects the state of the legal discussion of more or less around that time, basically stemming from legal material (such as legislative and regulatory administrative acts, case law, commentary etc.) dating back to early spring 2021 and 2020. At this point it has to be noted that at the beginning of the pandemic most constitutional comments on the anti-COVID measures were rather descriptive of the measures and of their possible impact on both the functioning of the democratic institutions and the constitutionally warranted individual rights. Also, since at the beginning of the pandemic no major assessment could be made on the expediency, or even the necessity of the measures because of lack of factual material, as a rule, the governments had no real option than to follow the expert advice of their epidemiologists and the courts had no real option than to accept the restrictive measures taken by the government on the basis of such advice. As the pandemic progressed and the impact of the measures taken (or of the omission to take measures) became more and more clear, the case law, and in general the relevant legal literature, became more elaborate and theoretical.

I will certainly not delve into assessing the substance of the measures taken to combat the pandemic, such as, restrictions of several constitutional rights, lockdowns, obligatory vaccination, curfews etc. from the epidemiological point of view nor comment on measures taken to support society and the economy during the pandemic. It is more than evident that the COVID-19 pandemic poses a threat to our health and lives, and to the overall functioning of our polities, economies and societies. More specifically, it threatens the effective democratic functioning of our constitutional states and civil liberties. To discuss the legal architectonics of the specific anti-COVID measures beyond the general framework set by the extra-legal occurrence which is the pandemic and by the nature of the Constitution as the supreme legal guarantor of the democratic freedom and the civil liberties would reduce the matter to a theoretically rather unimportant legal technique of how to successfully impose the commandments of the medical scientists as sanctioned by the government. Failing to seriously consider the pandemic’s *constitutional* ramifications would entail missing a very important point: that we are trying to preserve not only our lives and health, but also, and with equal prominence, the democratic and liberal institutional architecture sanctioned by our Constitutions.

2. The Institutional Relevance of the COVID-19 Pandemic

The COVID-19 pandemic *per se* is an extra-legal and extra-institutional event: it is not the outcome of a constitutional, legislative or jurisprudential decision, much less the outcome of a deliberate human, social or political decision. An epidemic spread all over the globe, it erupted as a *vis major*, an act of God -rather a wrath of God. This epidemic, apart from and in addition to the politics, economy, society and personal lives, affected also the legal, institutional and jurisprudential frameworks worldwide. In constitutional states the pandemic triggered hard cases of democratic governability and protection of civil and social rights.

To mention, as examples, two of them, on March 31, 2020, Indonesian President Joko Widodo, issued the 'Emergency Regulation No. 1 of 2020 on the National Finance and Financial System Stability Policy for Handling Corona Virus Disease 2019 (COVID-19) Pandemic and/or in Order to Face Threats that Endanger the National Economy and/or Financial System Stability'. The Regulation provides that changes to the National State Budget during the COVID-19 response period or threats to the national economy in the future (until the end of 2022) can be carried out by Presidential Regulation and not exclusively by the House of Representatives. It also provides immunity to government officials, so that they will not be held liable civilly and criminally and exempts them from any administrative liability.¹

A more striking example comes from South Africa, the Court of which (Gauteng Division, Pretoria, a Single Judge Court) in the case 21542/2020 in the case *De Beer and Others v Minister of Cooperative Governance and Traditional Affairs*² applying 'the rationality test' scrutinized the nature and the legality of some 'lockdown regulations' provided in the 'Disaster Management Act 57 of 2002'. Judge Davis observed that "There are numerous, thousands, no, millions of South African who operate in the informal sector. There are traders, fisheries, shore-foragers, construction workers, street-vendors, waste-pickers, hairdressers and the like who have lost their livelihood and the right to "eke out a

livelihood" as the President referred to it as a result of the regulations. Their contact with other people are less on a daily basis than for example the attendance of a single funeral. The blanket ban imposed on them as opposed to the imposition of limitations and precautions appear to be irrational³ to further note that to 'illustrate this irrationality further in the case of hairdressers: a single mother and sole provider for her family may have been prepared to comply with all the preventative measures proposed in the draft Alert Level 3 regulations but must now watch her children go hungry while witnessing minicab taxis pass with passengers in closer proximity to each other than they would have been in her salon. She is stripped of her rights of dignity, equality, to earn a living and to provide for the best interests of her children.'⁴

Judge Davis referred to a relative case law of the same Court where the following question was raised: "The virus may well be contained - but not defeated until a vaccine is found - but what is the point if the result of harsh enforcement measures is a famine, an economic wasteland and the total loss of freedom, the right to dignity and the security of the person and, overall, the maintenance of the rule of law"⁵. From the evidence brought up to the Court he inferred that 'once the Minister had declared a national state of disaster and once the goal was to "flatten the curve" by way of retarding or limiting the spread of the virus (all very commendable and necessary objectives), little or in fact no regard was given to the extent of the impact of individual regulations on the constitutional rights of people and whether the extent of the limitation of their rights was justifiable or not. The starting point was not "how can we as government limit Constitutional rights in the least possible fashion whilst still protecting the inhabitants of South Africa?" but rather "we will seek to achieve our goal by whatever means, irrespective of the costs and we will determine, albeit incrementally, which Constitutional rights you as the people of south Africa, may exercise"' and declared the questioned dispositions of the Disaster Management Act 'unconstitutional and invalid', but suspended the effect of this decision 'until such time as [the competent Minister] ... [will] review, amend and re-

¹ See Stefanus Hendrianto, 'Early Warning Signs of Abusive Constitutionalism in Indonesia: Pandemic as Pretext', (2020), Int'l J. Const. L. Blog <<https://www.iconnectblog.com/2020/06/early-warning-signs-of-abusive-constitutionalism-in-indonesia-pandemic-as-pretext/>> accessed 18 October 2021. On the same matter, but for another country (Hungary) see Timea Drinoczi, 'Hungarian Abuse of Constitutional Emergency Regimes - Also in the Light of the COVID-19 Crisis', <<https://real.mtak.hu/id/eprint/121764>> accessed 18 October-2021.

² *Law Society of South Africa v President of the Republic of South Africa* (CCT67/18) <<https://www.saflii.org/za/cases/ZAGPPHC/2020/184.html>> accessed 18 October 2021.

³ *Ibidem*, para 7.2.

⁴ *Ibidem*, para 7.3.

⁵ *Ibidem*, para 7.19.

publish' the questioned regulations 'with due consideration to the limitation each regulation has on the rights guaranteed in the Bill of Rights contained in the Constitution'⁶.

3. The Double Return of the State

A very remarkable consequence of the pandemic is the return of the relevance of the nation-state. Despite its global nature, the pandemic did not derive in a closer relationship among states, but had rather the contrary effect.

The coronavirus marked a partial retreat from the globalization. The state returned as the national, legally sovereign political entity, which in many aspects seemed to have been swallowed by the globalization. It is the states, and not international institutions that mainly, if not exclusively, take and enforce the practical measures to tackle the pandemic. It is behind the boundaries of their nation- states that citizens seek shelter to protect themselves from the global threat. In the EU countries rediscovered the long-forgotten borders between the Member States. Even indications of 'vaccine nationalism' become more and more present and protests against it more vocal.

The state has also returned as a powerful actor suitable to assume and guarantee critical measures

to face the pandemic. It is within the nestles of the state not in the 'invisible hand' of the market that citizens are seeking shelter. In the moment of truth, it became unmistakably plain that the only effective recourse stems not from the "invisible hand of the market", but in institutions such as the National Health Systems. Even the champions of ultra-liberalism (more or less professing the preponderance of the market, the radical limitation of the welfare state structures, and, in general, the reduction of the state to some few domains, deemed absolute necessary) feel obliged to (usually reluctantly and often hypocritically) reevaluate positively the so much despised state and state institutions in their political discourse, acknowledging them as the ultimate provider and guarantor of 'whatever it takes' to confront the disease.

4. Some Common Constitutional Issues Raised by the State's Reaction to the Pandemic

The pandemic has triggered a vivid, continuous and steady flow of information, scholarship and case-law regarding the constitutional treatment of the anti-COVID measures (or the failure to take such measures)⁷. As already mentioned, although an first part of this literature started as basically

⁶ *Ibidem*, para 7.17.

⁷ As already indicated, the scholarship and case law taken into consideration for this article dates back to the beginning of 2021. For an indicative idea on the amplitude of this scholarship, see <<https://verfassungsblog.de/category/debates/power-and-the-covid-19-pandemic-debates/>> accessed 18 October 2021. See also Joelle Goran, 'Power, Law and COVID-19 Pandemic, Part I: the Year of the Pandemic and Part II: Preparing for Future Emergencies' (posted on 15 May 2021) available respectively at <<https://verfassungsblog.de/power-law-and-the-covid-19-pandemic-part-i-the-year-of-pandemic/>> accessed 18 October 2021 and at <<https://verfassungsblog.de/power-law-and-the-covid-19-pandemic-part-ii/>> accessed 18 October 2021; Luísa Netto, 'The Right to Science-and-the-Pandemic:-at-the-Crossroads-of-Law-and-Politics'-(posted-on-4/2/2021) <http://feedproxy.google.com/~r/I-CONNECT/~3/Qbw7I2T2dp0/?utm_source=feedburner&utm_medium=email> accessed 18 October 2021; Ronan Cormacain and Ittai Bar-Siman-Tov (eds.), 'Legislatures in the time of Covid-19' 8(3) *The Theory Practice of Legislation* (2020); (also Ittai Bar-Siman-Tov, 'Parliamentary Activity and Legislative Oversight during the Coronavirus Pandemic - A Comparative Overview' (posted on 14 April 2021) <https://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID3566948_code977344.pdf?abstractid=3566948&mirid=1> accessed 18 October 2021; Olga Hałub-Kowalczyk, 'Redefining the Right to Privacy in the Age of the COVID-19 Pandemic' (posted on 1 April 2021), <<http://www.iconnectblog.com/2020/04/redefining-the-right-to-privacy-in-the-age-of-the-covid-19-pa>

ndemic/> accessed 18 October 2021; Sean Molloy, 'Human Rights in Africa in the Context of Covid-19', <http://feedproxy.google.com/~r/I-CONNECT/~3/f_dF2iCFYkk/?utm_source=feedburner&utm_medium=email> accessed 18 October 2021; Alice Donald and Philip Leach, 'Human Rights and COVID-19: Forging Recovery After a Pandemic of Abuses?' *Human Rights and COVID-19: Forging Recovery After a Pandemic of Abuses?*; Daniella Lock, Fiona de Londras, and Pablo Grez Hidalgo, 'Parliamentary Engagement with Human Rights during the COVID-19 and the Independent Human Rights Act Review', *U.K. Const. L. Blog* (posted on 3 March 2021), *Parliamentary Engagement with Human Rights during COVID-19 and the Independent Human Rights Act Review*; Geroge Karavokyris, 'Constitutionalism and COVID-19 in Greece: The Normality of Emergency', *Verfassungsblog*, <<https://verfassungsblog.de/constitutionalism-and-covid-19-in-greece-the-normality-of-emergency/>> accessed 14 October 2021, and many-many others. To get a glimpse on the breadth of the case-law see the dozens of interim decisions of the French Conseil d'Etat, <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=ca d=rja&uact=8&ved=2ahUKEwiD_uDRjuXwAhWUuaQKHZ pIsYQjBAwA3oECAQAQ&url=https%3A%2F%2Fwww.conseilletat.fr%2Factualites%2Factualites%2Fdernieresdecisions-referes-en-lien-avec-l-epidemie-de-covid-19&usg=AOvVaw1_hG7ZgLLygqSSFj1qxjKr> accessed 18 October 2021. Such decisions are produced almost every day all over the world and to get a glimpse on the complexity of the issues the courts are asked to cope with

descriptive (often with some commentary) of the constitutional aspects of the anti-COVID measures, as the pandemic and the repetitive waves of measures proceeded, more general themes started drawing the attention of legal scholarship and legal and political practitioners.

A first such theme is the relation between political decision and non-political and non-legal element, such as epidemiology findings (and imperatives). Has *Law's Empire*⁸ been replaced by the epidemiologists' empire? The relation -and possible clash- between legal obligation and political choice or between principle and necessity or between law and politics is an old acquaintance appearing through centuries and cultures. It seems that this time it reappears in the form of the tension between politics and science. To what extent is political power bound by the opinion of the scientists? Who bears the ultimate responsibility?

Another theme is exceptionality. To contain and overcome the pandemic is a necessity. Is this necessity driving the constitutional life outside its usual frames and leading to exceptionality as a factor permitting the bending of the constitutional parameters -and in the affirmative, to what extent? Is exceptionality -an extraordinary status- leading to, some, prevalence of science (epidemiologists) over politics, democracy and rights? Does it entail exceptional procedures, permitting the full or partial or time-limited by-pass of the democratic and parliamentary procedures? Does it permit measures justifiably encroaching civil and social rights? Up to which limit? Is this 'exceptionality' perhaps, the nucleus of a new normality?

The deviation from the normal parliamentary and more generally democratic procedures is another theme: how far is it permissible (or necessary) to *court-circuit* the democratically accountable Parliament and refer to the Executive everything relating to the combat against the pandemic? Apart from and in addition to the procedural aspect of who takes the anti-COVID measures, and, perhaps more importantly, the extent and the conditions under which the pandemic is constitutionally admitted as a valid reason permitting (if not requiring) so many severe restrictions to basic constitutional rights is in the center of the constitutional discussion regarding the pandemic.

Last but not least is the role of Courts. Are they, when reviewing the constitutionality of the anti-COVID measures the ultimate umpire for their permissibility and enforceability? How far is the

jurisprudence coerced to take into account the particularities of the exceptional condition?

5. Greece's Institutional Response to COVID-19

Greece (I could add also Portugal) among the eurozone states has the *privilegium odiosum* of a very recent and particular experience: a two-fold effort to face an extreme crisis situation which is the all too well known crisis of their sovereign debt while avoiding overpassing their constitutional limits. The 2010-2018 financial crisis called for harsh austerity measures, including measures affecting the constitutional functioning of the Greek polity and limits to the extent of the constitutional rights protection. As a result, Greece learned the value of state's institutional and financial resilience⁹. Regarding the substance of the anti-COVID measures, Greece follows the general lines adopted by and in the EU-countries. The features of the country's *institutional* response to the pandemic could be outlined along the following lines.¹⁰

Strengthening the role of the Executive. Executive power had been radically dtrengthened during the years of financial crisis. This serves as a precedent to address the COVID-19 pandemic: we had the experience and knew the pattern. The main legal instrument used by the executive to legislate are the so-called Acts of Legislative Content. They are a form of presidential decree, issued on proposal by the government "under extraordinary circumstances of an urgent and unforeseeable need" (Art. 44 (1) of the Constitution). These acts are endowed with full force of law, valid and enforceable. They remain valid during the forty days following their issuance or forty days following the call for parliamentary session. However, if these acts are ratified by the Parliament, they remain valid for as long as the Parliament does not revoke them. Since 25 February 2020, seven "pandemic" Acts of Legislative Content have been issued. They have all found their way to the Parliament, where they were ratified and serve as the legal basis for most of the executive measures (ministerial decisions) dealing with the pandemic

At more detailed levels, additional COVID-related measures passed through the administrative channel of Ministerial Decisions, usually Common Ministerial Decisions (meaning co-signed by more Ministers), which are mainly

see, e.g., Maximilian Steinbeis, 'The Danse of the Courts', <<https://verfassungsblog.de/dance-of-courts/>> accessed 25 October 2021.

⁸ After Ronald Dworkin's famous treatise.

⁹ See Yiannis Drossos, *The Flight of Icarus*, European Legal Responses Resulting from the Financial Crisis (Hart Publishing 2020), 35 ff, 253 ff, 362 ff, 364 ff3, 75 ff.

¹⁰ For a short outline of the restriction imposed in Greece with regard to the pandemic see Karavokyris (n.-1).

based on the Acts of Legislative Content. These Ministerial Decisions, and not parliamentary acts, are the basic practical instrument in systematizing the anti-COVID restrictions. A typical example of such Decision is the strategic Common Ministerial Decision 12639 dated 27 February 2021¹¹.

A piece of regulatory legislation (124 pages long) signed by eleven Ministers and one Secretary of the State, divides the country in three categories according to their risk level: (i) highly increased level ('red' areas), (ii) increased risk ('yellow areas') and (iii) supervision level ('green areas'). Then, in an excel-like format, the Decision enumerates in detail the personal, social and professional limitations applied to each level. The decision regarding which area of the country falls on which risk level is taken on the basis of the scientific opinion issued by the National Committee for the Protection of Public Health Protection from Coronavirous-19. -a committee composed by epidemiologists serving as the official scientific body -the voice of Science- instituted for monitoring and suggesting measures to combat the pandemic.

Another typical example of such Decision is the Common Ministerial Decision 31950 dated 22 May 2021.¹² This Decision was issued due to the easing of restrictions and signed by twelve Ministers and one Secretary of the State, (108 pages long). It categorizes public activities in 36 different categories (eg. public services, businesses, courts of law, hospitals, schools, universities, churches, archeological sites, theaters and cinemas, restaurants, means of transport, sports, commerce, parks, organized sea-shores, etc.). It details, one by one, the activities permitted and the conditions under which such activities are permitted (eg social distancing, wearing of masks, obligation to held meetings by means of teleconference, distance learning, obligation for tests or self-tests, distancing in the restaurants, bars and cafés, theaters, cinemas, organized sea-shores, etc.) and the administrative fines in case of non-observance of the restrictions.

The detailed character of the measures, as indicated by the example of the above two Common Ministerial Decisions, and the fact that such Decisions are signed by a large number of Ministers (practically covering every sector of public policy and public life), suggests that executive branch is the one in charge of the country's efforts to overcome the pandemic. However, sessions of the Parliament are held with the physical presence of the Members of the Parliament, but with a

restrained number of participating Parliamentarians, seated in a way that the requirements of the necessary distancing between the participants are met. Fortunately, unless snap elections are proclaimed, since the constitutional tenure of the present Parliament lasts until July 2023, no elections are expected for the next two years, so no such issue has come up.

Apart from some scarce exceptions, resentment against the restrictions has not derived in a wave of constitutional litigation. Nevertheless, civil rights are under stress. Restrictions affected freedom of movement (including freedom of assembly), freedom to develop professional activity, freedom of practicing several activities like sports, and freedom to follow religious ceremonies. The level of intrusion in these freedoms varies according to the risk level of the particular administrative area and the particular activity the restriction refers to. The rationale behind the restriction is given in the form of the expert opinion issued by the above-mentioned official Committee of epidemiologists.

Until May 2021, the country has had had three formal lockdowns (March-May 2020, November 2020-January 2021, February 2021 - beginning of May 2021)¹³, although restrictive measures have never been totally recalled. Freedom of movement was the first to be curtailed: movement was conditioned following an SMS authorization system for six specific reasons: (i) visiting a pharmacy or doctor or by appointment; (ii) shopping in a supermarket or grocery store; (iii) visiting a bank when an online transaction is not possible; (iv) providing assistance to someone in need or chaperoning children to/from school; (v) attending a funeral or exercising parental visitation rights and finally physical exercise ; (vi) or walking a pet. Up to two people could engage in these activities on the condition that they maintain a distance of 1.5 meters from one another.

Almost unconditional curfew 9 pm or 6 pm to 5 am has (depending on the risk level) been introduced since November 2020 until the first days of May 2021. Domestic travel was allowed exclusively for predefined specific reasons, such as health or business purposes, family reunification or returning to permanent residence. All non-essential stores have been shut down and only supermarkets, pharmacies and takeaway food business remained open. During Christmas holidays and until 2 January 2021, the government encouraged the 'click away' shopping method in retail stores and the operation of bookstores,

¹¹ KYA. Δ1α/Γ.Π.οικ. 12639 Official Gazette 739/B of 27.2.2021

¹² KYA Δ1α/Γ.Π.οικ Official Gazette B, 2141

¹³ Formally, one could count three lockdowns, the second ending in January and the third beginning in

February 2021. Counting only two lockdowns gives more accurately the picture of continuation of the restrictions from November 2020 until May 2021.

assembly”¹⁷. In any case, the ban was breached by the leftist opposition parties, which commemorated the event with symbolic gatherings of hundreds of people, taking all anti-COVID precautions (masks, distancing etc.). The political nature of the case has been made unequivocally clear by the government’s reaction to the disrespect of the ban. The government failed to impose the administrative fines provided for the case, which has been politically justified by the Minister in charge of enforcing the ban in the first place.¹⁸

The Council of State, in two identical decisions¹⁹, rejected suspension requests against this ban, taking into consideration the opinion of the National Committee for the Protection of Public Health from Coronavirus-19 and the exceptional and provisional character of the measure.

With an analogous reasoning the Council of the State rejected several suspension requests against a number of restrictions regarding the temporary ban of places of public religious worship -basically churches and of the Holy Communion (a ritual of the Orthodox Church entailing that believers receive sacramental wine each after the other by the same priest, from the same cup and by the same spoon). The Court took into consideration the measure’s provisional character and the particular circumstances referred to expressly by the Court, such as the proportionate nature of the restriction vis-a-vis safeguarding the public interest, that is public health²⁰.

In an interesting *tournure*, the same Court annulled a Common Ministerial Decision imposing temporary traffic restrictions in the center of

Athens. The Court based its decision on the enabling provisions of three Acts of Legislative Content issued for the purpose of combatting the pandemic. In the Court’s opinion, the Common Ministerial Decision had nothing to do with public health protection, rather only to traffic regulations. Hence these measures could not be based on the legislation enacted exclusively for the purpose of addressing the pandemic.²¹

6. The Pandemic Mechanics as Engine for a New Institutional Mindset?

The Eurozone’s financial crisis has been the driving force for a large-scale set of deep reforms in the European economic governance, directly affecting the functioning of the constitutional structures of - at least- the Eurozone Member States.²² An analogous discussion has already been opened with regard to the impact of the pandemic on the economic governance of Europe. Do, the intervention, of unprecedented scale, to financially assist the economy of the EU states, the radical easing of the until recently relentlessly tough ‘stability’ discipline and the related initiatives of the European Central Bank form the nucleus of a different European economic structure and governance? Time will show²³.

In sum, a lot of what at the beginning appeared as an extraordinary measure to escape from an exceptional and temporary threat seems to have given the pattern and mindset for permanent changes in our institutional structures and procedures. The pandemic has introduced in our

¹⁷ See <<https://www.amnesty.org/en/documents/eur25/3346/2020/en/>> accessed 30 September 2021.

¹⁸ See a short commentary on the incident in Yiannis Drossos, ‘The unbearable certainty of an absolute constitutional discourse’ (in Greek, Η αβάσταχτη βεβαιότητα ενός απόλυτου συνταγματικού λόγου), newspaper ‘Η Αυγή’, 1 December 2020, <https://www.avgi.gr/politiki/373229_i-abastahti-bebaiota-enos-apoloytoy-syntagmatikoy-logoy> and <https://www.academi.a.edu/44618808/%CE%97_%CE%B1%CE%B2%CE%AC%CF%83%CF%84%CE%B1%CF%87%CF%84%CE%B7_%CE%B2%CE%B5%CE%B2%CE%B1%CE%B9%CF%8C%CF%84%CE%B7%CF%84%CE%B1_%CE%B5%CE%BD%CF%8C%CF%82_%CE%B1%CF%80%CF%8C%CE%BB%CF%85%CF%84%CE%BF%CF%85_%CF%83%CF%85%CE%BD%CF%84%CE%B1%CE%B3%CE%BC%CE%B1%CF%84%CE%B9%CE%BA%CE%BF%CF%8D_%CE%BB%CF%8C%CE%B3%CE%BF%CF%85> accessed 30 October 2021. In a different trajectory of utilising the pandemic for reasons alien to the effort to fend it off, several public entities yielded to the temptation and introduced quick procurement procedures of mainly but not exclusively material related with the pandemic (masks, medical equipment etc.) avoiding the normal tender procedure

tender procedure ‘because of the pandemic’, see, e.g., <<https://www.documentonews.gr/article/antilaloy-n-oifylakes-gia-17-ekat-se-filoys-kai-gnwstoys-apo-th-sofianikolaoy>> and <<https://tvxs.gr/news/egrapsan-eipan/paraititheite-ka-nikolaoy>>.

It seems that the covid pandemic triggered a more general temptation to avoid the normal (and controllable) legal procedures for public procurement, see Sue Arrowsmith (Anthology Editor), Luke RA Butler (Anthology Editor), Annamaria La Chimia (Anthology Editor) ‘Public Procurement Regulation in (a) Crisis? Global Lessons from the COVID-19 Pandemic’ (2021) Hart Publishing.

¹⁹ Council of State, interim decisions 262 and 263/2020.

²⁰ Council of the State, interim decisions 49/2020 60/2020, 99/2020, 161/2020, 1/2021, 2/2021, 3/2021.

²¹ Decision 1992/2020 of the Council of the State.

²² See more in Yannis Drossos (n 3), 117 ff, 391 ff and *passim*.

²³ See e.g. Christos V. Gortsos and Wolf-Georg Ringe (eds) ‘Pandemic Crisis and Financial Stability’ (2020) European Banking Institute; Dolores Utrilla and Anjum Shabbir (eds) ‘EU Law in times of the pandemic. The EU’s legal response to COVID-19’ (2020) EU Law Live Press.

lives and to unprecedented level, themes such as distancing in the work relations, public deliberation, and personal communications, a redefinition of privacy limits, the radical reinforcement of the executive to the detriment of the democratic substantial and procedural ethos, a confusion between state authority and authoritative state, the cardinal importance of non-political elements (such as the medical science) either as rationale or as pretext for political decision, a redefinition of globality in its relation with the nation-state, polity and society. Some signs of a *pandemicspeak* seem to have appeared as well: 'telelearning', 'social distancing', 'self-test', 'rapid test', 'teleworking', 'vaccine nationalism', 'zoom', 'webinar', 'digital COVID-certificate' already belong to our everyday language.

Once again, the traditional liberal and democratic modes of social and political coexistence and principles, as sanctioned, e.g., by the common European constitutional structures and traditions, are on trial. The outcome cannot be easily predicted -but the process will be certainly of great interest, intellectual and other.