



COVID-19 KEY EU DEVELOPMENTS POLICY & REGULATORY UPDATE

No. 21 | 8 September 2020

This regular alert covers key regulatory EU developments related to the COVID-19 situation. It does not purport to provide an exhaustive overview of developments and contains no analysis or opinion.

LATEST KEY DEVELOPMENTS

Competition & State Aid

- EU approves new and amended Member State measures to support the economy

Trade / Export Controls

- Commission's new Action Plan on Critical Raw Materials

Medicines, Medical Devices, and Personal Protective Equipment

- European Commission's proposal for a Council Recommendation on measures restricting free movement in the European Union due to COVID-19
- European Medicines Agency commences marketing authorization evaluation of Dexamethasone for treatment of hospitalized adult patients with COVID-19

Cybersecurity, Privacy & Data Protection

- *No noteworthy developments for this issue*

COMPETITION & STATE AID

State Aid

EU approves new and amended Member State measures to support the economy (see [here](#))

Since the onset of the coronavirus outbreak, the European Commission has adopted a significant number of State aid measures under Article 107(2)b, Article 107(3)b and under the Temporary Framework.

The most recent measures adopted to support the economy and companies affected by coronavirus outbreak include:

- €199.45 million Italian support to compensate Alitalia for damages suffered due to the coronavirus outbreak
- €126.7 million Czech scheme to support operators offering hosting services affected by coronavirus outbreak
- €29 million Bulgarian scheme to support farmers breeding large and small ruminants and potato growers affected by the coronavirus outbreak
- €150 million Greek scheme to support micro and small enterprises in the region of Central Macedonia affected by the coronavirus outbreak
- €5 million Portuguese credit line scheme to support SMEs in the agricultural and agri-food sectors affected by the coronavirus outbreak in Madeira
- €47.4 million Romanian schemes to support companies active in the pig and poultry breeding sectors in the context of the coronavirus outbreak
- €24 million Danish schemes to support airlines and airports affected by the coronavirus outbreak

TRADE / EXPORT CONTROLS

Commission's new Action Plan on Critical Raw Materials (see [here](#))

On 3 September 2020, the Commission presented an Action Plan on Critical Raw Materials, proposing actions to, *inter alia*, reduce Europe's dependency on third countries and diversify its raw material supply.

As the Communication highlights, the COVID-19 crisis has considerably disrupted Europe's strategic value chains, revealing the need to bolster the EU's supply resilience and strategic autonomy. In this respect, the Action Plan will complement the COVID-19 recovery plan, towards ensuring a secure and sustainable supply of critical raw materials.

The proposed actions will also facilitate Europe's transition towards a green and digital economy, including building autonomy in key technologies needed for such transition (e.g., promoting e-mobility).

MEDICINES, MEDICAL DEVICES, AND PERSONAL PROTECTIVE EQUIPMENT

European Commission's proposal for a Council Recommendation on measures restricting free movement in the European Union due to COVID-19 (see [here](#))

On 4 September 2020, the European Commission adopted a proposal for a Council Recommendation to ensure coordination at European Union (EU) level on Member State travel bans within the EU due to COVID-19.

The proposed Recommendation seeks to introduce:

- common criteria for defining areas at risk and corresponding color codes (*i.e.*, green, orange, red and grey areas), which are currently left to Member State discretion;
- common thresholds for establishing travel restrictions;
- a common framework for measures applied to travelers from high-risk (*i.e.*, red) areas;
- a prompt and clear public information mechanism on restrictive measures.

The proposal, for example, suggests requiring that Member States inform other Member States and the Commission of upcoming/lifting travel restrictions. Any modification should be communicated one week prior to its entry into force, to ensure greater predictability for travelers and the entire tourism sector.

European Medicines Agency commences marketing authorization evaluation of Dexamethasone for treatment of hospitalized adult patients with COVID-19 (see [here](#))

On 31 August 2020, the European Medicines Agency (EMA) commenced the assessment of the marketing authorization (MA) application of Dexamethasone for treating hospitalized adult patients with COVID-19.

Dexamethasone, a corticosteroid medicinal product with anti-inflammatory and immunosuppressant effects, is currently authorized at national level for several conditions, such as, *inter alia*: rheumatic problems, skin diseases, severe allergies, asthma and chronic obstructive lung disease.

If approved, this would be the second medicinal product in the EU authorized for the treatment of COVID-19. On 3 July 2020, the Commission granted Remdesivir a conditional MA for the treatment of COVID-19 in adults and adolescents from 12 years of age with pneumonia who require supplemental oxygen (see *Jones Day COVID-19 Update No. 15 of 3 July 2020*).

LAWYER CONTACTS

Renato Antonini

Partner, Government Regulation;
Antitrust & Competition Law
Brussels

rantonini@jonesday.com

+32.2.645.14.19

Kaarli H. Eichhorn

Partner, Antitrust & Competition Law;
Government Regulation; Technology
Brussels

keichhorn@jonesday.com

+32.2.645.14.41

Dr. Jörg Hladjk

Partner, Cybersecurity, Privacy & Data
Protection; Government Regulation;
Technology

Brussels

jhladjk@jonesday.com

+32.2.645.15.30

Cristiana Spontoni

Partner, Health Care & Life Sciences;
Government Regulation

Brussels

cspontoni@jonesday.com

+32.2.645.14.48