



COVID-19 KEY EU DEVELOPMENTS POLICY & REGULATORY UPDATE

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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

- *No noteworthy developments for this issue*

Medicines, Medical Devices, and Personal Protective Equipment

- European Commission Communication on Short-term EU health preparedness for COVID-19 outbreaks

Cybersecurity, Privacy & Data Protection

- European Parliamentary Research Service (“EPRS”) publishes report on lifting coronavirus restrictions and role of therapeutics, testing, and contact-tracing apps
- European Commission adopts Implementing Decision on cross-border exchange of data between national contact tracing and warning mobile applications

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:

- €93.3 million Danish schemes to support self-employed workers and freelancers affected by the coronavirus outbreak
- €80 million Slovak scheme to support research, development and testing infrastructure for coronavirus relevant products
- €3.4 billion Dutch liquidity support to KLM
- Belgian guarantee scheme to support SMEs affected by the coronavirus outbreak
- Two Bulgarian wage subsidy schemes for preserving jobs in sectors most affected by the coronavirus outbreak
- €27 million Danish scheme to support companies affected by temporary coronavirus-related restrictive health measures
- €47.5 million Lithuanian scheme to support companies active in the production and processing of pig, vegetable and aquaculture products affected by the coronavirus outbreak
- €108 million Maltese scheme to support companies affected by the coronavirus outbreak
- €1.2 billion Italian scheme to support companies active in agriculture, forestry, fishery, aquaculture and related sectors affected by the coronavirus outbreak
- €77 million Dutch scheme to support the development and implementation of e-health applications in the context of the coronavirus outbreak

MEDICINES, MEDICAL DEVICES, AND PERSONAL PROTECTIVE EQUIPMENT

European Commission Communication on Short-term EU health preparedness for COVID-19

On 15 July 2020, the European Commission adopted a Communication on Short-term EU health preparedness for COVID-19 outbreaks.

The Communication focuses on actions necessary for enhancing preparedness, improving public health surveillance, and broadening access to medical countermeasures in case of possible resurgences of COVID-19 cases.

The Communication identifies the following priorities:

outbreaks (see [here](#))

- Expand testing coverage, public surveillance and contact tracing (see also *Commission Implementing Decision in below section on Cybersecurity, Privacy, and Data & Protection*);
- Increase the supply of personal protective equipment, medicinal products and medical devices. This includes the Commission's negotiation of purchase agreements with vaccine producers, on behalf of Member States;
- Ensure rapid access to public health surge capacities, such as transporting medical personnel and patients across Member States and optimizing hospital spaces;
- Adopt targeted and localized non-pharmaceutical countermeasures, such as the restriction of movement (e.g., limiting non-essential travel), social distancing, use of facemasks in public areas, and border controls;
- Support vulnerable individuals and minorities, including providing mental health and psychosocial support;
- Reduce the burden of seasonal influenza through broader access to vaccines or increased testing.

The Commission plans to implement the Communication's priorities via specific legislative acts and policies, in cooperation with Member States and regulators.

CYBERSECURITY, PRIVACY & DATA PROTECTION

European Parliamentary Research Service ("EPRS") publishes report on lifting coronavirus restrictions and role of therapeutics, testing, and contact-tracing apps (see [here](#))

On July 16, 2020, the European Parliamentary Research Service ("EPRS") published a Report on lifting coronavirus restrictions and the role of therapeutics, testing, and contact-tracing apps.

The Report's section on digital contact tracing sets out the following key issues raised by contact tracing apps:

- Reliability of technologies;
- Use of proximity-based or location-based tracing apps;
- Use of centralized or decentralized systems;
- Usability of the apps for individuals;
- Safeguarding data protection and privacy;
- Mass surveillance concerns.

The Report highlighted that contact-tracing apps should be adopted in line with data protection principles, fundamental rights, and EU rules on data protection and privacy, such as the GDPR (including the principle of lawfulness of data processing, purpose limitation, data minimization and accuracy).

European Commission adopts

On July 15, 2020, the EU Commission published an Implementing Decision on cross-border exchange of data between national contact tracing and warning mobile applications (see also *European Commission Communication on Short-*

Implementing Decision on cross-border exchange of data between national contact tracing and warning mobile applications (see [here](#)).

term EU health preparedness for COVID-19 outbreaks in above section on Medicines). This Implementing Decision will promote the interoperability of mobile tracing and warning apps used to combat the spread of the COVID-19 virus.

The Implementing Decision supports the creation of a voluntary gateway service (i.e., an IT infrastructure) to facilitate the interoperability of contact tracing and warning apps (“Gateway”). The Gateway will allow secured transfers of pseudonymized information from national contact tracing and warning apps between Member States that decide to use the Gateway.

The Gateway will enable citizens travelling in the EU to use a single tracing and warning app, instead of needing to download another Member State’s local app. This service is designed in conformity with the Commission’s Interoperability [Guidelines](#) of 13 May 2020 for approved contact tracing mobile applications in the EU, the [technical specifications](#) agreed between the Member States and the Commission, and the EU [Guidelines](#) on data protection for apps.

LAWYER CONTACTS

Renato Antonini

Partner, Government Regulation;
Antitrust & Competition Law
Brussels
rantonini@jonesday.com
+32.2.645.14.19

Dr. Jörg Hladjk

Partner, Cybersecurity, Privacy & Data
Protection; Government Regulation;
Technology
Brussels
jhladjk@jonesday.com
+32.2.645.15.30

Kaarli H. Eichhorn

Partner, Antitrust & Competition Law;
Government Regulation; Technology
Brussels
keichhorn@jonesday.com
+32.2.645.14.41

Cristiana Spontoni

Partner, Health Care & Life Sciences;
Government Regulation
Brussels
cspontoni@jonesday.com
+32.2.645.14.48