



WHITE PAPER

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Trade Controls in the EU: COVID-19 Measures at a Glance

In response to the novel coronavirus (“COVID-19”) pandemic, the European Union (“EU”), various Member States and the United Kingdom have adopted trade control measures aimed at avoiding shortages and ensuring the availability and quality of certain essential medicines and medical equipment. Specifically, at the EU level, the European Commission adopted a Regulation making the export of certain products subject to an export authorisation. The Member States have implemented this export licensing requirement, as well as the United Kingdom. In addition, a number of Member States have introduced further trade control measures on an individual basis, including export bans, notification requirements for exports, import requirements to ensure product safety and the power to seize goods.

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EU

Regulatory/ Legislative Measure	Type of Measure	Product Scope	Competent Authority	Application Form
Commission Implementing Regulation (EU) 2020/568 of 23 April 2020 making the exportation of certain products subject to the production of an export authorisation	Export restriction: <ul style="list-style-type: none"> Licensing requirement 	Protective Personal Equipment ("PPE"): <ul style="list-style-type: none"> Protective spectacles and visors Mouth-nose-protection equipment Protective garments 	Competent Member State Authority	Yes. The license application is contained in Annex II to the Regulation

BELGIUM

Regulatory/ Legislative Measure	Type of Measure	Product Scope	Competent Authority	Application Form
Commission Implementing Regulation (EU) 2020/568 of 23 April 2020 making the exportation of certain products subject to the production of an export authorisation	Export restriction: <ul style="list-style-type: none"> Licensing requirement 	PPE: <ul style="list-style-type: none"> Protective spectacles and visors Mouth-nose-protection equipment Protective garments 	Belgian Federal Ministry of Economy	Yes. License application available (in French): https://economie.fgov.be/fr/themes/politique-commerciale/licences/licence-dexportation-de
Ministerial decree on special measures in the context of the SARS-CoV-2 pandemic, based on Chapter XVIII of the Economic Law Code <i>(In French):</i> <ul style="list-style-type: none"> Arrêté ministériel portant des mesures particulières dans le cadre la pandémie de SRAS-CoV-2 basées sur le livre XVIII du Code de droit économique 	<i>Inter alia</i> , export ban to non-EU third countries <i>Inter alia</i> , potential export restrictions to EU countries	PPE and medical devices: <ul style="list-style-type: none"> Surgical masks Screening material Disinfectant wipes for medical use Ventilation equipment and related aids and accessories Single use blood pressure cuffs Self-adhesive ECG electrodes Tools used for bronchoalveolar lavage Aerosolization chamber and disposable bronchoscope mask FFP2 masks FFP3 masks Protective aprons, permeable or not Protective glasses and masks Gloves (nitrile), long sleeve, at least 300 mm 12% hydrogen peroxide and nebulizers (nocospray) 	Belgian Federal Ministry of Economy	N/A

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Regulatory / Legislative Measure	Type of Measure	Product Scope	Competent Authority	Application Form
<p>Royal Decree of 24 March 2020 on special measures to combat the shortage of medicines in the context of the SARS-CoV-2 pandemic</p> <p>(In French):</p> <ul style="list-style-type: none"> • <i>Arrêté royal du 24 mars 2020 relative à des mesures spéciales de lutte contre la pénurie de médicaments dans le contexte de la pandémie de SARS-CoV-2</i> • Implementing measure: • Decision of the Federal Agency for Medicines and Health Products ("FAMHP") General Administrator on various urgent measures concerning specific medicines to combat the shortage of medicines in the context of the SARS-CoV-2 pandemic, as amended <p>(In French):</p> <ul style="list-style-type: none"> • <i>Décision de l'Administrateur général de l'AFMPS relative à diverses mesures urgentes concernant des médicaments spécifiques pour lutter contre la pénurie de médicaments dans le contexte de la pandémie de SARS-CoV-2</i> • <i>Décision de l'Administrateur général de l'AFMPS modifiant les diverses mesures urgentes concernant des médicaments spécifiques pour lutter contre la pénurie de médicaments dans le contexte de la pandémie de SARS-CoV-2</i> 	<p>Export restriction:</p> <ul style="list-style-type: none"> • Notification requirement for sales within the European Economic Area ("EEA") • Notification requirement with potential refusal for exports outside the EEA 	<p>Certain medicines and raw materials, as listed in the Annex to the Decision of the FAMHP</p>	<p>Belgian Federal Agency for Medicines and Health Products</p>	<p>Notification to be sent by email to: coronashortages@fagg-afmps.be</p>

FRANCE

Regulatory / Legislative Measure	Type of Measure	Product Scope	Competent Authority	Application Form
Commission Implementing Regulation (EU) 2020/568 of 23 April 2020 making the exportation of certain products subject to the production of an export authorisation	Export restriction: • Licensing requirement	PPE: • Protective spectacles and visors • Mouth-nose-protection equipment • Protective garments	French Economy Ministry, specifically French customs: dual use division (<i>services des biens à double usage</i> ("SBDU"))	Yes. License application available (in French) at: https://sbdu.entreprises.gouv.fr/fr/actualites/covid-19-autorisations-d-exportation-des-biens-de-protection-medicale See also Advice to the Operator (NOR: ECO I 2008235) (in French): https://sbdu.entreprises.gouv.fr/files_sbdu/files/actualites/avis_aux_operateurs_export.pdf
Decree n° 2020-314 of 25 March 2020 modifying Decree n° 2020-293 of 23 March 2020	Export ban outside the French national territory (ban does not apply to any French oversea territory including New Caledonia)	Medicines: • Pharmaceutical specialties containing the association of lopinavir/ ritonavir or hydroxychloroquine	French Health Ministry	N/A

GERMANY

Regulatory / Legislative Measure	Type of Measure	Product Scope	Competent Authority	Application Form
Commission Implementing Regulation (EU) 2020/568 of 23 April 2020 making the exportation of certain products subject to the production of an export authorisation	Export restriction: • Licensing requirement	PPE: • Protective spectacles and visors • Mouth-nose-protection equipment • Protective garments	The Federal Ministry for Economic Affairs and Energy ("BMWi") is the competent ministry. The Federal Office for Economic Affairs and Export Control ("BAFA") is the competent agency for issuance of export licenses for medical and personal protective equipment.	Applications can be submitted via the ELAN-K2 Export Portal. Further information and the application form are available at: https://www.bafa.de/DE/Aussenwirtschaft/Ausfuhrkontrolle/Coronavirus_Schutztausruestung/coronavirus_schutztausruestung_node.html;jsessionid=3B0CE54C0F1B06F9A5D809E33E9760CB.1_cid387 Export ban-related questions can be sent to: schutztausruestung@bafa.bund.de
Order of the Federal Ministry of Economics and Technology ("BMWi") of 19 March 2020 (BAnz AT 19.03.2020 B11), vgl. https://www.bmwi.de/Redaktion/DE/Downloads/B/bundesanzeiger-aufhebung-beschaerungen.pdf?__blob=publicationFile&v=4	Withdrawal of previous national export ban. Thus, currently, no coronavirus-related national bans on the export and movement of medical protective equipment. Only the EU export ban applies (see above).			

ITALY

Regulatory / Legislative Measure	Type of Measure	Product Scope	Competent Authority	Application Form
Commission Implementing Regulation (EU) 2020/568 of 23 April 2020 making the exportation of certain products subject to the production of an export authorisation	Export restriction: <ul style="list-style-type: none"> Licensing requirement 	PPE: <ul style="list-style-type: none"> Protective spectacles and visors Mouth-nose-protection equipment Protective garments 	Italian Ministry of Foreign Affairs, DG of the European Union, Unit X Markets Access and Trade Defence, Ms. Gabriella De Stradis E-mail: dgue10@esteri.it <i>(Ministero degli affari esteri e della cooperazione internazionale, DG per la Politica commerciale, Ufficio X Accesso ai mercati esteri e difesa commerciale)</i>	N/A
Order of the Head of the Department of Civil Protection No 639 of 25 February 2020; Note of the Ministry of Health Number No 4373 of 12 February 2020; and Note of the Italian Customs No 93201/RU of 17 March 2020	Export restriction: <ul style="list-style-type: none"> Licensing requirement Power to seize concerned goods 	PPE: <ul style="list-style-type: none"> Protective spectacles and visors Mouth-nose-protection equipment at least of type FFP2 Protective garment type Tychem C Gloves 	Presidency of the Council of Ministers: <ul style="list-style-type: none"> Department of Civil Protection 	N/A
Law Decree No 18 of 17 March 2020, Article 6	Power to seize concerned goods	Any type of product necessary to address the COVID-19 emergency	Presidency of the Council of Ministers: <ul style="list-style-type: none"> Department of Civil Protection 	N/A

THE NETHERLANDS

Regulatory / Legislative Measure	Type of Measure	Product Scope	Competent Authority	Application Form
Commission Implementing Regulation (EU) 2020/568 of 23 April 2020 making the exportation of certain products subject to the production of an export authorisation	Export restriction: <ul style="list-style-type: none"> Licensing requirement 	PPE: <ul style="list-style-type: none"> Protective spectacles and visors Mouth-nose-protection equipment Protective garments 	The Health and Youth Care Inspectorate (<i>Inspectie Gezondheidsorg en Jeugd</i>) is the competent authority under Article 1(1) of Regulation 2020/402. License applications are processed by Customs Central Import and Export Office ("CDIU") (<i>Centrale Dienst In- en Uitvoer</i>). Applications are submitted by email to the CDIU at: douane.dgr.cdiu.pbm@belastingdienst.nl	Yes. License application available (in Dutch) at: https://www.belastingdienst.nl/wps/wcm/connect/bldcontentnl/berichten/nieuws/douane/aanvraag-uitvoervergunning-persoonlijke-beschermingsmiddelen-beschikbaar

SPAIN

Regulatory / Legislative Measure	Type of Measure	Product Scope	Competent Authority	Application Form
Commission Implementing Regulation (EU) 2020/568 of 23 April 2020 making the exportation of certain products subject to the production of an export authorisation	Export restriction: <ul style="list-style-type: none"> Licensing requirement 	PPE: <ul style="list-style-type: none"> Protective spectacles and visors Mouth-nose-protection equipment Protective garments 	Subdirección General de Comercio de Mercancías de la Dirección de Política Comercial del Ministerio de Industria, Comercio y Turismo License applications are submitted by email to: vigilanciasiderurgica@mincotur.es	Yes. The model export license form is set out in Annex II to Regulation 2020/402. A sworn statement may also be presented by the exporter that the goods concerned are not included in Annex I of the EU Regulation No 2020/402. This negative declaration should be indicated by code Y975 in box 44 of the SAD.
Order SND/233/2020, 15 March, establishing certain information obligations in accordance with the provisions of Royal Decree 463/2020, of 14 March, declaring the state of alert for the management of the health crisis situation caused by COVID-19	There is no restriction on the export or import of the concerned products. However, there is an obligation to submit information to the Spanish Ministry of Health on the possession of medical equipment and devices.	PPE and Diagnostics: <ul style="list-style-type: none"> Mouth-nose-protection equipment COVID-19 diagnostic PCR kits and their consumables Swabs Protective glasses Nitrile gloves, with and without powder Disposable and waterproof gowns Hydroalcoholic solution Invasive mechanical ventilation ("VMI") devices Sanitary alcohols Chlorhexidine 	Spanish Ministry of Health	The obligation to send information under this Order shall be fulfilled by the reporting parties completing the model declaration in the Annex of the Order. This form shall be available on the website of the Ministry of Health.

UNITED KINGDOM

(UK Guidance Update 29 April 2020)

Regulatory/ Legislative Measure	Type of Measure	Product Scope	Competent Authority	Application Form
The UK Government has implemented Commission Implementing Regulation (EU) 2020/568 of 23 April 2020 making the exportation of certain products subject to the production of an export authorisation	Export restriction: <ul style="list-style-type: none">• Licensing requirement	PPE: <ul style="list-style-type: none">• Protective spectacles and visors• Mouth-nose-protection equipment• Protective garments	Department of Health and Social Care	Yes. License application available at: https://www.gov.uk/government/publications/personal-protective-equipment-ppe-export-control-process/personal-protective-equipment-ppe-export-control-process

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