

COVID-19: European Scrutiny Committee consideration of the EU's policy response *(Updated: 11 September 2020)*

Introduction

The UK left the EU on 31 January 2020, but has agreed to continue applying EU legislation until the end of a post-Brexit transition period due to end on 31 December 2020.¹

During this time, the European Scrutiny Committee therefore still assesses legislative proposals and policy papers produced by the EU on the basis of their formal 'deposit' in Parliament by the Government (which also produces Explanatory Memoranda for each such EU document, setting out the UK's official position). The Committee then publishes its assessment of the European proposals' relevance for the UK during the transition period, as well as in the context of the Ireland/Northern Ireland Protocol in the Withdrawal Agreement and the future UK-EU economic and security relationship.²

Consideration of the EU policy response to the COVID crisis

A particular focus of the Committee's work in the first half of 2020 has been the EU's response to the COVID-19 (coronavirus) pandemic and the associated economic crisis. Because the EU has the ability to legislate in many areas relevant to the crisis, including standards for medical equipment and support for sectors hit hardest, like transport, numerous coronavirus-related policy changes have been announced at European level since early March 2020.

During transition, any changes to EU rules adopted in response to the crisis will also apply in and to the UK. The Committee has therefore prioritised assessment of COVID-related EU proposals as much as possible. The outcome of the Committee's analysis on the most important proposals and documents is set out in its weekly reports, beginning with its [Report of 26 March 2020](#).

To aid other Select Committees and other interested parties in accessing the Committee's assessment of the EU's coronavirus policy response, the table in the Annex of this document shows all COVID-related legislative proposals and policy papers produced by the EU that the Committee has (or had) under consideration.

¹ An option to extend the transition under Part Four of the Withdrawal Agreement on the UK's withdrawal from the European Union expired on 30 June 2020. Such an extension was in any event expressly prohibited by section 15A of the European Union (Withdrawal) Act 2018.

² [Letter from Sir William Cash MP to Rt Hon Michael Gove MP](#), 11 March 2020.

Annex: List of COVID-related EU proposals

The table below lists all the COVID-related EU proposals and documents under consideration by the Committee, categorised by subject matter.³ This is not a full overview of every action taken by the EU, because not all such measures are formally deposited in Parliament by the Government.⁴ The EU Commission has [published](#) a comprehensive overview of EU coronavirus-related policy initiatives on its website.

In the table, the “UK position” links to the Explanatory Memorandum on each document as produced by the relevant Government Department, where available. It also notes where the Memorandum is overdue. The final column links to the Committee’s Report(s) in which each specific EU proposal or initiative is assessed in more detail, if one has been published.

EU policy proposals related to COVID-19 by subject matter

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³ Where the documents listed contain legislative proposals, they may have been adopted by the EU institutions and become law. The table refers to them as proposals as this is how they were submitted to the Committee for consideration.

⁴ For example, non-binding European Commission guidance documents are not normally ‘deposited’ for consideration by the Committee unless it specifically requests otherwise.

1. General EU response

Published	EU document	Dep.	UK position ⁵	Report(s) ⁶
13/3/2020	Communication from the Commission: Coordinated economic response to the COVID-19 Outbreak COM(2020) 112	HMT	Not yet published. Overdue since 23/4/2020	26 March 2020
10/6/2020	Communication on COVID-19 disinformation JOIN(2020) 8	DCMS	29 June 2020	-

⁵ Cabinet Office guidance requires Government Departments to submit an Explanatory Memorandum on each EU document deposited in Parliament within 10 working days.

⁶ If no Report is listed, it means the Committee either has not yet had the opportunity to scrutinise that particular document, or decided no substantive assessment was necessary.

2. Banking and financial services

Published	EU document	Dep.	UK position	Report(s)
28/4/2020	<u>Commission Interpretative Communication on the application of the accounting and prudential frameworks to facilitate EU bank lending Supporting businesses and households amid COVID-19</u> COM(2020) 169	HMT	<u>20 May 2020.</u> Had been due 14/5/2020	<u>21 May 2020,</u> <u>9 July 2020</u>
28/4/2020	<u>Proposal for a Regulation amending the Capital Requirements Regulation (Regulation (EU) No 575/2013) in response to the COVID-19 pandemic</u> COM(2020) 310	HMT		
27/7/2020(new)	<u>Proposal for a Regulation amending the Prospectus Regulation to support recovery from the COVID-19 pandemic</u> COM(2020) 281	HMT	<u>26 August 2020</u> (new)	-
27/7/2020(new)	<u>Proposal to amend the Markets in Financial Instruments Directive to assist companies in accessing capital markets</u> COM(2020) 280	HMT	<u>26 August 2020</u> (new)	-

27/7/2020(new)	Proposal for a Regulation to amend the EU's <u>securitisation</u> and <u>capital requirements</u> frameworks in light of COVID-19 COM(2020) 282 and COM(2020) 283	HMT	<u>26 August 2020</u> (new)	-
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3. Company law

Published	EU document	Dep.	UK position	Report(s)
29/4/2020	<u>Proposal for a COUNCIL REGULATION on temporary measures concerning the general meetings of European companies and of European Cooperative Societies</u> COM(2020) 183	BEIS	<u>14 May 2020</u>	-

4. Competition & State aid

Published	EU document	Dep.	UK position	Report(s)
19/3/2020	<u>Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak</u> C(2020) 1863	BEIS	<u>6 April 2020</u>	<u>26 March 2020,</u> <u>7 May 2020,</u> <u>11 June 2020</u>
3/4/2020	<u>First amendment to the Temporary Framework for State aid</u> C(2020) 2215	BEIS		
8/5/2020	<u>Second amendment to the Temporary Framework for State aid</u> C(2020) 3156	BEIS	<u>27 May 2020</u>	
29/6/2020	<u>Third amendment to the Temporary Framework for State aid</u> C(2020) 4509	BEIS	<u>3 August 2020</u> (new)	

5. Data protection and contact tracing

Published	EU document	Dep.	UK position	Report(s)
8/4/2020	<u>Commission Recommendation on the use of technology and data to combat and exit from the COVID-19 crisis, in particular concerning mobile applications and the use of anonymised mobility data</u> C(2020) 2296	DCMS	<u>5 May 2020,</u> <u>4 June 2020</u>	<u>7 May 2020,</u> <u>18 June 2020</u>
16/4/2020	<u>Guidance on apps supporting the fight against COVID 19 pandemic in relation to data protection</u> C(2020) 2523	DCMS		

6. EU financial support: short-term assistance from the 2020 EU budget

Published	EU document	Dep.	UK position	Report(s)
13/3/2020	<p><u>Proposal for a Regulation establishing the Coronavirus Response Investment Initiative by adjusting the EU Structural Funds</u></p> <p>COM(2020) 113</p>	BEIS	<u>27 March 2020</u>	<u>26 March 2020</u> , <u>7 May 2020</u>
2/4/2020	<p><u>Supplementary proposal for a Regulation with specific measures to provide exceptional flexibility for the use of the EU Structural Funds in response to the COVID-19 outbreak</u></p> <p>COM(2020) 138</p>	BEIS	<u>22 April 2020</u>	<u>7 May 2020</u>
13/3/2020	<p><u>Proposal for a Regulation amending the EU Solidarity Fund to provide financial assistance to Member States seriously affected by a major public health emergency</u></p> <p>COM(2020) 114</p>	HMT	<u>5 May 2020.</u> Had been due 23/4/2020	<u>26 March 2020</u> , <u>7 May 2020</u>
27/3/2020	<p><u>Draft Amending Budget 1/2020</u> to reallocate part of the EU budget for 2020 to the coronavirus response, including use of the <u>Flexibility Instrument</u></p> <p>COM(2020) 145 and COM(2020) 140</p>	HMT	<u>5 May 2020.</u> Had been due 23/4/2020	<u>26 March 2020</u> , <u>7 May 2020</u>

6. EU financial support: short-term assistance from the 2020 EU budget (cont.)

Published	EU document	Dep.	UK position	Report(s)
2/4/2020	<u>Communication: Coronavirus Response - Using every available euro in every way possible to protect lives and livelihoods</u> COM(2020) 143	HMT	<u>5 May 2020.</u> Had been due 23/4/2020	<u>26 March 2020,</u> <u>7 May 2020</u>
2/4/2020	<u>Proposal for a Regulation amending Regulation (EU) No 1379/2013 and Regulation (EU) No 508/2014 as regards specific measures to mitigate the impact of the COVID-19 outbreak in the fishery and aquaculture sector</u> COM(2020) 142	DEFRA	<u>20 April 2020</u>	<u>7 May 2020, 18</u> <u>June 2020</u>
2/4/2020	<u>Proposal for a Regulation on the establishment of a European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) following the COVID-19 outbreak</u> COM(2020) 139	HMT	<u>5 May 2020.</u> Had been due 23/4/2020	<u>26 March 2020,</u> <u>7 May 2020,</u> <u>2 July 2020</u>
2/4/2020	<u>Proposal for a Council Regulation on the activation of the Emergency Support Instrument in respect of the COVID-19 outbreak</u> COM(2020) 175	HMT	<u>5 May 2020.</u> Had been due 23/4/2020	<u>26 March 2020,</u> <u>7 May 2020,</u> <u>2 July 2020</u>

6. EU financial support: short-term assistance from the 2020 EU budget (cont.)

Published	EU document	Dep.	UK position	Report(s)
2/4/2020	<u>Proposal for a Regulation amending the EU Fund for Aid to the Most Deprived with specific measures for addressing the COVID-19 crisis</u> COM(2020) 141	HO	<u>5 June 2020</u> Had been due 23/4/2020	<u>7 May 2020,</u> <u>18 June 2020</u>
2/4/2020	<u>Draft Amending EU Budget 2/2020</u> to reallocate more of the EU budget for 2020 to the coronavirus response, including use of the <u>Flexibility Instrument</u> and the <u>Contingency Margin</u> COM(2020) 170, COM(2020) 171 and COM(2020) 172	HMT	<u>5 May 2020.</u> Had been due 23/4/2020	<u>7 May 2020</u>
2/4/2020	<u>Proposal for a Regulation amending the multiannual financial framework 2014-2020 to increase the 2020 EU budget under the Global Margin for Commitments</u> COM(2020) 174	HMT	<u>5 May 2020.</u> Had been due 23/4/2020	<u>7 May 2020,</u> <u>2 July 2020</u>
30/4/2020	<u>Proposal for a Regulation with specific measures to provide exceptional temporary support to farmers in response to the COVID-19 outbreak</u> COM(2020) 186	DEFRA	<u>18 May 2020</u>	<u>4 June 2020</u>

6. EU financial support: short-term assistance from the 2020 EU budget (cont.)

Published	EU document	Dep.	UK position	Report(s)
27/5/2020	<u>Recovery Fund: Proposal to increase the EU budget for 2020 by €11.5bn and allocate this extra funding to the Coronavirus Recovery package</u> COM(2020) 446, COM(2020) 423	HMT	<u>6 July 2020</u>	- ⁷
24/8/2020 (new)	<u>Proposals for distribution of €81bn of financial support for employment measures under the SURE Instrument</u> COM(2020) 439 to COM(2020) 473	HMT	N/A ⁸	-
28/8/2020 (new)	<u>Draft Amending Budget 8/2020 to increase the funds of the Emergency Support Instrument and the Coronavirus Response Investment Initiative</u> COM(2020) 900	HMT	Not yet published	-

⁷ Following the European Council of July 2020, this proposal has effectively been withdrawn as EU leaders decided not to proceed with this budget increase.

⁸ As the UK does not participate in the SURE instrument even during the post-Brexit transition period, the Commission proposals relate exclusively to the remaining EU Member States.

7. EU financial support: Coronavirus Recovery Fund⁹

Published	EU document	Dep.	UK position	Report(s)
28/5/2020	<u>Proposal for the €750bn EU Coronavirus Recovery Fund, authorisation to borrow the necessary funds and amendment to certain EU funding programmes 2021-2027</u> COM(2020) 441, COM(2020) 445, COM(2020) 459	HMT	<u>6 July 2020</u>	-
28/5/2020	Recovery Fund: <u>Proposal for a Regulation establishing a Recovery and Resilience Facility</u> COM(2020) 408	HMT	<u>6 July 2020</u>	-
28/5/2020	Recovery Fund: <u>Proposal for a Regulation on exceptional additional resources for crisis repair in the context of the COVID-19 pandemic (REACT-EU)</u> COM(2020) 451	BEIS	<u>6 July 2020</u>	-
27/5/2020	Recovery Fund: the <u>budget and public sector loan facility of the Just Transition Fund</u> for polluting industries COM(2020) 453, COM(2020) 460	BEIS HMT	<u>15 June 2020,</u> <u>14 July 2020</u>	-

⁹ Proposals related to the EU's long-term financial support for non-EU countries are listed under "International support".

7. EU financial support: Coronavirus Recovery Fund (cont.)

Published	EU document	Dep.	UK position	Report(s)
28/5/2020	Recovery Fund: Proposal to establish a Technical Support Instrument COM(2020) 409	HMT	6 July 2020	-
29/5/2020	Recovery Fund: Proposal for the “InvestEU” investment programme COM(2020) 403	HMT	6 July 2020	-
28/5/2020	Amended proposal for the EU’s Multiannual Financial Framework 2021-2027 , including COVID-related changes to the European Social Fund Plus , the European Regional Development Fund and the Cohesion Fund and the Common Provisions Regulation for EU funds COM(2020) 443, COM(2020) 447, COM(2020) 450, COM(2020) 452	HMT / BEIS	15 June 2020	-
28/5/2020	Proposal amending the Fund for European Aid to the Most Deprived (FEAD) with specific measures addressing the COVID-19 crisis COM(2020) 223	HO	N/A	-
28/5/2020	Proposal to establish an EU Health Programme (“EU 4 Health”) COM(2020) 405	DHSC	19 June 2020	2 July 2020

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8. Fiscal and monetary policy

Published	EU document	Dep.	UK position	Report(s)
20/3/2020	Communication from the Commission on the activation of the general escape clause of the Stability and Growth Pact COM(2020) 213	HMT	2 June 2020 Had been due 23/4/2020	26 March 2020
24/3/2020	ECB Pandemic Emergency Purchase Programme Decision 2020/440/EU	HMT	N/A ¹⁰	26 March 2020 , 7 May 2020

¹⁰ The Decisions of the ECB are not formally deposited and therefore the Government is not under an obligation to produce an Explanatory Memorandum. The Committee has nevertheless decided to assess the ECB's activities given the extreme economic circumstances in which they were undertaken and their link to the EU's other financial support schemes created in response to the coronavirus crisis.

9. Home affairs

Published	EU document	Dep.	UK position	Report(s)
16/3/2020	<u>Guidelines for border management measures to protect health and ensure the availability of goods and essential services</u> C(2020) 1753	HO	Overdue since 20/4/2020	-
30/3/2020	<u>Guidelines concerning the exercise of the free movement of workers during the COVID-19 outbreak</u> C(2020) 2051	HO	Overdue since 13/5/2020	-
13/5/2020	<u>Communication: Towards a phased and coordinated approach for restoring freedom of movement and lifting internal border controls</u> C(2020) 3250	HO	Overdue since 01/06/2020	-
4/9/2020 (new)	<u>Proposal for a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic</u> COM(2020) 499	HO	Not yet published.	-

10. International support

Published	EU document	Dep.	UK position	Report(s)
8/4/2020	<u>Communication on the Global EU response to COVID-19</u> JOIN(2020) 11	FCO	<u>29 April 2020</u>	<u>4 June 2020</u>
22/4/2020	<u>Proposal for a Decision on providing Macro-Financial Assistance to enlargement and neighbourhood partners in the context of the COVID-19 pandemic crisis</u> COM(2020) 163	HMT	<u>14 July 2020</u> Had been due 7/5/2020	
30/4/2020	<u>Communication from the Commission: Support to the Western Balkans in tackling COVID-19 and the post-pandemic recovery</u> COM(2020) 315	FCO	<u>21 May 2020</u>	
28/5/2020	<u>Proposal for a Regulation the European Fund for Sustainable Development (EFSD)</u> COM(2020) 407	DFID	<u>5 June 2020</u>	-
29/5/2020	Recovery Fund: <u>Additional funding for the Humanitarian Aid Instrument</u> COM(2020) 461	DFID	<u>15 June 2020</u>	-

11. International trade

Published	EU document	Dep.	UK position	Report(s)
26/3/2020	Guidelines on foreign investment screening C(2020) 1981	DIT	14 April 2020	-

12. Manufacturing

Published	EU document	Dep.	UK position	Report(s)
3/6/2020	Proposal to delay deadlines for manufacturers of non-road mobile machinery to meet new emission limits¹¹ COM(2020) 233	DFT	18 June 2020	9 July 2020
7/9/2020 (new)	Proposal to temporarily waive emissions restrictions for end-of-series motor-cycles COM(2020) 491	DFT	Not yet published.	-

¹¹ [Non-road mobile machinery](#) is any mobile machine or vehicle that is not solely intended for carrying passengers or goods on the road, including lawnmowers, locomotives, harvesters and bulldozers.

13. Medical goods and equipment

Published	EU document	Dep.	UK position	Report(s)
15/3/2020	EU export authorisation scheme for personal protective equipment Commission Implementing Regulation 2020/402/EU	DIT	23 April 2020	26 March 2020 , 7 May 2020 , 25 June 2020
24/4/2020	Adjustment to the EU's export authorisation scheme for personal protective equipment Commission Implementing Regulation 2020/568/EU	DIT		
26/3/2020	Joint EU procurement of medical and protective equipment	DHSC	21 April 2020 ¹²	26 March 2020
3/4/2020	Postponement of the entry into force of the new EU Medical Devices Regulation COM(2020) 144	DHSC	1 June 2020	11 June 2020

¹² The joint procurement is an administrative exercise and therefore not formally a matter for consideration by the Committee. However, given its political importance it was included in its Special Report of 26 March 2020.

13. Medical goods and equipment (Cont.)

Published	EU document	Dep.	UK position	Report(s)
3/4/2020	Waiver of import VAT and tariffs on medical products C(2020) 2146	DIT	N/A ¹³	26 March 2020

¹³ As a Commission Decision, a form of EU Statutory Instrument, this particular EU policy measure is not formally subject to consideration by the Committee and therefore the Government is not required to produce an Explanatory Memorandum.

14. Public health, pharmaceuticals and vaccines

Published	EU document	Dep.	UK position	Report(s)
19/4/2020	A European roadmap to lifting coronavirus containment measures	DHSC	N/A	-
16/3/2020	Communication from the Commission on COVID-19: Temporary Restriction on Non-Essential Travel to the EU COM(2020) 115	HO	3 September 2020	26 March 2020
14/4/2020	Communication from the Commission on the assessment of the application of the temporary restriction on non-essential travel to the EU COM(2020) 148	HO	3 September 2020	-
15/4/2020	Communication from the Commission: Guidelines on COVID-19 in vitro diagnostic tests and their performance	DHSC	14 July 2020	-

14. Public health, pharmaceuticals and vaccines (cont.)

Published	EU document	Dep.	UK position	Report(s)
8/5/2020	<u>Communication on the second assessment of the application of the temporary restriction on non-essential travel to the EU</u> COM(2020) 222	HO	<u>3 September 2020</u> (new)	-
17/6/2020	<u>EU Strategy for COVID-19 vaccines</u> COM(2020) 245	BEIS	<u>10 July 2020</u>	<u>23 July 2020</u> (new)
17/6/2020	<u>Proposal for a Regulation on the conduct of clinical trials relating to coronavirus disease involving genetically modified organisms</u> COM(2020) 261	DHSC	<u>14 July 2020</u>	<u>23 July 2020</u> (new)
16/7/2020 (new)	<u>Communication on short-term health preparedness for COVID-19 outbreaks</u> COM(2020) 318	DHSC	<u>13 August 2020</u> (new)	<u>9 September 2020</u> (new)

15. Taxation

Published	EU document	Dep.	UK position	Report(s)
9/5/2020	<u>Value Added Tax: postponement of the E-Commerce “One Stop Shop”</u> COM(2020) 198, COM(2020) 199, COM(2020) 201	HMT	<u>28 May 2020</u>	<u>11 June 2020</u>
9/5/2020	<u>Tax avoidance: postponement of reporting requirements for cross-border tax schemes</u> COM(2020) 197	HMT	<u>27 May 2020</u>	<u>11 June 2020</u>

16. Transport and tourism policy

Published	EU document	Dep.	UK position	Report(s)
13/3/2020	Proposal for a Regulation amending Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports COM(2020) 111	DFT	30 March 2020	26 March 2020
23/3/2020	Communication on the implementation of the Green Lanes at land borders during the COVID-19 outbreak C(2020) 1897	DFT	27 April 2020	18 June 2020
23/3/2020	Commission Guidelines on EU passenger rights regulations in the context of Covid-19 C(2020) 1830	DFT	9 April 2020	7 May 2020
26/3/2020	European Commission Guidelines: Facilitating Air Cargo Operations during COVID-19 outbreak C(2020) 2010	DFT	17 April 2020	14 May 2020, 25 June 2020
8/4/2020	Guidelines on protection of health, repatriation and travel arrangements for seafarers, passengers and other persons on board ships C(2020) 3100	DFT	29 April 2020	14 May 2020, 25 June 2020

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16. Transport and tourism policy (cont.)

Published	EU document	Dep.	UK position	Report(s)
29/4/2020	<u>Proposal for a Regulation amending Regulation 1008/2008 on common rules for the operation of air services in the EU in view of the COVID-19 pandemic</u> COM(2020) 178	DFT	<u>15 May 2020</u>	<u>4 June 2020,</u> <u>16 July 2020</u> (new)
29/4/2020	<u>Proposal for a Regulation amending Regulation (EU) 2017/352 to provide flexibility as regards port infrastructure charges in the context of the COVID-19 outbreak</u> COM(2020) 177	DFT	<u>15 May 2020</u>	
29/4/2020	<u>Proposal for a Regulation transport operator licences, controls and training in view of the COVID-19 crisis</u> COM(2020) 176	DFT	<u>15 May 2020</u>	
29/4/2020	<u>Proposal to amend Directives (EU) 2016/797 and 2016/798 on railway safety, as regards the extension of their transposition period</u> COM(2020) 179	DFT	<u>15 May 2020</u>	

16. Transport and tourism policy (cont.)

Published	EU document	Dep.	UK position	Report(s)
13/5/2020	<u>Communication: Tourism and transport in 2020 and beyond</u> COM(2020) 550	DCMS		<u>2 July 2020</u>
13/5/2020	<u>Communication: Guidance for the progressive resumption of tourism services and for health protocols in hospitality establishments</u> COM(2020) 3251	DCMS	<u>4 June 2020</u>	<u>2 July 2020</u>
12/5/2020	<u>Guidelines on the progressive restoration of transport services and connectivity</u> COM(2020) 3139	DFT	<u>2 June 2020</u>	<u>9 July 2020</u>
13/5/2020	<u>Recommendation on vouchers offered to passengers and travellers as an alternative to reimbursement for cancelled package travel and transport services</u> COM(2020) 3125	DFT	<u>1 June 2020</u>	<u>18 June 2020</u>
19/5/2020	<u>Carbon Offsetting and Reduction Scheme for International Aviation (CORSA) in light of the COVID-19 pandemic</u> COM(2020) 219	DFT	<u>2 June 2020</u>	<u>2 July 2020</u>

12/6/2020	<u>The EU's position within the International Civil Aviation Organization as regards the COVID-19 pandemic</u> COM(2020) 247	DFT	<u>25 June 2020</u>	<u>2 July 2020</u>
19/6/2020	<u>Proposal for a Regulation establishing measures for a sustainable rail market in view of the COVID-19 pandemic</u> COM(2020) 260	DFT	<u>19 June 2020</u>	<u>16 July 2020</u> (new)