

To: 5.1.2e [5.1.2e@minbuza.nl]
 Cc: 5.1.2e [5.1.2e@minvws.nl]; 5.1.2e [5.1.2e@minvws.nl]; 5.1.2e [5.1.2e@minvws.nl]
 From: 5.1.2e
 Sent: Fri 5/15/2020 12:43:54 PM
 Subject: Mondkapjes: nav Commissie persbericht
 Received: Fri 5/15/2020 12:44:01 PM

5.1.2e

Met dank aan 5.1.2e de volgende informatie: In 5.1.2a zijn de testresultaten van de ESI-zending negatief omdat de kapjes niet goed passen, zijn wel voor ander gebruik beschikbaar. Cie is op de hoogte gesteld.
 In 5.1.2a zijn de testresultaten nog niet bekend maar de boodschap is dat 5.1.2a kapjes voor medisch gebruik waren besteld en dat men al aan de hand van het type van de bestelling uit 5.1.2a kan zien dat die daarvoor niet geschikt zijn. Cie nog niet geïnformeerd want er zijn nog geen resultaten.
 Op basis van deze info zou een verzoek aan Cie op zijn plaats zijn om aan te geven dat meerdere landen hebben aangegeven dat mondkapjes niet voor medisch gebruik geschikt zijn, zonder landen te noemen. Maar misschien ook even overleggen met woordvoering DH om het ook niet groter te maken dan het al is.

Groet

5.1.2e

From: 5.1.2e <5.1.2e@minbuza.nl>
 Sent: Friday, May 15, 2020 1:54 PM
 To: 5.1.2e <5.1.2e@minbuza.nl>
 Subject: Commissie gisteren bij de middag

Q : On the masks that have been sent by EC. The 5.1.2a minister for health contested the masks sent by EC saying that they didn't comply with the European standard for FFP. He says they are not utilisable. Are there other countries because you said there are 17 countries that 1.5 million masks have been sent to. **Are there any other countries experiencing problems with these masks?** I understand that you had conformity tests, that you intended to carry out conformity tests. Have they been carried out? **Why only do conduct these tests after sending the masks?**

A (5.1.2e) : It is of utmost importance that personal protective equipment sent out by EC is of very high quality. That's fundamental because this equipment is used by citizens and by professionals in the health sector. We have taken note of comments made by the 5.1.2a. **To date, only one MS have identified similar problems with the Netherlands. Commissioner Kyriakides has requested her services to alert all MS, plus the UK. All MS who received material or a portion of those 1.5 million masks. She requested that her services be kept up to date on the quality of the masks. When it comes to quality control, EC has scrupulously followed all control measures verifying that these masks were usable, doing all due diligence necessary with the provider. These controls did take place. The checks did take place. Once the masks are sent out quality needs to be checked, too. That's what 5.1.2a authorities did, amongst other authorities, too. We have decided to suspend future deliveries of these masks, the ones that were meant to be sent out. We will follow up on this issue and we will see what action needs to be taken if there is indeed a problem with the quality of these masks.**

From: BRE-WO <5.1.2e@minbuza.nl>
 Sent: donderdag 14 mei 2020 15:49
 To: 5.1.2e <5.1.2e@minbuza.nl>; 5.1.2e <5.1.2e@minbuza.nl>; 5.1.2e <5.1.2e@minbuza.nl>; 5.1.2e <5.1.2e@minbuza.nl>; 5.1.2e <5.1.2e@minbuza.nl>; 5.1.2e <5.1.2e@minbuza.nl>
 Subject: FW: EC Midday briefing 14/05/2020

Van: 5.1.2e
Verzonden: donderdag 14 mei 2020 15:48:40 (UTC+01:00) Brussels, Copenhagen, Madrid, Paris
Onderwerp: EC Midday briefing 14/05/2020

Dear all,

Please find below the transcription of today's EC Midday briefing.

[ANNOUNCEMENTS](#)

(Eric Mamer, Chief Spokesperson of the European Commission)

This afternoon the president has invited the members of the College for an informal orientation debate on the next MFF and recovery plan on the basis of what the president announced in her speech yesterday in the European Parliament plenary. The college will also have the opportunity to discuss this way forward and therefore plan for the adoption of the package.

Today we are presenting the May infringements package within the context of the coronavirus pandemic and the considerable pressure on the national authorities. EC has MS that deadlines to infringement proceedings launched since the beginning of this year will be extended, taking into account the exceptional circumstances at the moments.

[Q&A - INFRINGEMENTS](#) - 5.1.2a

5.1.2a

[Q&A - PASSENGERS RIGHTS / TRANSPORT - Vouchers / airflights](#)

Q : About the vouchers for travel companies. **Prime Minister of the Netherlands said yesterday that travel organizations in the Netherlands can continue providing these vouchers because the EC will not start any procedures.** What is your reaction on that?

A (5.1.2e) : Yesterday, the tourism, travel and transport package was presented and one of the elements or pillars of this package consisted of a recommendation in the area of vouchers. What the recommendation makes very clear is **that for passengers there is a right between either a reimbursement of the costs related to purchase of a ticket or a voucher. EC in this recommendations stresses the importance of making such vouchers as attractive as possible**, for instance, by ensuring a protection against insolvency and making sure that these vouchers are sufficiently flexible and can be used in an easy manner by the passengers and consumers. These are some of the recommendations that have been presented in view or in light or linked to the current passenger regulation, which, of course, remains in force. We have also indeed indicated yesterday that **EC would send letters to all the MS in order to ensure a good, solid application of the travel package legislation and the passenger rights legislation.** These letters will contain for each MS an analysis of the situation in the different MS concerns. There are, as indicated yesterday, **12 MS for which we believe there may be issues with regards to compliance.** We will ask MS to take the necessary steps there to take it forward, and then we will see which further steps have to be taken.

Q : My question is about the package yesterday about aviation. I don't know if that was part of the recommendations, **but I wonder if you foresee that the planes will travel with full seats.** If you foresee that the tourists would start again this summer, or if EC recommends that the planes shouldn't fill all the seats in order to avoid the spread of infections.

A (5.1.2e) : The transport guidelines which were presented yesterday also indicate that **the ECDC and the EASA, the European Aviation Safety Agency will prepare baseline aviation health safety protocols** which will cover several issues relating for instance, to ventilation, but also to how should we limit contamination risks, reducing movements in cabins. This

protocol is not yet finalized. It is very important for us that in the preparation of this protocol, we follow and will take into account solid scientific advice offered by these agencies.

Q (5.1.2e) : On the vouchers and reimbursement issue again. What is the time schedule for deciding upon the next steps? There are people who have been waiting for reimbursement since March, so they have already been waiting for two months and we are talking about a fairly significant sums of money because part of these reimbursements are linked to the Easter holidays where the airlines had increased prices for commercial reasons. Now airlines have a cash flow crisis and as Prime Minister Rutte said, governments are not starting infringement proceedings. So basically you can continue not reimbursing your passengers. What is the timeframe now to push MS to start possible infringement proceedings?

A (5.1.2e) : As we explained yesterday in the course of the presentation of this package on tourism and transport, passenger rights are very important and EC will continue to protect them as laid down in the regulation on passengers rights. The passenger has the right either to obtain a reimbursement of the cost of the tickets or a voucher. In order to help companies with their cash flow problems, the proposal was made in this voucher recommendation. The idea is that vouchers should be attractive to passengers by providing bankruptcy protection and other measures as well in order to try and strike a balance between the very important rights of passengers and at the same time taking into account the cash flow problems faced by airlines. As was also explained yesterday at the press conference, EC sends a letter to all MS in order to analyse the situation in the MS and to see to what extent there's a problem with the implementation of the passenger rights regulation. Then we will see how they react. Then, if necessary, EC will take the necessary measures in order to ensure that the European regulation is complied with.

Q (Follow up) : I think we had understood that, it has been said in English and French. You said it yesterday and you had also said the same thing several days ago. But my question is, **you have families and people who won't be able to go on holiday because they can't afford to pay their household bills.** They are not getting a salary. They are waiting for a reimbursement from the airlines. But it's not going to happen because there are governments which are using your position as a basis, your recommendation on vouchers and the fact that you are not launching infringement proceedings as the prime minister Rutte said yesterday. So this means that airlines are being told you don't have to reimburse people. So my question quite simply is **when are you going to move onto the second stage? Not letters, but action.**

A (5.1.2e) : We will be writing to all MS, including the Netherlands. We will tell them our analysis of the situation. We will see to what extent the Netherlands and other countries will react at a European level. We are doing our utmost to ensure that passenger rights are being complied with. We want to ensure that passenger rights legislation is being applied correctly, and that's why we launched the vouchers recommendation amongst other things. When it comes to the implementation of the regulation, it's up to MS to ensure that the regulation is complied with. **If there is a passenger who has problems with the reimbursement of a ticket, they have to contact the airline first. If no solution is found, then the passenger will have to contact the authorities responsible for the enforcement of these particular rules.** As the commissioner said several times yesterday, passenger rights are very important to us. In that context, we launched the recommendation.

A (5.1.2e) : We will give MS two weeks to reply to the questions which will be in the letters. So the first stage will be over pretty quickly.

Q (5.1.2e) : A question on the issue of the of the **empty seats in the in the airplanes.** I was quite struck by the words which were used by commissioner Valean. **On the basis of the answers that you provided also today, can we assume that you still haven't any scientific advice on this.** If you have to keep a social distancing on the underground and not in an airplane, this is quite odd. Am I right if I assume that you have taken this decision without any scientific advice on this ? Second question on the airlines, particularly the low cost airlines, which are part from easyJet, which seems ready to adopt the policy of the empty seat. Ryanair is seems not keen to do that because its business model would be clearly unsustainable. **Is EC considering plans to subsidise the low cost airlines,** which during this decades have had a very important role in the social fabric of the EU because they provided a valuable service on movement and transport.

A (5.1.2e) : With regards to the empty seats I can only actually reiterate what I said before. **The ECDC and EASA, these two agencies have been tasked to prepare the necessary protocols, among others, in this area.** They will take into account and this is also very important for us, the solid scientific advice to come to solid scientifically and justified recommendations and protocols. This is in the making, so I cannot say anything further on that.

A (5.1.2e) : On your second question related to subsidizing airlines, it is not the role of EC to start subsidizing individual

companies. We have a state aid framework in place with a clear distribution of responsibilities when it comes to support to the economy in general and to companies in particular. What the president has said yesterday in the Parliament plenary is that we will be coming forward with our proposals for the MFF and a recovery instrument and that in the context of this plan, we will be looking at what can be done to ensure that companies that are healthy, but that have been put at risk because of the results of the lockdown can continue to operate after the crisis. That will be something which will be part of the package that we will propose.

Q (Follow up) : So the solvency instrument, which was mentioned by VDL might also be used to help airline companies which are in trouble. Is that what you said?

A : No, I'm not. I'm trying to put this in a more general context. Precisely not focusing on a specific sector, but to say that where there are companies that are healthy that require recapitalization, the proposal, which EC will come forward, will try to provide an instrument for MS to be able to support. This is all that I was trying to say. **We are looking at the requirements of healthy companies in general, this is not a sector specific comment.**

Q : You answered the question only very implicitly, but not explicitly. **Prime-Minister Rutte said infringement procedures are off the table, there will not be any infringement procedures, so the Netherlands can continue doing what it did, allowing travel companies to give vouchers.** Is this correct? Can you answer that explicitly?

A (5.1.2e) : Here's the explicit answer. **For all MS, including to the Netherlands, we assess the situation to ensure that the regulation is followed.** If for some reason or another, we believe there is an issue and that regulation is not followed, EC can always take the necessary steps to make sure that this is enforced.

Q (5.1.2e) : On the response given before to that empty seat policy. What you said is that EASA will work on some form of health care protocol guidelines, but **commissioner Valean was pretty clear yesterday when I asked precisely about these plans. She said that EC is not recommending now leaving empty seats in airplanes.** Could you clarify whether her position is the EC position or if EASA is going to decide what to do?

A (5.1.2e) : **The guidelines specify that we will come up with guidelines for the health safety protocol. EASA and ECDC have been tasked to do this.** We are waiting for the protocols and the guidelines that will be issued and presented by them taking into account scientific evidence. I would suggest that you bear with us a moment and then we will present it when the guidelines and the protocols are finalized.

Q (Follow up) : So then how should we take commissioner Valean's comment yesterday and saying that EC is not recommending leaving empty seats ?

A (5.1.2e) : The commissioner made comments yesterday. We will be coming forward with a Commission position on that later on, once there are recommendations coming from the agency.

Q&A - HEALTH / SOCIAL AFFAIRS - COVID-19 classification

Q : A question on the classification of covid-19, something dangerous for workers. This might be a little bit technical, but when will the technical progress committee give answers on that ? It seems **we had an opinion from the scientific experts on April 29 that it should be classed as category 3. Would EC follow that opinion. Would it be placed in the most dangerous category or not?**

A (5.1.2e) : **Yes, EC is working on this on this, on adding covid-19 to the list of biological agents which can affect human beings and the effect that exposition can have to workers.** This does apply to those who are working, particularly in research on and labs. **EC consulted with experts on this question on 27 April. These experts have unanimously given the opinion that this biological agent should be classed as third category risk.** EC has also consulted with experts from the World Trade organisation. They have also supported the opinion of the experts on the classification of Covid-19 within Category 3 risk. EC itself isn't conducting the research, it's basing itself off on these experts on their opinions, and that opinion was put forward to the technical committee. They have just finished their deliberations just before today's midday press briefing and they have given a positive opinion on including covid-19 within the list of biological agents that are categorised as Level 3 risk.

Q (Follow up) : Is EC obliged to follow that opinion or would they be able to increase the risk level to Category 4 with the relevant impact that that would have for labs? Because if I understood correctly, the level four is for biological agents illnesses that don't yet have a treatment or a vaccine. And that's the case for Covid-19, as far as I know.

A : Firstly, on substance, Article 2 of the directive lists the number of criteria for the classification of biological agents. Vaccines are one, but there are a number of other ones too. This is a global evaluation assessment that takes place to determine the classification of the virus. On procedure, this is a comitology procedure. So if the committee agrees with the measures that are put forward, then EC will immediately begin the process of adopting that measure. Once it's adopted, it's published in the official journal and will enter into force one day after publication, so that will probably be in June. At the same time, once the committee gives the positive opinion, EC also communicates to the European Parliament and the Council. These institutions have one month to oppose if they so wish to the criteria outlined.

Q&A - CORONAVIRUS CRISIS - Vaccins / Masks

Q : The 5.1.2a Sanofi has announced that Americans will likely get a Covid-19 vaccine before the rest of the world because the US was the first in line to fund their research. What is EC's response? President VDL just organised an international conference last week that would prevent these development from happening with billions of euros.

Second question : is Sanofi already getting money from the EU for vaccine development or is it planned?

A (5.1.2e) : On your first question, we are indeed aware of the media reports on this issue. Solidarity and close coordination is the most effective and the most secure response to reply to the Covid-19. This solidarity was clear when together with our global partners we managed to register 5.1.2a in pledges during the Corona virus global response event. The vaccine against Covid-19 should be a global public goods and its access needs to be equitable and universal. We are fully engaged

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5.1.2a Once developed, a vaccine needs to pass an approval process and with the European Medicines Agency, we will ensure process which is as quick as possible. Once the vaccine is approved, we should secure access and consider public support to upscale production in Europe. For us in one word, it is very important that as a global virus, we work on this globally.

Q : On this Sanofi issue, if I have understood it properly, Europe is saying you can't have a race to vaccine, you need global solution, global access. What about the US?

Second question : we didn't get an answer. Did Sanofi get European subsidies above and beyond any 5.1.2a subsidies and these projects supported by Europe, is there a possibility or some clause stating that Europe should benefit from these vaccinations beforehand?

A 5.1.2e : On your first point on what is actually realistic, amongst the various participants in the donors conference, which was organised by president VDL and a number of co-chairs. There were many 5.1.2a players there. As part of all of this effort, there are certain personalities and donors and organizations getting involved from different continents, not just from Europe. As she pointed out herself, we hope that the 5.1.2a administration will come on board. Whatever the case may be, we can't take a decision on our strategy on the basis of any possible limitations coming from international players somewhere. I think there is a shared desire to move forward on the basis of a co-operative procedure. EC has managed to bring together 40 countries and organizations at an international level in the course of this conference. I think it is realistic to continue working on the basis of this cooperative approach, although of course this is optional and there might be some players who don't want to come on board.

On the issue of subsidies for Sanofi. We have European programs and Sanofi can get involved in the field of research, for example. We don't have the information with us here and now to tell you whether or not they have benefited from any research funding. We can get back to you on that.

A (5.1.2e) : I just wanted to stress the importance of vaccines. This is an issue which the witch commissioner Kyriakides is very interested in. She has been talking to health ministers about this. There are regular meetings with health ministers. The idea is to have good coordination. She has also suggested the coordination of a Europe wide immunization program. The whole question of vaccination is at the very heart of the whole discussion when it comes to our response on health issues.

A 5.1.2e You are asking whether we would have any measures which would grant preferences to Europeans over anyone else in the field of vaccines. The underlying logic of the EC's procedure is to avoid having this situation. We want to ensure that we can make available to everybody who needs them in Europe and elsewhere so we can make available the vaccine, which could

protect people against covid-19.

Q : On the masks that have been sent by EC. The 5.1.2a minister for health contested the masks sent by EC saying that they didn't comply with the European standard for FFP. He says they are not utilisable. Are there other countries because you said there are 17 countries that 1.5 million masks have been sent to. **Are there any other countries experiencing problems with these masks?** I understand that you had conformity tests, that you intended to carry out conformity tests. Have they been carried out? **Why only do conduct these tests after sending the masks?**

A (5.1.2e) : It is of utmost importance that personal protective equipment sent out by EC is of very high quality. That's fundamental because this equipment is used by citizens and by professionals in the health sector. We have taken note of comments made by the 5.1.2a authorities. **To date, only one MS have identified similar problems with the Netherlands. Commissioner Kyriakides has requested her services to alert all MS, plus the UK. All MS who received material or a portion of those 1.5 million masks. She requested that her services be kept up to date on the quality of the masks. When it comes to quality control, EC has scrupulously followed all control measures verifying that these masks were usable, doing all due diligence necessary with the provider. These controls did take place. The checks did take place. Once the masks are sent out quality needs to be checked, too. That's what 5.1.2a did, amongst other authorities, too. We have decided to suspend future deliveries of these masks, the ones that were meant to be sent out. We will follow up on this issue and we will see what action needs to be taken if there is indeed a problem with the quality of these masks.**

Q (Follow up) : What will happen with the masks that were sent to 5.1.2a Can they be used or not? Do they need to be destroyed? How much will it cost? What are the next steps? Will the commission be reimbursed? Will they take a contact with the 5.1.2a first? I understand these are masks coming from 5.1.2a and what's the problem? Where does the non-conformity lie?

A : We are currently taking a look at this question and go through detail. The quality of masks is of utmost importance for us. That's why we have asked MS to keep us up to date on the results of their analysis of these masks. That would allow us to know exactly what next steps we should take within the context of delivering and providing these masks. **We are currently checking everything, and if necessary, we will take any necessary legal action.**

Q (Follow up) : So will these masks be destroyed? How much will that cost?

A : I believe these masks haven't been delivered to 5.1.2a by now. I assume that 5.1.2a will have to see and you will have to check with them what they intend to do with the masks. We would like to be kept informed on what happens in each of the MS.

Q (5.1.2e) The number two of Sanofi's said to the 5.1.2a press today that the EU is lagging behind when it comes to vaccines, access to raw materials as well, to containers and syringes. He wants Europe to get organised otherwise, the Europeans will be moving ahead. **Can you confirm that the EU is lagging behind other parts of the world when it comes to developing a vaccine?** It's not the first time that the 5.1.2a authorities have tried to develop vaccines before the rest of the world and keep this for Americans first. **Cooperation with the US at an international level, is this working or not?**

A : I can confirm that research and production is an absolute priority for EC. Commissioner Kyriakides attaches a great deal of importance to the whole question of vaccines too. **Vaccine research is something which has been discussed in meetings with MS.** We have to follow the right approach and it's at the very heart of all the work we are doing. So rest assured, we are continuing to work on this with the MS.

A (5.1.2e) I think we have already answered your second question. When we talk about cooperation with the United States, you have to see what we are talking about. We co-operate with some very significant 5.1.2a players in the context of our global response. **We are leaving the door open to the 5.1.2a administration for them to come on board.**

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[Q&A - PASSENGERS RIGHTS - Vouchers \(Follow up\)](#)

Q (5.1.2e) Yesterday we were told by Commissioner Valean that these letters sent by EC were letters of encouragement. So there was no discussion on a possible infringement procedure. But now we discover that there are indeed the twelve states that are breaching the EU law, according to your initial assessment. Which are these 12 countries that are receiving the warning or I don't know how to call it? I hope the list of the countries is not classified. Does this letter represent a first step for starting a procedure of infringement as commissioner Vestager said yesterday morning?

A (5.1.2e) : Commissioners Valean and Reynders will send letters to all MS on the issue of vouchers to ensure that legislation in the area of passenger rights and travel package is respected. These letters are adapted to the specificities of each MS. **While these letters do not formally open infringement proceedings, they make it clear that we will not hesitate to take measures if the respective MS do not comply swiftly.** As far as the MS are concerned, where we believe there may be compliance issues, **these MS are Belgium, Bulgaria, Czech Republic, Greece, Spain, France, Croatia, Italy, Luxembourg, Malta, Poland, Portugal and the Netherlands**, where the situation is related to government recommendation I believe. The letters focus on the specificities of each MS with regards to the MS where we see issues of compliance. A lot of these issues are related to the Package Travel Directive in the area of vouchers.

[Q&A - FOREIGN AFFAIRS - Cyprus /](#)

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[Q&A - COMMISSION - Internal investigations](#)

Q : This is on the investigations underway apparently for violations of Article 17 of the staff regulations related to various alleged leaks. I wonder if you could clarify a bit how the Commission is defining leaks. In some cases, it seems information which may have been shared with member states. How does the commission expect civil servants to do their jobs if they fear that communications with the MS of the EU will somehow violate the confidences of the Commission? Maybe you could clarify, because of course **we journalists sometimes confuse the terms, leaks and transparency and public disclosure**. But specifically, what appears to have gone wrong here? Why is the president of EC apparently so concerned that these announcements were made, warnings about potential charges against Commission officials in these cases.

A 5.1.2e : I just have a very brief comment which, by the way, concerns ongoing internal administrative procedures. **An unauthorised disclosure of information constitutes a violation of the staff regulations**. We talk about Article 17, indeed, which stipulates that "an official shall refrain from any unauthorised disclosure of information received in the line of duty unless that information has already been made public or is accessible to the public".

Q (Follow up) : There's a specific question here, I don't expect you are going to be able to comment much upon ongoing investigations, but if we can use as an example a draft, **what I guess would be called a draft commission policy initiative**, say a new pact on migration and asylum rules, as an example, **if that's shared not with members of the press, but with the permanent representation or with a national government ?**

A 5.1.2a We lost you but I see what the gist of your question is. Indeed, you are right, we didn't we didn't answer on the

point as to whether there is a difference to be made between the nature of the recipient. **The answer is no, there is no difference in terms of the nature of the recipient. It is not individual officials of the institution who can, upon their own individual judgement, decide to pass on to external persons information related to EU policy.** This has to be authorised by the relevant hierarchy. It doesn't matter whether you give the information to a member of your family, to a company, to a government, to an NGO, or to journalists for that matter. These rules have always existed. These rules have always been applied. We have investigations on this. Every time there is an issue of this nature, which requires follow up, and therefore there is absolutely nothing exceptional in the fact that EC would launch an administrative investigation, in the case of a leak. That is simply the nature of the work that we do not we the institution needs to have space to think in order to be able to develop its ideas. It has the prerogative to decide when it considers that the time has come to start sharing this information for consultation or for information with external parties, whomever they are. This is on the basis on which we have always worked and that all members of staff of the European institutions know that they are supposed to work on.

Q&A - INFRINGEMENTS 5.1.2a

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Q&A - RULE OF LAW 5.1.2a

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Q&A - EUROPEAN COURT OF JUSTICE -

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Kind regards,

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Trainee / Stagiaire



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