

Track Changes

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March 2020

IMPACTS OF COVID-19 EU EXPORT CONTROL ON PERSONAL PROTECTIVE EQUIPMENT

Developments related to COVID-19 are occurring rapidly. Wolf Theiss will continue to distribute regular Client Alerts via email and publish up-to-date analysis on our website. A list of daily updated resources can be found here: <https://www.wolftheiss.com/covid19/>

In order to prevent a critical situation arising due to a shortage of essential products, or to remedy such a situation, the Commission, acting at the request of a Member State or on its own initiative, may make the export of a product subject to an export authorization pursuant to Regulation (EU) 2015/479 on common rules for exports.

Due to the epidemiological crisis caused by the outbreak of the coronavirus the need for personal protective equipment such as mouth protection masks has increased significantly. In response to the urgency of the situation, on 14 March 2020 the Commission adopted the Implementing Regulation (EU) 2020/402 making the exportation outside the EU of certain products, namely:

- Protective spectacles and visors;
- Face shields;
- Mouth-nose-protection equipment;
- Protective garments: and
- Gloves

subject to presentation of an export authorization.

An export authorization is required for the export of any such protective equipment outside the EU, whether or not the product itself originated in the EU. Without such an export authorization, the export is prohibited.

This Regulation has since already been amended by Implementing Regulation (EU) 2020/426, according to which exports to Norway, Iceland, Liechtenstein, Switzerland, as well as the overseas countries and territories listed in Annex II of the Treaty and the Faeroe Islands, Andorra, San Marino and the Vatican City shall not be subject to export restriction.

Member States shall process applications for export authorizations within a period of time to be determined by national law or practice, which shall not exceed 5 working days from the date at which all required information is provided to the competent authorities. Under exceptional circumstances and for duly justified reasons, that period may be extended by a further period of 5 working days.

The competent authority for granting export authorizations in Austria is the Federal Minister for Digital and Economic Affairs (*Bundesminister für Digitalisierung und Wirtschaftsstandort – Abteilung III/2, Außenwirtschaftskontrollen*).

In deciding whether to grant an export authorization under this Regulation, Member States shall take into account all relevant considerations including, where appropriate, whether the purpose of the export is, for example:

- to support concerted support actions coordinated by the Integrated Political Crisis Response Mechanism (IPCR), the European Commission or other Union institutions
- to support statutory activities of support companies abroad that enjoy protection under the Geneva Convention;
- to support the activities of the World Health Organisation;
- to supply foreign operations of EU Member States including, military operations, international police missions and/or civilian international peacekeeping missions;
- for the supply of EU and Member State delegations abroad.

The Implementing Regulation (EU) 2020/402 entered into force on 15 March 2020 and applies for a period of six weeks. Whether or not this period will have to be prolonged remains to be seen.

USEFUL LINKS:

- Implementing Regulation (EU) 2020/402 of 14 March 2020: <https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:32020R0402>
- Implementing Regulation (EU) 2020/426 of 19 March 2020 amending Implementing Regulation (EU) 2020/402: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32020R0426>
- Overseas countries and territories listed in Annex II of the Treaty: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12016EN02>
- Information by the Austrian Federal Ministry for Digital and Economic Affairs: <https://www.bmdw.gv.at/Themen/International/Au%20enwirtschaftskontrollen/exportkontrolle-online/Antragstellung-Export/PSA-Antragstellung.html>

Does your business need support in implementing a work from home policy? We are pleased to offer our online collaboration platform WT Space to support you during the current COVID-19 pandemic.

WT Space is a fully customizable, secure collaboration platform that requires no additional hardware or software. Whether you need to collaborate on documents, manage project tasks or communicate more efficiently, WT Space can help bring your team together. Please let us know if you have questions or wish to discuss pricing. space@wolftheiss.com

About WOLF THEISS

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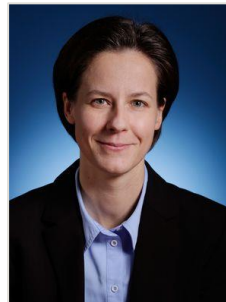


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If you would like to know more about the topics covered in this memorandum or our services in general, please get in touch with your usual WOLF THEISS contact or with:

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