



# 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.

*This COVID-19 Update will soon be transitioning to the **new EU Emergency Response Update – Key Policy & Regulatory Developments**, which will continue to cover key regulatory developments related to EU emergency responses, including in particular, to the COVID-19 and Ukraine-Russia situations.*

## LATEST KEY DEVELOPMENTS

### Competition & State Aid

- European Commission publishes Communication on Recovery and Resilience Facility: Two years on
- Entry into force of Amending Regulation to include REPowerEU chapters in recovery and resilience plans
- European Commission approves further schemes under Ukraine Temporary Crisis Framework
- European Commission approves further schemes under COVID Temporary Crisis Framework

### Trade / Export Controls

- First year of Russia's war against Ukraine – Remarks from G7, EU and world leaders
- Council of the European Union expands sanctions against Russia and Wagner Group

### Medicines and Medical Devices

- EMA publishes Human Medicines Highlights 2022
- EU Member States review COVID-19 measures applicable to travelers from China
- Croatia, France and Poland join EU strategic reserves for chemical, biological and radiological emergencies

### Cybersecurity, Privacy & Data Protection

- European Commission publishes first version of technical Toolbox for European Digital Identity Wallet
- Council authorizes Member States to ratify Second Additional Protocol to the Convention on Cybercrime (Budapest Convention)
- European Commission presents a set of actions to enhance Gigabit connectivity in the EU

## COMPETITION & STATE AID

### State Aid

**European Commission publishes Communication on Recovery and Resilience Facility: Two years on (see [here](#))**

21 February 2023, the Commission released a Communication on the Recovery and Resilience Facility (RRF): Two years on – A unique instrument at the heart of the EU's green and digital transformation.

To recall, the RRF, established in response to the COVID-19 pandemic to support faster and more resilient Member State recovery, is the core instrument of the €800 billion NextGenerationEU recovery plan for Europe's green and digital transformation. To date, the Communication reports that the Commission has disbursed a total of over €144 billion under the RRF, in both grants (€97 billion) and loans (€47 billion).

Member State recovery plans set out the reforms and public investment projects foreseen for implementation with the RRF's support. In evaluating Member State plans under the RRF Regulation, notably, the RRF guidelines make clear that the investment projects included in Member State recovery plans must comply with State aid rules (*Jones Day Commentary, EU Member State COVID-19 Recovery Plans Must Comply with State Aid Rules, March 2021, see [here](#)*).

The Communication reports that all national recovery plans are in place, including the revised plans of Luxembourg and Germany, with 16 payment requests already processed, another three already positively assessed and awaiting the Council's opinion, and eight with assessments ongoing.

On concrete Member State reforms and investments under the RRF, the Communication indicates that these include, e.g., reforms to digitalize the public administration (Slovakia) and strengthen cybersecurity (Romania); and licensing simplification reforms to bolster investments in offshore renewables and reforms to create the conditions for introducing renewable hydrogen (Greece, Portugal, Spain).

In presenting the Communication, the Commission notes that the RRF has demonstrated its agility in addressing newly emerging challenges, marked by Russia's war of aggression against Ukraine, high inflation, and an energy crisis. The RRF therefore remains central to advancing the EU's priorities for energy security, industrial competitiveness and transitioning to a net-zero economy.

For example, the recent [Green Deal Industrial Plan](#) (see also *Jones Day COVID-19 Update No. 97 of 14 February 2023*) puts the RRF and REPowerEU Plan (see *below on Entry into force of Amending Regulation to include REPowerEU chapters in recovery and resilience plans*) at the center of the EU's response to the structural challenges impacting the competitiveness of the EU's clean-tech sector. The RRF funds will be available to Member States to finance measures promoting the greening of industry, supporting EU net-zero industry projects, and assisting energy-intensive industries in the face of high energy prices.

On promoting transparency, the Commission's [Recovery and Resilience Scoreboard](#) continues to provide real-time information on Member State disbursements and progress under their recovery plans.

Next steps. The Commission anticipates a 2024 mid-term evaluation of the RRF as another opportunity to assess progress made and lessons learned from the RRF's implementation.

**Entry into force of Amending Regulation to include REPowerEU chapters in recovery and resilience plans (see [here](#))**

On 1 March 2023, the Amending Regulation to include REPowerEU chapters in recovery and resilience plans entered into force.

The Amending Regulation aims at enhancing the EU's strategic autonomy through diversified energy supplies, ceasing dependency on Russian fossil fuel, and accelerating the clean energy transition.

In Spring 2023, Member States are expected to add a new REPowerEU chapter to complement their national recovery plans under the Recovery and Resilience Facility (RRF, *see above on Communication on Recovery and Resilience Facility*). These new REPowerEU chapters will seek to finance key investments and reforms towards achieving at least one of the objectives set out in the Amending Regulation, such as:

- boosting energy efficiency in buildings and critical energy infrastructure
- decarbonizing industry
- increasing the production and uptake of sustainable biomethane and of renewable or fossil-free hydrogen
- increasing the share and accelerating the deployment of renewable energy
- addressing internal and cross-border energy transmission and distribution bottlenecks
- supporting zero-emission transport and its infrastructure, including railways

The Commission anticipates that the REPowerEU-driven reforms and investments will further the EU's recently unveiled [Green Deal Industrial Plan](#) by financing measures such as supporting EU net-zero industry projects and incentivizing research and innovation in zero emission technologies.

Member States will have access, in particular, to an additional €20 billion in new grants to finance planned investments and reforms under REPowerEU. The financing sources will be the [Innovation Fund](#) (60%) and the earlier auctioning of national emission allowances under the [EU Emissions Trading System](#) (ETS)(40%) (*for further details on the ETS, see [Jones Day COVID-19 Update No. 97 of 14 February 2023](#)*).

The Amending Regulation further increases transparency by requiring Member States to create easy-to-use public portals to publish information on the 100 largest final recipients receiving the highest amount of RRF funding for implementing measures under national plans.

The role of stakeholders is also reinforced, focusing on local and regional authorities and social partners, and most notably at the preparation stage of the REPowerEU chapters and throughout the overall implementation of the national plans.

Member States seeking to revise their national plans will be required to provide the Commission with a summary of their consultation process, including information on stakeholders consulted and how their input was

reflected in the REPowerEU chapters.

*\* Regulation (EU) 2023/435 of the European Parliament and of the Council of 27 February 2023 amending Regulation (EU) 2021/241 as regards REPowerEU chapters in recovery and resilience plans and amending Regulations (EU) No 1303/2013, (EU) 2021/1060 and (EU) 2021/1755, and Directive 2003/87/EC)*

**European Commission approves further schemes under Ukraine Temporary Crisis Framework (see [here](#))**

The Commission approved additional measures under the State aid Temporary Crisis Framework for State Aid measures in the context of Russia's invasion of Ukraine.

To recall, in adopting this Ukraine Temporary Crisis Framework, the Commission noted that the conflict had significantly impacted the energy market, and steep rises in energy prices had affected various economic sectors, including some of those particularly affected by the COVID-19 pandemic, such as transport and tourism. The conflict has also disrupted supply chains for both EU imports from Ukraine (in particular, cereals and vegetable oils) and EU exports to Ukraine.

The Commission had earlier prolonged (until 31 December 2023 (instead of 31 December 2022)) and expanded the Crisis Framework (see [Jones Day COVID-19 Update No. 90 of 28 October 2022](#))\*.

Among the latest schemes under the Crisis Framework (up to 1 March 2023):

- €2 billion French guarantee scheme to support energy-consuming companies in the context of Russia's war against Ukraine.
- €1.5 million Italian scheme to support the artistic ceramics and glass sector in Murano (Venice) in the context of Russia's war against Ukraine.
- €4.2 million Portuguese scheme to support companies active in the outermost region of Madeira in the context of Russia's war against Ukraine.
- Re-introduction of Czech scheme to support the primary agricultural production sector in the context of the Russia's war against Ukraine, including a budget increase by €20.9 million (CZK 500 million), bringing the overall budget of the scheme to around €42 million (CZK 1 billion).
- Walloon scheme worth 114 million euros aimed at supporting companies in the context of the war led by Russia against Ukraine.
- €120 million Italian scheme to support companies active in the Emilia-Romagna Region in the context of Russia's war against Ukraine.
- €217 million (SEK 2.4 billion) Swedish scheme to support electricity-intensive companies in the context of Russia's war against Ukraine.
- Amendment to an existing Czech scheme to support companies in the context of Russia's war against Ukraine, including (i) a budget increase by €10 million; (ii) an extension of the scheme until 31

December 2023; and (iii) an increase of the maximum aid ceiling.

- €32 million Walloon aid scheme aimed at supporting the health and social assistance sectors in the context of the war in Ukraine.

Notably, the Crisis Framework complemented the various possibilities for Member States to design measures in line with existing EU State aid rules. For instance, State aid measures under the Crisis Framework may be cumulated with aid granted under the COVID-19 Temporary Framework, provided that their respective cumulation rules are respected.

*\* On 9 March 2023, the Commission adopted a new Temporary Crisis and Transition Framework ([TCTF](#)) to foster support measures in sectors which are key for the transition to a net-zero economy, in line with the Green Deal Industrial Plan. The new TCTF amends and prolongs in part the Ukraine Temporary Crisis Framework, adopted on 23 March 2022. The new TCTF will be further discussed in the next Jones Day COVID-19 Update.*

**European Commission approves further schemes under COVID Temporary Crisis Framework (see [here](#) and [here](#))**

The Commission has adopted a significant number of State aid measures under Article 107(2)b, Article 107(3)b and under the State aid COVID Temporary Crisis Framework adopted in March 2020.

With certain exceptions, the Temporary Framework applied until 30 June 2022.\* Among the latest schemes (up to 1 March 2023):

- French aid measure of up to €1.4 billion in favor of Air France, which aims to compensate the airline for damage suffered between March 17 and June 30, 2020 due to the coronavirus pandemic and the travel restrictions put in place to limit the spread of the virus. The aid will be granted in several tranches and may take the form of grants, equity support or cash support.

This measure follows (i) €7 billion of liquidity support for Air France, authorized by the Commission on May 4, 2020 ([SA.57082](#)); and (ii) a €4 billion measure to recapitalize the airline, cleared by the Commission on 6 April 2021 ([SA.59913](#)).

*\* Exceptions notably include the possibility for Member States to (i) create direct incentives for private investments as a stimulus to overcome an investment gap accumulated in the economy due to the crisis (until 31 December 2023) and (ii) provide solvency support measures (until 31 December 2023) aimed at easing access to equity finance for smaller companies.*

*The Temporary Framework also provides for a flexible transition, under clear safeguards, in particular for the conversion and restructuring options of debt instruments (e.g., loans and guarantees) into other forms of aid, such as direct grants, until 30 June 2023.*

## TRADE / EXPORT CONTROLS

**First year of Russia's war against Ukraine – Remarks from G7,**

The first year of Russia's war against Ukraine, launched on 24 February 2022, drew remarks from EU and world leaders, reaffirming staunch support for Ukraine.

**EU and world leaders (see [here](#))**

The Leaders of the Group of Seven (G7)\* issued a Statement following their meeting with Ukraine's President Volodymyr Zelensky, expressing the G7's stance, in particular, on:

- Reaffirmed commitment to strengthening the unprecedented and coordinated sanctions and other economic measures of the G7 and partner countries against Russia, including new and ongoing measures such as:
  - (i) Establishing an Enforcement Coordination Mechanism to bolster compliance and enforcement of economic measures in view of preventing and responding to evasion and circumvention of these;
  - (ii) Adopting further measures to prevent Russia from accessing inputs to support its military and manufacturing sectors (e.g., industrial machinery, tools, construction equipment, and other technology);
  - (iii) Continuing to reduce Russia's revenue to finance its illegal aggression by taking steps to limit Russia's energy revenue and future extractive capabilities, building on existing measures such as export bans and the price cap for seaborne Russian-origin crude oil and refined oil products;
  - (v) Taking additional measures in relation to Russia's financial sector to further weaken Russia's capacity to wage its illegal aggression, including by targeting additional Russian financial institutions to prevent circumvention of measures, while coordinating to preserve financial channels for essential transactions; and
  - (vi) Continuing to impose targeted sanctions, including on those responsible for war crimes or human rights violations, exercising illegitimate authority in Ukraine, or who otherwise profit from the war.
- Pursuit of ongoing efforts to ensure that Russia pays for Ukraine's long-term reconstruction, including the need for an international mechanism to register the damages inflicted by Russia and ensuring that under any resolution to the conflict, Russia pays for the damage it has caused. Working with partners beyond the G7 that hold Russian sovereign assets, the aim is to build the broadest coalition possible to advance these objectives.

Additionally, Ursula von der Leyen (President of the European Commission) provided remarks alongside Kaja Kallas (Estonian Prime Minister) and Jens Stoltenberg (NATO Secretary-General) on 24 February 2023 (see [here](#)). The Council of the European Union also issued a statement to mark the first year of Russia's war of aggression against Ukraine (see [here](#)).

*\* The G7 forum brings together the leaders of the world's leading industrial nations (Canada, France, Germany, Italy, Japan, UK, and U.S., in addition to the EU). The annual G7 Summits have developed into a platform for determining the course of multilateral discourse and shaping political responses to global challenges. Decisions by the G7 are non-binding, but exert strong political influence.*

**Council of the European Union expands sanctions against Russia and Wagner Group (see [here](#) and [here](#))**

The EU relies on restrictive measures (sanctions) as one of its tools to advance its Common Foreign and Security Policy (CFSP) objectives, such as safeguarding EU's values, fundamental interests, and security; preserving peace; and supporting democracy and the rule of law.

Sanctions include measures such as travel bans (prohibition on entering or transiting through EU territories); asset freezes; prohibition on EU citizens and companies from making funds and economic resources available to the listed individuals and entities; ban on imports and exports (e.g., no exports to Iran of equipment that might be used for internal repression or for monitoring telecommunications), and sectoral restrictions.

Among the most recent additions to EU sanctions:

- Russia: On 24 February 2023, the Council adopted a 10th package of sanctions against Russia for its war against Ukraine.\* The package includes, amongst others:
  - Import-export controls and restrictions, such as:
    - Further export bans on critical technology and industrial goods (e.g., electronics, specialized vehicles, spare parts for trucks and jet engines);
    - For the first time ever, the list of entities directly supporting Russia's military and industrial complex will include seven Iranian entities manufacturing military unmanned aerial vehicles used by Russia's military.
    - Further restrictions are imposed on imports of goods that generate significant revenues for Russia, such as asphalt and synthetic rubber.
  - Broadcasting: Suspending the broadcasting licences of two additional media outlets under Russia's permanent direct or indirect control and used for its disinformation and war propaganda actions.
  - Critical infrastructure: Restricting the possibility for Russian nationals to hold any position in the governing bodies of EU critical infrastructures and entities.
  - Energy: Introducing the prohibition to provide gas storage capacity to Russian nationals (with the exclusion of part of LNG facilities).
  - Reporting obligations: Introducing more detailed reporting obligations on funds and economic resources belonging to listed individuals and entities that have been frozen or that were subject to any move shortly before the listing, in view of ensuring the effectiveness of asset freeze prohibitions

In addition to economic sanctions, the Council also added 87 individuals and 34 entities (including 3 Russian banks, among which Alfa-Bank and Tinkoff Bank) to the list of those subject to a freezing of their assets, and EU citizens and companies are forbidden from making funds and economic resources available to them. Natural persons are additionally subject to a travel ban, which prevents them from entering or transiting through EU territories.

Altogether, EU restrictive measures in relation to Russia now apply to a total of 1,473 individuals and 205 entities.

The European Commission's Q&A on the 10th package of sanctions provides further details (see [here](#)). The Q&A, in particular, specifies that none of the EU's sanctions adopted against Russia prevent the supply of

agri-food, medical equipment or medicines for the general population in Russia. Also, no EU sanctions would prohibit third countries from purchasing Russian fertilizers.

*\* An in-depth analysis of the [10th package of sanctions against Russia](#) is available from the authors of the [COVID-19 Update](#) (see contact details below for Nadiya Nychay (Brussels) and Rick van 't Hullenaar (Amsterdam)). On the [9th package of sanctions adopted by the Council on 16 December 2022](#), see [Jones Day COVID-19 Update No. 94 of 19 December 2022](#)).*

- [Wagner Group](#): On 25 February 2023, the Council imposed additional restrictive measures against individuals and entities linked to the Wagner Group in view of the international dimension and gravity of the group's activities. The Wagner Group is a Russia-based unincorporated private military entity, present in several countries, including Ukraine, Libya, the Central African Republic (CAR), Mali and Sudan.

Those newly listed include, e.g., two individuals in relation to actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine; and eight individuals and seven entities under the EU Global Human Rights Sanctions Regime involved in serious human rights abuses in the CAR and Sudan, such as the entities Lobaye Invest Sarlu and Diamville in the CAR in view of their role in illegally trading gold and diamonds looted from local traders.

[Provision of humanitarian aid](#): The Commission, to recall, has also provided guidance on the provision of humanitarian aid in compliance with EU sanctions. The Commission most recently published a Guidance Note in June 2022 (see [here](#)), which noted the importance of clarifying humanitarian exceptions to EU sanctions imposed in response to Russia's invasion of Ukraine, although the Guidance Note seeks to provide clarifications for all EU sanctions regimes.

This Guidance Note notably builds on previous guidance of August 2021 on the provision of humanitarian aid to fight the COVID-19 pandemic (clarification on COVID-19 vaccines and therapeutics, EU counter-terrorism sanctions and Iran, Nicaragua, Syria, Venezuela sanctions regimes) (see [here](#) and [Jones Day COVID-19 Update No. 59 of 21 August 2022](#)).

In particular, the Guidance Note provides a series of hypothetical cases on the application of sanctions. These include various accompanying references to the August 2021 COVID-19 guidance as a source of clarification (e.g., If a designated (sanctioned) person intervenes in a humanitarian transaction, this does not automatically mean that the transaction must be abandoned. Insofar as no funds or economic resources are made available to a designated person, the Iran Regulations do not prohibit liaising with the former).

## MEDICINES AND MEDICAL DEVICES

### **EMA publishes Human Medicines Highlights 2022 (see [here](#))**

On 16 February 2023, the European Medicines Agency (EMA) published a report on Human Medicines Highlights 2022. The report presents, in particular, figures on the authorization of medicines and a selection of new treatments that represent significant progress in their therapeutic areas.

Public health emergencies remained a key priority for EMA in 2022. On health emergencies of international concern, the report provides an overview of authorized COVID-19 vaccines and approved COVID-19 therapeutics and also highlights EMA actions such as:

- Approval for additional manufacturing capacity for COVID-19 vaccines and shelf-life extensions for COVID-19 vaccines and therapeutics;
- International collaboration on COVID-19. In particular, EMA invited international regulators from Australia, Canada, Japan, Switzerland and the World Health Organization (WHO) to participate in the review of all COVID-19 vaccines and therapeutics;
- EMA's Emergency Task Force (EFT) recommendations, in particular, on growing evidence indicating that mRNA COVID-19 vaccines do not cause pregnancy complications for expectant mothers and their babies; and warning that monoclonal antibodies that attach to the spike protein of SARS-CoV-2 may not be effective against emerging strains of the virus; and

In addition, the document includes, amongst other things, information on:

- Key figures on EMA recommendations for the authorization of new medicines (including 89 positive opinions), as well as details on medicines recommended for approval following an accelerated assessment, receiving a recommendation for a conditional marketing authorization and approved under exceptional circumstances;
- New orphan medicines with the potential to significantly benefit patients for which there are no other approved products;
- Safety advice issued on several medicines; and
- Recommendations issued to ensure the integrity of clinical trial conduct and manufacture/supply of medicines.

**EU Member States review COVID-19 measures applicable to travelers from China (see [here](#))**

On 16 February 2023, the EU Member States met in the framework of the Integrated Political Crisis Response (IPCR)\* arrangements, in the presence of the Schengen Associated Countries, to review the situation with regard to COVID-19 related measures applicable to travelers from China.

In light of recent epidemiological developments and the opinion of the Health Security Committee (informal advisory group on health security at European level), the Member States agreed to phase out (i) the requirement for a negative pre-departure COVID-19 test for travelers from China to Member States by end-February; and (ii) random testing of travelers arriving from China to Member States by mid-March.

IPCR will continue to monitor the situation in relation to COVID-19 developments.

\* *The Integrated Political Crisis Response (IPCR) is a mechanism through which the presidency of the Council coordinates the political response to crises by bringing together EU institutions, affected Member States and other key actors. IPCR arrangements support rapid and coordinated decision-making at EU political level for major and complex crises.*

**Croatia, France and Poland join EU strategic reserves for chemical, biological and radiological emergencies (see [here](#))**

On 20 February 2023, the European Commission announced that Croatia, France and Poland would join the European Union Strategic Reserves ([rescEU](#)) for chemical, biological and radiological (CBRN) emergencies.

The Commission created rescEU in 2019 to protect citizens from disasters and manage emerging risks. It provides a European reserve of resources including, amongst other things, firefighting and medical evacuation planes and was expanded in March 2020 to include a stockpile of medical equipment to respond to the COVID-19 crisis (see also [Jones Day COVID-19 Update No. 1 of 27 March 2020](#)).

The COVID-19 pandemic highlighted the lack of reserve capacities of essential medical countermeasures, such as PPE (personal protective equipment). CBRN incidents also may overwhelm the ability of Member States to help each other, especially when several face the same type of disaster simultaneously.

Therefore, the Commission is developing strategic reserves to respond to CBRN emergencies, with Croatia, France and Poland now joining Finland in hosting such rescEU stockpiles (e.g., antidotes, antibiotics, vaccines, sedatives, and prophylactic treatments and specific CBRN response equipment, such as detectors and decontamination supplies and personal protective equipment (e.g., gas masks and protection suits)).

Once the stockpiles are established, Member States will be able to request the mobilization of relevant stock via the Emergency Response Coordination Centre (ERCC).

The stockpiles are overseen by the Directorate-General for European Civil Protection and Humanitarian Aid Operations (ECHO) and the Directorate-General for European Health Emergency Preparedness and Response Authority (HERA).

## CYBERSECURITY, PRIVACY & DATA PROTECTION

**European Commission publishes first version of technical Toolbox for European Digital Identity Wallet (see [here](#))**

On 10 February 2023, the European Commission published the first version of a Common Union Toolbox for a coordinated approach towards a European Digital Identity Framework (see [here](#)).

The Toolbox is a work in progress, developed by the Member States in cooperation with the Commission, which aims at serving as the technical backbone providing specifications based on common standards to create the planned European Digital Identity Wallets (*Commission's proposed Regulation of 3 June 2021 on establishing a framework for a European Digital Identity (see [here](#))*). The proposed Regulation would amend the eIDAS Regulation (Regulation (EU) No 910/2014 on electronic identification and trust services for electronic transactions). The Toolbox will provide the basis for engineering a prototype Wallet for use in testing in various use-cases.

To recall, the urgency of implementing a legal framework for European Digital Identity Wallets was driven, among other factors, by the COVID-19 pandemic and the increased need for online services (See also [Jones Day COVID-19 Update No. 78 of 4 March 2022](#)). Digital Identity Wallets, in addition to many other benefits, will enable EU citizens and residents to control the scope of their shared data and online interactions (e.g., opening a bank account and benefitting from eHealth services).

The Toolbox's requirements and specifications will not be mandatory for Member States until adoption of the proposed Regulation on a European Digital Identity. Nonetheless, the Toolbox's introduction of common standards (e.g., setting out the responsibilities of Person Identification Data (PID) Providers\*) is an important step towards the creation of the EU legal framework on Digital Identity Wallets and ensuring a high level of trust in digital transactions in Europe.

Member States will continue to work closely with the Commission to continuously update the Toolbox.

\* *"PID" is a set of data allowing to establish the identity of a natural or legal person, or a natural person representing a legal person. A PID Provider is a Member State or legal entity providing PID to Users (i.e., a natural or legal person using an European Digital Identity Wallet).*

**Council authorizes Member States to ratify Second Additional Protocol to the Convention on Cybercrime (Budapest Convention) (see [here](#))**

On 14 February 2023, the Council adopted Decision 2023/436 authorizing Member States to ratify, in the interest of the European Union, the Second Additional Protocol ("Protocol") of 17 November 2021 to the Convention on Cybercrime on enhanced cooperation and disclosure of electronic evidence (see [here](#)).

To recall, the Protocol supplements the Convention on Cybercrime of 2001 ("Budapest Convention"), which the Council of Europe views as the most relevant international agreement on cybercrime and electronic evidence. The Protocol aims to further enhance cooperation on cybercrime, in particular, by offering criminal justice authorities the ability to collect evidence in electronic form for specific criminal investigations or proceedings related to computer systems and data, while safeguarding the use of sensitive data (see also [Jones Day COVID-19 Update No. 68 of 22 November 2021](#)).

Provisions include, in particular, procedures to:

- Complement the existing legal framework on access to electronic evidence;
- Allow authorities to request information on domain name registration from service providers;
- Appropriately handle certain types of sensitive data that may be needed, in particular, as evidence in a criminal investigation or proceeding, but which must be protected from the risk of unwarranted prejudicial impact to the concerned individual arising from the use of such data; and
- Ensure a high level of protection for individuals and compliance with European data protection standards.

Next steps: Member States are now authorized to ratify the Protocol. As the EU cannot be a party to the Protocol, Member States will jointly act in the interest of the EU.

The Protocol could potentially be applied across the globe. 34 countries have already signed it, including 18 EU Member States. It will complement the EU framework on access to e-evidence, as recently agreed between the Council of the EU and the European Parliament, and which is pending formal adoption.

**European Commission presents a set of actions to enhance Gigabit connectivity in the EU (see [here](#))**

On 23 February 2023, the European Commission presented new initiatives in the connectivity sector. These correlate with Europe's Digital Decade and aim at making Gigabit connectivity available across the EU by 2023. To recall, the COVID-19 crisis demonstrated the crucial role of technology sector and the importance of the digital transformation, with the Digital Decade Policy Programme seeking to address these issues by setting out concrete objectives and targets to be achieved by 2030. (See also [Jones Day COVID-19 Update No. 86 of 8 September 2022](#)).

The introduced initiatives are as follows:

- [Proposed Regulation for a Gigabit Infrastructure Act](#) (*Proposal for a Regulation on measures to reduce the cost of deploying gigabit electronic communications networks and repealing Directive 2014/61/EU (Gigabit Infrastructure Act, see [here](#))*), which aims at simplifying network development (e.g., facilitating coordination between sectors, accelerating permit granting procedures, and coordinating and ensuring transparency of civil works), while contributing to sustainability and promoting innovation and digitalization.

*Next steps.* The European Parliament and the Council will examine the proposal and once adopted, the Regulation will be directly applicable in all Member States.

- [The draft Gigabit Recommendation](#) (see [here](#)), which seeks to provide national regulatory authorities with guidance on conditions for accessing the networks of operators with significant market power and to ensure that all operators can access such existing network infrastructure, when appropriate. This will ensure an adequate regulatory environment, incentivize the switch-off of legacy technologies (i.e., within 2 to 3 years), and foster fast Gigabit network deployment (e.g., by promoting pricing flexibility for access to regulated networks, while enabling sustainable competition).

*Next steps.* The final text of the Recommendation will be adopted after considering the opinion of the Body of European Regulators (BEREC), which has undertaken a two month consultation period.

- [Exploratory consultation on the future of the connectivity sector and its infrastructure](#) (see [here](#)), which will gather stakeholder feedback on the future of the connectivity sector and its infrastructure.

*Next steps.* The consultation period ends on 19 May 2023. The Commission will then develop appropriate actions on the future of the electronic communications sector.

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