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9 Court of Justice of the European Union

- Opinion of the Advocate General: the fine imposed on the Lundbeck pharmaceutical group should be upheld
- Judgment: distribution of free samples of medicinal products to pharmacists
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10 Publications

- OSE: Inequalities in access to healthcare in Belgium
- OSE: Why, in almost all countries, was residential care for older people so badly affected by COVID-19?
- Eurofound: At your service - Working conditions of interactive service workers
- Oxford: Global directory for COVID-19 policy trackers and surveys
- EU Parliament think tank: EU public health policy
- ILO: COVID-19 and social protection in Europe and Central Asia
- HEPL: series of articles on EU health law and policy
- Article: The European Union as an opportunity: structures and uses of European soft law in French, Austrian and Irish eHealth policies
- Article: Speak softly and carry a big stick: hardening soft governance in EU energy and health policies
- Book chapter: Effects of Patient Mobility on Healthcare Systems: A Dynamic Performance Management View
- Corporate Europe Observatory: More private than public: the ways Big Pharma dominates the Innovative Medicines Initiative (IMI)
- OBS: Strengthening health systems resilience: key concepts and strategies (2020)
- OBS: How to enhance the integration of primary care and public health? Approaches, facilitating factors and policy options (2020)
- OBS: COVID-19 Health System Response Monitor: cross-country analyses (policy snapshots)

11 Miscellaneous

- European Commission: ideas to facilitate international trade in healthcare products
- 23 Member States: agreement on the termination of intra-EU bilateral investment treaties
- European Parliament and Council: new rules concerning collective redress

 **New EU health programme EU4Health 2021-2027**

A new health programme, EU4Health, is the European Union (EU) response to the impact of the COVID-19 pandemic on medical and healthcare staff, patients and healthcare in Europe as a whole. The European Commission originally proposed a budget of 9.4 billion euro for this programme, the most expensive health programme ever, but at the European Summit of 17-21 July (see the section on EU funding) this amount was reduced to 1.67 billion euro.

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 **European Commission: preparedness for COVID-19 outbreaks**

The Commission has presented immediate short-term measures to strengthen EU health preparedness for future COVID-19 outbreaks. These include testing and contact tracing, improved public health surveillance and widened access to medical countermeasures such as personal protective equipment, medicines and medical equipment.

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 **ERNs: COVID-19 crisis management, enlargement and sustainability of the ERNs**

These topics were at the heart of discussions at meetings of the coordinators of the European Reference Networks (ERNs) and the ERN Board of Member States. The Commission informed the participants that it is considering setting up new ERNs in coming years. There were calls for simplification of the Clinical Patient Management System (CPMS), used to discuss patients' cases remotely, and for the CPMS to be made interoperable with national telemedicine systems.

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 **European Commission: consultation of healthcare professionals on how best to prepare healthcare systems for a second wave of COVID-19**

The European Commission invited all interested healthcare professionals to take part in a survey on the measures which the Commission could take to strengthen the EU's response and better prepare health systems for a potential second wave of COVID-19 or any future pandemics.

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 **EXPH: request for an opinion on a new framework for the organisation of health and social care following the COVID-19 pandemic**

The European Commission asked the Expert Panel on Effective Ways of Investing in Health (EXPH) for an opinion on a new framework for the organisation of health and social care following the COVID-19 pandemic.

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 **European Ombudsman: inquiry into how the ECDC gathered and assessed information during the COVID-19 crisis**

As a first step in the inquiry, the Ombudsman requested documents from the European Centre for Disease Prevention and Control (ECDC) concerning:

- requests for scientific opinions;
- surveys carried out in Member States;
- cooperation agreements between the ECDC and the Chinese CDC, the US CDC and the WHO/WHO Europe;
- the updates and information received by the ECDC in January 2020 via the Early Warning and Response-system.

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Informal Council of Health Ministers

The EU health ministers called on the European Commission to expand the European Centre for Disease Prevention and Control (ECDC) into a forceful response centre for international health crises, and to submit a strategy for how the manufacture of important medicinal products can be relocated to the EU.

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European Council: strategic agenda for the next three Presidencies (1 July 2020 - 31 December 2021)

In the field of health, the three Presidencies intend to build up more resilient health infrastructure and produce critical goods in Europe to reduce over-dependency on third countries. They will make efforts to strengthen the EU civil protection mechanism, by addressing the challenges concerning storage of essential health equipment, and will set up an EU knowledge network.

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European Parliament (EP): according to a survey, Europeans want more competences for the EU to deal with crisis situations

A survey, commissioned by the EP and carried out at the end of April 2020, found that EU citizens want more powers for the EU to deal with crises such as the COVID-19 pandemic.

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National competent authorities on organ donation and transplantation: preparation for possible future COVID-19 outbreaks

To foster recovery of donation and transplant programmes, and to be prepared for possible future COVID-19 outbreaks, the national competent authorities for organ donation and transplantation have called for support to address a series of specific actions at national and EU level.

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European Parliament: resolution on the EU's future public health strategy post-COVID-19

The COVID-19 crisis has shown the need for a far stronger role for the EU in the area of health, states the EP in a resolution on the proposed EU public health strategy.

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European Parliament: resolution on the rights of persons with intellectual disabilities and their families during the COVID-19 crisis

The resolution recalls that the measures taken by the Member States must ensure non-discriminatory access to healthcare and social services, and emphasises that persons with intellectual disabilities or mental health problems deserve the same medical treatment as any other person with COVID-19, including intensive medical care.

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2 Health care services in the internal market

European Commission: report on the implementation of the revised directive on professional qualifications

This report, and an accompanying Commission staff working document, address the important points of the 2013 modernisation, and draw some provisional conclusions on its implementation, and on the areas requiring further work. One of the points giving rise to concern in the Member States is implementation of the new rules on partial access to a profession.

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European Commission: infringement proceedings against 10 Member States for non-respect of EU rules on recognition of professional qualifications

The Commission is taking further steps in the infringement proceedings against 10 Member States for non-compliance with the EU rules on services and on the recognition of professional qualifications.

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European health sector organisations: call to the Brexit negotiators to protect patients

The organisations call on politicians in the EU and the United Kingdom (UK) to reach agreement on:

- coordination on public health and exchange of data;
- compatible regulatory frameworks for medicines and medical equipment;
- cooperation in import and export of medicines and medical supplies;
- simple reciprocal access to healthcare for EU and UK citizens;
- UK-EU collaboration in research programmes.

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European Regional Development Fund (ERDF): Czech patients treated in Austrian hospital

Thanks to an ERDF-funded project, far more patients from Czechia can now be treated in an Austrian hospital less than half a kilometre from the border.

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3 Medicines, protection equipment and medical devices

European Commission: public consultation on the pharmaceutical strategy

The European Commission published its roadmap and launched an online public consultation on the pharmaceutical strategy for Europe, prior to the publication of the strategy at the end of the year. The strategy aims to ensure supply of safe and affordable medicines, and to help the European pharmaceutical industry to remain an innovator and world leader.

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European Commission: workshop with stakeholders on the pharmaceutical strategy and the pricing of medicines

The Commission published a summary of the discussions which took place at a workshop organised with stakeholders to discuss the pharmaceutical strategy and the pricing of medicines.

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European Parliament: report on medicine shortages in the EU

The report stresses the need for a more intensive EU response, as the problem has been exacerbated by the COVID-19 health crisis throughout Europe. The European Commission is asked to use the upcoming pharmaceutical strategy to address the issue of availability, accessibility and affordability of safe medicines in Europe. The report will now be put to the plenary session of the European Parliament.

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EP think tank: medicine shortage in the EU during the novel coronavirus outbreak

This report examines the reasons behind the shortage of medicines in the EU during the COVID-19 pandemic, and the reactions and responses at EU level.

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 **European Commission: evaluation of the legislation on medicinal products for paediatric use and on products for rare diseases**

The evaluation consisted of a number of steps, including publication of a roadmap, various recent studies into paediatric medicines and orphan medicinal products, as well as extensive consultation of stakeholders. The European Commission is currently considering which follow-up measures to take.

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 **NGOs: recommendations on fair medicine prices**

A coalition of twelve European and international organisations representing not-for-profit health insurance bodies, healthcare professionals, public-interest entities and trade unions have drafted and approved a set of recommendations for fair medicine prices in Europe.

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 **European Commission: European strategy to accelerate the development, manufacturing, and deployment of vaccines against COVID-19**

The EU strategy is based on two pillars:

- Securing the production of vaccines in the EU and sufficient supplies for its Member States through advance purchase agreements with vaccine producers
- Adapting the EU's regulatory framework to the current urgency and making use of existing regulatory flexibility to accelerate the development, authorisation and availability of vaccines.

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 **European Commission: talks with pharmaceutical companies on the purchase of future vaccines against COVID-19**

The European Commission has concluded exploratory talks with various pharmaceutical companies concerning the purchasing of a potential vaccine against COVID-19. The aim is for the Commission to have a contractual framework in place so that, once a vaccine is proven to be safe and effective against COVID-19, millions of doses can be purchased on behalf of all EU Member States.

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 **France, Germany, Italy and the Netherlands conclude a contract on a possible coronavirus vaccine**

The vaccine alliance formed by France, Germany, Italy and the Netherlands reached agreement with AstraZeneca on supplying a coronavirus vaccine. Earlier this month, France, Germany, Italy and the Netherlands joined forces to form an Inclusive Vaccine Alliance, in order to have a stronger negotiating position in the race for a coronavirus vaccine.

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 **European Commission: current state of joint procurement**

The Commission informed the Member States in the Health Security Committee on the state of play concerning joint procurement for health-related products, medicines and seasonal influenza vaccines. It sounded out the Member States as to possible interest in joint immunisation procurement (e.g. syringes, alcohol, tissues).

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 **European Commission: joint procurement on ICU medicines in preparation**

The European Commission is preparing a joint procurement for a long list of intensive care medicines, in consultation with the European Medicines Agency (EMA).

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➤ **Accelerated procedure for clinical trials with medicines for the treatment or prevention of COVID-19, containing or consisting of genetically modified organisms (GMOs)**

Some of the vaccines and treatments for COVID-19 currently being developed fall under the EU's GMO directive. To facilitate the development and authorisation of safe COVID-19 vaccines, the EP and the Council adopted, through an urgency procedure, a temporary derogation to the specific rules governing clinical trials.

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➤ **EMA: infrastructure for 'real world' monitoring of COVID-19 treatments and vaccines**

The EMA has set up infrastructure to support the monitoring of the efficacy and safety of COVID-19 treatments and vaccines when used in day-to-day clinical practice. This is underpinned by three contracts for observational research with academic and private partners.

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➤ **EMA: conditional marketing authorisation for the anti-viral drug Remdesivir**

Remdesivir, under the brand name Veklury, has been given a conditional marketing authorisation for the treatment of COVID-19 patients. Remdesivir is the first medicine against COVID-19 to be authorised. Data on Remdesivir were assessed in an exceptionally short timeframe, by means of an evaluation procedure used by the EMA in public health emergencies.

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➤ **European Commission: Remdesivir available to Member States for the treatment of COVID-19**

The European Commission signed a contract with the pharmaceutical company Gilead to secure treatment doses of Veklury, the brand name for Remdesivir. From the beginning of August, batches of Veklury are being made available to Member States and the UK, with the coordination and support of the Commission.

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➤ **EMA: International regulators provide guiding principles for COVID-19 clinical trials**

The EMA has endorsed a joint statement on prioritisation of COVID-19 clinical trials, published by the International Coalition of Medicines Regulatory Authorities (ICMRA). The aim is to facilitate and expedite the development and evaluation of therapeutics, diagnostics and vaccines against COVID-19.

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➤ **European Commission: support for treatment with plasma from recovered COVID-19 patients**

The European Commission is providing subsidies throughout the EU to services authorised to collect plasma, to support the purchase of equipment for taking plasma from donors. This will be used to help with the treatment of new COVID-19 patients. This measure falls under the Emergency Support Instrument (ESI).

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➤ **European Commission: online consultation of stakeholders on improving the availability of medicines**

To improve the availability of medicines authorised via the centralised authorisation procedure, an ad-hoc working group proposed the launch of a pilot project whereby prospective market authorisation holders are invited to share information on their marketing intentions, on a confidential basis. The online consultation asks for feedback from stakeholders as to the proposed pilot project.

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 **UK: request to pharmaceutical companies to build up stocks of products looking towards a possible 'no-deal' Brexit**

The British government is asking pharmaceutical companies to build up stocks of products to help in the case of a possible 'no deal' Brexit.

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 **Council: progress report on the proposal for a regulation on health technology assessment**

The Croatian Presidency of the Council presented a report on the progress made during its presidency in discussions on the proposal for a regulation on health technology assessment.

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 **European Commission: market authorisation for a vaccine against Ebola**

The Commission granted a marketing authorisation to the company Janssen, a Johnson & Johnson company, for a vaccine against Ebola. The authorisation was granted in one month, reducing the time taken for decision-making by half.

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 **EUnetHTA: database of COVID-19-related publications and output**

EUnetHTA - the European Network for health technology assessment - launched a repository of COVID-19-related publications and output. The repository will house publications by EUnetHTA and HTA organisations on test methods and equipment, treatment options and other public health measures relevant for COVID-19.

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4 Competition

 **European Commission: calls for feedback from Aspen on its commitments to reduce prices for off-patent cancer medicines**

The European Commission is inviting comments from all interested parties on commitments offered by Aspen to address the Commission's concerns over excessive pricing. Aspen proposes to reduce its prices in Europe for six critical cancer medicines by an average of 73%. In addition, Aspen proposes to ensure the continued supply of these off-patent medicines for a significant period.

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 **European Commission: approval of the acquisition of control of Independent Clinical Services by Onex Corporation**

Onex invests in various businesses worldwide, including electronics manufacturing services, healthcare imaging and insurance services. Independent Clinical Services provides solutions for workforce management, health and social care and staffing services to the healthcare, social care and life sciences sectors.

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 **Germany: protection of security-relevant businesses in the health sector against non-EEA takeovers**

The German government is tightening the national screening regime for direct foreign investments in order to better protect security-relevant businesses in the health sector from non-EEA takeovers, in the light of the COVID-19 pandemic.

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 **Germany: competition authority clears merger of hospitals**

The German competition authority has cleared the planned merger of St. Franziskus-hospital, run by the Malteser group in Flensburg, and the somatic division of Diakonissenkrankenhaus, Flensburg, under joint management.

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 **France: competition authority concludes investigation into exclusive imports of respiratory systems into French Guiana and the French West Indies**

The French competition authority had opened an investigation into exclusive import practices likely to be implemented by the Fisher & Paykel Healthcare group, which supplies hospitals with respiratory systems and products intended for patients with respiratory difficulties, particularly for COVID-19 patients. The competition authority has now concluded this initial investigation. The company will clarify the conditions applicable to the distribution of its products in order to strengthen competition.

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 **European Commission: approval of French state support for COVID-19-related initiatives**

Under the state aid temporary framework, the European Commission has approved a French 5 billion euro scheme to support research and development, testing and upscaling of infrastructure, and production of coronavirus-relevant products.

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 **Italy: proceedings against the sale of a generic product to treat HIV-infection as a remedy against the COVID-19 virus**

The Italian competition authority is launching proceedings against the sale of a generic medicinal product used to treat HIV-infections (Kaletra) as a remedy against the COVID-19 virus.

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 **Italy: clearance of cooperation between competing pharmacies to buy and sell surgical masks**

The Italian competition authority has cleared cooperation between competing pharmacies to buy and sell surgical masks, as a special COVID-19 measure.

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 **Italy: competition authority approves a distribution scheme allowing disposable surgical masks to be sold in pharmacies and health retail outlets**

The Italian competition authority has authorised a scheme that would allow disposable surgical masks to be sold in pharmacies and health retail outlets in response to the COVID-19 pandemic. It did so at the request of the two principal Italian associations of pharmaceutical wholesalers.

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5 Social policy

 **European Parliament: legislative resolution on guidelines for the employment policies of the Member States**

In this resolution, the Parliament, referring to the so-called 'general escape clause' activated by the Council on 23 March 2020, states that the Member States must be able to practise fiscal flexibility in order to foster quality jobs and working conditions and to finance public health and social services.

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 **EDPS: opinion on the European Commission's white paper on Artificial Intelligence**

The European Data Protection Supervisor (EDPS) has a number of concerns in relation to the Commission initiative. For example, it regards with some scepticism the industry-oriented approach, which aims to accelerate the adoption of AI solutions, in, for example, government services. According to the EDPS, there is no evidence to back the claim that, in the health sector, 'technology is mature for large-scale deployment'; such claims run the risk of promoting a 'blind uptake' of AI.

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 **European Commission: Communication and staff working document on two years of application of the General Data Protection Regulation**

According to the Communication, the Member States follow different approaches when implementing derogations from the general prohibition on processing special categories of personal data, including for health and special research purposes. To address this, the Commission intends to support the establishment of codes of conduct that would contribute to a more consistent approach in this area, and make the cross-border processing of personal data easier.

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 **Joint Action (JA) to address the differences in data protection rules in the health sector**

A Joint Action (JA) by the Member States is intended to address the differences in national implementation of the General Data Protection Regulation (GDPR) in the health sector. The JA was established under the European health programme 2020.

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 **European Commission: steps towards setting up an interoperability solution for mobile tracing and warning apps**

The Commission adopted an implementing decision to support the setting-up of a voluntary gateway service to facilitate the interoperability of contact tracing and warning apps. This consists in an interface to efficiently receive and make available relevant pseudonymised information from national contact tracing and warning apps, in a secure manner, between Member States which decide to make use of it.

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 **eHealth network: technical specifications for the exchange of information between national contact tracing apps**

The Member States have reached agreement on a series of technical specifications for the secure exchange of information between national contact tracing apps, with a decentralised architecture. A large majority of the tracing apps currently used in the EU, or soon to be launched, use these specifications.

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 **Council: mandate for negotiations on the setting up of the European Cybersecurity Competence Centre**

The Council set out its mandate for negotiating with the European Parliament on the proposal for a regulation establishing the European Cybersecurity Industrial Technology and Research Competence Centre and the network of national coordination centres. Ensuring the cybersecurity of health sector applications is one of the tasks covered.

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European Commission: results of the public consultation on the European strategy for data

The aim of the consultation was to gather opinions on the European strategy for data, and to obtain input on several planned initiatives related to the access to and re-use of data, including notably a legislative framework for common European data spaces and an implementing act on a list of high-value datasets. The strategy also covers health data.

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ERDF: Virtual reality used in healthcare in German

The German 'Healthy Reality' project, financed by the ERDF, is investigating how augmented and virtual reality can be used to improve healthcare. New treatments, therapies and teaching methods are among the areas being explored.

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7 Economic policy

European Commission: report on the impact of demographic change

This report presents the catalysts for demographic change, and its consequences across Europe. Challenges for healthcare are one of the areas discussed.

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European Commission: Convergence report 2020

The convergence reports examine whether Member States meet the necessary conditions to adopt the single currency. The report indicates, among other things, the national healthcare expenditure related to the COVID-19 crisis, and follows the activation of the 'escape clause' in the stability and growth pact, to meet urgent needs during the pandemic.

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European Commission: European economic forecast, Summer 2020

One of the areas covered by this report is public expenditure on healthcare and the resilience of health systems in the wake of the pandemic.

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8 EU funding

European Council: EU-leaders reach agreement on the long-term budget for 2021-2027 and the recovery plan

At the Special European Council held from 17 to 21 July 2020, the heads of state and government reached agreement on the recovery plan and the multiannual financial framework (MFF) for 2021-2027. The following budgets for 2021-2027 are relevant to healthcare:

- ESF+, which provides support for social inclusion and anti-poverty measures, as well as for further training of employees, including health workers. This programme is a combination of the European Social Fund and a number of other specific programmes;
- Horizon Europe, the European research, development and innovation programme;
- Digital Europe, which also finances eHealth initiatives;
- the InvestEU fund, which can also finance investments in the health sector;
- RescEU, the EU civil protection mechanism;

- EU4Health, the new health programme.

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European Parliament: resolution on the political agreement reached at the European Council concerning the multiannual financial framework 2021-2027

The EP does not accept the political agreement on the MFF 2021-2027 as it stands. The Parliament believes, for example, that the proposed cuts to health and research programmes are dangerous in the context of a global pandemic and therefore insists that targeted increases should be made for various programmes, including in the field of health.

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European Parliamentary Research Service: in-depth analysis of the Commission proposal for the MFF 2021-2027

The European Parliamentary research service published an in-depth analysis of the Commission proposal for the MFF 2021-2027.

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EIB: pan-European guarantee fund in response to the COVID-19 crisis

The EIB has approved a 25 billion euro pan-European guarantee fund in response to the COVID-19 crisis. The EIB Group is also using existing financial instruments shared with the European Commission - primarily the InnovFin Infectious Disease Finance Facility - to finance projects that work towards halting the spread of the coronavirus, finding a cure and developing a vaccine. The EIB Group will support emergency measures to finance urgent infrastructure improvements and equipment needs in the health sector.

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European Commission: Coronavirus Global Response

This initiative was launched by the President of the European Commission, Ursula von der Leyen, to ensure global universal access to affordable vaccination, treatment and testing for coronavirus; to strengthen health systems and support economic recovery in the world's most fragile regions. Of the 15.9 billion euros raised since May 4, 11.9 billion euros were pledged by the Member States, the Commission and the European Investment Bank.

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European Commission: financing of research projects to address the COVID-19 pandemic

In response to the continuing coronavirus pandemic, the Commission is making 128 million euros available to support 23 new research projects. The funding under Horizon 2020, the EU's research and innovation programme, is part of the Commission's 1.4 billion euro pledge to the Coronavirus Global Response initiative.

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100 million euros co-financing for the development and worldwide production of COVID-19 vaccines

The 'Coalition for Epidemic Preparedness Innovations' (CEPI), a global partnership created in 2017 to develop vaccines to prevent future epidemics, has launched a call to support the rapid development and global manufacture of COVID-19 vaccines. The EU will co-fund the call with €100 million.

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EIB: 100 million euro loan for the development and production of COVID-19 vaccines

The European Investment Bank (EIB) and BioNTech have concluded a 100 million euro debt financing agreement to support the development of BNT162, the company's COVID-19-vaccine programme.

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 **European Commission: EU-funding for COVID-19 related transport of medical goods, medical teams and patients**

EU-countries can now apply for additional financing through the Emergency Support Instrument to transport essential goods, medical teams and COVID-19 patients. This comes in addition to support already available via the EU civil protection mechanism and the deliveries of protective equipment via rescEU.

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 **European Commission: modifications to cohesion policy operational programmes approved**

The adjustments were approved under the Coronavirus Response Investment Initiative (CRII). This makes it easier to use EU funds to tackle the consequences of the coronavirus pandemic. Most EU countries have already made use of the flexibility provided by the CRII. The modifications include increased support for the health system and medical research.

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| DOC 7 [EN](#) HTML | DOC 8 [EN](#) HTML | DOC 9 [EN](#) HTML

 **European Commission: funding for regional emergency hospitals in Romania**

The European Commission has approved an investment from the European Regional Development Fund (ERDF) to build two regional emergency hospitals in Romania.

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 **European Commission: funding of a 24-hour angiography laboratory in Latvia**

This laboratory has been set up with ERDF funding at Latvia's Daugavpils Regional Hospital, with a view to providing life-saving treatment more quickly to people at risk of a heart attack.

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 **European Commission: training of a multidisciplinary pool of healthcare professionals supporting Intensive Care Units (ICU)**

The Commission, with 2.5 million euros from the Emergency Support Instrument, is funding the training of a multidisciplinary pool of healthcare professionals to support and assist Intensive Care Units (ICU) in times of need as a result of the COVID-19 pandemic. This programme will be implemented evenly across the EU.

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 **EIB: 2 billion euro loan for healthcare in Italy**

The European Investment Bank (EIB) is providing this sum to finance projects supporting hospitals. The loan covers around two thirds of the costs provided for by the Decree for revival of the healthcare system. This is one of the EIB's largest ever operations in Europe.

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9 Court of Justice of the European Union

 **Opinion of the Advocate General: the fine imposed on the Lundbeck pharmaceutical group should be upheld**

Case C-591/16 P concerns settlements of patent disputes for an anti-depressant, enshrined in agreements between the originator pharmaceutical company Lundbeck, and several manufacturers of generic medicinal products. The aim of these agreements, in the view of the European Commission, was to forestall or delay the market entry of the generic variant.

Lundbeck, however, contested the assessment of the Commission and the Court. In this opinion, the Advocate General proposes dismissing the appeal in its entirety.

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Judgment: distribution of free samples of medicinal products to pharmacists

Pharmaceutical companies may not distribute to pharmacists free samples of medicinal products available only on prescription. Nevertheless, EU law does not prohibit the distribution to pharmacists of free samples of medicinal products for which no prescription is required.

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Judgment: territorial limit on civil liability insurance coverage in a contract concluded between a manufacturer of medical devices and an insurance company

In its judgment on case C-581/18, the Court held that the general prohibition of discrimination on grounds of nationality is not applicable to a clause stipulated in a contract between an insurance company and a manufacturer of medical devices, which limits the geographical extent of the insurance coverage against civil liability arising from those devices to the territory of one single Member State.

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Judgment: state aid rules do not apply to health insurance bodies operating under State supervision

In its judgment in cases C-262/18P and C-271/18P, the Court upholds the decision of the European Commission. It has thus confirmed its case-law regarding the inapplicability of the state aid rules to health insurance bodies operating under State supervision in the context of a social security scheme that is pursuing a social objective and which applies the principle of solidarity.

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10 Publications

OSE: Inequalities in access to healthcare in Belgium

This report – commissioned by the Belgian National Institute for Health and Disability Insurance (NIHDI) – analyses the characteristics of those who find it most difficult to access necessary healthcare, describes for which health services and products the financial barriers are highest, analyses the most significant entry barriers and makes a number of policy recommendations.

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OSE: Why, in almost all countries, was residential care for older people so badly affected by COVID-19?

In many countries, residential care for older people was not prepared for a public health crisis. As a consequence, the percentage of care home residents in the total number of deaths varies from 24% in Hungary to 82% in Canada. In the view of the authors of this Opinion Paper, this is tragic evidence of how age discrimination affects the approach to care. The document discusses what happened in residential care, why it happened, and what needs to be done now.

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Eurofound: At your service - Working conditions of interactive service workers

This policy brief addresses the working conditions of service workers who are in direct contact with service recipients such as clients, patients and pupils. It investigates the quality of their jobs compared to that of the average worker. In the light of the COVID-19 pandemic, special attention is paid to the sub-group of health sector workers.

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Oxford: Global directory for COVID-19 policy trackers and surveys

The Oxford COVID-19 'Supertracker' is designed to assist policymakers and stakeholders to keep track of and assess policy changes and their impact on the pandemic in the UK, Europe and the rest of the world.

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EU Parliament think tank: EU public health policy

This paper explains the role of public health policy at the EU level, and examines a series of initiatives which could be taken to strengthen healthcare in Europe. In the context of the Franco-German proposal that the EU should acquire some form of 'health sovereignty', it looks at the possibility of developing a more comprehensive vision of public health policy.

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ILO: COVID-19 and social protection in Europe and Central Asia

This discussion paper considers social protection measures, including health protection, taken by governments to mitigate the impact of the containment measures relating to the pandemic on well-being and the economy.

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HEPL: series of articles on EU health law and policy

Health Economics, Policy and Law (HEPL) published a series of articles on EU health law and policy, including:

- EU health law and policy: shaping a future research agenda;
- Assessing the potential impact on health of the UK's future relationship agreement with the EU: analysis of the negotiating positions;
- The implementation of EU rules on cross-border care: moving towards convergence?
- Neither protective nor harmonized: the cross-border regulation of medical devices in the EU;
- Excessive pricing in the pharmaceutical industry: adding another string to the bow of EU competition law;
- The role of EU competition law in health care and the 'undertaking' concept;
- Health, federalism and the European Union: lessons from comparative federalism about the European Union.

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Article: The European Union as an opportunity: structures and uses of European soft law in French, Austrian and Irish eHealth policies

This article, published in West European Politics, investigates the importance of EU soft law, by examining the processes through which the EU affects domestic politics and policies in the eHealth sector in France, Austria and Ireland.

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Article: Speak softly and carry a big stick: hardening soft governance in EU energy and health policies

This article, published in the Journal of Environmental Policy & Planning, examines the mechanisms used to harden the soft-governance frameworks, asks what is driving this shift to soft governance frameworks with 'harder' elements, and looks at the lessons which can be drawn from this.

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 **Book chapter: Effects of Patient Mobility on Healthcare Systems: A Dynamic Performance Management View**

This chapter frames the phenomenon of patient mobility in the public management sector, and presents quantitative simulations of alternative policy.

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 **Corporate Europe Observatory: More private than public: the ways Big Pharma dominates the Innovative Medicines Initiative (IMI)**

This report asks whether the IMI's health research truly delivers tangible benefits for citizens, such as better access to health innovations, or whether it is rather focused on enhancing the competitiveness of the largest pharmaceutical corporations.

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 **OBS: Strengthening health systems resilience: key concepts and strategies (2020)**

This policy brief from the European Observatory on Health Systems and Policies (OBS) identifies strategies for enhancing resilience and maps them in relation to key health system functions.

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 **OBS: How to enhance the integration of primary care and public health? Approaches, facilitating factors and policy options (2020)**

This policy brief explores how primary care and public health can be brought together to improve the health of patients and populations. It describes the types of initiative that have been undertaken, giving examples in Europe and beyond, and summarises the factors that can help to enhance or hinder the integration of primary care and public health.

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 **OBS: COVID-19 Health System Response Monitor: cross-country analyses (policy snapshots)**

The COVID-19 Health System Response Monitor now also contains cross-country analyses of health system responses, including:

- How do COVID-19 testing criteria differ across countries?
- How do countries create extra beds and ICU capacity?
- How are countries re-organising non-COVID-19 health service delivery?

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11 Miscellaneous

 **European Commission: ideas to facilitate international trade in healthcare products**

During the Ottawa Group meeting of 13 like-minded World Trade Organisation (WTO) partners on 15 June, EU Trade Commissioner Phil Hogan presented the European Commission's ideas for an international initiative to facilitate trade in health products.

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 **23 Member States: agreement on the termination of intra-EU bilateral investment treaties**

23 Member States signed an agreement on the termination of intra-EU bilateral investment treaties ("termination agreement"). This agreement implements the March 2018 European Court of Justice judgment in the Achmea case. Achmea is a health insurance body established in the Netherlands which had been offering mandatory health insurance in Slovakia. The Court held that investor-State arbitration clauses in bilateral investment treaties are incompatible with the EU treaties.

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European Parliament and Council: new rules concerning collective redress

The European Parliament and Council negotiators reached an agreement on new rules concerning collective redress. These rules should entitle consumers in all Member States to join forces to fight cases concerning mass harm. Collective actions would be allowed in cases involving trader violations, including traders in the field of health care.

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