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Factsheet

Commission Directive amending Annex III to the Biological Agents Directive 2000/54/EC to classify COVID-19 as a biological agent known to infect humans

(status 11 June 2020)

1. Background

The classification of COVID-19 as a biological agent known to infect humans is important when it comes to occupational health and safety considerations. This is why the European Commission sought to update the existing [Directive 2000/54/EC](#) by including COVID-19 as a biological agent. Within the Directive, different classifications (group 1-4) are possible.

- Classification in *risk group 3* means that the biological agent “can cause severe human disease and present a serious hazard to workers; it may present a risk of spreading to the community, but there is usually effective prophylaxis or treatment available”.
- A *risk group 4* biological agent causes severe human disease and is a serious hazard to workers; it may present a high risk of spreading to the community; there is usually no effective prophylaxis or treatment available.

The classification a biological agent is given has implications for the responsibilities of employers to inform and protect employees who are or can possibly be exposed to the agent. The higher the risk group, the more preventive and protection measures have to be taken by the employer.

2. Commission Directive amending Annex III to the Biological Agents Directive 2000/54/EC to classify COVID-19

On 3 June 2020, the Commission adopted an [update](#) of the Biological Agents Directive to include COVID-19 among the list of biological agents it covers. It classifies COVID-19 as group 3. The classification was based on the unanimous advice of scientific experts from different countries. Given the urgency of the matter, the Commission gave member states 5 months to transpose the Directive into national law, the deadline thus is 24 November 2020.

A fact sheet about the concrete implications of this classification for workers is available [here](#).



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3. Discussion in EMPL Committee

As the Parliament has the right to veto this measure, within one month after the Commission has adopted it, [discussions](#) in Employment and Social Affairs Committee (EMPL) began.

Several political groups in EMPL opposed the European Commission's decision to classify COVID-19 within risk group 3. On 20 May 2020 they tabled an [objection](#) to the Commission's decision insisting that COVID-19 should be classified in the highest risk group 4 and member states should be given less time (i.e. less than 5 months) to transpose the directive into national law.

During the EMPL Committee meeting on 11 June 2020, the responsible Commissioner Schmit intervened and clarified the position of the European Commission. He reconfirmed that the Commission received the unanimous scientific advice from experts to classify COVID-19 in group 3. Also, a number of European (Belgium, Germany, Ireland and Sweden) and non-European (Australia, Canada, Norway and the United Kingdom) countries already classified COVID-19 in group 3, the Commission has no knowledge about a state which classified COVID-19 in group 4. The Commissioner furthermore acknowledged, that the classification is extremely important, especially when it comes to the responsibilities of an employer towards informing and protecting employees. Being aware of the objections voiced by the EMPL Committee at its meeting on 20 May 2020, the Commission therefore suggested to issue a statement accompanying the Directive, to make sure that written instructions are provided to all workers who could possibly be exposed to COVID-19 (Article 10 of the Directive clarifies the "worker information in particular cases). Furthermore, the Commissioner reiterated the intention of the Commission to update the occupational health and safety framework of the European Union for the post-COVID area, especially taking into account the lessons learnt from the current pandemic.

As political groups reacted to the proposals of the Commission, it became increasingly clear that the biggest political groups withdrew their support for the objection and were in favour of the Commission Directive.

The voting result was as follows:

- 35 votes rejected the motion for a resolution (i.e. were in favour of the Commission Directive)
- 5 votes were in favour of the motion for a resolution (i.e. against the Commission Directive)
- 15 abstentions



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4. Next Steps

As the EMPL Committee voted against the motion for a resolution which objected the Commission Directive, it by implication agreed with the Commission Directive. Political groups can now table their resolutions for the plenary debate of the European Parliament on 17-19 June 2020.

5. EUROMIL Follow-up

EUROMIL will continue to follow-up on this issue and will keep member associations informed on the latest developments on European level.

As the national implementation of the directive is however a very important issue, we kindly ask member associations to follow-up the implementation process in their respective countries and keep EUROMIL informed.