



To: Members of EP Employment and Social Affairs Committee

9 June 2020

Dear Sir/Madam,

I am writing to you in view of the Employment and Social Affairs Committee vote scheduled for 11 June on the Commission Directive amending Annex III to Directive 2000/54/EC on biological agents. This amendment would allow the inclusion of the virus SARS-CoV-2 - the coronavirus which causes the COVID-19 disease - in the list of biological agents known to infect humans, under category 3.

European business is strongly committed to ensuring occupational health and safety protection for all workers, including in relation to the COVID-19 pandemic. We therefore **support the Commission's proposal to include the virus SARS-CoV-2 in category 3**. Crucially, this will give a solid protection to workers, by placing strict obligations on employers, including regarding protective equipment and cleaning facilities for workers, as well as giving instructions to workers and keeping a list of those who are exposed.

Viruses are classified in this directive in different groups and the decision is taken by weighing up different aspects (i.e. whether it presents a serious hazard to workers, a risk of spreading to the community, and whether there is usually effective treatment/vaccine available), to then come to the most appropriate categorisation.

Since SARS-CoV-2 belongs to the **same group of viruses as SARS and MERS**, it makes sense from a scientific point of view to classify it as a group 3 biological agent, as they were. It is also important to note that **these were classified as group 3 despite the fact that no vaccine was available** - as stated in the directive, for category 3, this is 'usually' the case, but not always. And in fact, other viruses, such as whitepox and variola are classified in category 4 even though there is a vaccine.

Furthermore, categories 3 and 4 of the Directive both **provide solid protection to workers** to avoid being exposed to dangerous biological agents. The main difference concerns the certainty of whether workers actually develop the disease in case of contamination. Thus, a group 3 biological agent can cause severe human disease and therefore can present a serious hazard to workers whereas group 4 biological agent means it will cause severe human disease and is a serious hazard to workers. The latest data shows that amongst those people who get infected with Coronavirus, around 80% develop mild symptoms or are asymptomatic, while 20% develop severe or acute

symptoms. For Group 4 viruses, mortality rates are significantly higher than group 3 viruses and they frequently cause more severe symptoms. Therefore, clearly, group 3 is the most appropriate in this case.

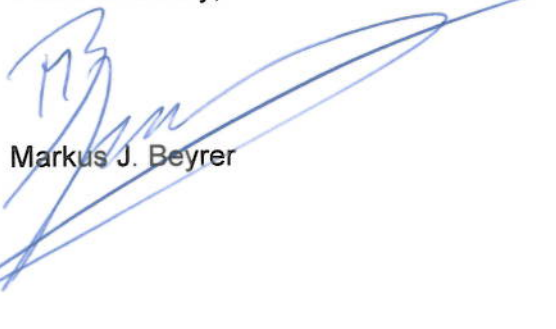
We fully support the work undertaken by the Technical Committee (TPC) comprising national government representatives to rapidly include the coronavirus in the annex of the biological agents Directive, and the close involvement of social partners throughout the procedure. Crucially, **Member States unanimously agreed to classify SARS-CoV-2 as Category 3. The European Parliament's support to the amendment would allow workers to be fully protected from COVID-19 in a short delay, e.g. five months, showing European citizens the relevance of EU action and its added-value. A refusal of the Parliament to support this amendment would cause harmful delay in the protection of workers.**

Furthermore, classifying SARS-CoV-2 in group 4 would mean that more protective measures have to be taken in laboratories, which could divert efforts and resources away from working on a **vaccine**.

Finally, BusinessEurope would also like to stress that the protection afforded by the Biological Agent Directive **comes on top of all the usual health and safety protective measures employers** have to take to prevent risks at the workplace (enshrined in the EU health and safety framework directive), such as risk assessment, health surveillance, providing information to and consulting workers.

Given that the Commission's decision to include SARS-CoV-2 under category 3 is the result of a thorough procedure based on sound scientific expertise, supported unanimously by Member States, as well as by the employers, BusinessEurope hopes that MEPs will vote in favour of the proposal on 11 June 2020, to ensure that workers are protected at the adequate level, and as soon as possible.

Yours sincerely,



Markus J. Beyrer