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**COVID-19 LEGAL ISSUE
COMPENDIUM**

MAY 11, 2020 EDITION

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COVID-19: SUMMARY OF KEY ISSUES

On a daily basis, Morgan Lewis lawyers are advising on the full range of legal, regulatory, and commercial issues that are continuing to impact businesses globally during these unprecedented times. Information changes by the day, and often by the hour. Globally, governments are making policy, regulatory, and legislative changes frequently.

We are monitoring developments around the world closely so that we can keep you updated through webinars and publications. Our readers are encouraged to check our website's [Resource Center](#) regularly for our latest updates. Our Resource Center publications and webinars are listed by topic.

As the world begins to re-emerge into a new post-pandemic reality, businesses and organizations everywhere are confronting a myriad of challenges and options. For guidance on how to reopen, rebuild, restructure, and recover, please also consult our resources to help navigate these and other important legal considerations at [Now. Normal. Next.](#)

Full details of our upcoming webinars, together with recordings of our webinars held to date, are available [here](#). The latest edition of our US federal and state government actions is available [here](#).

Throughout the crisis, and as we begin to emerge, workforce issues, government finance options, supply chain disruption, data privacy concerns, and tax implications have been, and will continue, dominating. You may also face specific challenges, such as healthcare provider issues, life sciences protocols, energy and environmental industry ramifications, and changing financial services regulation and policy.

This Compendium brings together, in one place, an overview of both business management and industry-specific issues challenging executives and in-house legal teams around the world. Links to our publications are embedded so that you can find experienced Morgan Lewis lawyers who would be happy to discuss any of these issues and how we can work together to support you and your business, wherever and whenever these challenges arise.

This publication covers resources published as of May 8, 2020.

GOVERNMENT PROGRAMS AND CONTROL

Governments around the world have launched programs to support businesses during the COVID-19 crisis.

I. BUSINESS RELIEF PROGRAMS

A. UNITED STATES

Our Resource Center publications and webinars focusing on the United States.

Stay Tuned – DOL to Issue RFI on Pooled Employer Plans

May 8, 2020

On May 1, a US Department of Labor (DOL) request for information (RFI) quietly appeared on the Office of Management and Budget's (OMB) website. Ordinarily, this means that OMB will review the request within 90 days and then, once OMB's review is completed and assuming no issues with the request, the DOL will proceed to publish the RFI in the Federal Register.

CARES Act: Paycheck Protection Program Provides Small Business Loans to Support Employees

UPDATED: May 6, 2020

The US Congress, on April 23, passed the Paycheck Protection Program and Health Care Enhancement Act (Enhancement Act), which expanded funding for the existing PPP.

CARES Act: US Department of Education Releases Guidance on Higher Education Emergency Relief Fund

May 4, 2020

The US Department of Education is now accepting applications from qualifying postsecondary institutions for emergency grants from funds that have been allocated under the CARES Act. The

Department has issued instructions about how to apply for the grants, as well as guidance aimed at assisting institutions in realizing the benefits of the CARES Act.

CARES Act and the Federal Reserve: Main Street Lending

Part 2 (Webinar Recording)

Part 1 (Webinar Recording)

Part 2: May 1, 2020

Part 1: April 13, 2020

In Part 2, we discuss the newly issued term sheets and guidance on the Main Street Lending Program, including changes relevant to borrowers and lenders across all industries and sizes. Part 1 includes an overview of the Federal Reserve programs, including Main Street and other federal COVID-19 relief programs, and the loan programs under the CARES Act. The presentation highlights key aspects of the Main Street Lending Program broadly, with a focus on primary and secondary corporate credit facilities, the Paycheck Protection Program term financing, and the municipal liquidity facility.

CARES Act and Federal Reserve Offer Economic Assistance to Stabilize US Economy

UPDATED: May 1, 2020

The Federal Reserve took additional actions on April 9 to provide up to \$2.3 trillion in loans to support the US economy during the COVID-19 pandemic. This LawFlash covers the new and expanded programs, and provides comprehensive coverage of the Coronavirus Economic Stabilization Act.

Debtors Need Not Apply? New Developments on SBA Authority to Deny PPP Loans to Debtor Applicants

April 28, 2020

The Small Business Administration, on April 24, issued an update to an interim final rule, crystalizing its view that applicants that have sought protection under the US Bankruptcy Code are not qualified borrowers under the Paycheck Protection Program.

Understanding the CARES Act Paycheck Protection Program

Part 2 (Webinar Recording)

Part 1 (Webinar Recording)

Part 2: April 27, 2020

Part 1: April 7, 2020

On April 23, Congress passed the Paycheck Protection Program and Health Care Enhancement Act (the Enhancement Act), which expanded funding for the existing Paycheck Protection Program (PPP). Part 2 discusses key features of the Enhancement Act, in addition to recent Small Business Administration (SBA) guidance.

CARES Act – Substantial Relief and Substantial Risk

April 24, 2020

The unprecedented funding programs under the Act also create substantial risk. Enforcement provisions in the Act show that the government intends to closely monitor and oversee management of the relief funds.

Fintechs and the Paycheck Protection Program – Lending Comes with Opportunities and Risks

April 22, 2020

The US Senate approved an additional \$310 billion in funds for the PPP on April 20, and the House of Representatives is expected to approve these additional funds within days. As fintech companies accelerate their participation in the re-funded program, it is important to remain aware of the liability risks of doing so.

CARES Act: Economic Impact and Relief for Nonprofits and Tax-Exempt Organizations (Webinar Recording)

April 20, 2020

This webinar provides an overview of these CARES Act aid requirements for nonprofits, charitable organizations, and tax-exempt organizations.

Economic Injury Disaster Loans

April 14, 2020

The Act has expanded the Small Business Administration's Disaster Loan Program, providing greater access to funds for small businesses affected by the COVID-19 crisis.

Treasury and Federal Reserve Loan Programs

April 13, 2020

Through the Main Street Lending Program, PPP Liquidity Facility, Primary and Secondary Market Corporate Credit Facilities, Term Asset-Backed Securities Loan Facility and the Municipal Liquidity Facility, the Department of Treasury and the Federal Reserve are providing up to \$2.3 trillion in loans to support the US economy during the COVID-19 crisis.

Can Private Equity or Venture Capital–Owned Small Businesses Obtain Paycheck Protection?

April 6, 2020

For private equity and venture capital portfolio companies, additional analysis is required to determine whether they can obtain CARES Act aid. This LawFlash analyzes such companies' ability to successfully apply for and receive relief.

Paycheck Protection Program – Advice for Borrowers and Lenders

April 3, 2020

Both borrowers and lenders need to be aware of issues arising from a new US government loan program for small businesses relative to existing capital structures, although some guidance also is not yet available. Both borrowers and lenders may also request negotiations of various terms.

Access to Bankruptcy Courts in the Wake of COVID-19

April 2020

US bankruptcy courts are perhaps uniquely positioned to adapt to the exigencies of the COVID-19 crisis. Courts readily accommodated remote appearances and electronic filings before the pandemic, making them well equipped to transition quickly to implement additional tools and strategies to ensure continued, though remote, judicial access.

B. UNITED KINGDOM, EUROPE, AND MIDDLE EAST

Our Resource Center publications and webinars focusing on the [United Kingdom, Europe, and Middle East](#).

REGULATORY OVERSIGHT

UNITED KINGDOM: [UK Government Announces Funding for Innovative Companies, New COVID-19 Future Fund](#)

April 28, 2020

The UK government has announced two new schemes for funding to innovative companies and startups, launching in May 2020.

UNITED KINGDOM: [UK Government Launches New Loan-Guarantee Program for UK Businesses](#)

April 20, 2020

The UK government launched a new loan-guarantee program intended to plug the gap by providing loan guarantees for medium and large businesses that were not covered by the two earlier UK loan-guarantee programs related to COVID-19.

UNITED KINGDOM: [COVID-19: Light-Touch Administration – What Is It and How Does It Work?](#)

April 24, 2020

A number of UK insolvency trade association bodies and professionals are advocating for the use of what is known as a light-touch administration for companies in financial distress as a result of the COVID-19 pandemic.

UNITED KINGDOM: [Practical Considerations for UK Companies' Annual General Meetings](#)

April 22, 2020

In light of the UK government's lockdown measures and the COVID-19 pandemic, there are key issues that English public companies should consider for their annual general meetings (AGMs) while awaiting further legislation and flexibility.

FRANCE: [COVID-19: Control of Foreign Direct Investments in France](#)

May 7, 2020

Evidence is growing of a hardening of French public policy regarding the need for political control of acquisitions of French companies and other foreign direct investment (FDI) transactions.

FRANCE: [Legal Measures in Various Fields](#)

April 13, 2020

The French government has been adopting a series of legal measures in response to the coronavirus pandemic. In addition to measures relating to the holding of municipal elections and sanctions for breaches of the confinement regime that has been in force since March 17, the government also took measures that affect French business and legal proceedings before the French courts in a variety of ways.

RUSSIA: Russia's COVID-19 Response: Moratorium on Bankruptcy and Freeze on Transactions

May 8, 2020

Russia has changed its bankruptcy laws to provide for a moratorium on bankruptcies and a freeze on certain transactions. While the situation is dynamic, these amendments are relevant for ongoing or potential transactions in Russia, as well as a party's ability to enforce pledges and other types of security interests or to seek other remedies against Russian companies.

RUSSIA: Russian Courts Face Limitations Due To COVID-19

April 23, 2020

Russian courts introduced certain measures to prevent the coronavirus (COVID-19) spread. Affected parties should take these measures into consideration when developing their litigation strategies.

RUSSIA: Russia COVID-19 Response: State Support for Large Businesses

April 6, 2020

Russia's state support for Russian businesses amid the unprecedented consequences of the COVID-19 pandemic has so far been focused primarily on small and midsize businesses. This LawFlash examines the measures that Russia is taking or considering to support larger businesses coping with COVID-19.

GERMANY: Federal Law to Provide Some Relief to Businesses, Customers

March 30, 2020

A new law in Germany aims to benefit consumers and microenterprises by protecting the loss of essential services in the form of temporary deferrals of contractual obligations and loans during the COVID-19 pandemic.

C. ASIA-PACIFIC

Our Resource Center publications and webinars focusing on [Asia-Pacific](#).

HONG KONG: Hong Kong Monetary Authority – Liquidity Buffer Supervisory Expectations

April 7, 2020

As the outbreak of COVID-19 continues, the Hong Kong Monetary Authority has introduced a number of initiatives to further support small-to-medium enterprises. These initiatives include enhancements to standby liquidity facilities, including that banks may temporarily operate with a lower liquidity ratio and defer the implementation of certain aspects of Basel III.

INDIA: COVID-19 in India: Lockdown Guidelines Revised

April 22, 2020

The nationwide lockdown in India in response to the COVID-19 pandemic has been extended until May 3. The Indian government has permitted the operation of certain additional business activities from April 20 onward.

JAPAN: Update on Emergency Policies in Japan

April 10, 2020

The Japanese government declared a state of emergency with respect to seven prefectures on April 7. The government also has issued emergency policies in response to the COVID-19 pandemic, including the Emergency Economic Measures for New Coronavirus Infectious Disease Control.

SINGAPORE: Extension of 'Circuit Breaker' Measures, More Affordable SME Loans, R&D Updates

April 22, 2020

Recent updates from Singapore amid the COVID-19 pandemic include elevated restrictions on what businesses are considered essential, a new facility for more affordable loans for small and medium-size enterprises, and new research and development work

SINGAPORE: Singapore Regulators Announce Measures to Support Business

April 15, 2020

The Singapore Ministry of Law has issued an order summarizing alternative arrangements during the COVID-19 global pandemic for convening, holding, conducting, or deferring general meetings, while the Singapore Exchange Regulation Pte. Ltd. has introduced measures to support listed companies by suspending entry onto the Financial Watch-List and enhancing the share issue limit for companies listed on the Mainboard.

KAZAKHSTAN: Emergency Measures

April 13, 2020

The government of Kazakhstan has introduced several emergency measures to stabilize the country's economy and help businesses. This LawFlash discusses some of those measures, including tax incentives and extended grace periods for loans, among others.

D. LATIN AMERICA

Latin America in the Time of COVID-19: One Region Facing Common Challenges With Different Answers

May 5, 2020

A summary on navigating the regulatory landscape in various countries throughout the Latin America region during the global coronavirus (COVID-19) crisis. Latin America is widely perceived to be one of the most affected regions given its undeniable connection and reliance on international companies doing businesses there. We provide a summary of the current legal landscape in some of the most relevant jurisdictions, including Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico, Panama, Peru, and Uruguay as it concerns challenges that the pandemic is presenting to international companies operating in Latin America

II. REGULATORY OVERSIGHT

Developing Global Regulation and Policy

Financial regulators across the world are continuing to update guidance and policy. The United States, United Kingdom, Hong Kong, China, Japan, and Malaysia are just some examples.

United States: US Regulatory Relief and Related Effects on Markets and Participants

United Kingdom: SM&CR And COVID-19: UK Regulators' Expectations

Hong Kong: [Hong Kong Monetary Authority – Liquidity Buffer Supervisory Expectations](#)

China: [Asset Management Association of China Gives Guidance on Private Funds Amid Coronavirus](#)

Japan: [Japan, FSA Issue Announcements after Declaring State of Emergency COVID-19's Impact on Filings to Japan's Kanto Local Finance Bureau](#)

Malaysia: [Regulator Grants Increased Flexibility in Convertible Notes to VC, PE Firms](#)

[Ready for Questions: Interacting with State AGs on Enforcement Inquiries Arising from COVID-19 Pandemic](#)

May 6, 2020

The severity of COVID-19 puts multiple industries at risk. As joint US attorney and state attorneys general anti-fraud task forces proliferate, it is crucial for businesses to prepare for, and to try to prevent, the possibility of a state attorney general investigation.

[Maybe We'll Just See You Next Year: Shareholder Meetings and Proposals Amid COVID-19](#)

April 24, 2020

In response to COVID-19 pandemic, the US Securities and Exchange Commission's Corporation Finance Division and Investment Management Division have issued guidance to assist companies in making changes to the format of their shareholder meetings, the way in which companies accept shareholder proposals, and the timing of Form 10-K corporate governance and compensation disclosures that are all adaptive to the changing times. Additionally, various states have loosened the restrictions around annual shareholder meetings. This LawFlash gives an overview of the guidance and relief.

[Practical Considerations for UK Companies' Annual General Meetings](#)

April 22, 2020

In light of the UK government's lockdown measures and the COVID-19 pandemic, there are key issues English public companies should consider for their AGMs while awaiting further legislation and flexibility.

[COVID-19 Market Volatility: NASDAQ Provides Temporary Relief from Certain Listing Requirements](#)

April 20, 2020

The Nasdaq Stock Market has temporarily suspended the continued listing bid price and market value of publicly held shares listing requirements for its issuers through June 30, 2020. This relief, effective immediately, provides issuers with additional time to regain compliance with the bid price and/or market value of publicly held share requirements.

COVID-19: FINRA, SEC, and State Relief and Guidance for Broker-Dealers

April 20, 2020

FINRA, the SEC, and US state securities regulators recognize the significant impact of the COVID-19 pandemic on broker-dealers, investors, and other stakeholders, and have provided important guidance and relief to broker-dealers on how to meet some of these challenges.

SEC Statement Focuses on Underlying Public Policy

April 16, 2020

The SEC has issued a statement to stress the importance of disclosure and highlighted its role in the United States' effort to foster a meaningful, responsible increase in economic activity. Public companies should take a careful look at the impact of these circumstances on their disclosure obligations under federal securities laws.

FEMA Issues Rules Prohibiting Exports of Personal Protective Equipment Needed for US Response to COVID-19

April 15, 2020

The Federal Emergency Management Agency (FEMA) exercised the authority recently granted to it by executive orders and pursuant to the Defense Production Act to regulate and redirect respirators, surgical masks, gloves, and other personal protective equipment (PPE) designated as scarce or threatened materials that are prepared for export. FEMA and US Customs and Border Protection (CBP) will work together to identify "commercial quantities" of these items to be redirected for domestic use.

CARES Act: Compliance

April 14, 2020

While the Act makes borrowers primarily responsible for demonstrating loan eligibility under the Small Business Administration's PPP, lenders must also ensure compliance with the Act's terms for both loan eligibility and forgiveness.

SM&CR and COVID-19: UK Regulators' Expectations

April 7, 2020

The UK Financial Conduct Authority and Prudential Regulation Authority have published statements setting out their expectations of dual-regulated and solo-regulated firms on their senior managers and certification regime requirements in the context of COVID-19. They intend to provide flexibility to firms where they can and have made specific provisions in light of COVID-19.

Council of the European Union Publishes Slot Waiver to Help Airlines

March 31, 2020

The Council of the European Union announced on March 30 that the European Union has suspended the airport slot requirements until October 24. The slot requirements require airlines to use at least 80% of their slots in order to be guaranteed usage of those slots in the following year.

SEC Guidance for Disclosure

March 25, 2020

The SEC announced on the morning of March 25 the extension of filing periods covered by previously enacted conditional reporting relief for certain public company filing obligations and provided current

views regarding disclosure considerations and other securities law matters related to the COVID-19 crisis.

III. CONSUMER AND FORBEARANCE PROTECTIONS

Massachusetts Ban on Certain Debt Collection Practices Blocked on First Amendment Grounds

May 7, 2020

An injunction blocking enforcement of an emergency prohibition on debt collection phone calls and lawsuits during the COVID-19 crisis was granted on May 6, 2020, on grounds that it violates the First Amendment rights of collection agencies without adding meaningful protections for consumers.

FHFA Announces Four-Month Limit to Servicer Advances for CARES Act Forbearance; Fannie Mae and Freddie Mac Will Purchase Qualified Loans in Forbearance

April 24, 2020

The Federal Housing Finance Agency (FHFA) announced on April 21 that servicers' obligation to advance scheduled monthly payments for Fannie Mae and Freddie Mac (the Enterprises) backed, single-family mortgage loans in forbearance will be limited to four months. After the four-month period, the Enterprises will stand ready to take over advancing payments to investors in mortgage-backed securities.

Key Takeaways: Federal, State Emergency Actions Affecting Residential and Commercial Real Estate

April 16, 2020

In response to the current COVID-19 pandemic, federal, state, and local governments have taken various actions to limit or prohibit foreclosures and evictions during the public health emergency. Some of these actions also require forbearance in the enforcement of mortgage loans and leases.

IRS Releases REMIC and Trust Relief Guidance for COVID-19 Emergency-Related Mortgage Forbearance and Modifications

April 15, 2020

The Internal Revenue Service (IRS), on April 13, issued welcome relief to the securitization industry, providing that certain forbearances and related modifications to mortgages will generally not cause real estate mortgage investment conduits (REMICs) and other securitization vehicles to lose their special tax status, if such modifications arise from new programs/procedures created by the Act or by similar programs/procedures to address the COVID-19 emergency.

California Executive Orders Provide Consumer and Commercial Relief During COVID-19

March 31, 2020

In response to the COVID-19 pandemic, California Governor Gavin Newsom has issued two executive orders that place temporary restraints on the ability of landlords to evict residential tenants, authorize local governments to halt residential and commercial evictions, and call on banks and other financial institutions to suspend residential and commercial foreclosures and related evictions.

New Jersey Governor Announces Mortgage Payment Relief, Financial Protections for Residents

March 31, 2020

In response to the COVID-19 pandemic, New Jersey Governor Phil Murphy has announced an initiative whereby participating financial institutions will provide mortgage forbearance and financial protections for New Jersey residents facing economic hardship as a result of COVID-19.

Environmental Compliance and Enforcement

March 27, 2020

The US Environmental Protection Agency announced a temporary policy regarding its enforcement of certain environmental legal obligations in an effort to protect workers and the public.

New York Executive Orders Temporarily Limit Bank, Mortgage Servicer, and Landlord Remedies

March 25, 2020

In response to the COVID-19 crisis, New York Governor Andrew Cuomo has issued two executive orders that place temporary restraints on the ability of banks, residential mortgage servicers, and landlords to exercise remedies under certain agreements, mortgages, and leases.

IV. TAX RELIEF

A. UNITED STATES

CARES Act Relief Payments to For-Profit Medical Care Providers May Be Taxable on Receipt

May 7, 2020

For-profit medical care providers that receive CARES Act grants to provide funds for healthcare-related expenses or lost revenues attributable to the COVID-19 may be taxed for those receipts. Because Congress did not otherwise exclude or address the tax treatment of these grant payments, taxability would be determined based upon applicable tax law and guidance, which require that such funds be reported as taxable income. For-profit healthcare providers that received these grants should consider this issue and its resulting tax implications.

Taxpayers Receiving PPP Loans: IRS Provides Important Guidance on Expense Deduction

May 6, 2020

As part of its ongoing efforts to provide guidance on the federal income tax consequences of various Coronavirus Aid, Relief, and Economic Security (CARES) Act provisions, the IRS issued Notice 2020-32 addressing the deductibility of certain expenses incurred in a taxpayer's trade or business after receiving a loan pursuant to the CARES Act's Paycheck Protection Program.

State and Local Tax Responses to COVID-19

May 6, 2020

States and localities across the country are continuing to respond as quickly and effectively as possible to the COVID-19 outbreak. These responses include guidance for taxpayers on numerous topics, such as providing tax relief through filing and payment deadline extensions.

CARES Act: IRS Q&As Address Retirement Plan Distribution and Loan Issues

May 6, 2020

In what is likely the first of several CARES Act–related pieces of retirement plan guidance, the Internal Revenue Service recently posted a set of Q&As addressing certain issues and questions related to distributions and loans related to the COVID-19 pandemic under the CARES Act.

Remote Working Implicates State Payroll Tax, Corporate Income/Franchise Tax Nexus Concerns

May 1, 2020

Employers should be aware that remote working arrangements during the COVID-19 pandemic may inadvertently trigger state payroll tax registration and filing requirements for their businesses, and possibly trigger corporate income/franchise tax “nexus” with another state, subjecting the business to that state’s tax regime.

IRS Issues Cross-Border Tax Guidance on Travel Disruptions from COVID-19 Emergency

April 24, 2020

The Internal Revenue Service and the US Department of the Treasury released two Revenue Procedures and a new FAQ, on April 21, to provide relief to US residents and alien individuals affected by travel disruptions due to the COVID-19 emergency.

CARES Act: Tax Considerations for Business and Individuals (Webinar Recording)

April 22, 2020

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) provides a \$2 trillion economic stimulus and contains many major tax changes to help businesses and individuals. This webinar will discuss major modifications to net operating losses (NOLs), technical corrections of the Tax Cuts and Jobs Act (TCJA), and changes on business interest deductions (Section 163 (j)).

IRS and PBGC Postpone Tax Day for Many Employee Benefit Plan Filings

April 17, 2020

The Internal Revenue Service and Pension Benefit Guaranty Corporation have extended the due dates for certain federal returns and payments.

100 Payroll Tax and Fringe Benefit Questions for the IRS on COVID-19 Measures

April 17, 2020

Are these the questions that you and your colleagues are tackling, debating, and looking for Treasury and the IRS to answer?

CARES Act – Tax Relief and Enhancing Liquidity for Employers (Webinar Recording)

April 16, 2020

We discuss how businesses can obtain cash tax benefits based on recent relief provisions concerning payroll tax credits and deferrals for eligible employers, the deferral of federal and state income tax payments, and the availability of tax refunds due to tax law changes under the Act.

\$2 Trillion Stimulus Bill Brings Major Tax Changes

March 27, 2020

The Act provides a \$2 trillion economic stimulus and contains many major tax changes to help businesses and individuals.

B. UNITED KINGDOM, EUROPE, AND MIDDLE EAST

Updates to Value-Added Tax Aspects of UK Initiatives for Businesses Amid COVID-19

April 6, 2020

HM Revenue & Customs has made available further details to the UK government's March 20 announcement on a series of initiatives, including a valued-added tax deferral, to support British businesses in the face of the COVID-19 pandemic.

German Tax and Related Relief Measures

March 24, 2020

The COVID-19 outbreak has led the German federal government to take an unprecedented series of protective and supportive measures, which will be reflected in the federal budget and in subsidies to be paid directly to companies, small companies, self-employed entrepreneurs, and employees in need to safeguard their liquidity and economic existence during the crisis.

V. GOVERNMENT ORDERS TO COMPEL PRODUCTION AND SUPPLY

Government Mandatory Orders of Company Products and Services During COVID-19 Emergency

March 23, 2020

The US government can compel companies to sell its products to the government under the Defense Production Act of 1950 (DPA).

GLOBAL WORKFORCE: MANAGING ISSUES AROUND THE WORLD

Global businesses are responding to labor and employment issues impacting their workforces around the world, while reacting to law and regulatory changes that are often specific to the countries or states in which they do business. Our labor and employment lawyers around the world are well placed to support you in managing workforce issues globally.

I. HEALTH AND SAFETY

Supplying Face Coverings and Respirators to Essential Employees

April 21, 2020

Employers are facing issues relating to shortages of respirators and nonsurgical face coverings. The ever-evolving local, state, and federal regulatory landscape, coupled with these shortages, has sent employers scrambling, and these issues are particularly heightened due to public misconception about the differences between respiratory protection for employees exposed to hazards such as the COVID-19 versus nonmedical face coverings for use by the general public.

OSHA Guidance Marks Dramatic Shift in Enforcement Focus Amid COVID-19 Pandemic

April 20, 2020

The US Department of Labor's (DOL's) Occupational Safety and Health Administration (OSHA) issued an interim enforcement response plan for COVID-19 that allows field offices flexibility and discretion in handling COVID-19-related complaints, referrals, and illness reports.

OSHA Reminds Employers: Antiretaliation Provisions Still Apply

April 16, 2020

OSHA released a statement on April 8 reminding employers that they cannot retaliate against workers who report unsafe or unhealthy working conditions during the COVID-19 pandemic.

FEMA Issues Rules Prohibiting Exports of Personal Protective Equipment Needed for US Response to COVID-19

April 15, 2020

FEMA exercised the authority recently granted to it by executive orders and pursuant to the DPA to regulate and redirect respirators, surgical masks, gloves, and other PPE designated as scarce or threatened materials that are prepared for export. FEMA and CBP will work together to identify “commercial quantities” of these items to be redirected for domestic use.

II. EMPLOYMENT PROTECTIONS

A. UNITED STATES

Stay Tuned – DOL to Issue RFI on Pooled Employer Plans

May 8, 2020

On May 1, a US Department of Labor (DOL) request for information (RFI) quietly appeared on the Office of Management and Budget’s (OMB) website. Ordinarily, this means that OMB will review the request within 90 days and then, once OMB’s review is completed and assuming no issues with the request, the DOL will proceed to publish the RFI in the Federal Register.

COVID-19: Agencies Issue Disaster Relief for Welfare Plans

May 6, 2020

The US Department of Labor’s Employee Benefits Security Administration (DOL) and the Internal Revenue Service (IRS) issued guidance last week providing deadline and other relief affecting welfare plans and their sponsors and administrators under the Employee Retirement Income Security Act of 1974, as amended (ERISA), and the Internal Revenue Code of 1986, as amended (Code).

CARES Act: IRS Q&As Address Retirement Plan Distribution and Loan Issues

May 5, 2020

In what is likely the first of several CARES Act–related pieces of retirement plan guidance, the Internal Revenue Service recently posted a set of Q&As addressing certain issues and questions related to distributions and loans related to the COVID-19 pandemic under the CARES Act.

COVID-19: DOL Issues Deadline Relief and Other Guidance for Retirement Plans

May 4, 2020

In response to the coronavirus (COVID-19) pandemic, the US Department of Labor’s Employee Benefits Security Administration (DOL) issued EBSA Disaster Relief Notice 2020-01 (EBSA Notice 2020-01) on April 28, providing deadline relief and other guidance for employee benefit plans subject to Title I of the Employee Retirement Income Security Act of 1974, as amended (ERISA).

Inducement Grants Enable Companies to Avoid Depletion of Equity Plan Share Reserves

May 1, 2020

This LawFlash discusses awarding equity grants to newly hired employees as “inducement grants” outside the shareholder approved plan and the pros and cons of making inducement grants.

Implications of Labor Initiatives During the Coronavirus Crisis: An Inside-the-Beltway Perspective

Part 2 (Webinar Recording)

Part 1 (Webinar Recording)

April 23, 2020

The first of a five-part webinar series focusing on labor-management relations during a pandemic.

CARES Act: Unemployment Insurance (Webinar Recording)

April 17, 2020

The Act increases unemployment compensation benefits for those eligible for state unemployment insurance and expands the scope of individuals eligible to access such benefits.

Unemployment Benefits in the CARES Act

UPDATED: April 7, 2020

In three new Unemployment Insurance Program Letters, the DOL issued guidance to state workforce agencies to implement the unemployment provisions in the Act. The guidance has several important aspects for employers.

Remote Working in a Time of Pandemic (Webinar Recording)

March 23, 2020

Employers' moves to remote working arrangements in response to the COVID-19 emergency have raised numerous compliance questions and practical issues. Join us for a webinar outlining considerations and best practices for employers seeking to manage these challenges.

Workforce Change in a Time of Pandemic (Webinar Recording)

March 23, 2020

A webinar covering the legal and practical considerations associated with potential workforce change as a result of COVID-19.

B. UNITED KINGDOM, EUROPE, AND MIDDLE EAST

UNITED KINGDOM: COVID-19: Top Issues Facing UK Employers

April 29, 2020

When the UK government's job retention portal, where UK employers can seek to recover wages of furloughed employees, went live, it received 67,000 claims within 30 minutes. The challenges employers are facing during the coronavirus (COVID-19) pandemic are clear. Amid an evolving situation, we have seen seven iterations of government guidance—sometimes contradictory—on the Job Retention Scheme and additional information from both HM Treasury and Advisory, Conciliation and Arbitration Service.

UNITED KINGDOM: COVID-19: The Top 10 Questions Facing UK Employers (Webinar Recording)

April 23, 2020

In this 60-minute webinar we discuss the 10 most pressing employment law and human resources questions for UK employers on managing employees during and after the COVID-19 lockdown.

UNITED KINGDOM: Furlough Developments: Legal Framework Published for UK Coronavirus Job Retention Scheme

April 20, 2020

The UK government issued a Direction to HMRC on April 15 and published updated guidance on the Coronavirus Job Retention Scheme on April 17. Most notable was the amended date that employees must have been on their employer's payroll to qualify for the scheme, which has been brought forward from February 28, 2020 to March 19, 2020, allowing a larger number of employees to benefit. The Chancellor has also extended the scheme until the end of June 2020 (previously due to terminate on May 31).

UNITED KINGDOM: COVID-19 Developments for UK Employers: Coronavirus Job Retention Scheme, Annual Leave Carryover

March 30, 2020

The UK government gives employers much-needed clarity about how the scheme will work in practice, as well as details on the permitted carryover of annual leave.

UNITED KINGDOM: UK Postpones Off-Payroll Working Rules (IR35) Reforms Until 2021

March 19, 2020

Chief Secretary to the UK Treasury Stephen Barclay announced in the House of Commons, on March 17, that the government's imminent off-payroll working rules (IR35) reforms in the private sector will be postponed until April 6, 2021. The chief secretary explained that the decision to defer the reforms had been taken in view of the ongoing spread of COVID-19 and to help businesses and individuals.

FRANCE: COVID-19 in France: Personal Data Protection in the Workplace

April 29, 2020

As prevention measures against the COVID-19 pandemic bump into the principles and guidelines of the EU General Data Protection Regulations (GDPR), the French Data Protection Authority has reinforced essential rules and good practices for companies to ensure employee personal data protection.

FRANCE: Guide to French Government's Social Measures in Response to COVID-19

April 3, 2020

The French government has recently published a large number of texts and recommendations to help deal with the COVID-19 pandemic. This guide brings together the various texts and recommendations published in the field of social law, in order to give companies an overview of the mechanisms available to them.

FRANCE: COVID-19: French Government Allows Derogations from Labor Law by Ordinance

March 27, 2020

A French public health emergency bill authorizes the government to derogate from certain legal and regulatory provisions by means of ordinances in order to deal with the economic, financial, and social consequences of the COVID-19 pandemic.

FRANCE: Facing Coronavirus in France: Focus on Partial Unemployment

March 13, 2020

The French government has enabled expedited procedures for employers to facilitate partial unemployment during the COVID-19 outbreak and has slightly increased the hourly employment allowance.

GERMANY: COVID-19 in Germany: The Employment Law Response – So Far

May 5, 2020

The COVID-19 pandemic challenges people, economies, and governments across the globe. This LawFlash highlights the actions affecting employers and employees that the German federal government has taken, or is about to take, to respond to these challenges. The situation is dynamic and should be monitored closely.

RUSSIA: Moscow Further Restricts Work and Travel During Mandatory Downtime

April 14, 2020

In response to the COVID-19 pandemic, Russia has introduced nonworkdays through April 30, 2020, to keep people at home. The nonworkdays are mandatory for all employers, with limited exemptions. On April 2, President Vladimir Putin authorized the heads of subjects of the Russian Federation (Russia's constituencies) to provide further exemptions or stricter rules depending on the epidemiological situation in a particular territory.

RUSSIA: COVID-19: Rules on Working in Russia During Mandatory Downtime

April 9, 2020

In response to the COVID-19 pandemic, Russian President Vladimir Putin asked people to stay at home and introduced nonworking days, initially from March 30 to April 3 and recently extended to April 30.

UNITED ARAB EMIRATES: Workforce Issues in a Time of Pandemic: Guidance for UAE Employers Responding to COVID-19 (Webinar Recording)

March 31, 2020

As the COVID-19 pandemic rapidly evolves, employers are looking for resources to protect their people and their businesses. Join us for a webinar covering the legal and practical considerations associated with potential workforce change in the United Arab Emirates as a result of COVID-19.

C. ASIA-PACIFIC

CHINA: Update for Employers on COVID-19 in the People's Republic of China

April 6, 2020

As the number of COVID-19 infections has diminished in the People's Republic of China (PRC), everyday life has been evolving slowly to bring employers and employees closer to the pre-COVID-19 working environment. However, schools still remain closed (with no official date set for their reopening) and large public gatherings are still prohibited. That said, while the PRC government has eased the overall pandemic prevention and control measures, employers should be aware of many new regulations at both the national and local levels to address the myriad employment issues that have arisen.

JAPAN: Japan Declares State of Emergency – What Does It Mean for Employers?

April 14, 2020

Shortly after the announcement that the 2020 Summer Olympics would be delayed until Summer 2021, the Japanese government, on April 7, announced a state of emergency for Tokyo and six prefectures (Kanagawa, Saitama, Chiba, Osaka, Hyogo, and Fukuoka) in light of the COVID-19 pandemic. This LawFlash answers key questions about employers' obligations to their employees during the state of emergency and provides an overview of the government subsidies currently available.

KAZAKHSTAN: COVID-19 in Kazakhstan: Payment of Salary-Related Taxes Suspended

April 27, 2020

The Kazakhstan government has adopted a resolution that establishes the so-called "adjustment coefficient" zero to salary-related taxes and payments in an effort to stabilize the economy during the COVID-19 pandemic.

KAZAKHSTAN: COVID-19 in Kazakhstan: The Labor Code and Employers' Actions During the State of Emergency

April 24, 2020

The Labor Code of the Republic of Kazakhstan, No. 414-V, dated 23 November 2015 (the "Labor Code"), provides employers with the right to take certain actions towards employees in connection with the state of emergency in the country that was declared in response to the coronavirus (COVID-19) pandemic.

KAZAKHSTAN: COVID-19 in Kazakhstan: The Labor Code and Employers' Actions During the State of Emergency

April 24, 2020

The Labor Code of the Republic of Kazakhstan, No. 414-V, dated 23 November 2015 (the "Labor Code") provides employers with the right to take certain actions towards employees in connection with the state of emergency in the country that was declared in response to the COVID-19 pandemic.

III. IMMIGRATION

Country-by-Country Guidance for Global Employers

April 13, 2020

Governments have introduced travel restrictions, temporarily suspended flights, imposed mandatory home isolation measures, and suspended services for some immigration procedures, as well as closed some government agencies. For employers looking to move essential employees globally, and/or repatriate them to their home countries, we've compiled a list of current immigration updates to consider.

A. UNITED STATES, CANADA, AND MEXICO

US Immigration and COVID-19 (Webinar Recording)

April 27, 2020

In this 60-minute webinar we discuss travel restrictions, work from home, furloughs, wage reductions, layoffs, and other consequences of the current emergency that can have obvious and unintended consequences for H-1B, L-1, O-1, TN, and other foreign national workers and their employers.

US Imposes Temporary Ban on Issuance of Green Cards Overseas

April 23, 2020

President Donald Trump signed a proclamation on April 22 suspending entry into the United States of certain groups of immigrants who would otherwise be eligible to enter the United States as permanent residents. There are a number of significant exceptions to this new policy, including for temporary workers and individuals currently in the United States. Here is what the restrictions mean for employers.

H-1B Workers – Unpaid, Nonproductive Time and Terminations During the COVID-19 Crisis

March 27, 2020

Frequently asked questions to help employers understand the legal ramifications of furloughs and terminations of H-1B workers in light of the COVID-19 outbreak.

Impact to Travel Between the United States, Canada, and Mexico

March 25, 2020

Recent updates include temporary travel restrictions for land ports of entry to the United States, temporary restrictions on nonessential travel to Canada, and similar restrictions on entry into Mexico. These restrictions may be expanded at any time.

Form I-9 & E-Verify Compliance in a Time of Remote Work and Telecommuting

March 16, 2020

Questions for employers to consider with regard to Form I-9 compliance.

B. KAZAKHSTAN

COVID-19 in Kazakhstan: Government Resolution in Certain Certain Immigration Issues

April 23, 2020

In connection with the current national state of emergency, Republic of Kazakhstan Prime Minister Askar Mamin signed Resolution of the Government No. 220 on Certain Issues of Entry into (Exit from) the Republic of Kazakhstan and the Stay of Immigrants in the Republic of Kazakhstan on April 17, suspending the effect of certain norms of the law providing a visa-free travel regime for citizens of specific countries.

C. UNITED KINGDOM

UK Home Office Announces New Immigration Guidance for Those Affected by COVID-19

March 25, 2020

The UK Home Office has issued further guidance for individuals who are currently in the United Kingdom and unable to return to their home countries due to COVID-19, as well as for individuals applying for UK visas outside the United Kingdom.

D. INDIA

Global Travel: India

April 8, 2020

With increasing cases of the coronavirus in India, travel restrictions have been expanded and lockdown has been implemented to contain the spread of the virus within the country.

IV. PREPARING FOR THE RETURN

A. UNITED STATES

Reopening the Workplace: Strategies and Tips for Unionized Employers (Webinar Recording)

May 5, 2020

The webinar covers returning to the workplace and what labor-management challenges employers can expect to face.

Remote Working Implicates State Payroll Tax, Corporate Income/Franchise Tax Nexus Concerns

May 1, 2020

Employers should be aware that remote working arrangements during the COVID-19 pandemic may inadvertently trigger state payroll tax registration and filing requirements for their businesses, and possibly trigger corporate income/franchise tax "nexus" with another state, subjecting the business to that state's tax regime.

Reopening the Workplace: Practical Considerations for Employers (Webinar Recording)

April 29, 2020

In this webinar we cover key considerations and discuss practical implementation steps for employers to consider as jurisdictions contemplate lifting pandemic-related workplace restrictions.

Reopening the Workplace: A Preliminary Guide for Employers

April 16, 2020

As jurisdictions contemplate lifting pandemic-related workplace restrictions, employers must start considering how best to cope with a vast array of issues, including restarting or expanding operations, reintegrating remote-working or furloughed employees, implementing new US state and local orders/requirements, and protecting the safety of employees and customers.

B. UNITED KINGDOM, EUROPE, AND MIDDLE EAST

UNITED KINGDOM: Reopening the Workplace: A Preliminary Guide for UK Employers

April 30, 2020

Key issues that UK employers should begin considering now to minimize difficulties as they reopen or expand their operations include reintegrating staff, assessing internal policies in light of the pandemic, testing for the COVID-19, and more.

UNITED KINGDOM: COVID-19: The Top 10 Questions Facing UK Employers (Webinar Recording)

April 23, 2020

In this 60-minute webinar we discuss the 10 most pressing employment law and human resources questions for UK employers on managing employees during and after the COVID-19 lockdown.

FRANCE: Reopening the Workplace: A Preliminary Guide for French Employers

May 6, 2020

While most companies in France (with the exception of cafés and restaurants, sports halls, theatres, museums, and companies whose activities allow teleworking) will be able to resume their activity from May 11, employers must now take health and safety measures to ensure the protection of their employees and limit the risks of litigation and criminal proceedings.

C. ASIA-PACIFIC

CHINA: Update for Employers on COVID-19 in the People's Republic of China

April 6, 2020

As the number of COVID-19 infections has diminished in the People's Republic of China (PRC), everyday life has been evolving slowly to bring employers and employees closer to the pre-COVID-19 working environment. However, schools still remain closed (with no official date set for their reopening) and large public gatherings are still prohibited. That said, while the PRC government has eased the overall pandemic prevention and control measures, employers should be aware of many new regulations at both the national and local levels to address the myriad employment issues that have arisen.

LITIGATION CONCERNS AND RISK MITIGATION

I. DATA PRIVACY

European Data Protection Board Adopts New Guidelines on COVID-19 Contact Tracing Apps

May 6, 2020

The potential tension between the protection of public health and the fundamental right to personal privacy is being tested on an unprecedented scale in the global coronavirus pandemic. The European Data Protection Board (EDPB) adopted guidelines, on April 21, on the processing of health data as part of research efforts to respond to the COVID-19 pandemic (Research Guidelines) and on geolocation, and other tracing tools, in the context of the pandemic.

COVID-19 in France: Personal Data Protection in the Workplace

April 29, 2020

As prevention measures against the COVID-19 pandemic bump into the principles and guidelines of the EU General Data Protection Regulations (GDPR), the French Data Protection Authority has reinforced essential rules and good practices for companies to ensure employee personal data protection.

NY Department of Financial Services Issues Guidance on Cybersecurity During COVID-19

April 29, 2020

New York's Department of Financial Services (DFS) issued guidance, on April 13, alerting regulated entities of a significant increase in cybercrime during the COVID-19 pandemic.

Federal Data Protection Commissioner Supports Voluntary Data App

April 16, 2020

Germany is debating whether apps related to the coronavirus pandemic would be useful, what they should cover, and what the ramifications would be under applicable data protection law.

GDPR: Temporary Suspension of Data Protection Rights

March 9, 2020

The EU's GDPR allows the temporary suspension of some data-protection rights. Here, we discuss the nature of those suspensions and how the need to address the ongoing health crisis is being balanced with data-protection rights in Italy, France, and Germany.

II. INSURANCE COVERAGE

COVID-19 Business Interruption Losses: Preserving and Pursuing Claims

May 6, 2020

Companies with substantial business interruption losses related to the coronavirus (COVID-19) pandemic must take immediate, concrete steps now to preserve their ability to pursue recoveries from insurance and/or financial relief from future governmental programs.

COVID-19: DC Council to Consider Legislation Mandating Business Interruption Coverage

May 4, 2020

Following in the footsteps of several state legislatures, the Council of the District of Columbia plans to consider, on May 5, draft legislation that would require insurers to provide coverage for business interruption losses resulting directly or indirectly from the COVID-19 public health emergency.

Business Interruption Insurance Amid COVID-19: How Aggregation Can Affect Recovery Value

May 1, 2020

During the COVID-19 pandemic, it is important for policyholders to remember that key insurance principles, including the principle of aggregation in the United Kingdom, could make a significant difference to any claim on their policies.

COVID-19 Business Interruption Losses: The Potential Keys To Unlocking Insurance Recovery

April 21, 2020

As the COVID-19 pandemic evolves, governmental executive and legislative authorities are taking actions in the form of emergency declarations and proposed legislation that could improve a company's ability to mitigate business income losses by maximizing its insurance recovery. Keeping an eye on these developments and documenting your losses accordingly could make all the difference.

State Insurance Regulators and Legislators Respond to COVID-19

April 17, 2020

Insurance regulators across the United States have enacted emergency regulations, issued administrative guidance, and requested carriers to take certain actions to try to address the financial impact of the COVID-19 pandemic on individuals and businesses.

Events Cancellation Insurance

April 14, 2020

For companies forced to postpone or cancel live events during the COVID-19 pandemic, event cancellation insurance may serve as a way to protect assets and mitigate losses.

Business Interruption Insurance

April 1, 2020

Regulatory and legislative authorities are taking actions, in the form of directives and orders, that could directly impact companies' business interruption coverage. A review of insurance policies and insurers' responses can assist in preserving companies' rights to coverage. See also our [Webinar](#).

III. COMPETITION AND ANTITRUST

A. UNITED STATES

The Antitrust Division and FTC Issue Statement on COVID-19 and Labor Market Competition

April 14, 2020

The joint statement recognizes that while the COVID-19 pandemic offers businesses an opportunity for procompetitive collaboration and benefits, it also increases significant risk of anticompetitive conduct in the labor market. Here are some issues and factors that businesses should consider to mitigate antitrust risk, as the Antitrust Division and Federal Trade Commission continue to consider enforcement actions for antitrust violations.

US Antitrust Laws: Investment Guidance for Deals, Dealmakers Amid Economy's Inevitable Rebound

April 13, 2020

US antitrust laws already on the books facilitate rapid investment without government delay: important practical tools and rules for dealmakers and their counsel in the wake of the COVID-19 pandemic and the current economic challenges.

B. UNITED KINGDOM AND EUROPE

COVID-19: EU Relaxes Competition Rules for Cooperation in Dairy, Potato, and Flower Sectors

May 7, 2020

The European Commission (EC), on May 4, announced the adoption of exceptional derogations from EU competition rules to allow certain types of cooperation in the following sectors: milk and milk products, potatoes, and live plants and flowers, as part of a wider package to support the agri-food industry during the ongoing COVID-19 pandemic.

The Return of the 'Comfort Letter'

May 1, 2020

The European Commission published its first comfort letter in nearly 20 years, on April 29, in an effort to foster cooperation among businesses during the COVID-19 pandemic. Here is what companies should know about the specific practices permitted under the comfort letter, as well as the specific conditions and safeguards for cooperation.

CMA Issues Guidance on UK Merger Assessments During COVID-19

April 24, 2020

New guidance from the UK Competition and Markets Authority warns that it will not relax its substantive or evidentiary standards for merger investigations during the COVID-19 pandemic. Statutory deadlines will not be altered, although aspects of investigations may be subject to delay, and the authority will continue to impose interim measures. The authority also set out its position on mergers involving "failing firms," indicating some flexibility in its interpretation of the counterfactual test.

European Commission Approves £50 Billion UK ‘Umbrella’ State Aid Scheme During Pandemic

April 7, 2020

The European Commission has approved a £50 billion (EUR 57 billion) “umbrella” UK state aid scheme to support small and medium-size enterprises and large corporates in the United Kingdom affected by the COVID-19 outbreak. The umbrella scheme was approved, on April 6, under the State Aid Temporary Framework, as amended.

European Commission Further Relaxes Rules on Investment Aid to Firms Amid COVID-19

April 6, 2020

The European Commission revised its Temporary Framework for State Aid to support the economy during the COVID-19 pandemic, allowing investment aid to companies involved in the fight against the pandemic, as well as new forms of operating aid for companies in severely impacted sectors or regions.

IV. INTELLECTUAL PROPERTY

COVID-19–Related IP Office Closures and Extensions Around the Globe

May 8, 2020

As governments around the world work to stem the COVID-19 pandemic, intellectual property (IP) offices in jurisdictions around the globe are temporarily closing and/or extending deadlines.

USPTO Launches ‘Patents 4 Partnerships’ Platform to Fight COVID-19

May 7, 2020

Underscoring the significance of utilizing intellectual property (IP) in the ongoing fight against the coronavirus (COVID-19), the US Patent and Trademark Office (USPTO) on Monday publicly unveiled a new online database that acts as a patent “marketplace” aimed at facilitating the voluntary licensing and commercialization of key technologies related to the prevention, diagnosis, and treatment of COVID-19.

IP Rights: Has COVID-19 Made You a Government Contractor? What You Need to Know About

April 13, 2020

As the federal government seeks innovative solutions from a broader group of suppliers to respond to the COVID-19 pandemic, new or nontraditional contractors will want to familiarize themselves with the IP rights associated with different contracting vehicles and circumstances. New government contractors will want to be sensitive to rights concerning their IP so that they do not convey greater rights to the government than they intend.

Trade Secrets: Protecting Trade Secrets During Shelter-in-Place

April 3, 2020

Given the number of employees and independent contractors working remotely, it is a good time for companies to reassess their trade secret policies and remind all personnel of their obligations to maintain and protect the confidentiality of company information.

Patents: Possible Patent Infringement Risk for Companies Making COVID-19 Equipment Without DPA Contracts

April 2, 2020

With each passing day, more US companies are voluntarily rising to answer the president's call to manufacture facemasks, ventilators, and other critical COVID-19 protective equipment, but, without a government contract, they may not be exempt from patent infringement liability. Companies should take certain precautions to minimize their potential exposure and liability to a patent infringement claim.

V. REAL ESTATE

Real Estate: Federal, State, and Local Government Actions

April 16, 2020

In response to the current COVID-19 pandemic, federal, state, and local governments have taken various actions to limit or prohibit foreclosures and evictions during the public health emergency. Some of these actions also require forbearance in the enforcement of mortgage loans and leases.

Leasing Considerations

March 27, 2020

Tenants and landlords should consider whether certain provisions such as force majeure, frustration of purpose, and/or impracticability of performance can protect them under current or proposed leases.

VI. BANKRUPTCY

Massachusetts Ban on Certain Debt Collection Practices Blocked on First Amendment Grounds

May 7, 2020

An injunction blocking enforcement of an emergency prohibition on debt collection phone calls and lawsuits during the COVID-19 crisis was granted, on May 6, on grounds that it violates the First Amendment rights of collection agencies without adding meaningful protections for consumers.

Business Interruption Insurance Amid COVID-19: How Aggregation Can Affect Recovery Value

May 1, 2020

During the COVID-19 pandemic, it is important for policyholders to remember that key insurance principles, including the principle of aggregation in the United Kingdom, could make a significant difference to any claim on their policies.

Debtors Need Not Apply? New Developments on SBA Authority to Deny PPP Loans to Debtor Applicants

April 28, 2020

The Small Business Administration, on April 24, issued an update to an interim final rule, crystalizing its view that applicants that have sought protection under the US Bankruptcy Code are not qualified borrowers under the Paycheck Protection Program.

Bankruptcy During COVID-19: Three Expedited Options

April 27, 2020

Prepackaged bankruptcies, prearranged bankruptcies, and expedited sales are available options for businesses in need of accelerated restructurings during the COVID-19 pandemic.

COVID-19: Light-Touch Administration – What Is It and How Does It Work?

April 24, 2020

A number of UK insolvency trade association bodies and professionals are advocating for the use of what is known as a light-touch administration for companies in financial distress as a result of the COVID-19 pandemic.

US Bankruptcy Courts Offer Extraordinary Relief Amid COVID-19

April 22, 2020

Bankruptcy courts have implemented procedures to allow the ongoing—albeit virtual—administration of bankruptcy cases.

COVID-19 Business Interruption Losses: The Potential Keys to Unlocking Insurance Recovery

April 21, 2020

As the COVID-19 pandemic evolves, governmental executive and legislative authorities are taking actions in the form of emergency declarations and proposed legislation that could improve a company's ability to mitigate business income losses by maximizing its insurance recovery. Keeping an eye on these developments and documenting your losses accordingly could make all the difference.

Insurance Overview for Business Owners for COVID-19 Losses and Liabilities, Including Business Interruption, Event Cancellation Coverage, Communicable Disease Coverage, and Virus Exclusions (Webinar Recording)

April 2, 2020

With significant business disruptions occurring as a result of COVID-19, companies should consider how insurance coverage, including business interruption, supply chain, event cancellation, and communicable disease coverages can help mitigate losses.

Access to Bankruptcy Courts and Federal Stimulus in the Wake of COVID-19

April 2020

The article, published by *Insol International*, discusses how the courts are operating during the pandemic and bankruptcy-related stimulus measures.

VII. SHAREHOLDER ACTIVISM

Boards of Directors Must Continue to Meet Fiduciary Duties During Pandemic

April 27, 2020

As the COVID-19 pandemic disrupts everyday life throughout the world, boards of directors of corporations working around the clock to understand, address, and mitigate its effects on business operations must direct attention to their fiduciary duties. Boards must act affirmatively, and with an eye on the future, to assure that duties to corporations and stockholders continue to be met.

Impact of COVID-19 on Shareholder Activism (Webinar Recording)

March 27, 2020

Shareholder activism may be impacted, as global financial markets continue to experience unprecedented levels of volatility, and many companies have seen market capitalizations shrink.

VIII. THE PRACTICALITIES OF COMPLETING TRANSACTIONS

COVID-19: How to Authenticate Documents during a Pandemic

May 7, 2020

US companies trying to close international deals or set up new branches in foreign countries are struggling to secure apostilles to certify documents due to quarantine mandates and office closures resulting from the COVID-19 pandemic. See also our publication (April 1, 2020): *COVID-19: How to Notarize Documents During a Pandemic*.

INDUSTRY-SPECIFIC CONSIDERATIONS

I. ENERGY

The CARES Act: Key Takeaways for Energy Companies

UPDATED: April 21, 2020

The Act aims to offer economic relief to companies and their employees due to the COVID-19 pandemic in the United States. Although the Act does not expressly provide relief for energy companies, many of its provisions impact energy sector companies.

A. WORKFORCE

Reopening the Workplace: Strategies and Tips for Unionized Employers (Webinar Recording)

May 5, 2020

The webinar covers returning to the workplace and what labor-management challenges employers can expect to face.

Essential Energy Workers Amid COVID-19

April 21, 2020

US Department of Homeland Security's Cybersecurity & Infrastructure Security Agency (CISA) guidance has expanded the scope of essential critical infrastructure workers.

NRC Guidance: Dispositioning Violations for Security Personnel Amid COVID-19

April 17, 2020

The NRC's Office of Enforcement (OE) provided guidance to NRC inspection staff for exercising enforcement discretion for licensees impacted by the COVID-19 pandemic.

NRC Guidance on Exemptions from Part 26 Work-Hour Controls

April 9, 2020

The NRC has issued temporary staff guidance for coronavirus-related Part 26 exemption requests.

Critical Infrastructure Workers: Possible Documentation to Authorize Travel During Restrictions

March 25, 2020

Recent guidance was issued from the US Department of Homeland Security.

B. NRC REGULATORY RELIEF

NRC Issues Draft Guidance on Regulatory Relief from Part 37 Security Requirements During COVID-19

May 6, 2020

The NRC issued a draft letter to holders of licensees (other than operating power reactor licensees) to possess Category 1 or 2 quantities of radioactive material (RAM), as defined in Appendix A to 10 CFR Part 37.

NRC Issues Guidance to Research and Test Reactor Licensees on Relief from MC&A Requirements

May 4, 2020

The US Nuclear Regulatory Commission (NRC) issued a letter, on April 30, regarding the NRC's expedited review of requests for regulatory relief from certain material control and accounting (MC&A) requirements during COVID-19.

NRC Announces Forthcoming Guidance, Exemptions from Emergency Preparedness Requirements

May 1, 2020

The NRC staff hosted a public meeting via teleconference, on April 30, to discuss regulatory relief from emergency preparedness requirements during COVID-19.

Exemptions for Fire Protection: NRC Hosts Public Teleconference Meeting, Provides Further Guidance

May 1, 2020

The NRC staff hosted a public meeting via teleconference on April 29 to discuss available regulatory relief pathways from fire protection requirements during COVID-19.

NRC Issues Guidance for Regulatory Relief at Fuel Facilities

April 30, 2020

The NRC issued temporary staff guidance intended to help staff review and process requests for regulatory relief from fuel facilities, on April 21.

NRC Issues Additional Guidance on Regulatory Relief from Respiratory Protection Program Requirements

April 30, 2020

The NRC issued a letter, on April 27, clarifying and expanding the guidance on respiratory protection requirements that it previously provided to stakeholders.

NRC Hosts Public Teleconference on Exemptions for Parts 30 and 34 Licensees

April 29, 2020

The NRC staff hosted a public meeting via teleconference, on April 23, to discuss available regulatory relief pathways for materials licensees subject to 10 CFR Parts 30 and 34 during COVID-19.

NRC Hosts Public Teleconference Meeting on Exemptions for Medical Licensees

April 29, 2020

The NRC staff hosted a public meeting via teleconference, on April 22, to discuss available regulatory relief pathways for medical licensees during COVID-19.

NRC Staff Issues Guidance for Exercising Enforcement Discretion During COVID-19 Pandemic

April 24, 2020

The US Nuclear Regulatory Commission (NRC) Staff issued [SECY-20-0034](#), on April 22, informing the NRC Commissioners of the Staff's plan to exercise enforcement discretion for licensee noncompliance with regulatory requirements resulting from illnesses or other factors caused by the COVID-19 public health emergency (PHE). The Staff's approach applies to all classes of licensees and provides long-awaited guidance on the subject of enforcement discretion.

NRC Considering Expedited Review of Certain Part 20 Exemption Requests

April 20, 2020

US Nuclear Regulatory Commission regulations require licensees to maintain a respiratory protection program.

Nuclear Reactors: New Reporting Guidance from NRC

April 10, 2020

The NRC provided guidance on reporting requirements in light of the COVID-19 pandemic.

Regulatory Relief for Radioactive Material Licensees During COVID-19 Pandemic

April 7, 2020

The NRC outlined how licensees might seek relief from certain regulatory requirements as a result of the COVID-19 pandemic.

C. FERC GUIDANCE

FERC Defers Implementation of Certain Cybersecurity and Operational Reliability Standards

April 21, 2020

The Federal Energy Regulatory Commission (FERC) agreed to defer implementation of certain cybersecurity and operational reliability standards administered by the North American Electric Reliability Corporation (NERC) that has important compliance milestones later this year.

FERC Grants Regulatory Relief, Commits to Exercise Prosecutorial Discretion

April 3, 2020

The FERC announced a plan to assist regulated entities in managing enforcement- and compliance-related burdens during the COVID-19 pandemic.

D. OTHER GOVERNMENT AGENCY GUIDANCE

PHMSA Discretion to Enforce Certain New Gas Pipeline Safety Regulations

May 6, 2020

In response to President Donald Trump's declaration of a national emergency due to the COVID-19 pandemic, the Pipeline Hazardous Materials Safety Administration (PHMSA) issued a notice that it does not intend to take enforcement action related to certain new gas pipeline safety regulations with which gas pipeline operators must comply by July 1.

OSHA Reminds Employers: Antiretaliation Provisions Still Apply

April 16, 2020

OSHA released a statement, on April 8, reminding employers that they cannot retaliate against workers who report unsafe or unhealthy working conditions during the COVID-19 pandemic.

COVID-19: EPA Releases Interim Guidance for Cleanup Sites

April 14, 2020

The US Environmental Protection Agency (EPA) has released additional interim guidance for field work decisions at cleanup sites under EPA authority, emphasizing its commitment to ensuring the health and safety of the public, its staff, and others performing work at the sites. In its guidance, the EPA provides principles to consider when evaluating whether to proceed with or pause field work related to Superfund (CERCLA) cleanups, Resource Conservation and Recovery Act (RCRA) corrective actions, Toxic Substance and Control Act PCB cleanups, Oil Pollution Act spill responses, and Underground Storage Tank Program actions.

The Antitrust Division and FTC Issue Statement on COVID-19 and Labor Market Competition

April 14, 2020

The joint statement recognizes that while the COVID-19 pandemic offers businesses an opportunity for procompetitive collaboration and benefits, it also increases significant risk of anticompetitive conduct in the labor market. Here are some issues and factors that businesses should consider to mitigate antitrust risk as the Antitrust Division and Federal Trade Commission continue to consider enforcement actions for antitrust violations.

PHMSA Notice to Operators: Stay of Enforcement and Enforcement Discretion for Certain Requirements Due to COVID-19

March 27, 2020

The Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a notice to operators stating that PHMSA does not intend to take any enforcement action with respect to operator qualification (OQ) and control room management (CRM) requirements, and will consider exercising enforcement discretion regarding certain drug testing requirements.

II. FINANCIAL SERVICES

A. BANKING

CARES Act: Paycheck Protection Program Provides Small Business Loans to Support Employees

UPDATED: May 6, 2020

The US Congress, on April 23, passed the [Paycheck Protection Program and Health Care Enhancement Act](#) (Enhancement Act), which expanded funding for the existing Paycheck Protection Program.

CARES ACT and Federal Reserve Offer Economic Assistance to Stabilize US Economy

UPDATED: May 1, 2020

The Federal Reserve took additional actions on April 9 to provide up to \$2.3 trillion in loans to support the US economy during the coronavirus (COVID-19) pandemic. This LawFlash covers the new and expanded programs, and provides comprehensive coverage of the Coronavirus Economic Stabilization Act.

CARES Act and the Federal Reserve: Main Street Lending

Part 2 (Webinar Recording)

Part 1 (Webinar Recording)

Part 2: May 1, 2020

Part 1: April 13, 2020

In Part 2, we discuss the newly issued term sheets and guidance on the Main Street Lending Program, including changes relevant to borrowers and lenders across all industries and sizes. Part 1 includes an overview of the Federal Reserve programs, including Main Street and other federal COVID-19 relief programs, and the loan programs under the CARES Act. The presentation highlights key aspects of the Main Street Lending Program broadly, with a focus on primary and secondary corporate credit facilities, the Paycheck Protection Program term financing, and the municipal liquidity facility.

COVID-19: Light-Touch Administration – What Is It and How Does It Work?

April 24, 2020

A number of UK insolvency trade association bodies and professionals are advocating for the use of what is known as a light-touch administration for companies in financial distress as a result of the COVID-19 pandemic.

Fintechs and the Paycheck Protection Program – Lending Comes with Opportunities and Risks

April 22, 2020

The US Senate approved an additional \$310 billion in funds for the PPP, on April 20, and the House of Representatives is expected to approve these additional funds within days. As fintech companies accelerate their participation in the re-funded program, it is important to remain aware of the liability risks of doing so.

IRS Guidance for Securitization Industry

April 15, 2020

The IRS issued relief to the securitization industry, providing that certain forbearances and related modifications to mortgages will generally not cause REMICs and other securitization vehicles to lose their special tax status if such modifications arise from new programs/procedures created by the Act or by similar programs/procedures to address the coronavirus emergency.

CARES Act: Compliance

April 14, 2020

While the Act makes borrowers primarily responsible for demonstrating loan eligibility under the Small Business Administration's PPP, lenders must also ensure compliance with the Act's terms for both loan eligibility and forgiveness.

Monetary Authority of Singapore Measures for Financial Institutions to Focus on Supporting Customers

April 10, 2020

As the outbreak of the coronavirus continues, the Monetary Authority of Singapore has introduced a number of initiatives to assist Singapore financial institutions in supporting their customers.

Basel Committee Extends Deadlines for Uncleared Margin Requirements

April 9, 2020

To help address market participants in the face of the COVID-19 crisis, the Basel Committee on Banking Supervision and the International Organization of Securities Commissions have provided a one-year extension to the fifth and sixth phases of the implementation schedule of the rules requiring margin for uncleared swaps.

CARES Act Provisions Impacting the Banking Sector

April 7, 2020

The Act offers broad-based economic support for companies contending with the disruptions caused by the COVID-19 pandemic. This LawFlash provides a comprehensive overview of the aid that is available to or directly affects banks and related companies.

Effective Immediately: UK Government Increases 'Prescribed Part' from £600,000 to £800,000

April 6, 2020

With effect from April 6, the UK government has increased the "prescribed part"—a portion of floating charge realisations that is set aside for unsecured creditors on a company's insolvency—from £600,000 to £800,000.

CARES Act: Advice for Borrowers and Lenders

April 3, 2020

Both borrowers and lenders need to be aware of issues arising from a new US government loan program for small businesses relative to existing capital structures.

UK Government Announces Insolvency Law Reforms Due to COVID-19

March 31, 2020

The measures include temporarily suspending wrongful trading liability for directors and implementing a new restructuring plan and moratorium to provide companies with a period to explore rescue options during the COVID-19 pandemic.

HM Revenue & Customs to Get Preferential Status as of December 1, 2020

March 11, 2020

With effect from December 1, 2020, the UK's HM Revenue & Customs will be given preferential creditor status for certain taxes that a company has collected but failed to pay to HMRC on the date it enters insolvency. This was announced in the UK government's 2020 budget on March 11, 2020, and the government has confirmed that legislation will be introduced in the Finance Bill 2020.

B. INVESTMENT FUNDS

COVID-19: Control of Foreign Direct Investments in France

May 7, 2020

Evidence is growing of a hardening of French public policy regarding the need for political control of acquisitions of French companies and other foreign direct investment (FDI) transactions.

Inducement Grants Enable Companies to Avoid Depletion of Equity Plan Share Reserves

May 1, 2020

This LawFlash discusses awarding equity grants to newly hired employees as “inducement grants” outside the shareholder approved plan and the pros and cons of making inducement grants.

FINRA, SEC, and State Relief and Guidance for Broker-Dealers

April 20, 2020

FINRA, the SEC and US state securities regulators recognize the significant impact of the COVID-19 pandemic on broker-dealers, investors, and other stakeholders, and have provided important guidance and relief to broker-dealers on how to meet some of these challenges.

COVID-19 Implications for Hedge Funds (Webinar Recording)

April 7, 2020

Hedge fund managers should consider—in addition to the potential economic exposure from unsteady financial markets—numerous risks to their business and the funds they manage from operational and other disruptions that may occur as a result of the global pandemic.

Regulation: SEC Maintains June 30 Compliance Deadline for Regulation Best Interest and Form CRS

April 2, 2020

Two orders from the SEC amended previous regulatory relief for certain investment advisers and investment funds affected by COVID-19, providing such investment advisers and investment funds with more time to satisfy certain filing and delivery requirements, and extended the relief from requirements to hold in-person board meetings.

SEC: Flexibility to Certain Open-End Funds and Insurance Company Separate Accounts

March 25, 2020

The SEC is providing increased flexibility to certain open-end funds and insurance company separate accounts, plus no-action relief to money market funds and their affiliates amid the COVID-19 pandemic.

Liquidity Issues: Temporary Changes Allowing Affiliates to Purchase Debt Securities from Mutual Funds

March 30, 2020

The staff of the SEC has given registered open-end management companies (mutual funds) an additional tool in the wake of the COVID-19 crisis to combat the potentially deleterious effects of dislocations in the debt markets.

III. HEALTHCARE

A. UNITED STATES

CARES Act Relief Payments to For-Profit Medical Care Providers May Be Taxable on Receipt

May 7, 2020

For-profit medical care providers that receive CARES Act grants to provide funds for healthcare-related expenses or lost revenues attributable to the COVID-19 may be taxed for those receipts. Because Congress did not otherwise exclude or address the tax treatment of these grant payments, taxability would be determined based upon applicable tax law and guidance, which require that such funds be reported as taxable income. For-profit healthcare providers that received these grants should consider this issue and its resulting tax implications.

Healthcare Regulators Begin to Ease Restrictions on Elective, Nonurgent Procedures

May 7, 2020

The Centers for Medicare & Medicaid Services (CMS) released guidance, on April 19, updating its previous recommendation to delay all elective surgeries and procedures during the COVID-19 pandemic. In response, state and local officials are issuing updated orders easing or removing restrictions previously placed on elective, nonurgent surgeries and procedures.

CMS Issues New FAQs Clarifying EMTALA Obligations During COVID-19

May 6, 2020

CMS recently issued Frequently Asked Questions (FAQs) clarifying requirements and considerations for hospitals and other providers related to the Emergency Medical Treatment and Labor Act (EMTALA) during the COVID-19 pandemic.

CMS Expands Hospice Flexibilities to Fight COVID-19

May 6, 2020

CMS posted an expanded set, dated April 29, of Medicare regulatory flexibility measures for hospice organizations related to the COVID-19 pandemic, supplementing the previous COVID hospice flexibilities guidance from March 29.

Paycheck Protection Program and Healthcare Enhancement Act Infuses Additional Funding Into COVID-19 Healthcare Efforts

April 24, 2020

US President Donald Trump signed the Paycheck Protection Program and Healthcare Enhancement Act (HR 266) into law on April 24. HR 266 appropriates \$483 billion in new spending, including \$321 billion for the Payment Protection Program, an additional \$75 billion for the Public Health and Social Services Emergency Fund, and \$25 billion to support expanded testing across the United States.

OSHA Guidance Marks Dramatic Shift in Enforcement Focus Amid COVID-19 Pandemic

April 20, 2020

OSHA issued an interim enforcement response plan for COVID-19, which allows field offices flexibility and discretion in handling COVID-19–related complaints, referrals, and illness reports.

Medicare Accelerated/Advanced Payment Program — Medicare Administrative Contractors Update Application Forms/Process, Health Law Scan

April 16, 2020

Not to be confused with the \$100 billion in Provider Relief Funds established as grants to healthcare providers through the Act, Congress also broadened the access to the Medicare Accelerated/Advanced Payment Program (AAPP) as a tool to address financial concerns associated with reduced cash flow during the pandemic.

CARES Relief Fund Nourishes Ailing Healthcare Providers, but Can Be a Recipe for Future FCA Liability

April 15, 2020

Medicare providers that receive grant money under the CARES Act Relief Fund must pay close attention to the terms and conditions of the assistance and rigorously document how the funds are used in order to avoid potential future False Claims Act allegations.

FEMA Issues Rules Prohibiting Exports of Personal Protective Equipment Needed for US Response to COVID-19

April 15, 2020

FEMA exercised the authority recently granted to it by executive orders and pursuant to the DPA to regulate and redirect respirators, surgical masks, gloves, and other PPE designated as scarce or threatened materials that are prepared for export. FEMA and CBP will work together to identify “commercial quantities” of these items to be redirected for domestic use.

The Rise of Employee Activism and Public Shaming of Employers and How Unions Are Taking Advantage (Webinar Recording)

April 14, 2020

We discuss how healthcare workers are fighting back, union organizing in healthcare, and what unionized employers are facing and are legally obligated to do.

Stark Law and Anti-Kickback Statute Enforcement: For HHS, It’s Not Business as Usual

April 14, 2020

The US Department of Health and Human Services recently announced the use of blanket waivers for healthcare providers under the Stark Law, and its Office of Inspector General noted it would exercise enforcement discretion in imposing administrative sanctions related to such blanket waivers under the Anti-Kickback Statute.

PREP Act and Other Considerations for Hospitals Experimenting with COVID-19 Treatments (Webinar Recording)

April 7, 2020

Our speakers address the different ways that research on novel treatments can be undertaken in the hospital setting, along with the regulatory considerations of those different approaches; the ways in which health systems might work with manufacturers to get access to experimental treatments; and the PREP Act, which provides tort liability protections for the use of covered countermeasures.

Telehealth Amid COVID-19: What Providers Need to Know to Serve Their Patients

April 3, 2020

The Centers for Medicare & Medicaid Services (CMS) released a stunning and far-reaching interim final rule to address COVID-19 crisis. The rule is a comprehensive set of policy changes designed to—

almost overnight—shift the provision of healthcare services to Medicare beneficiaries from face-to-face care to remote care through telehealth.

The CARES Act’s Impact on Healthcare Providers and the Healthcare Industry

March 30, 2020

The Act establishes mechanisms for relief that healthcare providers are anxious to access. This alert outlines those mechanisms.

How Hospitals Can Balance Public Health Concerns, Patient Privacy in Responding to Coronavirus

March 9, 2020

Guidance from the Office for Civil Rights and the Centers for Medicare and Medicaid Services reiterates that existing privacy laws and emergency preparedness standards provide an effective framework for providers during the COVID-19 outbreak.

B. UNITED KINGDOM, EUROPE, AND MIDDLE EAST

COVID-19: The Return of the ‘Comfort Letter’

May 1, 2020

The European Commission published its first comfort letter in nearly 20 years, on April 29, in an effort to foster cooperation among businesses during the COVID-19 pandemic. Here is what companies should know about the specific practices permitted under the comfort letter, as well as the specific conditions and safeguards for cooperation.

EU Issues Temporary Business Cooperation Framework and First ‘Comfort Letter’ in Almost 20 Years

April 13, 2020

The European Commission has provided antitrust guidance to companies cooperating in response to COVID-19, particularly in the health sector, for critical hospital medicines and medical equipment and has also exceptionally issued a “comfort letter” on a cooperation project in the generic pharmaceuticals sector aimed at ensuring the supply of critical hospital medicines.

IV. LIFE SCIENCES

A. UNITED STATES

FSIS, FDA Announce More Flexibility in Regulatory Requirements During Pandemic

May 7, 2020

FDA recently issued a final guidance providing the Accredited Third-Party Certification Program some flexibility. The US Department of Agriculture Food Safety Inspection Service (FSIS) recently extended its policies for the labeling of products intended for food products going to retail through the end of July.

The CARES Act: Impact for Drug, Device, and Food Manufacturers and Suppliers

March 31, 2020

The Act includes \$11 billion in appropriations for vaccines, therapeutics, and other medical needs, and \$34.9 billion supporting agriculture, rural development, the FDA, and related industries. Here we address the Act's drug, device, and food product provisions, and outline the impact of those provisions on manufacturers and other affected parties.

Workforce Issues Affecting the Lifesciences Sector (Webinar Recording)

April 9, 2020

An overview of workforce issues that pharmaceutical industry employers are confronting during COVID-19.

Healthcare Provider Updates: PREP Act and Other Considerations for Hospitals Experimenting with COVID Treatments

April 7, 2020

Our COVID-19 Healthcare Provider Update Webinar Series addresses the evolving, unprecedented legal issues that arise from the COVID-19 pandemic.

FDA Notification and Supply Chain Issue

April 1, 2020

Companies should now notify FDA if they experience shortages in their supply chains.

B. UNITED KINGDOM, EUROPE, AND MIDDLE EAST

UK Government Announces Funding for Innovative Companies, New COVID-19 Future Fund

April 28, 2020

The UK government has announced two new schemes for funding to innovative companies and startups, launching in May 2020.

European Commission Provides Antitrust Guidance to Companies Cooperating in the Health and the Generic Pharmaceuticals Sector

April 13, 2020

The European Commission will not tolerate coordination between businesses that seek to exploit the crisis as a cover for anticompetitive collusion.

V. RETAIL AND ECOMMERCE

Reopening the Workplace: A Preliminary Guide for UK Employers

April 30, 2020

Key issues that UK employers should begin considering now to minimize difficulties as they reopen or expand their operations include reintegrating staff, assessing internal policies in light of the pandemic, testing for the COVID-19, and more.

Reopening the Workplace: Practical Considerations for Employers (Webinar Recording)

April 29, 2020

Our panelists cover key considerations and discuss practical implementation steps for employers to consider as jurisdictions contemplate lifting pandemic-related workplace restrictions.

Retail Companies and COVID-19 Impact (Webinar Recording)

April 14, 2020

Our panelists discuss relief provided by the Act to retail companies and additional areas of risk that should be reviewed carefully for any retail company, as a result of the impact of COVID-19.

Retail Did You Know? CARES Act Provides Important Relief for Retail & Hospitality Companies

April 3, 2020

This edition of Morgan Lewis's Retail Did You Know? examines how the Act impacts companies in the retail and hospitality sector, which has been severely impacted by the COVID-19 pandemic due to the government-mandated shutdown of "nonessential businesses" in some states, as well as the decrease in customer traffic given the uncertain economic climate. Companies in the retail and hospitality sectors should carefully consider the eligibility requirements for Act relief measures.

VI. SPORTS

Sports Organizations: Consider These Actions During and After COVID-19

April 24, 2020

The impact of the COVID-19 pandemic on the global sports industry and its affiliated sectors is substantial and unprecedented. Constructive stakeholder engagement at all levels is crucial to ensuring business continuity. Organizations should be cognizant that decisions made now will attract post-crisis scrutiny and start planning for post-pandemic recovery and growth.

How COVID-19 Made ESports The 'Only Game In Town'

April 21, 2020

By the second week of March, the National Basketball Association, National Hockey League, Major League Soccer, and Major League Baseball had suspended games due to the coronavirus (COVID-19) pandemic. The good news for those missing the rush from watching a competitive game is that not all sports are suffering from the same challenges. Esports, the now-mainstream billion-dollar industry, is on its way to being the most resilient sport during these devastating times.

COVID-19: What's Next for the English Premier League?

April 9, 2020

We explore some of the legal issues arising out of the current suspension of the 2019–20 season and the legal challenges the Premier League and its key stakeholders will be considering in relation to the prospect of a total cancellation.

VII. TECHNOLOGY

NY Department of Financial Services Issues Guidance on Cybersecurity During COVID-19

April 29, 2020

New York's Department of Financial Services (DFS) issued guidance on April 13 alerting regulated entities of a significant increase in cybercrime during the COVID-19 pandemic.

UK Government Announces Funding for Innovative Companies, New COVID-19 Future Fund

April 28, 2020

The UK government has announced two new schemes for funding to innovative companies and startups, launching in May 2020.

The CARES Act: Impact on the Technology Industry

April 3, 2020

The Act aims to offer economic relief to companies and their employees due to the COVID-19 pandemic in the United States. Many of the Act provisions impact the technology industry, although the Act does not expressly provide industry-specific relief.

Outsourcing Service Providers and Service Agreements

March 30, 2020

Both service providers and customers find themselves under unique pressures and in uncharted circumstances testing the parameters and strengths of their solutions and business continuity plans.

SUGGESTED COVID-19 RESOURCES

Public, government, and educational institutions and NGOs around the world are continuing to publish guidance related to the crisis. Some examples include:

[American Bar Association \(ABA\): COVID-19 Task Force](#)

This resource provides information about COVID-19 and the delivery of legal services. It includes resources on remote service delivery, court access and rules changes, legal needs, public benefits programs, and pro bono mobilization.

[Cornell University: ILR & COVID-19 Information Hub](#)

This resource focuses on COVID-19 implications for work, employment, and labor, and is designed to serve as a resource for policymakers, workers, and employers.

[Stanford University: Freeman Spogli Institute for International Studies](#)

This resource offers analysis and recommendations relating to the 2019 novel coronavirus from its experts.

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