



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate C - Land
The Director

Brussels
MOVE.DDG2.C/EW/AG

Mr Julio Villaescusa
President UETR
Union européenne des transporteurs
routier
Rue Washington 40,
B-1050 Bruxelles

Email : info@uetr.eu

Subject: Call to adopt harmonised measures to guarantee continuity of supply chains and safety of transport workers. Your letter of 17 March 2020

Dear Mr. Villaescusa,

I would like to thank you for your letter of 17 March 2020 to Commissioner Adina Vălean, where you draw our attention to the essential work that the transport hauliers and transport workers are doing to ensure continuity of international road transport operations during the coronavirus crisis and where you make recommendations in this sense. Ms. Vălean has asked me to reply on her behalf. We take due note of your views and recommendations.

I can reassure you that Commissioner Vălean is personally following the situation of international freight and passenger transport by road in real-time, together with Commissioners Kyriakides and Johansson and the respective Directorates-General. The Commission will take any actions required to deal with this situation.

We are doing our utmost to maintain mobility of freight and persons, while making sure that this does not go against the primary objective of containing the spread of the virus, while keeping the transport workers healthy and safe.

In this sense, as you know on 16 March 2020 the Commission presented guidelines for border measures to protect the health of the population and to ensure that goods and essential services remain available¹.

On 23 March 2020, the Commission adopted a Communication on the implementation of the Green Lanes under the Guidelines for border management measures to protect health and ensure the availability of goods and essential services (“Green Lane communication”)². It is key to maintain supply chains, in particular of pharmaceutical and medical products, foodstuffs and fresh water and so the Green Lane Communication urges Member States to implement the Guidelines for border management in full on all intra-EU freight transports. It is required that going through the “green lane” border crossings, including any checks and health screening of transport workers, should not exceed 15 minutes on internal land borders.

As regards the protection of transport workers, in point 24 of the Green Lane Communication, the Commission recommends the use of measures to deliver enhanced hygiene in airports, ports, railway stations and other land transport hubs. Designation of priority staff should also be considered in transport hubs as well as measures to ensure disinfection. Recommendations to ensure the safety of transport workers such as those referred to in Annex 2 of the same Communication should be followed.

As regards to free the movement of EU citizens, the Guidelines for border measures instruct that the safeguards laid down in the Free Movement Directive must be guaranteed. In particular, non-discrimination between Member States’ own nationals and resident EU-citizens must be ensured. A Member State must not deny entry to EU citizens or third-country nationals residing on its territory and must facilitate transit of other EU citizens and residents that are returning home. Member States can, however, take appropriate measures such as requiring persons entering their territory to undergo self-isolation or similar measures upon return from an area affected by Covid-19 provided they impose the same requirements on their own nationals.

Additionally, in point 20 of the Green Lane communication, the Commission clearly indicates that rules such as travel restrictions and mandatory quarantine of transport workers not displaying symptoms, should be waived, without prejudice for competent authorities to take proportionate and specifically adapted measures to minimise the risk of contagion. On the other hand, as indicated in point 23, in case the worker has fever and the border authorities deem that he or she should not be allowed to continue with the journey, the transport worker should have access to appropriate health care. The Member State in question should provide appropriate facilities for the temporary storage of the vehicles, until replacement drivers arrive.

Moreover, as indicated in point 10 of the Green Lane communication, at “green lane” border crossings, procedures should be minimised and streamlined to what is strictly necessary. Drivers should not be asked to produce any document other than their identification and driving licence and, if necessary, a standard template letter from the employer, which is in Annex 3 of the Communication. We strongly advise international transport workers to have this certificate on board of the vehicle. The electronic submission/display of documents should be deemed sufficient by the competent authorities. Let me finally mention the Commission Guidelines of 30 March concerning

¹https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20200316_covid-19-guidelines-for-border-management.pdf

²https://ec.europa.eu/transport/sites/transport/files/legislation/2020-03-23-communication-green-lanes_en.pdf

the exercise of the free movement of workers³, according to which transport workers shall be considered as workers exercising critical occupations. Member States shall take the necessary measures to ensure that these workers can continue to cross the internal borders.

As regards flexibility for driving times and rest periods, due to the COVID-19 pandemic, as you are aware of, most Member States have adopted derogations to the driving and rest time rules under Article 14(2) of Regulation (EC) No 561/2006. Once notified to the Commission, these derogations are communicated to all other Member States, published on the Commission's website⁴ and regularly updated to reflect the fast evolving situation. We believe that this approach ensures a coordinated response by Member States and a mutual understanding of the flexibility in this area.

Additionally, as explained in the Green Lane communication, the Commission is of the opinion that Member States should consider urgent suspension of the ban on transport workers spending rest periods in vehicle cabins, in accordance with Article 14 of Regulation (EC) No 561/2006. For periods exceeding 30 days, in light of persisting problems, the Commission will consider favourably Member State requests for authorisation for extension of such exceptions.

With respect to the expiration of the driver's certificates, in view of the difficulties encountered by many Member States to renew certain licenses or certificates due to the coronavirus outbreak and the need to overcome these difficulties in a harmonized way at EU level, the Directorate General for Mobility and transport has issued on 27 March 2020 a note addressing this particular issue in its website⁵. I am confident you will find this information helpful.

All of the above principles should also apply to third country nationals if they are essential to provide free movement of cargo in and to the EU.

We are sure that with common sense and coordinated action we will overcome this difficult situation for the sector.

Yours sincerely,

(e-signed)

Elisabeth WERNER

³https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20200330_c-2020-2050-report_en.pdf

⁴ <https://ec.europa.eu/transport/sites/transport/files/temporary-relaxation-drivers-covid.pdf>

⁵ https://ec.europa.eu/transport/news/2020-03-27-exceptional-measures-inability-comply-legislation_en