

*IPCR Working-level Roundtable  
Coronavirus Outbreak (COVID-19)*

---

## **Updates from the Commission**

### **Green Lanes in road, maritime and aviation sectors**

#### Road transport

Until very recently, the Green Lanes guidelines have been strongly supported and fully respected by all Member States. However, we have been witnessing recently that unilaterally imposed testing regimes are compromising their smooth functioning.

Disruption of the Green Lanes also disrupts our vital supply chains, putting an already fragile economy under huge strain, precisely at the moment when we need to mobilise all resources to support recovery.

The revised Council Recommendation 2020/1475 clearly calls for avoiding disruptive effects of internal border controls. It spells out clearly that, should transport disruptions occur, testing requirements for transport workers should be repealed in order to restore the Green Lanes principles.

5.1.2a

Some lessons learnt over the past 10 days:

- Returning transport workers often need to take a new test, because tests are only valid for 48 hours. A solution could be to extend the validity of the tests and exempt transiting hauliers. In case the validity of the test of the returning driver expires, Member States should support the facilitation of the re-testing of such drivers.
- Sufficient testing facilities are not available along the European road network and many test centres are not easily accessible for hauliers as they are located in cities.
- Member States requiring truck drivers to get tested should also support neighbouring countries by putting in place the necessary testing infrastructure and comprehending thereof of the neighbouring countries to allow for quick and efficient tests.
- Queuing for a test should not in itself become a risk of infection. There if testing takes place it should be organised in a way that the impact on transport workers is minimalised. For example testing while road hauler can remain in the cabin, test results communicated in digital way, etc.

There is also concern about the proportionality of these measures: Given the very low intensity of contacts with general public, and strict safety procedures already in place, it has

been repeatedly demonstrated that transport workers constitute a safe subgroup<sup>1</sup>.

5.1.2a

The Commission has called for returning back to the Council Recommendation. We understand that there is an overarching support by the majority of Member States to return back to the principles of the Green Lanes.

### Maritime

The situation of seafarers remains challenging across the globe. Hundreds of thousands of seafarers remain stranded on board their ships, unable to repatriate.

The resolution on seafarers and safeguarding supply chains adopted by the UN General Assembly in December drew attention to their difficulties in the global community.

The EU is currently one of the best places for crew changes worldwide. Observing safety rules, changeovers can take place throughout the EU's ports. Member States are facilitating seafarer mobility. The revised Council Recommendations 2020/912 and 2020/1475 exempt seafarers from quarantine and some testing requirements regardless of their nationality and departure point. This safeguards the maritime supply chains that transport 75% of EU trade.

Limited international air connectivity, cancellation and delays are making changeovers difficult to organise. As most seafarers come from outside the EU the problem is global.

5.1.2a

According to international — and EU — law, the maximum working period on board is 11 months. Due to the pandemic, many seafarers are working for longer. Several Member States have already detained ships flying foreign flags for breaches of labour rules. Such practices pose a threat to navigational safety and the environment.

It is essential that Member States fully enforce the International Maritime Labour Convention both on board the ships flying their flags and during inspections of foreign ships calling in their ports.

Among seafarers, fatigue, depression and health problems are increasing endangering maritime safety. There have already been several suicides of despaired seafarers.

With the increase in new strains, many countries are further restricting essential travel and transit for seafarers. In some non-EU countries, travel without prior vaccination might also become more difficult. The Commission is in close contact with the International Maritime Organization and International Labour Organization, EU Delegations and stakeholders to tackle these issues early on.

<sup>1</sup> Mandatory testing of Irish haulers coming by sea to France: 0.17% (5 out of 3,011 tests), Italy's Brenner test on 15 February: 0.12% (1 out of 850 tests) positivity rates, respectively.

## Aviation

Crew and pilots are not systematically exempted from travel restrictions.

Non-harmonisation of testing certificates has a huge operational impact.

Additional disruption is created by the last-minute changes from Member States.

Air cargo crew is encountering several issues both within the EU and beyond: individual crew members have had to undergo multiple testing within short timeframes, sometimes during the very same rotation; test results are not being recognised by authorities; different testing requirements; crew anxious about receiving a positive test result while being abroad.

Cargo operations are also impacted, due to their reliance on trucking (current disruptions of Green Lanes)

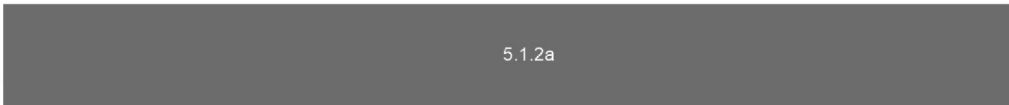
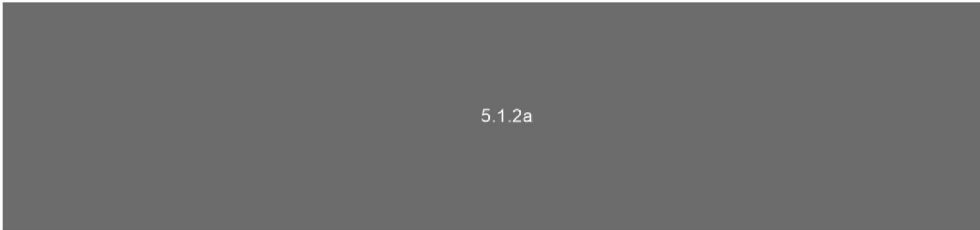
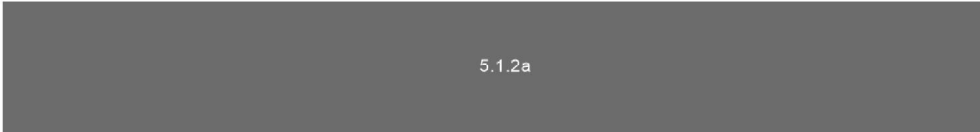
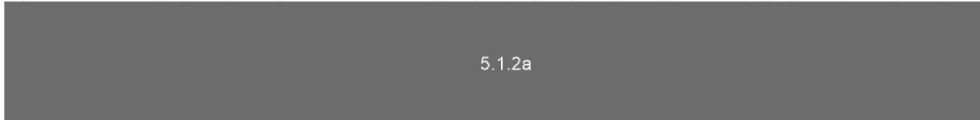
Daily traffic in Europe is down by 66 % compared to normal. Among operating flights, about 85 % is cargo (normal is around 10 %).

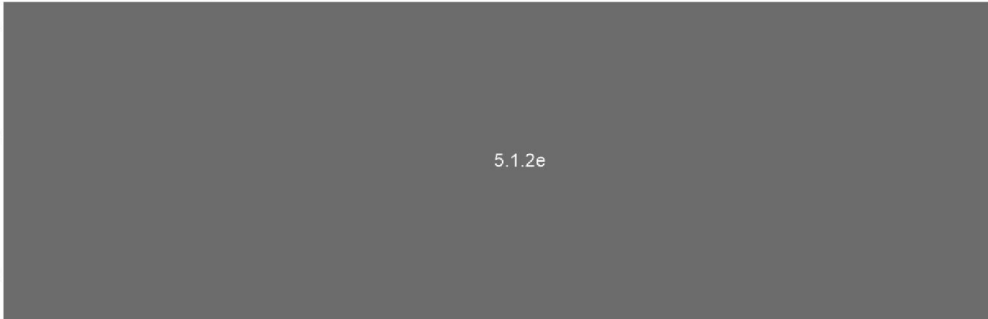
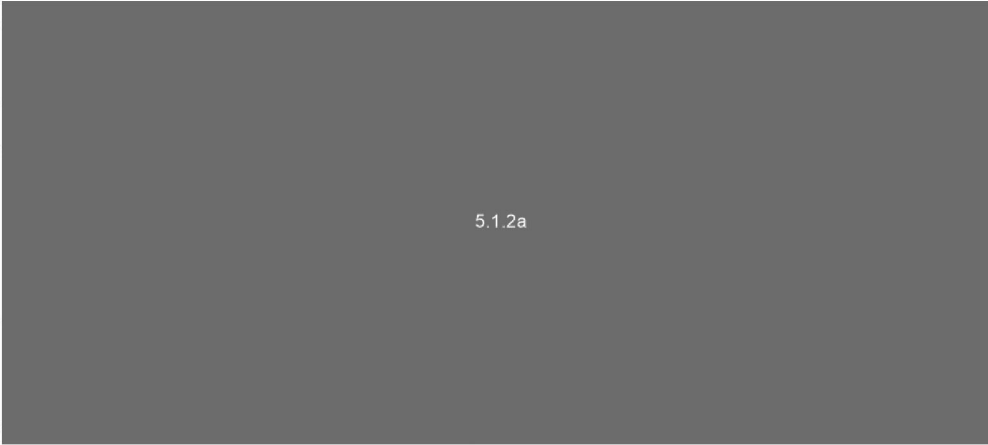

Major airlines doing passenger traffic have almost completely stopped their passenger traffic, the number of flights being 90% lower than before the crisis.

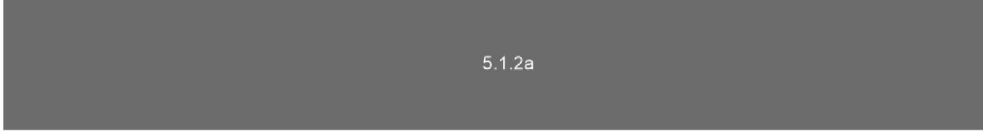
Among the Top-10 city-pairs, the first 8 are domestic (normally only 15% of EU traffic).

## Background

### Road transport

-  5.1.2a
- Member States most impacted by the measures have reacted quickly in order to avoid/minimise the crunch at borders:
  -  5.1.2a
  - We understand that these measures were necessary because neither country is prepared for large scale testing at very busy borders.
  -  5.1.2a
- Monday, 15 February:
  -  5.1.2a

- The queues and testing continued overnight, sometimes under harsh circumstances (hundreds of meters of queues of drivers waiting outdoors, in front of the testing station in -6 degrees snowing).
- Tuesday, 16 February:
  -  5.1.2e
  - 
  - 
  -
- Wednesday, 17 February:
  -  5.1.2a
  - 
  - 
  - 
  - 
  -
- Thursday, 18 February:
  -  5.1.2a
- Friday, 19 February:
  - We have not received reports about particular congestions, seems that those trapped at borders have managed to get tested and let go.
  - Transporters and their representations of all transport modes are by now unitedly asking restrictive measures to be uphold.
- Weekend
  - Due to weekend ban for haulers, no difficulties reported.
- Monday, 22 February

- In Italy, the situation has not yet normalized. Trade flows are way below normal and the economic and humanitarian cost remain sensible.
- Due to trucks lining up at the border during the weekend put again pressure on border crossing. In the morning 14km queues were registered in the Brenner border crossing point.
- Impact:
  -  5.1.2a
  - Anecdotal info we received is that 30% less fresh food is expected to arrive from the South to Germany and to counterbalance, German retailers order 2 times more in order to be sure they get what they need.

### Civil aviation

#### **1. Crews are not systematically exempted from travel restrictions**

##### Internal EU borders:

- 
- 
- 
- 

5.1.2a

##### External EU borders

- Internationally, crew is exempted in most of the countries provided that they are on duty. However, it is not always clearly explained in the regulation which creates a lot of uncertainty till the authority confirms the conditions.

5.1.2a

5.1.2a

**2. Testing certificates: important impact of non-harmonisation**

- Impact of non-harmonisation creates a huge burden on airlines, sometimes large fines are imposed due to non-compliance.
- Nearly all flights are delayed due to these stringent controls and lack of secure automated solutions. Operators are forced to fulfil almost state's border function and follow all the restrictions in place. Every EU country has different requirements.
- The impact is wide ranging, from agents having to ensure that passengers meet the following:
  - They meet the countries specificity requirements (PCR, RT-LAMP, Antigen)
  - They are from a country-approved laboratory
  - They meet the country specific validity period
  - Contain all required data – Country specific etc.
- This can lead to fines, INAD's and non-punitive penalties, a uniformed PLF and testing requirement would reduce carrier liability, time taken to conduct checks and punitive penalties.

**3. New measures are not communicated in a clear and timely manner**

- In most of the cases, new measures are communicated the same day as they enter into force, which represents an absolute chaos for handling agents at airports.
- A few countries reintroduced border controls within the Schengen area from one day to the next in January or February 2021, and the Commission's website was not update till 5-7 days later.

**4. Air cargo crew**

- Proposed main solution: flight crews shall be tested immediately before commencing their duty block and when ending a duty block at home base.

**5. Impact on cargo operations due to reliance on trucking**

- Current disruptions of the "Green Lanes" for intra-EU road feeder services also harms air cargo businesses due to the setup of the logistic chain: air cargo heavily relies on truck transport.
- Ever-changing rules that are difficult to keep an eye on, and very costly
- Some cargo pilots had to be flown to their departure destination via business jets, due to the lack of passenger flights and complicated travel restrictions.

## **Urgent meeting of the Single Market Enforcement Task Force (SMET) on travel and border restrictions due to COVID-19**

5.1.2e

**Date and time:** 19 February 2021, 14:30 – 16:00

**Place:** Webex Meeting

Due to the recent increase of travel restrictions and border put in place by Member States in the context of COVID-19, and in accordance with point 8(3) of the Terms of Reference of the SMET, the Commission called for an urgent SMET meeting to discuss the travel restrictions currently in place.

The Commission thanked all members for having replied positively to this invitation for a discussion at short notice and shared the Commission's increasing concerns about the current situation, noting that eight Member States had started border controls while ten Member States were imposing entry or exit bans. While these issues have already been discussed in other forums, such as Coreper and the IPCR, a discussion in the context of the SMET should allow the Commission and Member States to take stock of their effect on the single market and to report back to the various responsible services in the Member States. The Commission also shared the numerous concerns voiced by business associations and chambers of commerce as the current restrictions have negative consequences for cross-border service providers, commuters, truck drivers and supply chains.

5.1.2a while underlining its commitment to a fully functioning single market and pointing to the urgent need to improve coordination.

The situation is particularly worrying in view of the domino effect that the border restrictions cause.

5.1.2a The Commission noted that as to entry bans, there were some exceptions to the general rule for cross-border commuters in some Member States, while others allow no exceptions at all. 5.1.2a Some measures are not clear and give rise to legal uncertainty. 5.1.2a

5.1.2a This causes considerable disruptions in the supply chain, especially for just-in-time deliveries and fresh products, resulting in economic damage, particularly for smaller companies. The Commission is also concerned about the negative perception of the EU that the lack of coherence and clarity creates in the eyes of businesses and individuals.

The Commission recalled the key elements of the revised Council Recommendation 2020/147, which was recently adjusted in light of the appearance of new COVID-19 variants. While non-essential travel should indeed be strongly discouraged, such measures should not lead to a complete entry ban, particularly for border regions. The Commission also called upon the Member States to provide up to date information to Re-open EU for information to the public.

Many Member States took the floor. All thanked the Commission for having organised the meeting and renewed their commitment to a fully functioning single market.

5.1.2a

the need to protect the health of its citizens as well.

5.1.2a

5.1.2a

5.1.2a  
5.1.2a

5.1.2a

5.1.2a

Member States called for a quick return to a smoothly functioning single market, and in particular to the unhampered flow of goods through the green lanes, in order to protect the supply chains.

5.1.2a

5.1.2a

Green lanes are currently blocked and the EU appears to be back in a situation similar to spring 2020.

5.1.2a

5.1.2a

5.1.2a

5.1.2a

5.1.2a

5.1.2a

5.1.2a

5.1.2a

5.1.2a

5.1.2a

5.1.2a

The Netherlands observed that it is essential to avoid legal uncertainty and that appropriate information should be given out before measures are introduced.

5.1.2a

The Commission drew the following operational conclusions from the meeting:

- An official summary will be circulated before Monday morning in order to be taken into account in the meetings scheduled for next week;
- The effectiveness and proportionality of the measures imposed on truck drivers would seem to be in some doubt, given the low infection rate found; the Commission encouraged the relevant Member States to have another look at these measures;
- Automatic translations or common templates of test results could be considered as the language issue seems to put a very heavy burden upon this category of workers;



- The discussions made clear that the approach should be EU-wide and not bilateral, in light of the knock-on effect, where the consequences of national border restrictions are felt in all Member States; there is a need to screen measures from a single market perspective and to look at their concrete effect on each category of workers covered;
- It is good to have flexible measures in place, but the predictability is even more important, so transport service providers know in advance what to expect;
- Since the information on the measures in place is scattered, Member States are invited to provide updated information to Reopen EU, which is crucial to help citizens and companies to get organised;
- The current situation should not be viewed as ‘single market versus health’, but rather as ‘single market for health’.