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20th March 2020

Dear Sir/Madam,

On the 15th of March Implementing Regulation 2020/402 EU came into effect. It introduces the requirement of an export license for protective items, such as face masks. This regulation could have a significant impact on our ability to continue providing medical humanitarian assistance worldwide. Therefore I would like to request *additional information pertaining to the scope of the regulation, to clarify the process by which an export license can be requested*, and to ask for additional support in the form of a *general license/exemption for MSF Holland* so that we can continue our medical humanitarian support without delay.

As a medical humanitarian organisation we provide critical access to healthcare in over 60 countries worldwide. Our activities range from treating wounded in conflict-affected countries like Yemen, to responding to epidemics such as Ebola, and now COVID-19.

MSF has already received requests from several governments in countries without adequately functioning health systems, who are unable to respond alone to the COVID-19 outbreak. Such support would include not only direct care to patients with COVID-19, but also support to public health measures to limit the spread of the disease. To provide essential medical care MSF often collaborates with the World Health Organization (WHO) and many other partners. Access to protective medical items is critical in order that we can continue to provide humanitarian services, while minimising the risk to staff and patients.

We kindly request additional information and your support in relation to the below questions:

Scope of Implementing Regulation 2020/402 EU

- Does the restriction also apply to goods with T status (goods that are in transit)? Goods that are in transit cannot technically be exported as they have never been imported in to the EU/The Netherlands. Additionally the free transit of goods is a key principle of international law and has been codified in numerous treaties. Most of the items in our Schiphol warehouse are currently in T status. We assume that these are currently out of scope of the Regulation, but would like your confirmation.

Procedural Questions Related to Export Permit

- Could you give us procedural information as to where and how we can file for export permit(s)?
- Can you confirm that a decision has to be made within 5 working days as is stated in Article 2 Sub 2 of Implementing Regulation 2020/402 EU?
- If necessary we would like to request export licences for our individual missions worldwide on the basis of the independent humanitarian medical support we offer (list of missions will follow).
- We also meet a number of the formal evaluation criteria for the export licence that are mentioned in Article 2 Sub 3 of Implementing Regulation 2020/402 EU. These are:
 - MSF is a partner of the Global Outbreak Alert & Response Network (GOARN) and part of their steering committee (Please also see the WHO website <https://www.who.int/csr/outbreaknetwork/scom2015/en/>).
 - We currently provide critical care in conflict-affected countries as protected under the Geneva Convention.



General Exemption for all Humanitarian Shipments

- The current measures have already greatly impacted and delayed some of our shipments. This is further complicated by strict importation requirements in many of our mission countries and long pre-clearance times (any changes to planned shipments will result in delays that endanger our patients).
- The current COVID-19 pandemic is also impacting our staffing levels making additional measures, such as obtaining individual export licences for our missions or making changes to shipments, even more problematic.
- To support our medical humanitarian mission we would like to discuss the possibility of obtaining a general export permit/exemption for all of our shipments.

As a humanitarian organisation we are deeply committed to the provision of medical assistance whenever and wherever needs arise, including in the Netherlands. Today we offered to lend the Dutch Government 5.1.1c FFP1 and 5.1.1c FFP2 masks to meet the most urgent short term needs here in the Netherlands and Dr. 5.1.2e 5.1.2e has accepted this offer.

We hope that we can count on your support to continue to care for the most vulnerable people worldwide.

We want to thank you for your understanding and support. You can contact us with any further questions on 06 5.1.2e

Best regards,

5.1.2e

Responsible Person

5.1.2e
5.1.2e

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