



EUROPEAN COMMISSION

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Members of the Commission

Brussels,

Dear President, Ministers,

At the European Council on 26 March, European Heads of State and Government discussed how Europe can win this war against the COVID-19 pandemic. They sent a clear message: we need urgent, decisive, and comprehensive action at the EU, national, regional and local levels. They concluded that “The adoption of the decision on the authorisation for export of personal protective equipment should lead to the full and effective lifting of all forms of internal bans or restrictions”.

On 20 March, at the extraordinary videoconference call of Industry Ministers, we already had a discussion in this sense. We focused our discussion on two issues - taking concrete action to increase availability and production of protective equipment and medical devices such as ventilators, and ensuring these supplies are available to those who need them most by removing obstacles to the flow of goods in the single market.

We have been making progress on increasing the availability of production through engagement and mobilisation of industry across the EU. Unfortunately, the same cannot be said about the flow of goods in the single market. We are still seeing too many barriers erected and maintained through national export restrictions and border controls affecting the transport of goods. These barriers hamper our collective ability to respond to the coronavirus outbreak effectively as a Union

Moreover, while some Member States have removed the export restrictions for personal protective equipment within the single market, yet others have introduced them and, in some cases, added long lists of medicines for which exports are now prohibited. Many of these medicines are neither directly related to the current crisis nor in a situation of shortage.

We already discussed this last week and we have been personally in contact with a number of Ministers. We appreciate the rationale of wanting to ensure protection of our citizens and prevent speculation on such materials. However, unilateral actions by Member States are impeding essential goods necessary to mitigate health risks linked to the Covid-19 outbreak from reaching those in need across the EU, and engendering countering actions. A good organisation of the overall EU market in the supply of critical products is the only way to prevent scarcity for the people who really need them. The COVID-19 crisis requires a European response.

National intra-EU export bans or restrictions are not acceptable. They do not prevent stockpiling and hoarding of essential equipment by those with little or no objective need. They are disrupting integrated European supply and distribution chains. They risk creating shortages in other Member States. Moreover, some of these national measures do not allow economic operators to supply essential products necessary in the COVID-19 context in the framework of the recent EU joint procurement initiatives.

The same arguments hold true for medicines. Export restrictions for medicines should be removed. Exceptionally, a pre-notified authorisation regime with a very narrow scope might be justified, if based on the recommendations of the WHO on needs due to the COVID-19 crisis, on actual shortages on the national market and once subject to clear criteria and limited in time. While measures to ensure that suppliers and distribution networks continue to serve their usual clients (hospitals, pharmacies, etc.) may be justified to avoid speculative distortion of normal trade flows, outright and unconditional export bans are also unlikely to be proportionate.

We warmly welcome the fact that several Member States have already acted and lifted export bans or have converted them into EU law compatible authorisation regimes. We expect the remaining Member States that maintain such export bans to remove them immediately.

We would also like to call on all Member States to highlight to all levels of the national administration, especially at borders and customs offices, that the delivery of material destined to another Member States' health authorities or hospitals should not be blocked. No matter how well laws are drafted, unclear or conflicting instructions in the implementation can do a lot of damage on the ground. We call on our collective effort to ensure that this is carefully avoided. The Commission will remain extremely vigilant and ready to intervene whenever necessary to ensure the smooth functioning of the single market, now more than ever.

All Member States have repeatedly acknowledged that the Single Market is one of our biggest achievements, a cornerstone for the robustness and global competitiveness of the European economy, a source of opportunity for our citizens and a springboard for our businesses. It is also our main asset to overcome a crisis without borders. It must also be one of our chief instruments of solidarity.

We would be grateful for the transmission of this letter to Ministers for Health and for Industry and the Internal Market.

Your sincerely,



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