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'A' ITEM NOTE

From:	General Secretariat of the Council
To:	Council
Subject:	Policy considerations for a pandemic and other major crisis contingency plan for the European freight transport sector - Approval of Council Conclusions

I. INTRODUCTION

On 27 August 2020, the Presidency distributed a note on benchmarks for pandemic planning in the European freight transport sector. After the presentation in the Working Party on Transport - Intermodal questions and networks on 2 September, the Presidency decided to prepare Council Conclusions on the subject of contingency planning in freight transport.

II. WORK AT THE COUNCIL'S PREPARATORY BODIES

The draft conclusions have been discussed in working party meetings on 10, 14 and 18 September and 9 October.

The Permanent Representatives Committee discussed the draft conclusions on 21 October 2020 and requested the Council to approve the draft conclusions¹.

¹ 10762/20

CONCLUSIONS

Following the request of the Permanent Representatives Committee, the Council is invited to approve the conclusions, as presented in annex.

COUNCIL CONCLUSIONS

on

policy considerations for a pandemic and other major crisis contingency plan for the European freight transport sector

THE COUNCIL OF THE EUROPEAN UNION

HAVING REGARD TO

- the Commission Guidelines for border management measures to protect health and ensure the availability of goods and essential services of 15 March 2020²;
- the Communication from the Commission 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 of 23 March 2020³;
- the European Commission Guidelines on Facilitating Air Cargo Operations during COVID-19 outbreak of 26 March 2020⁴;
- the Commission Guidelines on protection of health, repatriation and travel arrangements for seafarers, passengers and other persons on board ships of 8 April 2020⁵;
- the Commission Guidelines on the progressive restoration of transport services and connectivity of 13 May 2020⁶;
- the EU Guidance for the progressive resumption of tourism services and for health protocols in hospitality establishments of 13 May 2020⁷;
- the Council Recommendation on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic⁸;

² C(2020) 1753 (final)

³ C(2020) 1897 (final)

⁴ C(2020) 2010 (final)

⁵ C(2020) 3100 (final)

⁶ C(2020) 3139 (final)

⁷ C(2020) 3251 (final)

IS COMMITTED to playing its part in protecting the European transport sector from the effects of pandemics and other major crisis situations;

RECALLS that the COVID-19 pandemic lockdown proved the importance of seamless cross-border traffic and of the interconnection of the EU regions, especially in the border regions;

STRESSES the importance of preserving territorial continuity in times of crisis, including on European territory that extends to overseas territories;

RECALLS that the past few months have shown us very clearly how important but also how sensitive the transport sector is for the purpose of ensuring resilient supply chains and how important it is to create reliable and robust coordination mechanisms to avoid unilateral and uncoordinated restrictions;

IS CONVINCED that all restrictions and impediments to the free movement of goods and transport workers should be avoided and **STRESSES** that during a pandemic and other major crisis situations, the Trans-European Transport Network (TEN-T) corridors and other essential cross-border connections should be kept operational by ensuring the functioning of relevant and related ancillary services and maintaining open borders for freight transport;

NOTES that the transport sector in general, and in particular freight transport, is systemically relevant for our community as transport links do not end at national or EU external borders. Therefore we need to look at the mobility of transport workers and transport operations from a European and international point of view, including in times of crisis, while the closure of borders within the European Union should be avoided and the flow of goods, including through the points of entry to the European Union, should remain smooth;

IS CONVINCED that the experience gained during the COVID-19 pandemic should be fully taken into account and that cooperation and common efforts to ensure the free movement of transport workers and goods across internal EU borders, as well as cooperation with third countries, should be strengthened;

⁸ O.J. L337, 14.10.2020, p. 3-9

WELCOMES the coordinated, flexible, proportionate and non-discriminatory approaches pursued during the past months by the EU, the Member States and the transport sector; the close coordination between national competent authorities, in particular in the field of transport, interior and health; the close cooperation and exchange of information in the context of the Integrated Political Crisis Response (IPCR); and the regular and rapid exchange of up-to-date information via the network of national contact points of the ministries of transport of the Member States with the participation of the Commission;

WELCOMES the coordinated compliance with the recommendations and guidance of the Commission and the relevant international organisations by the Member States in the field of transport in the past months;

WELCOMES the rapid, thought-through and determined adoption of targeted EU legislative contingency measures for maintaining intra-EU and international transport operations during the COVID-19 pandemic;

WELCOMES the regular exchange of information and coordination with associations of the transport sector at national and European levels;

CALLS ON the Commission to swiftly draw up a pandemic and other major crisis contingency plan for the European freight transport sector, including measures to ensure coordination at EU level and clear guidelines based where appropriate on an impact assessment and after consulting the transport sector, with an assessment of the measures taken to address the COVID-19 crisis and taking into account the overall situation of the transport sector since the beginning of the pandemic;

ENCOURAGES the Commission, in order to clarify the scope of the contingency plan, to provide a coherent definition of 'major crisis', taking into account that the contingency plan aims to offer a means to help avoid potentially severe impacts on freight transport and the seamless flow of goods between Member States and with third countries, in such a major crisis situation.

ENCOURAGES the Commission to extend, where appropriate, in part or in full, the contingency plan to passenger transport and transport in general;

SUGGESTS that such a contingency plan tie in closely with the Council's call for an evaluation of the COVID-19 pandemic in relation to the internal market;

INVITES the Commission to consider covering in the contingency plan at least the following aspects: maintaining cross-border freight transport operations along the TEN-T corridors and other essential cross-border connections as well as related ancillary services supporting the operation of such network, and ensuring free movement of transport workers while safeguarding the protection of their health and safety; preparing guidelines and best-practice toolboxes in order to strengthen the resilience of the transport sector, and setting up a coherent regulatory framework as regards exemptions to be applied when pandemics and other major crisis situations arise;

STRESSES the importance that such a contingency plan takes into account the specific needs of Member States which do not have a land border with another Member State, islands, remote and peripheral regions and overseas territories in order to ensure connectivity and prevent isolation;

INVITES the Commission to use and strengthen existing structures and networks, including the network of national contact points of the transport ministries;

UNDERLINES the importance for the drafting of the contingency plan of the EU's commitment to climate neutrality by 2050, of the principles of subsidiarity, proportionality and better regulation, and of respecting the expertise and competence of the different authorities and stakeholders involved;

INVITES the Commission to thoroughly assess further steps in order to promote digitalisation of the transport sector and the pooling of information, while enhancing the resilience of IT networks and improving the Galileo Green Lane app;

INVITES the Commission to take into account in its further work lessons learnt from the use of Green Lanes in order to ensure the functioning of transport and logistics chains as well as predictable and harmonised travel and working conditions, in particular by accepting, either in paper or digital format, the certificate for international transport workers, as referred to in the Commission Communication on the implementation of Green Lanes across the Union and, where appropriate, to promote the use of multimodality and environmentally friendly sustainable modes of transport;

INVITES the Commission to develop, in relation to the review of the state aid temporary framework, a specific framework for temporary state aid for present and future pandemics and other major crisis situations that would allow Member States to support the transport sector in a swift, proportionate and non-discriminatory way, considering the need to act quickly and in a flexible way in such situations;

RECALLS the importance of Regulation (EU) 2019/452 establishing a framework for the screening of foreign direct investments into the Union and of the Commission Guidance to the Member States concerning foreign direct investment and free movement of capital from third countries, and the protection of Europe's strategic assets, ahead of the application of the Regulation⁹;

STRESSES the need to take into account the concerns of the transport sector when adopting or considering rules or coordinated measures concerning health and border crossings, in order to avoid a negative impact on supply chains and to facilitate the free movement of goods and transport workers, as well as crew changes.

⁹ C(2020) 1981