



Council of the  
European Union

Brussels, 16 October 2020  
(OR. en)

11995/20

LIMITE

TRANS 474  
AVIATION 187  
MAR 135

## OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	10606/3/20 REV 3
Subject:	Draft Council Conclusions on policy considerations for a pandemic and other major crisis contingency plan for the European freight transport sector

Delegations will find in annex an outcome of proceedings, reflecting the final changes compared to the document 10606/20 REV 3, on which you were asked to send written comments. Changes have been marked in bold underlined for **new text** and strikethrough for ~~deleted text~~.

These changes will also be reflected in a clean version in the report (document 10762/20) that will be sent to COREPER for preparing the final approval.

## **DRAFT 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 2020<sup>1</sup>;
- 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 2020<sup>2</sup>;
- the European Commission Guidelines on Facilitating Air Cargo Operations during COVID-19 outbreak of 26 March 2020<sup>3</sup>;
- the Commission Guidelines on protection of health, repatriation and travel arrangements for seafarers, passengers and other persons on board ships of 8 April 2020<sup>4</sup>;
- the Commission Guidelines on the progressive restoration of transport services and connectivity of 13 May 2020<sup>5</sup>;
- the EU Guidance for the progressive resumption of tourism services and for health protocols in hospitality establishments of 13 May 2020<sup>6</sup>;

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<sup>1</sup> C(2020) 1753 (final)

<sup>2</sup> C(2020) 1897 (final)

<sup>3</sup> C(2020) 2010 (final)

<sup>4</sup> C(2020) 3100 (final)

<sup>5</sup> C(2020) 3139 (final)

<sup>6</sup> C(2020) 3251 (final)

- the Council Recommendation on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic<sup>7</sup>;

**(1) IS COMMITTED** to playing its part in protecting the European transport sector from the effects of pandemics and other major crises situations;

**(2) 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;

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

**(4) RECALLS** that the past few months have shown us very clearly how important but also how sensitive the mobility and transport sectors is are 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 actions;

**(5) 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 remain operational by means of ensuring the functioning of relevant and related ~~auxiliary~~ ancillary services and maintaining open borders;

**(6) NOTES** that the transport sectors in general, and in particular freight transport, is are 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, ~~also~~ 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;

**(7) 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;

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<sup>7</sup> O.J. 14.10.2020 [to be completed once signed and published]

(8) **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 the field~~, 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;

(9) **WELCOMES** the coordinated compliance ~~in the past months~~ 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**;

(10) **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;

(11) **WELCOMES** the regular exchange of information and coordination ~~carried out~~ with associations of the ~~mobility and~~ transport sectors at national and European levels;

(12) **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, ~~which would be based~~ **where appropriate** on an impact assessment and ~~the~~ **after consulting** ~~consultation of~~ 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 ~~outbreak~~ **beginning** of the pandemic;

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

(14) **ENCOURAGES** the Commission to analyse whether it would be appropriate to extend, in part or in full, the contingency plan to passenger transport and transport in general;

**(15) 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;

**(16) INVITES** the Commission to consider covering in ~~the~~ that 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 ~~auxiliary~~ **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~~ation~~ of 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;

**(17) 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;

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

**(19) 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 ~~for the drafting of the contingency plan~~;

**(20) 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;

**(21) 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, **or other equivalent document**, and, where appropriate, to promote the use of multimodality and environmentally friendly sustainable modes of transport;

(22) **INVITES** the Commission to consider how to ensure a coherent EU regulatory framework for all modes of transport, to be implemented in the corresponding sectoral regulations, providing, if necessary, for appropriate and temporary exemptions from applicable rules to be applied on a case-by-case basis and giving, where appropriate, Member States the flexibility to decide whether or not to use such exemptions depending on the impact on their territory, and maintaining the highest level of safety, security and social standards;

(23) **INVITES** the Commission to **develop** ~~elaborate~~, **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 ~~in such situations~~, and the need to follow **in** a flexible **way in such situations** approach towards ~~'undertakings in difficulty'~~;

(24) **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 Regulation<sup>8</sup>;

(25) **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.

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<sup>8</sup> C(2020) 1981