**European Union**

**Temporary Restriction on Non-Essential Travel to the EU (17.03.2020)**

EU Leaders agreed to temporary restriction of non-essential travel from third countries into the EU area for 30 days. Any possible prolongation of this period should be assessed depending on further developments. The temporary travel restriction foresees exemptions for nationals of all EU Member States and Schengen Associated States (Iceland, Liechtenstein, Norway and Switzerland; whilst UK nationals are still to be treated in the same way as EU citizens until end 2020), for the purposes of returning to their homes. Exceptions are also foreseen for travellers with an essential function or need.

Start date: 17.03.2020
End date: 30 days from starting date

**Remarks from the International Road Transport Union 28.05.2020**

On 27 May, Regulation (EU) 2020/698 was published in the Official Journal of the EU. The Regulation lays down specific and temporary measures concerning the renewal or extension of certain certificates, licences and authorisation and the postponement of certain periodic checks and periodic training in the area of transport legislation. Concerning road transport, the following Regulations and Directives could be subject to temporary changes:

- Directive 2003/59/EC on the initial qualification and periodic training of drivers
- Directive 2006/126/EC on driving licences
- Regulation 165/2014/EU on tachographs in road transport
- Directive 2014/45/EU on periodic roadworthiness tests for motor vehicles and trailers
- Regulation (EC) 1071/2009 on access to the profession
- Regulation (EC) 1072/2009 on access to the road haulage market
- Regulation (EC) 1073/2009 on access to the market for coaches and buses

The Regulation enters into force on 4 June 2020. However, Article 3 (4), Article 4(6), Article 5(5), Article 7(5), Article 8(5) and Article 11 (5) apply from 28 May 2020.

**Source: European Union**

**20.04.2020**

The European Commission services have updated the information on temporary relaxation of driving time and rest period. More information is also available on the dedicated section of EC website here.

**Source: European Commission, DG MOVE**

**12.04.2020**

The European Commission services has just disseminated a note, advising EU Member States how to deal with driver cards under the current exceptional COVID-19 circumstances, where delays may be expected in issuing or replacing them.

The EC recognises that the EU legislation, as contained in Regulation (EC) No 561/2006, Directive 2002/15/EC and Regulation (EU) No 165/2014 (Tachograph Regulation), does not contain a legal basis that would empower the Commission to authorise a derogation from the time limits contained in the legislation, to meet exceptional circumstances. However, in its capacity as guardian of the Treaties, the Commission is entitled to take account of exceptional circumstances to which Member States are exposed during the current crisis.

The Commission services suggest, therefore, the below approach, provided that the measures adopted by EU Member States are limited to what is necessary in view of the current crisis, both in terms of substance and in time.

- The national competent authorities should strive to supply a new card as soon as possible after the receipt of a detailed request to that effect. Under this approach, a deadline of 45 days after the receipt of the request could be considered reasonable under the current circumstances.

- National enforcement authorities should take into account the current exceptional circumstances when performing controls of compliance with the Tachograph Regulation, to the extent that the driver has complied with his/her obligations.
Regarding expired cards, the EC proposes the following approach:

- The obligations set out in paragraphs 1 (obligation to apply for renewal 15 working days before the expiry date of the card) and 2 (provisions in case of renewals, in which the Member State of the driver’s normal residence is different from that which issued his/her current card) of Article 28 of the Tachograph Regulation apply. The submission of an online request is recommended and should be always preferred when available.

- Without prejudice to the need for Member States to ensure that the relevant periods and events are properly recorded, the driver should always be in possession of the expired card and present it upon request of the control authorities.

- The driver should keep the proof of the request of replacement of the expired card to the competent national authorities and present it to control authorities upon request.

Source: European Commission

10.04.2020

Following many questions relating to issues with customs procedures during the COVID-19 crisis, the European Commission, DG TAXUD, established a webpage with guidance for economic operators regarding several customs issues. This information is regularly updated and therefore, should be consulted on a regular basis.

The guidance includes aspects relating to customs decision-making, customs procedures and formalities. It covers issues on the use of NCTS and TIR, such as:

- Empowerment of customs representatives for e-commerce
- Prioritisation of essential customs decisions
- Flexibility for customs debts and guarantees
- Entry, transit and exit of goods
- Customs and special customs procedures.

Source: European Commission, DG TAXUD

07.04.2020

DG MOVE issues guidance on the renewal of certain licences and certificates for professional carriers in the EU.

Following DG MOVE Director General’s letter to EU Member States requesting them to communicate to the European Commission (EC) services via a single email address, EU-COVID-TRANSPORT@ec.europa.eu, their national measures relative to the COVID-19-related emergency prolongation of the validity of licences and certificates issued to individuals and professional carriers and workers (Flash info published on 27 March) the EC has now published a dedicated Annex, listing these certificates. For road transport, the following main control documents are listed:

- **Periodic training of drivers**, to obtain their Certificates of Professional Competence (CPC), as provided for in Article 8 of Directive 2003/59/EC;
- **Driving licences**, regarding the renewal or, in some cases, the exchange of driving licences, according to Article 7 of Directive 2006/126/EC;
- **Dangerous goods**, covered by Directive 2008/68/EC, including among other things the renewal of driver training certificates for the transport of dangerous goods and the renewal of the dangerous goods safety advisers certificates;
To ensure that national authorities are informed of the exceptional measures taken by other Member States and to practice tolerance, the EC will publish the national information on its coronavirus transport platform at https://ec.europa.eu/transport/coronavirus-response_en.

Source: European Commission

06.04.2020


On 30 March 2020, the European Commission issued some specific guidelines in order to ensure the continuation of national and cross-border waste shipments in the EU. The guidelines indicate that the Green Lanes apply mutatis mutandis to the shipments of waste, and invite Member States to implement this principle.

In addition, a call is made to abandon paper document treatment and to move to digital document exchange, especially in cases of communications relating to notifications of shipments.

Finally, more flexibility is recommended when there are changes in routing which do not involve a Member State that was not included in the original route.

Source: European Commission, DG Environment

On 16 March 2020, the European Commission (EC) adopted a Communication calling for a temporary restriction on non-essential travel to the EU in view of the coronavirus (COVID-19). In order to assist the member states in implementing these new rules, the EC adopted a guidance document last week, providing information on the temporary restriction applying to all non-essential travel to the EU and the effects on visa policy.

The main elements of the guidelines are as follows:

- The introduction of temporary travel restrictions applying to all non-essential travel from third countries to the EU+ area;
- Minimum service in consulates for processing visa applications;

Dealing with overstay caused by travel restrictions, including persons from visa waived third countries.
The guidance document clearly states that the temporary restriction should not apply to persons with an essential function or need, including transport personnel. Moreover, member states’ consulates (and possibly external service providers) should remain open and accept/deal with visa applications from those travellers who are exempt, including transport personnel. Additionally, the guidance document says that member states should take into account the measures proposed by the EC on the implementation of Green Lanes when deciding on border crossing points.

For a summary of the guidelines per element, please see the document drafted by the IRU secretariat.

Source: European Commission, DG HOME

*The EU+ area is defined by the European Commission as all Schengen member states (including Bulgaria, Croatia, Cyprus and Romania) as well as the four Schengen associated states (Iceland, Norway, Switzerland and Lichtenstein).

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SURE - a new temporary instrument worth up to €100 billion to help protect jobs and people in work

The European Commission has put forward a new instrument for temporary Support to mitigate Unemployment Risks in an Emergency (SURE). SURE will provide financial assistance, in the form of loans granted on favourable terms from the EU to member states, of up to €100 billion in total. Its goal would be to complement the efforts made by national authorities to support workers affected by the coronavirus (COVID-19) and the containment measures adopted across the EU. The European Commission’s proposal for the SURE instrument will need to be approved by the Council. Its duration and scope are limited to tackling the consequences of the coronavirus (COVID-19) pandemic.

Source: European Commission

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03.04.2020

European Commission issues guidelines on the exercise of the free movement of workers during the coronavirus (COVID-19) outbreak

Further to its communications on border management and Green Lanes, the European Commission has now issued another communication (see text in all EU official languages), clarifying the conditions for the movement of workers (including transport workers) within the European Union during the coronavirus (COVID-19) outbreak. These specific guidelines, which cover a wider sector of workers, further clarify and complement the provisions for international transport workers presented in the Green Lanes Communication, and are without prejudice as far as transport workers are concerned. Member states are also invited to treat self-employed persons in one of the critical occupations listed in these guidelines in the same manner.

The listed occupations are as follows:

- Health professionals including paramedical professionals;

- Personal care workers in health services, including care workers for children, persons with disabilities and the elderly;

- Scientists in health-related industries;

- Workers in the pharmaceutical and medical devices industry;

- Workers involved in the supply of goods, in particular for the supply chain of medicines, medical supplies, medical devices and personal protective equipment, including their installation and maintenance;

- Information and communication technology professionals;
- Information and communication technicians, as well as other technicians for the essential maintenance of equipment;
- Engineering professionals such as energy technicians, engineers and electrical engineering technicians;
- Persons working on critical or otherwise essential infrastructures;
- Science and engineering associate professionals (including water plant technicians);
- Protective services workers;
- Firefighters, police officers, prison guards, security guards and civil protection personnel;
- Food manufacturing and processing, and related trades and maintenance workers;
- Food (and related products) machine operators (includes food production operators);
- Transport workers (as defined in the green lanes communication and the letter of the DG MOVE Director General – note IRU), in particular:
  a) Car, van and motorcycle drivers, heavy truck and bus drivers (includes bus and tram drivers) and ambulance drivers (including those drivers who transport assistance, offered under the Union Civil Protection mechanism as well as those transporting repatriated EU citizens from another member state to their place of origin);
  b) Airline pilots;
  c) Train drivers, wagon inspectors, maintenance workshop staff as well as the infrastructure managers’ staff, involved in traffic management and capacity allocation;
  d) Maritime and inland navigation workers;
- Fishermen;
- Staff of public institutions, including international organisations in critical functions.

The Commission urges member states to establish specific burden-free, fast procedures for border crossings with a regular flow of frontier and posted workers in order to ensure them a smooth passage. This could be done, for instance and where appropriate, by means of dedicated lanes at the border for such workers, or those with specific stickers recognised by neighbouring member states.

Health screening for frontier and posted workers must be carried out under the same conditions as nationals exercising the same occupations. Health screening can be carried out before or after the border, depending on the available infrastructure, to ensure traffic remains fluid. Member states should coordinate between themselves to carry out health screening on one side of the border only, in order to avoid overlaps and waiting times. Checks and health screening should not require the workers to leave the vehicles, and should in principle be based on electronic body temperature measurement. Temperature checks on workers should not be carried out more than three times in the same day.

For the transport workers referred to in paragraph 19 of the Commission’s communication on the implementation of Green Lanes, the specific health screening measures referred to in those guidelines apply.

The Commission urges member states to establish specific procedures to ensure the smooth passage for such workers, as well as use the technical committee on the free movement of workers to identify best practices, that can be extended to all member states in order to allow these workers to exercise their occupations without hindrance.

Source: European Commission
Movement of transport workers in the European Union – clarification on documents needed, to certify international transport activity

In its letter to the EU Member States of 26 March, the DG MOVE Director General clarified the meaning of “transport workers”, which, for the road transport sector, also covers professional drivers carrying out their tasks internationally.

In its Green Lanes Communication (see text in all EU languages) of 23 March, the EC set up the principle of the free movement of transport workers and requested Member States not to subject them to quarantine measures unless they are showing COVID-19 symptoms, as well not to request them to provide a doctor’s certificate or declaration. In their joint statement of 26 March, the EU Heads of States and Governments supported the EC Green Lanes Communication (see item 3), thus making it a joint commitment of all EU Member States.

In Annex 3 of the Green Lanes Communication, the Commission introduced an EU template for a certificate for international transport workers, to be signed by the employer, which certifies that the driver is carrying out professional activities in international transport. This template certificate is recommended for use by truck drivers travelling by other means of transport (such as bus or car, and not their truck), to certify their professional activity; this includes drivers driving LCVs who do not have a C or D licence. Professional drivers carrying out their international transport activities with their truck, do not need to have this certificate.

In summary, the driver’s ID document, its Certificate for Professional Competence (CPC), and the above certificate for international transport workers, as per Annex 3 of the EC Green Lanes Communication, established and signed by the employer, should be accepted as sufficient proof of professional activities by the control authorities of EU Member States. No additional documents should be requested from professional drivers.

Source: IRU’s own analysis

Green lanes communication supported by EU Heads of States and available in all EU languages

The recent key European Commission communication on green lanes is now available in all EU official languages here.

Please note that in their latest statement (26 March), the EU Heads of States and Governments also expressed their support for green lanes with the following statement: “Where temporary internal border controls have been introduced, we will ensure smooth border management for persons and goods and preserve the functioning of the single market, based on the Commission guidelines of 16 March 2020, in accordance with the Schengen Borders Code, and the Commission’s guidance on the implementation of “green lanes”.

This confirms that the implementation of green lanes is a joint commitment of all EU Member States.

Source: IRU

27.03.2020
On 26 March, DG MOVE Director General, Henrik Hololei, sent a letter to EU Member States requesting them to communicate to the European Commission (EC) services (through a single email address EU-COVID-TRANSPORT@ec.europa.eu) their national measures regarding the COVID-19-related emergency prolongation of the validity of licences and certificates issued to individuals and professional carriers and workers. He also invited national authorities to take this information into account when enforcing the relevant regulatory provisions, in particular regarding professional carriers and workers performing international activities.

The information provided by Member States to the EC, should contain, as a minimum, the following:

- The relevant EU (or national) legislation and specific provision(s)
- A short description of the measure
- The envisaged duration of the extension (date, from-to)

To ensure that national authorities are informed of exceptional measures taken by other Member States, the EC will publish the national information on its Coronavirus transport platform.

Please note that this is a first general statement, to be followed by “specific legal requirements (EU or national) liable to be affected by this situation will be identified and communicated as soon as possible”. DG MOVE services are currently working on this list, including for road transport, and intends to publish it as soon as possible. A dedicated IRU Flash Info will immediately follow.

Source: European Commission

IRU clarifications regarding the exemptions granted by the various EU Member States to driving and rest time rules – Regulation (EC) No 561/2006

A number of EU Member States have granted temporary derogations from driving and rest time rules, pursuant to the provisions of Article 14(2) of Regulation (EC) No 561/2006.

The latest official information from the European Commission can be found at its dedicated website at https://ec.europa.eu/transport/modes/road/social_provisions/driving_time_en, under “COVID-19 - Temporary relaxation of drivers’ hours rules”.

Following several discussions among experts and with the services of the European Commission, the following clarifications can be made:

· When these exemptions are granted by EU Member States to international transport (in most cases, but not in all), they apply to all drivers of EU-registered companies on the territory of the given EU Member State;

· Enforcement authorities of the various EU Member States have been and will continue to be informed of the various temporary exemptions introduced by the EU Member States, so that they take them into consideration when controlling drivers at the roadside;

· The European Commission services have formally sent the list of exemptions to the UNECE Secretariat, with the objective to inform also the competent authorities of the AETR Contracting Parties, which are not EU Members, about these exemptions, so that they could possibly be taken into consideration, when EU drivers are subsequently controlled on the territories of AETR Contracting Parties, which are not EU Members;
As a rule, these EU Member States’ exemptions given under the EU Regulation (EC) No 561/2006, are not applicable to drivers from companies registered in AETR Contracting Parties, which are not EU Members. One EU Member State (Poland) has formally and explicitly stated that the exemptions granted on the Polish territory do not apply to drivers from AETR Contracting Parties, which are not EU Members. **We therefore strongly recommend to drivers from AETR Contracting Parties, which are not Members of the EU, to respect the AETR Agreement rules.**

In exceptional circumstances of the kind drivers are currently meeting on the road and at borders, and according to the provisions of Article 9 of the AETR Agreement, drivers from AETR Contracting Parties, which are not EU Members, "... may depart from the provisions of this Agreement to the extent necessary to ensure the safety of persons, of the vehicle or of its load. The driver shall indicate the nature of and reason for his departure from those provisions on the record sheet of the control device or in his duty roster."

The IRU is in almost permanent contact with the services of the European Commission and the representative organisations of enforcers in Europe, to discuss, give and obtain advice on these issues.