



## Comments on Contingency Plan for Transport

*BusinessEurope's comments on the future Contingency Plan for Transport are a contribution to the ongoing public consultation in this regard. The COVID-19 crisis implications for manufacturing, services and supply chains in the Single Market were heavily defined by devastating disruptions in the transport sector. In 2020 BusinessEurope had a real time reporting line open for our members to report the Single Market blockages and supply chain disruptions, and this submission to the public consultation is broadly based on that reported information though it may not necessarily reflect the scope of issues the European companies faced in full. National/EU experiences vary a lot, but the overall score on the crisis response in the EU transport sector would roughly hit around 6 out of 10, so there is a number of issues to be addressed for the future, especially on **timely communication, harmonised and clear response measures and understanding of solid links along the value chains and in the Single Market**. It is also crucial that the Contingency Plan is well coordinated with the upcoming legislative initiative on the Single Market Emergency Instrument, led by DG GROW.*

Comments on the selected [public consultation](#) questions:

### **Q22 on information provision:**

Businesses clearly lacked homogenous, well-structured, easily accessible and timely information on the effects of the crisis on *cross-border* transport operations and changing regulatory/administrative environment. While the Member States were taking different approaches, often reacting ad-hoc, the European Commission stepped in late (though commendably well in terms of ambition and outcomes). As the supply chains and transport services are global in many instances, lack of efficient coordination and information exchange at *international* level was very detrimental to the transport sector and industry at large, too.

### **Q23 on sufficiency of the support received:**

Financial measures aside, in the midst of the crisis businesses did not receive a *timely* intervention from the public authorities (EU, national, regional) in terms of information provision and temporary regulatory easing.

### **Q25 on difficulties in provision of cross-border services:**

- physical limitations (direct entry restrictions) were of course the first direct problem encountered (long waiting times at borders, compulsory 14-day quarantine for the transport crew, even in transit, standstill in air/rail passenger services etc.);
- further increase in shortage of truck drivers in road transport;
- the big jam: jammed borders by vehicles not falling under the "green lane" concept, ship traffic jams at sea etc.
- significant differences of definitions of the "essential goods/services/business" across Member States and their restrictions or new administrative requirements in this relation (either



denial of entry as failing to meet the criteria of carrying “essential goods” or requirement of additional documents to certify those products being “essential”, the latter notion or certification not harmonised). No uniform definitions, no uniform procedures, no clarity on applicable law in such instances.

- huge problems in container transport with shortages in international trade sky-rocketing.

**Q56/62/63 on temporary horizontal measures** (such as the Green Lanes, renewal or extension of certain certificates, licences and authorisations, relaxation of driving and rest times etc):

The measures taken at EU level were very useful, and the advance certainty on such measures could also give a great deal of certainty in terms of business decisions during crises.

**Q61, 68, 74, 80 on further actions at EU level:**

BusinessEurope considers that the Covid19 crisis demonstrated that present “soft” coordination and administrative cooperation mechanisms among the Member State authorities are not sufficient for a timely, robust and targeted response to a crisis. Even if the issue of EU competences arises, we consider the EU should make a move towards more harmonised mechanisms for the times of crises, among others on:

- temporary uniform derogations, such as mentioned above under questions 56, 62 or 63 for example, and sufficiently prolonged transitional arrangements for implementation of new regulatory requirements if it coincides with the crisis time
- temporary waivers, deferrals of infrastructure access and other charges
- extensions of deadlines and flexibility in terms of validity of certificates, licences, permits, authorisations as well as adjusted (digitalised) administrative procedures
- clear harmonised conditions for open “privileged” transport corridors across all modes of transport (such as Green Lanes) with a “backup option” if those get saturated
- relevant frameworks with the EU’s neighbouring non-EU countries, so that its own Single Market system remains fully resilient, as well as with other main international trading partners
- guaranteeing access to infrastructure and transport servicing facilities, with real-time information available publicly
- inter-operability of ICT systems as the priority, in order to have functional communication and crisis management in transport across the EU
- mutual recognition of (electronic)documents, including those certifying the risk-proof business operation (in the Covid19 instance, verification of tests or vaccination etc), possibly via the Internal Market Information System (IMI Regulation (EU) No 1024/2012)
- burden of proof and liability regime that should be clear, especially as business operators cannot be held liable for fraudulent practices of the customers/consumers abusing the crisis.

All the emergency measures should be **limited in time and subject to a clear, definite set of criteria that is not open for interpretations**. They should be subject to a **structural scrutiny by the Commission, Member States and stakeholders on a regular basis**. Dedicated resources in times of crises are crucial.