

Ms Ursula Von der Leyen
President of the European
Commission
European Commission
Rue de la Loi 200
B-1049 Brussels

Brussels, 20 March 2020

Subject: Ensuring the integrity of the Single Market during the COVID-19 crisis

Dear President Von der Leyen,

The impact of COVID-19 crisis on European citizens and businesses is massive. Understandably, Member States are taking measures in the form of travel restrictions to protect their citizens from further harm and unnecessary exposure to the virus. Their sovereignty in matters related to health policy does not preclude the European Commission from playing a coordinating role in this area and EUROCHAMBRES acknowledges the significant added value of a European approach to tackling the pandemic.

It is vitally important and in the interests of all that the European Commission fulfils its role as the guardian of the treaties. We therefore warmly welcome the Commission's guidelines earlier this week on border management measures to protect health and ensure the availability of goods and essential services. It reminds the Member States of their obligations, despite the exceptional circumstances.

We agree with the Commission that the integrity of the Single Market for goods and essential services is of paramount importance to preserve the correct functioning of our interdependent supply chains. If the continuation of economic activity is undermined, our capacity to combat the crisis will also be jeopardised.

We are therefore concerned to learn from Chambers of Commerce & Industry of problems arising at borders between Member States. While your guidelines set out clear instructions to Member States, our members inform us that temporary emergency measures are being implemented without giving prior notice to the Commission and the economic operators affected by them. This situation creates damaging levels of uncertainty for businesses and disruption of supply chains.

The newly imposed travel restrictions create massive traffic disruption in Europe, especially at borders. Drivers of heavy goods vehicles, crucial to maintaining supplies, are encountering situations that hinder their compliance with the rules laid down in Regulation (EC) No 561/2006 on driving times and rest

periods. In this respect we appreciate that some Member States tolerate deviations from the rules of driving times and resting periods and duly inform the European Commission.

For example, there are even longer waiting times when entering Austria from Italy via the Brenner Pass, as the entire flow of traffic is delayed due to checks of the health certificates of drivers in individual traffic entering the country. This results in transport workers exceeding permitted driving times and not complying with the rest period regime. Due to the unpredictability of such delays, businesses can no longer plan routing efficiently either. The health of the drivers must be ensured, which will also help maintain the security of supply. In the current situation, this can be ensured by allowing the driver to stay in the vehicle and to pass through the red zone swiftly.

A shortage of drivers is also becoming an issue, as many are no longer able or willing to drive abroad. Quarantine automatically imposed by Member States on drivers returning from international travel is grounding a significant number of them. Quarantine also affects local transport markets when drivers commute to work from neighbouring countries.

Chambers are also concerned about the uncertainty for frontier workers, referred to in article 23 of the aforementioned guidelines. Germany for instance has reintroduced temporary border controls, which should in principle still grant entry for frontier workers. In the case of all Member States introducing such border measures, the procedures should be clear, transparent and not unnecessarily complex to comply with.

Concretely, businesses must know what type of documentation is required for their frontier workers, how this documentation can be acquired without the imposition of countless approvals. There is already concern that regional authorities are imposing different requirements. We encourage the Commission to work with national authorities to ensure more clarity on this subject and to act as an aggregator of information. Notifications from Member States on temporary border restrictions could also be included on a publically available platform or registry. Our network of Chambers across Europe stands ready to disseminate all such information to its 20 million member businesses.

We have been notified of other concerns related to a general lack of information on the status of cross-border service providers and uncertainty whether a commercial operation falls under the transport of goods or the provision of a service. Another issue is that commercial operators are not familiar with the term “essential goods” and are therefore unsure about their rights to continue export activities and whether they might be asked to provide proof that a product is “essential”.

In addition to intra-EU movement of goods, we also need to avoid unreasonable and disproportionate requests as a reaction to the crisis in terms of administrative documents to be shown at external EU border controls.

European business and welfare depend to a great extent on the ability to maintain open markets underpinned by free and fair trade and the predictability of global trading conditions. I am sure that you agree that, even in such difficult times, standing up for a rules-based, multilateral trading system, as well as enabling an open, fair, inclusive and predictable international trading environment must continue to be a leading principle for the European Union.

We thank you for your continued efforts in this highly challenging context. Chambers are working hard to support the business community during the crisis and we offer also our support to you in your ongoing efforts. We are convinced that maintaining the integrity of the Single Market is a key factor in tackling the pandemic, in ensuring that the European economy continues to function and that it is well placed to bounce back.

Yours sincerely,



Christoph Leidl

President EUROCHAMBRES

CC: Thierry Breton, Internal Market Commissioner



Arnaldo Abruzzini

CEO EUROCHAMBRES