

JOINT STATEMENT OF BUSINESS ORGANIZATIONS ON CROSS-BORDER MANAGEMENT INTRODUCED IN THE LIGHT OF COVID-19

We, hereby listed business organizations, very much appreciate the extraordinary efforts made by the Member States and the EU institutions to enable the free movement of people, goods and services across the EU internal borders. In the past weeks, the Commission introduced important measures¹ to ensure the integrity of the single market and to promote better coordination between the Member States. **Ultimately, the Commission's recommendations presented in its most recent "communication towards a phased and coordinated approach for restoring freedom of movement and lifting internal border controls"² need to be implemented nationally in the context of the exit strategies that the Member States are now launching throughout Europe.**

Despite these efforts, there are still significant obstacles to overcome, many of them caused due to unilateral national actions. However, our economic recovery largely relies on our ability to restore a functioning Schengen area. Many countries closed their borders and limited cross-border movement. Moreover, they subjected border crossings to complicated and often uncoordinated restrictions, regulations and rules. This continues to create legal uncertainty and delays for the transport of goods, the delivery of services and the free movement of workers. **The opening of the internal borders for business activities must be a priority.**

While we understand the need for measures preventing the COVID-19 from spreading, we need our economies running – by delivering goods, services and enabling the free movement of workers. We, as business representatives, declare our readiness to take our part in restoring the European way of life and we need our governments to create enabling conditions.

We appeal to the respective governments to work closely with businesses and better coordinate the measures.

Specifically, we ask the Member States:

- **To coordinate with other Member States, especially the neighboring ones.** In some cases, the borders are theoretically open; however, practically this is not the case due to the restrictions in the destination country. Inconsistent unilateral actions by the Member States have created unnecessary legal uncertainty for businesses and workers. **The aim must be to restore the integrity of the internal market and remove obstacles to EU labor mobility as soon as the health risks have decreased.** The possibility for companies to do business across the Member States including postings is an essential part of the single market and it is vital for keeping our prosperity.
- **To ensure proportionate health checks and quarantine regulations.** Health measures taken by the Member States have to be proportionate and non-discriminatory while controlling the spread of the virus, **e.g. by providing feasible testing schemes. The measures need to balance both the protection against the infection as well as the integrity of the single market.**
- **To ensure transparency of information and applicable rules and regulations.** Mobile workers and their employers need to have an easy access to relevant information. They have to know which documents they need to carry to cross the border and which rules and regulations apply. We urge

¹ Such as *Guidelines for border management measures* (16 March), the *Communication on the implementation of Green Lanes* (23 March), the *Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak* (30 March) and the *European Roadmap towards lifting COVID-19 containment measures* (15 April).

² 13 May 2020, C(2020) 3250 final

the Member States to **submit comprehensive up-to-date overviews** to their neighboring countries, making sure they are made available to employers and workers. Ideally, the information should be provided in English or languages of surrounding countries as well.

- **With more companies returning to full-scale operations, cross border flows will start to deteriorate.** In order to recover from this crisis, a common approach regarding European standards is indispensable for a controlled ramp-up of industrial production within the European single market. **European companies are highly dependent on an efficient transport system.** Capacity bottlenecks in the road transport sector would jeopardize the rapid recovery of the European economy. **Thus, governments have to introduce border regimes capable of managing rising load, especially road haulage, in order to avoid creating such serious bottlenecks. In the Commission`s guidelines proposed “green lanes” must be nationally enforced.**
- **To ensure uniform and non-discriminatory treatment of mobile workers.** Frontier, posted and seasonal workers in critical functions need to be treated in a uniform, proportionate and non-discriminatory manner. In addition, as long as the activities of cross-border, posted and seasonal workers are not temporarily prohibited in the Member State of employment, also mobile workers in non-critical professions need to be allowed to cross borders for their work.
- **To prepare and enforce national plans for gradual and coordinated lifting of border controls.** National governments should make use of the criteria, principles and phases presented in the Commission`s communication for **restoring the freedom of movement in order to gradually, securely and coordinately progress towards the complete lifting of restrictions and controls at the internal borders.**

To conclude, we need your support to explore and agree on balanced and well-coordinated solutions to support companies and workers during this crisis and allow them to move freely across the borders. You can count on our full support to help you overcome the COVID-19 crisis and ensure that Europe recovers successfully.



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Bundesverband der Deutschen Industrie e.V. – BDI



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