

Border closures and movement of workers during Covid-19 outbreak Summary of EU Guidelines for Member States

The Covid-19 outbreak has forced Member States to impose closures of internal borders and restrictions to the free movement with the aim of protecting public health. In addition, non-essential travel restrictions have been applied at the external borders of the Union since the Commission recommendations of 16 March, 8 April and 8 May, supported by a guidance of 30 March.

These restrictions have severely impacted the maritime technology supply chain and have created a worrying scarcity of workforce due to the impossibility of foreign workers and service companies to access their host countries.

With the aim of reaching a balance between the aim of Member States of containing the epidemic, and the need to limit the negative effects on the free movement of people, goods and services, during the outbreak the European Commission has adopted several non-binding guidelines encouraging MS to facilitate the movement of workers and services.

Guidelines for facilitating the movement of goods and workers during Covid-19 pandemic:

1. 16 March/ Guidelines for border management measures to protect health and ensure the availability of goods and essential services ([Link here](#)).

This Communication aimed at restoring some aspects of the Single Market, mainly the delivery of essential goods and services across Europe and free movement for essential cross-border travel.

A letter from DG Move to SEA Europe clarifies that “The Commission considers that **marine services and maintenance**, the sector that you represent, is instrumental for this continuity” , and therefore that these Guidelines were also covering the mobility of workers in repair, maintenance and service activities.

2. 30 March/ Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak ([Link here](#)).

These Guidelines emphasise the need that workers involved in “**critical occupations**” are allowed to transit across EU borders, encouraging Member States to **establish specific burden-free and fast procedures for border crossings** with a regular flow of frontier and posted workers, to ensure a smooth passage for them.

The document includes a non-exhaustive list of critical sectors and occupations, mentioning among others those **involved in the supply of essential goods, working on critical infrastructures and transport workers**.

SEA Europe understands that shipbuilding and maritime technology are among the critical sectors described in these Guidelines, given that **it is key for the supply of essential goods, critical infrastructures and transport**. SEA Europe conveyed the message to the European Commission that the sector is indeed essential to ensure that civil and military ships and offshore platforms can perform their activities, transporting goods and people safely, generating and storing energy and keeping

security and surveillance operations across Europe’s coasts. On top of this, it is strategic to meet the goals of the Green Deal. Therefore, posted and frontier workers dealing in building and maintaining ships, offshore platforms and other maritime infrastructures should be considered as critical workers. Several DGs of the European Commission and the Communication of 13 May confirm that the list of occupations contained in this document is non-exhaustive, and the sectors should be given a broad interpretation, and therefore, there is no need to add a specific mention to the shipbuilding and maritime technology sector in the text of the Guidelines.

Regarding other sectors which are not considered critical, these Guidelines also add that **Member States should allow frontier and posted workers to continue crossing their borders to their workplace if work in the sector concerned is still allowed in the host Member State.**

3. 8 April/ Guidelines on protection of health, repatriation and travel arrangements for seafarers, passengers and other persons on board ships ([Link here](#))

This Communication is targeting the movement of seafarers and crews, however mainly focused on cargo ships, and those working in ports and logistics.

Regarding the maritime technology sector, DG Move has confirmed that these Guidelines cover as well **“operational, safety and technical personnel working ashore supporting ship and marine operations”**

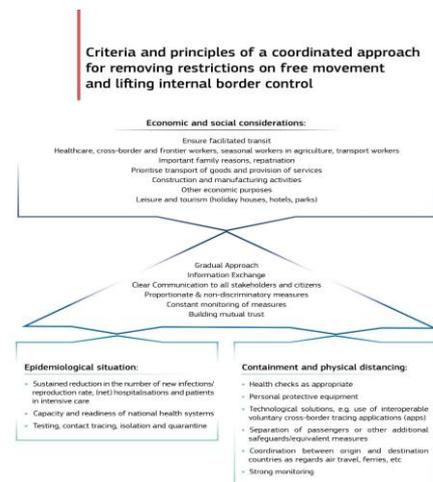
4. 13 May/ Communication from the EC on COVID-19. Towards a phased and coordinated approach for restoring freedom of movement and lifting internal border controls ([Link here](#))

This document reinforces the messages from previous Guidelines, especially those adopted on 30 March to facilitate the movement of workers in critical and non-critical sectors and mentions specifically the transport, manufacturing and service industries. The Communication aims to establish some criteria to facilitate the coordination of Member States in progressively lifting border controls and travel restrictions.

There are 3 criteria that should be taken into consideration by the Member States in the process of lifting their border controls:

- The epidemiological situation in the MS
- The necessity to apply containment measures, including physical distance
- Economic and social considerations

Among the economic and social considerations, the Commission encourages **Member States to ensure the facilitated transit of posted and frontier workers, prioritising transport of goods and provision of services and includes construction and manufacturing activities in the list** (see diagram on the right)



The Communication differentiates 3 phases in the process towards lifting the border controls:

- Current situation (Phase 0)

“Member States should allow workers, in particular transport, frontier, posted and seasonal workers, and service providers to cross borders and have unhindered access to their place of work. This should also apply where such workers and service providers only transit through a Member State.”

It also confirms that the Guidelines of 30 March (critical, posted and frontier workers) should be applied until internal border controls and more general travel restrictions have been lifted. This means that MS should ensure the smooth transit of posted and frontier workers involved in critical sectors and occupations (establishing “green lanes” or the conditions to avoid long waiting times and delays while ensuring the health and safety of those workers).

- Phase 1: Towards restoring freedom of movement by partial lifting of restrictions and controls at the internal borders

Travel restrictions and border controls should be gradually lifted throughout the EU if epidemiological developments across Europe continue their current positive trend, in particular when a sufficiently low-level transmission rate is reached. If this is not immediately possible, travel restrictions and border controls should be lifted for **regions, areas and Member States** with a positively evolving and sufficiently similar epidemiological situation.

- Phase 2: General lifting of restrictions and controls at the internal borders

When the epidemiological situation across the EU is sufficiently positive and convergent, it will consist in lifting all COVID-19 related restrictions and controls at the internal borders, while keeping the necessary health measures in place.

Conclusion:

The European Commission continues encouraging Member States to progressively lift border controls and facilitate the transit of goods, services and people while ensuring the containment of the pandemic at national level. In the current situation, so-called “Phase 0” which is in place until Member States will reach low levels of contagiousness, **Member States should allow workers involved in critical sectors to cross their borders through specific burden-free and fast procedures** to ensure a smooth passage. **Other frontier and posted workers should also be allowed to continue crossing borders to their workplace if work in the sector concerned is still allowed** in the host Member State.

The maritime technology sector should be considered by Member States as a critical sector as it meets the criteria established by the different EU Guidelines.

In summary, the maritime technology sector is critical for the movement of essential goods and services (as it is key for the maintenance and functioning of maritime infrastructures, logistics, ships and offshore platforms), and to ensure the security and safety of maritime borders. As mentioned by the latest Communication (13 May) those workers involved in construction and manufacturing activities and in sectors of economic relevance should also be allowed to transit to their host countries.