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COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

A contingency plan for transport

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A contingency plan for transport

1   INTRODUCTION

In the past two years, the EU transport sector has been deeply affected by two major crises – the COVID-19 pandemic and Russia's military aggression against Ukraine. The COVID-19 pandemic has severely affected society, including the transport sector[1]. To contain the outbreak, a number of measures restricting international and domestic travel were taken, such as physical distancing, stay-at-home orders, public transport closures, contact tracing and quarantine, and border closures. The lack of coordination of national measures further affected the transport sector by hampering cross-border transport operations[2], which often amplified the effects of the initial shock on people and the economy.[3]

The full effect of Russia's military aggression against Ukraine is yet to unfold. Since the invasion began, Member State authorities and EU transport companies – in particular in countries bordering Ukraine – have been providing humanitarian aid on an unprecedented scale. The war and sanctions have also created many challenges for EU transport: truck drivers stuck in a conflict zone, closure of Russian airspace, destruction of Ukrainian transport infrastructure, supply chains cut, and upward pressure on oil prices.

These two events are not the first major disruptions to the EU transport system. The eruption of the Icelandic volcano Eyjafjallajökull on 14 March 2010 and the Rastatt Tunnel collapse on 12 August 2017 also had a systemic impact on the transport sector, both for passengers and freight.

The contingency plan for transport, presented in this Communication, proposes a toolbox for dealing with any type of transport crisis[4]. It responds to the Council's call[5] on the Commission to draw up a European freight transport contingency plan for pandemics and other major crises. Moreover, the sustainable and smart mobility strategy[6] provided that the Commission prepare a crisis contingency plan to ensure business continuity and coordinate a response in the transport sector. The plan is designed based on lessons learnt and initiatives taken during the COVID-19 pandemic, such as the Communication on Green Lanes[7], Guidelines on Seafarers[8] and the 'Omnibus' COVID-19 legislation

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1 In 2020, European air traffic was 45% of 2019 levels, with a consequent passenger reduction of over 70% (EUROCONTROL). In some months of 2020, the number of passengers embarking and disembarking in EU ports almost halved (by 45%) compared to 2019. There were also 42% fewer rail passengers (Eurostat). The total turnover in the transport services sector decreased by 13% between 2019 and 2020.
2 For a database of measures, see: https://covid-statistics.jrc.ec.europa.eu/RMeasures.
3 The impact of COVID-19 on the Internal Market, IPOL_STU(2021)658219_EN.
4 Examples of possible crises are natural disasters, pandemics, terrorist attacks, cyberattacks, ransomware, military conflicts, bridge or tunnel collapses or other infrastructure failures, and power outages.
5 Council Conclusions, ST 12391/20.
6 COM(2020) 789 final
7 C(2020) 1897
8 C(2020) 3100

introducing temporary transport measures[9]. The plan is one of the deliverables under 'Flagship 8 – Reinforcing the Single Market' (Action 58) of the sustainable and smart mobility strategy. It complements Action 56 to assess the impact of the COVID-19 pandemic on transport connectivity and competition in the single market. It focuses on the transport sector – the Commission will address the broader issues the free movement of goods, services and persons in the EU Single Market and the availability of products and services in the forthcoming Single Market Emergency Instrument[10].

Many of the tools and principles proposed in this plan have already proven useful to help solve problems caused by Russia's military aggression against Ukraine. While some of the preliminary conclusions are presented below, a continuous re-assessment of the unfolding challenges is warranted. Thus, the next section below predominantly focuses on the EU response to the COVID-19 pandemic. It is followed by a forward-looking section on crisis preparedness that identifies principles in addressing transport contingencies and offers a toolbox of actions.

2   SUPPORTING THE TRANSPORT SECTOR IN TIMES OF CRISIS

The EU acted quickly to address problems caused by COVID-19 and restore transport connectivity. The response focused on ensuring the uninterrupted flow of goods and supply of transport services, without delays. However, the COVID-19 pandemic also showed how the division of responsibility between the EU and Members States on important issues, such as health and border control, can create challenges in delivering a fast and coordinated policy response.

2.1 Coordinating, monitoring and providing information

The Network of National Transport Contact Points improved coordination in the transport sector. It was set up under the Green Lanes Communication to address specific transport issues and has been coordinated by the Commission. The Network has had a crucial impact on managing the crisis and complements the EU's integrated political crisis response mechanism (IPCR), which was activated at the very start of the crisis in January 2020.

However, providing real-time information has been challenging. Up-to-date information has been essential because of the ever-changing pandemic situation, requirements and rules. The Re-open EU website[11] and mobile app have provided information to people and businesses across the EU. The Commission's Your Europe portal[12] was an important information channel, and it received 9.9 million visits in July 2021. These tools have played an important role in bringing back safe travel and tourism. At the same time, due to rules changing often and the imperfect information flow between national authorities and the Commission, information on certain rules has been sometimes outdated[13]. The website has helped passengers, but it does not include rules for transport workers.

> *Russian aggression against Ukraine: coordinating, monitoring and sharing information*

9 Regulation (EU) 2020/698 of the European Parliament and of the Council of 25 May 2020 laying down specific and temporary measures in view of the COVID-19 outbreak concerning the renewal or extension of certain certificates, licences and authorisations and the postponement of certain periodic checks and periodic training in certain areas of transport legislation, OJ L 165, 27.5.2020, p. 10–24.

10   https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13181-Single-market-new-EU-instrument-to-guarantee-functioning-of-single-market-during-emergencies_en

11 Re-open EU provides COVID-19 information on travel and health measures in EU and Schengen Area countries (Iceland, Liechtenstein, Norway, and Switzerland). Information is updated frequently and available in 24 languages.

12 https://europa.eu/youreurope/index_en.htm

13 Assessment by the European Court of Auditors of Re-Open.eu, Special Report 15/2021: Air passenger rights during the COVID-19 pandemic: Key rights not protected despite Commission efforts.

The Network of National Transport Contact Points was brought together again in the first days following Russia's military aggression against Ukraine. It has been a forum for Member States, the Commission, other EU bodies, and even Ukraine representatives at times. The Network has discussed and coordinated action to set up new transport routes and supply chains and preserve existing ones to and from Ukraine.

2.2 Unblocking freight transport

The Green Lanes system[14] has kept EU traffic flowing and enabled transport workers cross borders in a non-discriminatory way. The Commission invited Member States to designate TEN-T network internal border crossings as 'green lane' border crossings where certain rules apply. Passing through these green lanes should take less than 15 minutes on internal land borders, and these crossings should be open to all freight vehicles carrying any type of goods.

As widely recognised by stakeholders[15], the Green lanes had an immediate effect in ensuring uninterrupted transport services and limiting disruption to supply chains. This has reduced the economic impact of COVID-19 restrictions on transport companies and has supported the EU's economic recovery. The lanes have also ensured transport workers' health and safety thanks to rules on sanitation and rest facilities. The measure has been a success: daily monitoring – developed by the EU Agency for the Space Programme – has shown that average waiting times at intra-Schengen border crossing points remained below the 15-minute threshold[16].
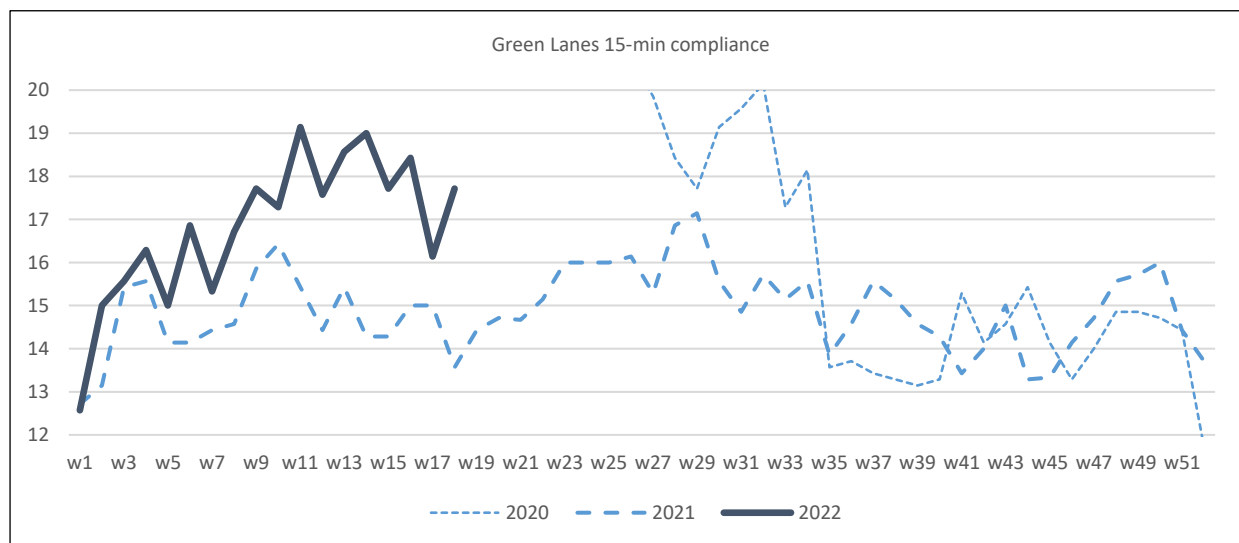

Table 1: Average border crossing time in minutes (all EU border crossing points) and its linear trend between June 2020 and May 2022 – weekly basis.

In addition, the EU took concrete measures to ensure that legislation could be amended or interpreted in a way that maintained transport connectivity during the crisis. Certain transport companies were unable to complete the necessary procedures to comply with EU rules on renewing or extending certificates (e.g. safety certificates), licences (e.g. driving licences) or authorisations. Due to lockdown measures, Member States could not ensure that the relevant tests, training or inspections required under EU transport rules would be carried out by the applicable deadlines. With the adoption

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14 C(2020) 189, COM(2020) 685 final

15 https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13056-Contingency-plan-for-transport_en

16 The daily average border crossing time was 15.5 minutes at all EU border crossing points along the TEN-T network between 3 June 2020 (when monitoring began) and 30 September 2021, with a standard deviation of 2.8 minutes. The same figures in 2021 were 15.1 and 2 minutes respectively.

of Regulation (EU) 2020/698[17] (Omnibus I) and Regulation (EU) 2021/267[18] (Omnibus II), the EU extended the periods set in the relevant EU transport laws for training, inspections, and issuing certificates licences and authorisations. These measures, which carefully considered transport safety, were widely welcomed by the stakeholders[19] and have ensured that transport companies and individuals concerned can continue their activities.

2.3 Coordinating travel measures for passengers and transport workers

Since the pandemic began, the Commission has promoted a coordinated approach to free movement restrictions in the EU, made necessary by the pandemic. To avoid disrupting transport, Council Recommendation 2020/1475[20] and its subsequent revisions confirmed that transport workers are, in principle, not required to test or quarantine, and if a test is needed, a rapid antigen tests can be used. Its successor, Council Recommendation 2022/107[21], provides that transport workers should not be required to be in the possession of an EU Digital COVID Certificate.

In response to the Ukraine crisis, the Commission confirmed that transport workers were crucial to supply chains in its Communication on operational guidelines for external border management to facilitate border crossings at the EU-Ukraine borders[22]. The Commission also proposed simplifying border crossing procedures for transport workers working in Ukraine.

EU Digital COVID Certificate and EU Digital Passenger Locator Form

The secure and interoperable EU Digital COVID certificate[23] and other health protocols, developed by the Commission and the European Centre for Disease Prevention and Control with the relevant transport agencies, have been instrumental in resuming – where possible – safe travel across the EU. The EU Digital COVID Certificate and efforts to establish a coordinated approach to travel at EU level have been broadly welcomed by travel and tourism associations as an important tool to allow and encourage citizens to travel, by providing for the necessary predictability. To ensure that citizens are not deprived of this effective and privacy-preserving way of proving one's COVID-19 status, in case certain restrictions to free movement based on public health would still be in place after 30 June 2022, the Commission proposed to extend the legal basis of the EU Digital COVID Certificate until 30 June 2023.

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17 Regulation (EU) 2020/698 of the European Parliament and of the Council of 25 May 2020 laying down specific and temporary measures in view of the COVID-19 outbreak concerning the renewal or extension of certain certificates, licences and authorisations and the postponement of certain periodic checks and periodic training in certain areas of transport legislation, OJ L 165, 27.5.2020, p. 10

18 Regulation (EU) 2021/267 of the European Parliament and of the Council of 16 February 2021 laying down specific and temporary measures in view of the persistence of the COVID-19 crisis concerning the renewal or extension of certain certificates, licences and authorisations, the postponement of certain periodic checks and periodic training in certain areas of transport legislation and the extension of certain periods referred to in Regulation (EU) 2020/698, OJ L 60, 22.2.2021, p. 1

19 https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13056-Contingency-plan-for-transport_en

20 Council Recommendation of 13 October 2020 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic, OJ L 337 14.10.2020, p. 3
21 Council Recommendation (EU) 2022/107 of 25 January 2022 on a coordinated approach to facilitate safe free movement during the COVID-19 pandemic and replacing Recommendation (EU) 2020/1475 (available here: http://data.europa.eu/eli/reco/2022/107/oj)

22 C(2022) 1404 final

23 Regulation (EU) 2021/953 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic was adopted by the Parliament and Council.

However, several Member States introduced passenger locator forms and other declarations (e.g. health declarations, declarations of entry into a territory) in an uncoordinated manner. These are in different formats, and some are only on paper. This has created unnecessary inconvenience and confusion for travellers, which could have been avoided with proper coordination.

During the COVID-19 pandemic, the joint efforts of the EU and Member States enabled 650 000 EU citizens return home safely. Over 100,000 people, of which 90,060 were EU citizens, were repatriated through the EU Civil Protection Mechanism. The COVID-19 pandemic has also affected transport workers considerably. These workers are on the frontline of the crisis, and they have suffered from restrictions when moving around the EU, including increased waiting times at borders and limited accommodation and rest facilities. Seafarers have been particularly affected, and they have been prevented from returning home for several months because of restrictions and limited transport connectivity. The Commission has provided guidance to Member States on travelling within the EU[24], highlighting the need to ensure safe passage transit corridors. The Commission has also supported seafarers by recommending certain health, repatriation and travel arrangements[25]. It has called on Member States to create a network of safe ports where crews could change without restrictions. The Commission has also eased visa requirements and introduced quarantine exemptions, including for non-EU seafarers.

COVID-19 and passenger rights

The Commission provided early guidance on applying EU passenger rights legislation related to COVID-19[26]. It issued a Recommendation on vouchers offered to passengers and travellers as an alternative to refunds for cancelled travel and transport services. It also highlighted how Member States could support transport companies' financial liquidity[27]. The Commission alerted the Consumer Protection Cooperation enforcement network in December 2020 about several airlines' cancellation and refund policies. This led to discussions between the Commission, national consumer protection authorities, and 16 major airlines. As a result, these airlines committed to provide better information and timely refunds to passengers for cancelled flights.[28]

The Commission asked Member States to use the EU Pilot platform to provide information on applying, monitoring and enforcing EU passenger rights laws during the COVID-19 crisis. Particular attention is given to transport companies and if they give passengers the choice between refunds or vouchers. The Commission launched infringement proceedings against Member States that had introduced rules breaching EU passenger rights laws. This resulted in the withdrawal of these conflicting national rules.

2.4 Maintaining transport connectivity

The EU has also provided regulatory relief to transport companies through its legislative amendments. If an air carrier can no longer meet its financial obligations for a 12-month period,

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24 C(2020) 1897 final

25 C(2020) 119/01

26 Interpretative Guidelines of 18 March 2020, followed by a Recommendation on vouchers on 13 May 2020.

27 Commission Recommendation (EU) 2020/648 of 13 May 2020 on vouchers offered to passengers and travellers as an alternative to reimbursement for cancelled package travel and transport services in the context of the COVID-19 pandemic C/2020/3125, OJ L 151, 14.5.2020, p. 10–16.

28 For more information on specific airlines' commitments: https://ec.europa.eu/info/live-work-travel-eu/consumer-rights-and-complaints/enforcement-consumer-protection/coordinated-actions/air-travel_en.

Member State licensing authorities have the option not to suspend or revoke its licence. The laws introduced measures to support airports and ground handling companies, in particular by allowing airports to award ground handling contracts in an emergency if a company ceases its activities due to the COVID-19 crisis[29].

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Amendments to the Slots Regulation[30]

The EU quickly adopted legislative amendments that allow air carriers keep their slots in the next corresponding scheduling season, even when they cannot operate the minimum 80% of slots as usually required. These amendments aim to provide financial relief to airlines and avoid them having to operate flights just to keep their slots. They also ensure that airport capacity is used competitively for the benefit of consumers and connectivity.

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The legislative relief in the maritime sector has made it possible for a managing body of a port or the authority in charge to waive, reduce or defer payments for seaport infrastructure charges[31]. In the rail sector, temporary rules benefiting rail companies have been introduced, for example by allowing infrastructure managers to set access charges below operating costs[32]. Transposing and implementing some EU rules has been postponed to reduce the burden on Member States so they can focus on fighting the spread of the virus[33].

EU State aid rules have allowed Member States to provide temporary emergency relief to compensate a sudden loss of liquidity or to compensate damages directly linked to COVID-19. On 19 March 2020, the Commission adopted a Temporary Framework for State Aid[34] to support the economy in the COVID-19 crisis. It set out State aid conditions to ease any serious disruption in a Member State's economy. It applies to almost all sectors and companies, including transport companies, which it recognises as one of the most affected sectors. It aims to ease companies' liquidity shortages by allowing, for instance, direct grants, tax advantages, State guarantees for loans, subsidised public loans, and recapitalisation.

The Commission has also clarified how to interpret key EU transport, State aid and public procurement rules in a crisis by adopting guidance for Member States. This has enabled Member States to amend existing public service obligation contracts, for land[35], air[36] and maritime transport[37], to

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29 Regulation (EU) 2020/696 of the European Parliament and of the Council of 25 May 2020 amending Regulation (EC) No 1008/2008 on common rules for the operation of air services in the Community in view of the COVID-19 pandemic, OJ L 165, 27.5.2020, p. 1.

30 Regulation (EU) 2020/459 of the European Parliament and of the Council of 30 March 2020 amending Council Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports, OJ L 99, 31.3.2020, p. 1; Regulation (EU) 2021/250 of the European Parliament and of the Council of 16 February 2021 amending Council Regulation (EEC) No 95/93 as regards temporary relief from the slot utilisation rules at Union airports due to the COVID-19 crisis, OJ L 58, 19.2.2021, p. 1.

31 Regulation (EU) 2017/352 of the European Parliament and of the Council of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports, OJ L 57, 3.3.2017, p. 1.

32 Regulation (EU) 2020/1429 of the European Parliament and of the Council of 7 October 2020 establishing measures for a sustainable rail market in view of the COVID-19 outbreak, OJ L 333, 12.10.2020, p. 1

33 See, for example, Directive (EU) 2020/700 of the European Parliament and of the Council of 25 May 2020 amending Directives (EU) 2016/797 and (EU) 2016/798, as regards the extension of transposition periods, OJ L 165, 27.5.2020, p. 27.

34 OJ C 91I, 20.3.2020, p. 1. The Temporary Framework was amended several times.

35 https://ec.europa.eu/competition-policy/system/files/2021-03/land_transport_overview_rules_during_coronavirus.pdf

36 https://ec.europa.eu/competition-policy/system/files/2021-05/air_transport_update_March_2021.pdf

the needs brought about by the COVID-19 crisis. The Commission has also issued guidance on the procedure for urgent awards of new public service obligation contracts so that basic transport connectivity can be maintained if commercial services are unable to because of the crisis. These legislative measures are temporary and limited to the duration of the COVID-19 crisis. Their fast adoption demonstrates that the Commission and the Parliament and the Council are able to react effectively to such crises.

Member States can designate new public service obligations, especially when there is a risk of a sudden loss of connectivity. The Commission has provided guidance on compensating public service obligations during the COVID-19 outbreak[38] and has held a number of bilateral discussions with Member States.

2.5 Providing targeted funding for key transport operations

As part of the EUR 2.7 billion allocated under the Emergency Support Instrument (ESI) to help Member States respond to the COVID-19 crisis, the flexibility of the ESI allowed EUR 220 million to quickly be made available for transport related actions. This was then structured as the ESI "Mobility Package", which, when launched on 19 June 2020, provided needs-based support to Member States for transport of cargo related to the COVID-19 crisis, for transport of patients, and also medical teams. In total, more than 2000 operations via air, land or sea for transport of medical equipment and teams and the transfer of patients have been supported. Overall, cargo operations have been financed with more than EUR 164 million. Over EUR 9 million has also been awarded so far to Member States for the transport of medical teams and transfer of patients, supporting the transport of more than 450 health workers and approximately 350 patients. The number of Member States having benefitted from the ESI Mobility Package is 21.

EU response to Russia's military aggression against Ukraine

On 24 February 2022, Russia launched a full-scale military invasion against Ukraine. In the first weeks of the conflict, more 3.9 million people have fled from Ukraine to the EU. The EU provided EUR 1.2 billion macro-financial assistance to Ukraine, where 600 million in concessional loans has been disbursed in March and the second EUR 600 million instalment is yet to be disbursed. In addition, emergency support of EUR 120 million in grants was transferred to Ukraine's budget on 7 April, supporting provision of basic government expenditures. EU is re-purposing the ongoing projects (between EUR 100-200 million) to deliver emergency assistance and to meet pressing needs by population and authorities. The Commission has also adopted new emergency package of EUR 330 million. The EU has taken several measures to sanction Russia and help Ukraine. Transport-related measures include:

(-) The EU has advised against operating commercial flights over the entire airspace of Ukraine, Belarus and parts of Russia in a Conflict Zone Information Bulletin by the EU Aviation Safety Agency. This advice was quickly extended to include Moldovan airspace.

(-) The EU has closed its airspace to Russian carriers and companies[39].

(-) On 9 March, the EU has adopted a prohibition for:

37https://ec.europa.eu/competition-policy/system/files/2021-05/maritime_transport_update_March_2021.pdf

38 https://ec.europa.eu/competition/state_aid/what_is_new/air_transport_overview_sa_rules_during_coronavirus.pdf

39 RU and BY both have closed theirs to the EU flights. The EU-flagged aircraft have been reflagged and reinsured in RU against international law.

(i) Selling, supplying, leasing, transferring and exporting, directly or indirectly, all aeronautical goods and technologies (aircraft, spacecraft and their parts);

(ii) Providing insurance and reinsurance, directly or indirectly, for any of these aeronautical goods and technologies;

(iii) Providing repair and maintenance services for these aeronautical products.

(-) The EU has added Russian Railways on the list of bodies subject to financial sanctions. Individuals linked to Russian Railways and their subsidiaries have been added to the list of people covered by the EU's restrictive measures.

(-) The EU introduced sanctions on marine navigation and radio equipment prohibiting;

(i) Selling, supplying, transferring or exporting these products to any natural or legal person, entity or body in Russia, for use in Russia, or for the placing on board of a Russian-flagged vessel.

(ii) Provision of technical assistance, brokering services or other services as well as financing and financial assistance related to these products.

(-) The EU adopted further sanctions on 8 April prohibiting Russian flagged vessels to call in an EU port (including yachts) and a prohibiting road transport undertakings established in Russia and Belarus from carrying goods by road within the territory of the European Union.

(-) On the Ukraine's request the EU activated the EU Civil Protection Mechanism (UCPM) providing support related to the consequences of the Russian military aggression. Thousands of tons of assistance from all EU Member States has been shipped to Ukraine via UCPM logistics hubs in Poland, Romania and Slovakia. Neighbouring countries have also requested UCPM assistance related to the Migration inflow. Besides Ukraine, the UCPM is also being used to provide different forms of critical support to Moldova, Poland, Slovakia and the Czech Republic, all of which are major destination countries for refugees fleeing the conflict. The UCPM was also relied upon facilitate the repatriation of EU citizens when possible. Logistic hubs for relief items were established under the responsibility of local authorities in Poland, Slovakia, and Romania and were fully funded by the UCPM

(-) Activation of the Temporary Protection Directive[40] for Ukrainians and non-Ukrainians if they cannot return safely to Ukraine.

(-) Operational guidelines for external border management to facilitate border crossings at the EU-Ukraine borders. These guidelines include transport workers[41].

(-) Helping stranded EU truck drivers return home from Ukraine, Russia and Belarus, by simplifying procedures for them.

(-) All Northern Dimension partnership transport and logistics activities involving Russia and Belarus have been suspended.

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40 This law was the EU's response in 2001 to the inflow of displaced people following the conflict in the former Yugoslavia. It had never been triggered until 3 March 2022. Until 7 April 2022 more than 1.6 million people have registered.

41 C(2022) 1404 final.

(-) Some Member States have provided free public transport to Ukrainians. In addition, many EU transport companies have introduced measures, such as free air, bus or rail tickets, to help Ukraine and its people; or to deliver humanitarian aid.

(-) Member States bordering Ukraine have set up reception facilities/transport hubs.

(-) the Commission has activated the Network of National Transport Contact Points.

(-) The European Commission has proposed an outline of a plan (RePower EU) to make Europe independent from Russian fossil fuels well before 2030, starting with gas, in light of Russia's invasion of Ukraine[42].

(-) As part of the EU's support for Ukraine in the face of Russia's military aggression, on 12 May, the Commission established Solidarity Lanes[43] consisting of a set of actions to help Ukraine export its agricultural produce. Following Russia's invasion of Ukraine and its blockade of Ukrainian ports, Ukrainian grain and other agricultural goods need to find alternative logistics routes to reach their destination. With the Communication, the Commission sets out an action plan to establish 'Solidarity Lanes' to ensure Ukraine can export grain, but also import the goods it needs, from humanitarian aid to animal feed and fertilisers. This will contribute to supporting Ukraine's economy as well as global food security. The Commission, together with Member States and stakeholders, identified some priority actions:

•   Make available additional freight rolling stock, vessels and lorries:

•   Ensure sufficient capacity of transport networks and transhipment terminals for Ukrainian agricultural export;

•   Promote maximum flexibility and adequate staffing for customs operations and other inspections;

•   Identify possibilities for storage of Ukrainian agricultural goods on the territory of the EU;

•   Improve EU-Ukraine connectivity in the medium term by increasing the infrastructure capacity of new export corridors and establish new infrastructure connections in the framework of the reconstruction of Ukraine.

(-) On 12 May, the Commission approved a high-level understanding[44] with Ukraine agreeing on new, indicative maps for the Trans-European Transport Network (TEN-T) for Ukraine, as part of the Commission's policy on extending the TEN-T to neighbouring countries.

3   CRISIS PREPAREDNESS

Russia's war on Ukraine has shown the importance of being prepared. Thanks to existing capacities, the EU was able to quickly put in place effective assistance for Ukraine and refugees fleeing the country. We do not yet know the full impact of the war or the next crisis that could affect transport. An effective response mechanism should not target just one transport mode because systemic disruptions in one mode can affect the whole network.

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42 COM(2022)108 final
43 COM(2022) 217 final
44 C(2022) 3204 final

The 2021 EU Strategic Foresight Report[45] highlights factors that could impact EU transport, including climate change and other environmental challenges, security threats and terrorism, digital hyperconnectivity, and technological transformation. In the past, several terrorist attacks or attempts were aimed at the EU transport, as transport is an effective target due to the large number of people who use it daily[46]. During the COVID-19 pandemic, telecommunications, including 3G/4G/5G infrastructure (e.g. repeaters, repeater bridges and cell towers) and other network components (e.g. relays and cables) were targeted. In July 2021, floods in Belgium and Germany caused many deaths and severe, long-lasting disruption to transport.

Cybersecurity needs particular attention. The sustainable and smart mobility strategy recognises the need to treat transport cybersecurity with a high priority to tackle cyberthreats. According to the EU Agency for Cybersecurity (ENISA)[47], cybercriminals are targeting more critical healthcare, transport[48], and energy infrastructure. The Russian aggression against Ukraine has increased the concerns of the cyberthreat, also against EU targets.

3.1 Transport contingency principles

To prepare for and respond to major events, in addition to other relevant EU principles, the contingency principles described below should always be respected.

I. **Proportionality:** Introduce measures restricting the transport of goods or people only as a last resort. All measures must be duly justified, evidence-based and proportional, subject to regular monitoring and review, quickly communicated, temporary, and lifted as soon as possible[49].

II. **Non-discrimination:** Measures should not unduly discriminate on grounds of nationality, origin of goods, or discriminate between different modes of transport or transported goods. They should ensure non-discriminatory treatment of transport workers (including non-EU residents) and waive, where possible, travel or traffic restrictions or any other administrative burdens affecting them, given their crucial role in freight vehicle supply chains**.** The same extends to the non-discrimination of passengers.

III. **Coordination:** All measures should be coordinated with transport authorities through the Network of National Transport Contact Points. Communication channels should be set up between the Network, the EU and international horizontal crisis management forums. Coordination has to start between the relevant authorities from the very beginning in particular when it affects the TEN-T network and more than one Member State.

IV. **Transparency, communication and dialogue:** All measures should be clearly communicated to affected stakeholders before they come into force[50], discussed with them, and adjusted if necessary. Continuous dialogue with stakeholders, including international partners, should be ensured.

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45 https://ec.europa.eu/info/strategy/strategic-planning/strategic-foresight/2021-strategic-foresight-report_en
46 Madrid (2004), London (2005), Glasgow (2007), Frankfurt airport (2011), Oignes (Thalys, 2015), Brussels (2016), Würzburg (2016), Brussels (2017) or London (2017).
47 https://www.enisa.europa.eu/publications/enisa-threat-landscape-2021
48 In the maritime sector, for instance, four of the biggest maritime shipping companies (APM Maersk, CMA CGM, COSCO, Mediterranean Shipping Company) have all been hit by cyberattacks since 2017.
49 The same applies to temporary suspensions of environmental, social or health protective measures.
50 In specific situations, such as economic sanctions against Russia, certain prior consultations might need to be limited.

V. **Consistency with EU policy:** National and local measures that damage the functioning of the Single European Transport Area must be avoided. Once there are transport contingency measures at EU level, relevant authorities should lift national measures immediately.

VI. **Integrity of the transport system:** Measures responding to problems in one transport mode should take into account and make full use of all transport modes.

VII. **Care for passengers with specific needs:** Particular attention should be paid to the needs of passengers and groups of passengers in vulnerable situations (e.g. people with reduced mobility and/or persons with disabilities), stranded passengers, travellers with essential jobs, and cross-border workers.

VIII. **Care for transport workers:** Transport workers should have safe, secure and suitable working conditions[51].

3.2 Transport contingency toolbox

The Commission proposes a toolbox with [10] measures to step up the transport sector's crisis preparedness and its response capacities. The toolbox should be used in line with the principles listed above. The measures range from a longer-term preparatory actions to tools that can be used for an immediate measures. The common objective is to be better prepared for a swift response to any accident or event capable of causing severe disruption to the EU transport system. This disruption could be caused by natural disasters, pandemics, terrorist attacks, cyberattacks, ransomware, military conflicts, infrastructure failure (such as bridge or tunnel collapses), or power outages.

1) **Making EU transport laws fit for crisis situations**

Some transport laws already have emergency clauses. Examples include Article 21 of the Air Services Regulation[52], Article 5(5) of the Regulation on awarding public service contracts for land transport[53], Article 7(4) of the Regulation on port services[54], and Article 10 of the Regulation on access to the international road haulage market[55]. Some current legislation already mentions the obligation to provide contingency plans. Under the fourth railway package[56], railway companies have to draw up contingency plans to protect and assist passengers if there are major transport disruptions[57].

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51 Including adherence to relevant EU and national legislation in the area of occupational safety and health, including in relation to Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, OJ L 183, 29.6.1989, p. 1–8.
52 Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast), OJ L 293, 31.10.2008, p. 3.
53 Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70, OJ L 315, 3.12.2007, p. 1.
54 Regulation (EU) 2017/352 of the European Parliament and of the Council of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports, OJ L 57, 3.3.2017, p. 1.
55 Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market, OJ L 300, 14.11.2009, p. 72.
56 Article 54 of Directive 2012/34/EU establishing the single European railway area.
57 In addition, the new Rail Passenger Rights Regulation (EU) 2021/782, which will apply from 7 June 2023, obliges railway companies to cooperate with station and infrastructure managers when drawing up those plans. The contingency plans must also take into account the need for accessible alert and information systems.

Where appropriate, EU transport laws need to be amended to introduce provisions to better cope with a major crisis. However, these provisions should not result in undue exceptions to the application of EU law. Therefore, introducing such clauses should be carefully considered when amending or adopting a specific regulation or directive. Impact assessments should evaluate whether emergency clauses are necessary and how they should be designed.

Following this approach, the Commission has proposed certain provisions in the recent revisions to the TEN-T and Intelligent Transport System laws[58]. Reinforcing the cross-border TEN-T sections, the increase of multimodality through the terminals and the shift to sustainable modes of transport are examples of longer-term actions needed for better preparedness. The Commission intends to analyse whether it is appropriate to offer additional temporary flexibility in applying road transport rules on driving restrictions and driving times, while ensuring the safety of transport operations at all times.

These permanent provisions could reflect the temporary measures introduced in response to the COVID-19 crisis, such as those introduced under Omnibus I and II or under the amendments to the Air Services Regulation and the Slots Regulation[59] (see Section 2.4). Similarly, the lessons learnt from the COVID-19 pandemic should kick-start the long overdue discussions on revising Regulation 261/2004 on air passenger rights to make it fit for future crises. Introducing contingency plans will also be part of the ongoing assessment of EU passenger rights legislation.

2)   Ensuring adequate support for the transport sector

Strengthening the resilience of the transport sector goes hand in hand with improving the connectivity and sustainability of the EU transport system. The Commission will continue to closely follow and support implementation of the Recovery and Resilience Facility (RRF), which will help make the transport sector across all modes more resilient. Member States plan to dedicate significant parts of the RRF to transport, placing it among the top sectors of the economy to benefit from investments under NextGenerationEU. In the 24 Recovery and Resilience Plans (RRPs) approved by the Council, national RRPs will dedicate a significant amount to improve the sustainability of the European mobility system. Overall, Member States will spend EUR 70.7 billion on investments and reforms related to green transition of transport, about 15.7% of the allocation. Additional investments and reforms in the transport sector address other priorities, such as its digital transformation and social and territorial cohesion. Every national plan dedicates some of its allocation to this field. In the current geopolitical context considerably impacted by the Russian military aggression in Ukraine, the reduction of the EU's dependency on fossil fuels is even more urgent. To address these challenges, the Commission published on 18 May 2022 a REPowerEU[60] plan setting out joint European actions in this area. The RRF will play a central role in mobilising and implementing available resources at European and national levels to achieve the objectives of the REPowerEU plan. Furthermore, financial instruments such as the Connecting Europe Facility, including its digital part CEF Digital, the Cohesion Fund, the European Regional Development Fund and InvestEU, are crucial for improving the resilience of the single market through investments in connectivity, digitalisation and digital connectivity

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58 COM(2021) 812 and COM(2021) 813

59 Regulation (EU) 2020/459 of the European Parliament and of the Council of 30 March 2020 amending Council Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports, OJ L 99, 31.3.2020, p. 1; Regulation (EU) 2021/250 of the European Parliament and of the Council of 16 February 2021 amending Council Regulation (EEC) No 95/93 as regards temporary relief from the slot utilisation rules at Union airports due to the COVID-19 crisis, OJ L 58, 19.2.2021, p. 1

60 COM(2022) 108 final

infrastructures and multimodality of the EU transport system, as well as reducing its dependence on fossil fuels.

To respond quickly to a future crisis, the Commission and Member States should mobilise other funds as appropriate, depending on the nature of the crisis. The response could also take the form of financial relief, by temporarily relieving payment obligations. The Commission could also consider legislative measures providing financial relief to the transport sector. These measures could allow the managing body of a port or the authority in charge to waive, reduce or defer the payment of seaport infrastructure charges or allow rail infrastructure managers to set access charges below operating costs (see Section 2.4). Given that each crisis is different and may require different action, the need for temporary State aid will be analysed case by case rather than setting up a permanent and inflexible framework for the future.

3)   <u>Ensuring free movement of goods, services and people</u>

The Green Lanes system, which was successfully put in place during the COVID-19 pandemic, can be reactivated when necessary to address any new crisis affecting EU transport. To ensure that internal border controls remain a last resort measure, the Commission's proposal for the Schengen Borders Code[61] clarified and expanded the list that a Member State must assess when deciding to temporarily reintroduce border controls. The new rules also introduce common tools for managing external borders more efficiently in a public health crisis, which builds on lessons learnt from the COVID-19 pandemic. The Commission is planning to propose a **Single Market Emergency Instrument** in 2022. It will provide a framework for implementing crisis response measures important for the transport sector, in particular free movement of goods, services and persons, availability of products and services, and transparency and coordination.

The Commission has called on Member States to ensure the contingency principles are applied and to minimise checks, screenings and other formalities in order to reduce delays at green lane border crossings and respect the 15- minute time limit. Member States may also consider suspending all road access restrictions in their territory (weekend bans, night-time bans, bans on certain transport sectors to reduce noise, etc.) to facilitate road freight transport and the necessary free movement of transport workers. They should also ensure that the electronic submission/display of documents is deemed sufficient and encouraged. Member States should also continue recognising the certificate for international transport workers carrying out cross-border services, as proposed in Annex 3 to the Green Lanes Communication[62]. This certificate has already been added to the EU Practical Handbook for Border Guards[63].

If a similar crisis to COVID-19 occurs, the Commission and Member States should build on the experience in developing a common template for EU digital passenger locator forms[64] and a platform to share passenger data for cross-border contact tracing. The tools developed at EU level should be reactivated rapidly and easily if necessary.

Setting up emergency support lanes for humanitarian convoys and trucks

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61 COM (2021)891 final
62 C(2020) 1897
63 C(2019) 7131 final
64 Implementing Decision 2021/858 and Implementing Decision 2021/1212 define the legal basis for exchanging data of infected passengers and exposed people for cross-border contact tracing.

To help humanitarian convoys cross EU-Ukraine borders fast and safely, the Communication on operational guidelines for external border management instructs Member States to designate special lanes at their border crossing points as emergency support lanes. Designating similar lanes for trucks is also encouraged to ensure a continued supply of goods and services and the safe return of transport workers from Ukraine[65].

4) <u>**Managing refugee flows and repatriating stranded passengers and transport workers**</u>

In non-EU countries, EU Delegations and Member States with embassies or consulates should continue to step up consular crisis preparedness, notably through local contingency plans. Joint EU Consular Crisis Response Teams, including the possible participation of unrepresented Member States, should be considered and set up. The EEAS has strengthened its consular response and preparedness by setting up a Consular Crisis Team, ready to come into action and coordinate, with EU Delegations' network, repatriations efforts organised by Member States (UCPM sponsored or not).

The EU Civil Protection Mechanism and the rescEU reserve will be mobilised as necessary. Passengers or workers can end up stranded inside or outside EU territory. To prepare for and respond to future crises, the EEAS will continue to contribute to crisis cooperation and coordination, working closely with Member States. In future crises, the EU Civil Protection Mechanism will support repatriating EU citizens stranded outside the EU. The Mechanism needs to be activated quickly by the government(s) of the affected citizens. A Member State coordinating assistance for all affected EU citizens can also send a request to the Commission's Emergency Response Coordination Centre.

Evacuation can be carried out by Member States and/or participating states[66] to the Mechanism on a voluntary basis, and the Commission can co-finance up to 75% of transport costs. The revised Mechanism legislation[67] provides for the possibility to develop multi-purpose aircraft for the rescEU reserve for medical evacuation. In the future, the Commission could use these aircraft, as a last resort, to respond to Member States requests for assistance in consular evacuations. In case of health-related crisis, medical evacuation of passengers and EU transport workers can be activated as part of medical evacuation operation and through the EU's Early Warning and Response System in coordination with the Commission.

The Commission and the EEAS will coordinate and monitor the set-up of safe passage transit corridors. In line with the March 2020 Green Lanes Communication, Member States should set up transit corridors for private drivers and their passengers (regardless of their nationality) and all EU citizens being repatriated[68]. Member States should also ensure that at least one airport is dedicated to repatriation and international relief flights. Such corridors should be part of national emergency plans.

Member States should allow people to travel and help them get back home. EU citizens, who have been transported back from crisis zones and have not yet reached their EU country of residence, should

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65 In addition, special arrangements have been made in order to facilitate transfer flights of people fleeing from Ukraine who reached Moldova on their way to the EU. Moldova had issued a flight ban, which needed to be amended in order to allow for these flights.

66 Participating states to the Mechanism (Iceland, Norway, Serbia, North Macedonia, Montenegro, and Turkey).

67 Regulation (EU) 2021/836 of the European Parliament and of the Council of 20 May 2021 amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism, L 185/1, 26.5.2021

68 Member States must assist unrepresented EU citizens in a non-EU country under the same conditions as they assist their own nationals.

not travel together in large numbers as this may congest infrastructure/logistic hubs. Member States, whose citizens are in transit in another EU country, should try to help that other country repatriate the affected citizens.

Member States should help non-EU nationals arriving from conflict zones or other distressed areas and help them travel onwards. This may include setting up reception facilities and safe transit corridors, temporarily waiving specific requirements (e.g. transit permits), and carrying out border checks in a safe location away from the border to avoid long queues forming. In line with the Communication on operational guidelines for external border management[69], Member States should use Frontex and Europol's standing corps that can be deployed to manage and improve traffic flows at borders (checking travel documents, COVID-19 certificates etc.). The operational guidelines shall apply in all Member States and not just those bordering with conflict area. This facilitates crossing internal EU borders, avoids congestion and helps people fleeing conflict zone to travel onwards. This includes border crossings between non-Schengen and Schengen countries.

Persons with disabilities may be in a primarily vulnerable situation during crises. Passengers with disabilities may face barriers in access to transport in emergency situations. Therefore, Member States shall ensure both targeted action and mainstreaming of disability in each of the actions above. It is necessary to take into account their specific needs, to ensure accessibility, reasonable accommodation and their safety during crises management in line with the UN Convention on the Rights of Persons with Disabilities. [70]

Ensuring smoother crew changes and repatriation of seafarers

Providing support for seafarers requires a specific mechanism. The Commission proposes to base it on three features.

• **A maritime stakeholder forum:** Set up by the Commission, the forum will regularly and closely coordinate crew change and seafarer travel problems in an emergency. The forum will be activated quickly and will include all stakeholders, including national crisis centres and social partners, to ensure that they can discuss and address any emerging issues timely and appropriately. It will identify potential issues, make the shipping industry's labour system more resilient, and strengthen the EU supply chain's stability.

• **Closer cooperation with countries of origin:** Building on outreach during the COVID-19 pandemic, the Commission and the EEAS will work with EU Delegations in labour-supplying countries. They will draw on lessons learnt from seafarer travel during the COVID-19 crisis and identify ways to ensure smoother crew changes and repatriation to those countries. This will facilitate a swift return home for seafarers due to disembark, especially during emergencies.

• **Improved data:** One significant problem is the lack of data on where seafarers are working and travelling. These data are essential to assess the scale of any crew change and seafarer travel issues and then evaluate and address them. The European Maritime Safety Agency (EMSA) will therefore make an effort to gather and analyse this information. This database can then feed into Commission and Member State initiatives to prepare contingency measures for future crises.

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69 C(2022) 1404 final.
70 The UN Convention on the Rights of Persons with Disabilities (UN CRPD)'s articles 2, 9 and 11

5)   Ensuring minimum transport connectivity and passenger protection

When transport services are under pressure, it is important to maintain adequate collective public transport in and between cities and regions. This might be particularly challenging for border areas, where providing essential services may depend on cross-border workers. Member States should therefore consider urgent awards of public service contracts for collective transport services or amending existing contracts for the public's travel needs. The EU public transport rules for rail, road and maritime transport already provide for an urgent procedure under certain conditions. As part of the revision of the Air Services Regulation, the Commission will consider options to facilitate the urgent award by Member States of public service contracts to ensure basic connectivity in a crisis.

The Commission also calls upon regional and local authorities to step up their preparedness. Following the guidance on planning for more resilient and robust urban mobility[71], the Commission pointed to the need to prepare for any contingency and the importance of urban mobility in the overall resilience of urban areas. This would be reflected in follow-up action, such as a Commission recommendation on sustainable urban mobility plans scheduled in 2022 and dedicated discussions with Member State and city experts on additional measures to make urban mobility more resilient.

Another way of ensuring minimum connectivity in crises is by strengthening the resilience of transport infrastructure and operators to the shocks. In the Commission's proposal for a new TEN-T regulation, Member States would have to improve the TEN-T network's security and resilience to climate change, environmental and human-made disasters, and other exceptional events affecting the EU's transport system.

The Commission is exploring legislative initiatives to protect passengers against the risk of a liquidity crisis or the insolvency of transport carriers – a situation often linked to a crisis. The Commission will also clarify and protect passengers' rights when a crisis puts them under pressure as well as clarify how to protect them from risks not covered by current EU passenger rights rules.

6)   Sharing transport information

Information sharing among the main actors is key. The Commission, Member States' authorities (including those at subnational level), EU agencies, other EU institutions (including Parliament and Council), transport companies, passengers, transport workers, businesses, and transport organisations and associations should share and have access to up-to-date information so that they can be partners in solving problems. Regular discussion and cooperation at international level (e.g. International Civil Aviation Organisation, International Maritime Organisation and World Health Organisation) is also important for an effective crisis response. To be ready for all possible crises (e.g. from internet blackouts to loss of satellite communication), protocols on the most suitable communication/dissemination channel and related issues will need to be established as part of the crisis scenario work. If key communication systems are attacked, alternative and backup systems with Member States' authorities should be set up to ensure efficient communication among stakeholders. Alternative ways to communicate and collect information will be considered to give access to real-time information if there is a breakdown in the usual channels.

The Galileo Green Lanes app

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71 COM (2021) 811 final

The EU Agency for the Space Programme developed the Galileo Green Lane mobile app. It gives a real-time view of the EU borders and monitors them to provide waiting times. It has helped truck drivers and transport companies plan travel and address the difficulties caused by travel restrictions. It has also helped national authorities manage more efficiently the transit of goods. The Commission and the EU Agency for the Space Programme have secured resources to improve the Galileo Green Lanes app. The development of this improved app is underway, and it should include features and geographical coverage identified in the updated Green Lanes Communication.

7) Strengthening transport policy coordination

The Network of National Transport Contact Points will continue to be the centre point for transport crisis discussions. This will avoid parallel decision-making, and allow to react quickly, and deal with specific features of transport in a forum with technical knowledge of the sector. Following the positive experience with the Network and in line with stakeholder views on the need to better coordinate national measures and reduce reaction time, the Commission proposes reinforcing its role by making it a more permanent network with a wider range of tasks, ready to react quickly at any moment. **The Network should continue to work flexibly and informally to respond quickly to a crisis that causes lasting and severe disruption to the EU transport system**. It should serve as a forum to discuss and implement contingency measures and their deactivation. The Commission will chair the Network, which will bring together representatives of Member States' transport ministries and agencies and EU transport agencies. Other parties, such as other EU agencies and bodies, representatives of other Member State ministries, and transport stakeholders, could be invited to participate in discussions on a case-by-case basis.

The Commission will ensure information flow between the Network, IPCR, other Council groups and EU and international forums. The Network will also report on the results of crisis preparedness tests organised by EU agencies and international partners. It may also propose and coordinate dedicated training to test protocols and improve crisis preparedness. The Network will participate in preparedness tests when appropriate. The Commission will also continue to regularly monitor waiting times at green lane border crossing points and report on them to the Network. This will make it possible to react promptly to any emerging issues.

8) Strengthening cybersecurity

The Commission will step up cybersecurity cooperation with the European Union Aviation Safety Agency (EASA), the European Maritime Safety Agency (EMSA), the EU Agency for Railways (ERA), the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice and ENISA. Current EU aviation and maritime legislation obliges authorities and stakeholders to perform risk assessments that identify critical data and systems and put in place suitable measures addressing any residual risks. These measures should be further developed to improve cyber awareness, cyber resilience, training and information sharing. In line with Action 3, future revisions of EU transport legislation should take cyberattack risks into account and address them where necessary.

The Commission proposed a comprehensive legislative framework to protect the critical infrastructure, covering also the resilience of the transport sector. The proposal for a revision of Directive on the resilience of critical entities[72] requires critical entities identified by Member States as

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72 COM(2020) 829 final

providing essential services in the internal market do risk assessments and take resilience enhancing measures in order to become more resilient against all relevant man-made and natural non-cyber risks. Once the final text has been adopted, the Commission will work to ensure its timely implementation and provide support to Member States and critical entities, including a Union-level risk overview, sharing of best practices, tests, as well as facilitating cooperation with Member States. In its parallel proposal for the revision of the Network and Information Security Directive, the Commission[73] proposes to strengthen resilience and preparedness by requiring organisations, including those in the transport sector, to put in place business continuity and crisis management measures.

The Commission and EU agencies will continue supporting the development of cybersecurity protocols to ensure business continuity in an incident. ENISA issued guidance on managing cybersecurity risks in the rail sector[74] and in ports[75]. EASA is working on legislation to ensure safety in civil aviation. EMSA is working with Member States and the maritime industry to identify potential cybersecurity gaps and steps to address them. This work will serve as a basis for further work with the Commission, such as cybersecurity measures for ships.

The Commission will also work with international partners. OECD adopted a guidance in 2021 to facilitate international travel, inspired by the EU DCC and other EU guidance[76]. The International Civil Aviation Organization (ICAO) adopted standards on preventive cybersecurity measures, which were transposed into EU aviation security law in 2019[77]. In addition, the ICAO resolution A40-12/1, called on countries and industry, among others, to identify cybersecurity threats and risks on civil aviation operations and critical systems and their consequences. The Commission and Member States are also actively working in several ongoing ICAO cybersecurity activities, including implementing the ICAO cybersecurity action plan[78]. The Commission will continue to work closely with EUROCONTROL to promote a harmonised approach to cybersecurity and cyber resilience by raising awareness and working with the stakeholders to develop cyberthreat defences. Similarly, the Commission will continue supporting international maritime cybersecurity in the International Maritime Organization (IMO). In particular, the IMO recommends that shipping companies adequately address cyber risks in their safety management systems, and industry associations have drawn up guidelines building on this.

9) Testing transport contingency

The Commission, together with relevant agencies or other actors, and building on existing processes, proposes to carry out contingency tests to assess the crisis preparedness in accordance with this plan.

These tests should be integrated into the Commission's general crisis management system and as far as possible be part of existing EU exercises, to maximise input and results. An example is the

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73 COM(2020) 823 final

74 https://www.enisa.europa.eu/publications/railway-cybersecurity-good-practices-in-cyber-risk-management
75 https://www.enisa.europa.eu/publications/guidelines-cyber-risk-management-for-ports/
76 https://www.oecd.org/coronavirus/policy-responses/oecd-initiative-for-safe-international-mobility-during-the-covid-19-pandemic-including-blueprint-d0594162/
77 Commission Implementing Regulation (EU) 2019/1583 of 25 September 2019 amending Implementing Regulation (EU) 2015/1998 laying down detailed measures for the implementation of the common basic standards on aviation security, as regards cybersecurity measures, C/2019/6825, OJ L 246, 26.9.2019, p. 15–18
78 https://www.icao.int/cybersecurity/Pages/Cybersecurity-Action-Plan.aspx

Parallel and Coordinated Exercise 2022, which will include a transport component. Such tests could build on possible scenarios that would affect the EU transport system, such as a pandemic, a natural disaster, a terrorist attack, an energy shortage, a large-scale cyberattack (including ransomware) or a severe telecommunications outage.). Depending on the context, efforts should be made to involve relevant actors that can contribute significantly to the tests as much as possible, such as ENISA, EMSA, EASA, the EUROCONTROL Network Manager and ERA. The European Aviation Crisis Coordination Cell managed by the Network Manager of EUROCONTROL can be instrumental in addressing aviation sector challenges, such as health, border and travel restrictions.

The lessons learned from these contingency tests should help the transport industry and authorities, as appropriate, when developing their own business continuity plans. They should consider putting in place backup systems and redundant solutions (e.g. alternative routes, diversified supplies, alternative fuels, backup databases, uninterrupted connectivity, and other technological systems and infrastructures) to respond to different crises. Member States should also continue strengthening the resilience and availability of transport infrastructure in their territory (including ports and airports) and ensure the availability of ancillary services (such as access to refuelling stations, adequate level of sanitation, catering and accommodation services). The results of the contingency tests should also be used for training (in cooperation with transport stakeholders and Member States) and to raise awareness. The Network of National Transport Contact Points will discuss lessons learnt from such tests and propose dedicated preparedness training as appropriate.

10) <u>Cooperation with international partners</u>

Any crisis affecting the EU transport system could have a global dimension. Feedback from a public consultation[79] shows the need to strengthen international coordination mechanisms because the COVID-19 pandemic revealed weaknesses in the ability to harmonise the global response. Therefore, stepping up preparedness for crises should be regularly discussed with the EU's main international partners, particularly those with closer connectivity ties and those with specific crisis experience, in line with the Global Gateway. The COVID-19 pandemic and Russia's invasion of Ukraine have highlighted the importance of cooperation with the Western Balkans – through the Transport Community – for the green lanes to work effectively beyond the EU, **as well as of extending the TEN-T network**. Similarly, the recent crises have also shown the importance of paying particular attention to Central Asia as well as the remote areas and overseas territories, given their specific transport needs. The Commission and the EEAS will continue to promote crisis preparedness in all relevant international forums and organisations, such as the ICAO and the IMO. Furthermore, the planned amendment to the Schengen Borders Code, to streamline the procedure for adopting non-essential travel restrictions, also highlights the need for good cooperation with non-EU countries. Hybrid threats are already the focus of EU and NATO cooperation, based on the Warsaw and Brussels Joint Declarations of 2016 and 2018[80].

4 CONCLUSIONS

Russia's aggression against Ukraine is deeply affecting the EU transport system. Rising oil and gas prices, broken supply chains, closure of skies and markets, and potential shortages of transport workers add to the existing challenges of the COVID-19 pandemic. However, the conflict shows that the EU has learnt a lot from the COVID-19 crisis by how quickly it has already responded to the war. The conflict has also highlighted the need to reduce EU's dependency on the imported fossil fuels.

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79 https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13056-Contingency-plan-for-transport_en
80 Sixth progress report on the implementation of the common set of proposals endorsed by EU and NATO Councils on 6 December 2016 and 5 December 2017, 3 June 2021

The risk landscape is changing and it needs the comprehensive set of tools outlined in this Communication. The level of preparedness can and should be stepped up. Whilst prevention and preparedness initiatives allow us to adapt to climate change and mitigate evolving risks, but they need to be continually adapted and reviewed. There is a need to continue enhancing and reinforcing early warning systems for actionable information to allow for informed decision-making, and to ensure the further translation of early information/awareness into early action. There is no ready-made solution to address an unpredictable, crisis in the future. The best solution is to improve the knowledge of vulnerabilities and risks and mitigate them. This will create and maintain the EU's capacity to respond in a fast, coordinated and cooperative way with a combination of EU, national and local measures.

It is essential that Member States apply the contingency principles and make full use of the Commission's contingency toolbox, matching the different tools to the specific problems to be addressed. The Commission will actively steer that process to build preparedness to respond to a crisis in cooperation with the EU agencies, by coordinating the Network of National Transport Contact Points and maintaining regular discussions with international partners and stakeholders.

The Commission will support Member States to improve their crisis preparedness. Member States should intensify cooperation and discussion with stakeholders to step up their preparedness and response to a crisis affecting the transport sector, based on experience from the COVID-19 and Ukraine crises and different contingency test. The Commission will also support this process by organising regular crisis simulation test with the EU agencies and share the lessons learnt.

The Commission calls on Parliament and the Council for their full engagement in the legislative work to modernise and strengthen the EU transport sector's resilience. Finalising the work on the pending proposals on TEN-T, Intelligent Transport Systems, Single European Sky, RefuelEU Aviation, FuelEU Maritime, and the Alternative Fuel Infrastructure Regulation will be essential to build up long-term resilience in EU transport. EU regional and local authorities should also work with the Commission to improve urban mobility, in line with the new Urban Mobility Framework.