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## **Comments on the Ministry of Transport and Communication's proposal for amendments to the Act on Transport Services**

The Swedish Aviation Industry Group, Danish Aviation and the Federation of Norwegian Aviation Industries represent the interests of commercial aviation in Sweden, Denmark and Norway. Our members include airlines, airports and service providers. We appreciate the possibility to share our comments and concerns on the draft proposal for amendments to the Act on Transport Services.

We welcome that many countries, including Finland, ease their travel restrictions. However, we have concerns with the draft proposal. We fear that the proposal can create an unjustified burden for transport service providers and that it might undermine a common harmonized approach for measures restricting free movement.

According to the proposal a requirement to present a negative coronavirus test result or certificate will be mandatory for travelers to Finland from certain regions or countries. The transport service provider (including shipping companies and airlines) would be required to check that all embarking passengers can present a negative coronavirus test result or certificate. If the transport service provider fails to ensure this, it can be fined.

We fear that this requirement can cause confusion and hassle at airports before departure. Finnish citizens, foreigners permanently resident in Finland, asylum seekers or other persons performing an essential task are exempted from the requirement. It is difficult for a transport service provider to establish if a traveler is performing an essential task or not. An exemption from the requirement for crew and transit passengers should be inserted. Responsibility for test requirements should in our opinion not burden the transport service providers but rather the individual traveler and responsible authorities. It should be noted that the proposal might raise issues under Regulation (EC) No 261/2004 on passenger rights in a situation where a passenger is denied boarding.

More importantly, European travelers are entitled to predictability and clarity. The coronavirus pandemic has restricted free movement and travel between the Nordic countries as well as within the European Union (EU) and the rest of the world. Resumption of transport services is important for all who needs to travel for business, pleasure or family. A harmonized approach to open borders is therefore the preferred policy option for aviation.

To harmonize Member States actions the European Commission on 4 September proposed a Council Recommendation to ensure that any measures taken by Member States that restrict free movement due to the coronavirus pandemic are coordinated and clearly communicated at the EU level. It is our understanding that this proposal will be discussed at ministerial level at the General Affairs Council on 22 September.

In short, the Commission's proposal consists of a set of measures:

1. Common criteria and thresholds for Member States when deciding whether to introduce travel restrictions;
2. Mapping of common criteria using an agreed colour code;
3. A common framework for measures applied to travellers from high-risk areas (including tests before or after arrival);
4. Clear and timely information to the public about any restrictions

IATA (the International Air Transport Association) has welcomed the Commission's proposal. A successful return of aviation will rely on proportionate and coordinated action from governments. Hopefully a Council Recommendation will create a more harmonized set of measures among Member States in the EU and the Schengen Area.

We hope that Member States in their upcoming discussion on the Commission's proposal will coordinate their efforts and agree on a common approach.

For more information, you can contact Nils Paul, Policy Expert, +46 72 201 04 63 or [nilspaul@transportforetagen.se](mailto:nilspaul@transportforetagen.se)

We remain at your disposal for any questions,

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