



# COVID-19 : availability of PPE in the EU : national trade limitations up to confiscation

Date : 26/03/2020

Prepared by : Henk Vanhoutte, secretary general

To :

- Cabinet Commissioner Breton, Internal market and DG GROW (PPE)
- Cabinet Commissioner Hogan, Trade
- Cabinet Commissioner Kyriakides, Health and Food Safety and DG SANTE (medical devices)

Despite the 'solidarity' between the EU countries, several countries have decided to limit the sales of relevant PPE and medical devices to certain types of users (mainly the health care sector) and even give themselves the right to confiscate stocks of those products. While Germany has lifted the export ban previously installed, countries such as France have expanded their measures and additional countries such as Belgium have recently installed trade limitations or even foreseen the possibility to confiscate stocks of certain types of products.

These national measures only increase the uncertainty in the market, which in the end leads to even less availability of products for those who need them the most. This is expressly against the stated aims of the Commission.

As the EU market is a single market, many manufacturers as well as importers and distributors have concentrated their stocks for the EU market in a limited number of warehouses somewhere in Europe. Before the single market (and Schengen), those economic operators would typically have warehouses in each member state where they have a significant sales volume. This is thus no longer the case and the whole of the EU (or significant parts of the EU) are supplied from centralised warehouses. For global companies, those warehouses even serve regions close to Europe, such as the Middle East and northern Africa.

Now economic operators with warehouses in one of the countries with export limitations or who face the possibility of confiscation are confronted with enormous uncertainty. If they have orders from outside the country where the warehouse is based, they can not be sure that they can deliver the orders, even within the EU (including healthcare sector).

To avoid this uncertainty, they are forced to either keep the stock outside the EU or install stocks in different countries. In times where time is crucial and everybody is working very hard to get the necessary PPE and medical products to those that need them the most, this is only causing additional efforts and costs. And if the stocks are kept outside the EU, result might be for the EU member states that the products will

not be available at all. Again, this is completely contrary to the Commission's objectives.

We realise that the powers of the European Union are limited and that Member States have legal options for measures they are currently taking. But this is clearly against the spirit of the EU, where, to our understanding, solidarity between Member States and citizens is a key value. Therefore, we urge the EU Commission to work with the Member States to ensure, even in the current exceptional situation, the continuation of the single market and to prevail the solidarity between the member states.

About ESF:

The European Safety Federation (ESF) was founded in 1991. National organisations each representing the manufacturers and suppliers of PPE (Personal Protective Equipment) in their country decided to group and unite the European manufacturers, importers, distributors and service providers of PPE and to represent them at government level of the European Union and other European institutions and instances.

Today, ESF represents over 600 companies, of which at least 70% are SMEs. The effective and cooperative members of ESF and the enterprises that affiliated to the national federations are dedicated and committed to provide compliant CE certified and high quality PPE. Moreover, they link quality and service by giving expert advice and assistance in the process of risk assessment and analysis as well as training and advice in all aspects related to PPE. Supporting a safety conscious way of life is a common interest to all of us.

As all citizens (be it as employee, as self-employed or in his/her free time) use PPE to protect him/her against risks for his/her health or safety, the ESF members have an essential role in the protection of the population.