



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

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Mr Radu Dinescu  
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**By email:** Office@untrr.ro

Dear Mr Dinescu,

Thank you for your letter of 10 March addressed to Commissioner Vălean in which you point at the long waiting times at the Romanian-Hungarian land border, which now have been further aggravated by the situation in Ukraine. As this concerns issues related to border controls, and therefore within the remit of the Directorate-General for Migration and Home Affairs, the Commissioner has asked me to respond to you on her behalf.

The Commission is deeply concerned by the humanitarian situation at our borders caused by the invasion of Russian troops in Ukraine. Commissioner Johansson went herself to the Member States neighbouring Ukraine to assess the situation on the ground, as well as the needs for assistance and coordination to allow for an effective protection to the people fleeing the war.

On 2 March, the Commission adopted the Operational Guidelines for checks at the external borders to Ukraine<sup>1</sup>. The Guidelines specifically call on the Member States to set up emergency support lanes (point 5): In order to ensure swift and safe access to and return from Ukraine of humanitarian convoys and providers of emergency assistance offered under the Union Civil Protection Mechanism, as well as humanitarian aid to people in the Ukrainian territory, Member States should designate special lanes at border crossing points for that purpose, marked as ‘Emergency Support Lane’.

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<sup>1</sup> Commission Communication Providing operational guidelines for external border management to facilitate border crossings at the EU-Ukraine borders 2022/C 104 I/01 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022XC0304%2810%29>

Priority should be given to keep the traffic flow on these lanes fluid at any moment. Member States may also set up such lanes outside or next to already existing border crossing points, ensuring the swift delivery of the assistance and the safety of humanitarian workers.

In case the configuration of a border crossing point allows for, and a sufficient number of customs officers can be deployed by the Member States, the designation of similar lanes for trucks is encouraged, in order to ensure both the continued supply of goods and services as well as the return of transport workers from Ukraine.

As regards the situation of persons fleeing the war in Ukraine via Romania, the Guidelines indirectly encourage other Member States to apply the existing flexibility under the Schengen rules also within the EU (i.e. also at internal borders where border controls have not been lifted yet and at internal borders where border controls have been reintroduced). In particular, the Guidelines state:

*“In case of lack or insufficient documentation of third-country nationals including children, Member States are encouraged to issue an arrival declaration and/or the (provisional) travel documents listed in: [https://ec.europa.eu/home-affairs/travel-documents-issued-member-states-part-ii\\_en](https://ec.europa.eu/home-affairs/travel-documents-issued-member-states-part-ii_en). This is particularly important in order to ensure that the onward travel – and the future return – of these third country nationals remains possible.[...] Some Ukrainian nationals may want to travel further to other EU destinations, to reunite with family or friends in most cases. These potential passengers presenting themselves with expired passports, or only ID cards or birth certificates for children are under the current rules not permitted to travel between Member States. While this is the decision of the carriers to allow such persons on board, Member States are encouraged to support them in this regard. In particular, with regard to connections to or from Member States where internal border controls have not yet been lifted, they could consider providing assurances to the carrier that they will not be fined for carrying passengers who are not adequately documented due to the ongoing conflict in Ukraine. Member States are encouraged to exercise flexibility in facilitating such cases and to exempt carriers from paying such fines”.*

The activation of Temporary Protection Directive on 4 March further reinforces this approach by granting to Ukrainian citizens temporary protection in most parts of the Schengen area<sup>2</sup>. Accordingly, *“Ukrainian nationals, as visa-free travellers, have the right to move freely within the Union after being admitted into the territory for a 90 day period. On this basis, they are able to choose the Member State in which they want to enjoy the rights attached to temporary protection and to join their family and friends across the significant diaspora networks that currently exist across the Union. This will in practice facilitate a balance of efforts between Member States, thereby reducing the pressure on national reception systems”.*

The Commission is monitoring the situation at the borders in view of the developments in Ukraine. Let me assure you also that efficient border controls are high on our agenda.

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<sup>2</sup> Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection ST/6846/2022/INIT <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022D0382>

I hope you find these explanations useful.

Yours sincerely,

*Electronically signed*

Monique PARIAT

c.c.: Elzbieta LUKANIUK, (CAB Vălean)