



Prepared by: **WHITE & CASE**

**IFRC COVID-19 Emergency Decree Research: The Netherlands**

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**IMPORTANT NOTE:** The researcher is not a Dutch lawyer, but speaks Dutch fluently. Hence, the below responses are not to be construed as giving legal advice, but merely summarize research undertaken on publicly available resources.

**- This Statement is an overview reflecting the situation as per 20 March 2020 and is not to be understood as conclusive. Constant additions and alterations to the measures currently in place are to be expected -**

- **Questions to be answered by close of business Friday, 20 March are listed below.**
- **Please be sure to include English translations of relevant text where possible.**

1. Is there coordination between state and non-state actors, e.g. through a national emergency response mechanism?

In the Netherlands, the Dutch National Institute for Public Health and the Environment (“RIVM”) is responsible for, among others, fighting infectious diseases. RIVM is commissioned in its tasks by the Ministry of Health, Welfare and Sport (*Ministerie van Volksgezondheid, Welzijn en Sport*, “VWS”) and other ministries, as well as various government inspectorates.

RIVM collaborates closely with the Municipal Health Service (*Gemeentelijke Gezondheidsdienst*, “GGD”) / the Regional Medical Care association (*Geneeskundige Hulpverlening in de Regio*, “GHOR”), non-state actors contributing to safeguarding, improving and protecting national health in the Netherlands.

GGD/GHOR have been tasked with monitoring the infection status in relation to COVID-19; i.e., all new infections are being notified to GGD.<sup>1</sup>

RIVM, VWS and (i) the Federation of Medical Specialists, (ii) the Federation of University Medical Centers and (iii) the Association of Hospitals have met on 15 March 2020 to align on communication and the distribution of tasks under the leadership of the Outbreak Management Team of RIVM.<sup>2</sup>

<sup>1</sup> <https://www.ggd.amsterdam.nl/infectieziekten/infectieziekten/infectieziekten/nieuw-coronavirus/#h65477f22-155b-4e3e-b11e-4e2a5faf33e6>

<sup>2</sup> [Goed gesprek VWS, RIVM met koepels van artsen en ziekenhuizen | Nieuwsbericht | Rijksoverheid.nl](#)

2. Is there mention of the role of Red Cross (RC) or humanitarian actors? In what areas/sectors? What responsibilities are ascribed to RC?

RC and other humanitarian actors are part of the “critical professions” to which several exemptions apply (see below), but are not specifically mentioned in the national emergency response measures and decrees.

In connection with COVID-19, RC supports GGD/GHOR and hospitals with ambulance services and testing of persons for infection, has established a hotline and assists people who are not able to do so themselves with shopping services for groceries. RC also collects medical equipment from private institutions, individuals and other donors to make it available to hospitals and care facilities.<sup>3</sup>

3. Are there exceptions to travel restrictions that will facilitate the movement of RC/humanitarian relief teams and/or aid across borders? What (if any) quarantine requirements or other conditions are attached?

As of today, 20 March 2020, there are no general travel restrictions (e.g. curfews) in place in the Netherlands, but a number of general measures were put into effect by the government on 12 and 15 March 2020 to ensure social distancing with the aim of “flattening the curve”. Humanitarian services being part of the critical professions, however, it is likely that they will benefit from certain exemptions should the measures be tightened further by the government. The same applies to professions related to the manufacturing and transport of medicine and medical equipment.

On 18 March 2020, however, the Netherlands have closed their borders for non-EU or EFTA individuals seeking entry into Europe. Exceptions apply to several categories of persons, including “persons with a vital function or reason”, which specifically include members/personnel of international and humanitarian organizations.<sup>4</sup>

On 19 March 2020, the Minister for Infrastructure and Waterways has eased restrictions on driving times for suppliers of food and medical products. I.e., daily driving time limits have been extended from 9 to 11 hours, weekly from 56 to 60 hours and two-weekly limits are up to 96 hours from the previous 90, all to ensure continuity of supply in supermarkets and pharmacies.<sup>5</sup>

4. Are there exceptions to quarantines, curfews and other restrictions on movement that allow RC/humanitarian organizations access to vulnerable populations (including for psychosocial or non-medical aid)?

See above, there is no general nationwide quarantine or curfew in place in the Netherlands as of today. The exceptions to the border closure mentioned above also specifically applies to care professionals.

5. Have any special legal facilities or exemptions been put in place for the importation of medical aid or other relief items or personnel (International Disaster Response Law)? What (if any) quarantine requirements or other conditions are attached?

See above regarding the exception to denial of entry at the Dutch border for international and humanitarian organizations and health care professionals.

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<sup>3</sup> [De laatste Rode Kruis-activiteiten rond het coronavirus](#)

<sup>4</sup> [Nederland sluit de grenzen voor mensen van buiten Europa | Nieuwsbericht | Rijksoverheid.nl](#)

<sup>5</sup> [Van Nieuwenhuizen versoepelt tijdelijk regels voor rij- en rusttijden voor bevoorrading supermarkten en apotheken | Nieuwsbericht | Rijksoverheid.nl](#)

Note that the GGD for the region of Utrecht, which is also in charge of health services and controls for children, has stopped all scheduled vaccinations for children aged 2-18. Babies and toddlers up to the age of two years will still receive their vaccinations as planned, but all other services have been postponed. The same applies to e.g. service hours for travelers.

6. Is the RC (or humanitarian organizations) categorized as 'essential' or 'emergency' services, for the purposes of exemptions to restrictions on business operations and opening hours?

The RC, as one of the organizations ensuring continuity of emergency services, is part of the critical professions that are entitled to special childcare services during the COVID-19 crisis. I.e., while kindergartens and children daycare are generally closed, parents of children working in such critical professions can request daycare service for their children in order to continue doing their jobs.

7. What other measures are provided in the emergency decrees? (for governmental actors, for communities, for health workers, etc).

The government has put in place the following measures throughout the Netherlands by decrees of 12, 15 and 19 March 2020, all of which are currently in effect until and including 6 April 2020:<sup>6</sup>

- General social distancing rules, i.e. prohibition of gatherings >100 persons and strong recommendation to keep 1.5m distance
- All schools, kindergartens and children daycare facilities as well as universities are closed
- All restaurants and cafés are closed (except for takeaway)
- Sport clubs, fitness clubs, saunas etc. are closed
- Retired health care professionals are given the opportunity to go back to work<sup>7</sup>
- Visits to retirement homes and elder care facilities have been banned<sup>8</sup>

8. Have restrictions been adopted or put in place that ban the export of protective medical equipment?

In accordance with Commission Implementing Regulation (EU) 2020/402 of 14 March 2020,<sup>9</sup> the following protective equipment cannot be exported outside the EU without prior authorization:

- Protective spectacles and visors
- Face masks
- Mouth-nose-protection equipment
- Protective garments
- Gloves

Authorization has to be requested with the Member State where the exporter is established. Decision has to be taken within 5 working days, extendable to 10. The Member State has to consider whether the export serves “to support the statutory activities of support companies abroad that enjoy protection under the Geneva Convention, and in so far as they do not impair the ability to work as a national support company”. We assume that this refers to the several privileges for National Red Cross Societies in the 1949 Geneva Conventions of 12 August 1949.

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<sup>6</sup> <https://www.rijksoverheid.nl/actueel/nieuws/2020/03/15/aanvullende-maatregelen-onderwijs-horeca-sport>

<sup>7</sup> [Vraag en aanbod extra zorgpersoneel bij elkaar gebracht | Nieuwsbericht | Rijksoverheid.nl](#)

<sup>8</sup> [Bezoek aan verpleeghuizen niet langer mogelijk vanwege corona | Nieuwsbericht | Rijksoverheid.nl](#)

<sup>9</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1584650379009&uri=CELEX:32020R0402>

