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From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

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To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

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Subject: COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL on the
second assessment of the application of the temporary restriction on non-
essential travel to the EU

Delegations will find attached document COM(2020) 222 final.

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Brussels, 8.5.2020
COM(2020) 222 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL**

**on the second assessment of the application of the temporary restriction on non-essential
travel to the EU**

I Introduction

On 10 March 2020, the Heads of State or Government of the European Union emphasised the need for a joint European approach with regard to COVID-19 and a close coordination with the European Commission.

On 16 March 2020, the Commission adopted a Communication to the European Parliament, the European Council and the Council on a ‘Temporary restriction on non-essential travel to the EU’¹. In this Communication, the Commission recommended that the European Council should act with a view to the rapid adoption, by the Heads of State or Government of the Schengen Member States together with their counterparts of the Schengen Associated States, of a temporary restriction of non-essential travel from third countries into the EU+ area².

On 17 March 2020, the aforementioned States agreed on coordinated action at external borders based on the recommendation from the Commission. Since then, all EU Member States (with the exception of Ireland) and Schengen Associated States³ have taken national decisions to implement the travel restriction.

To assist Member States, on 30 March 2020 the Commission adopted guidance ‘on how to implement the temporary travel restrictions, the facilitation of repatriations from across the world, and on dealing with people whose visas have lapsed as a result of travel restrictions’⁴. This guidance was elaborated with input from the European Border and Coast Guard Agency (Frontex), the European Centre for Disease Prevention and Control (ECDC) and Europol.

On 8 April 2020, as a follow-up to the 16 March Communication, the Commission also adopted a follow-up Communication ‘on the assessment of the application of the temporary restriction of non-essential travel into the EU’⁵. In this Communication, the Commission invited the Schengen Member States and the Schengen Associated States to prolong in a coordinated manner the application of the travel restriction on non-essential travel from third countries into the EU+ area by another 30 days, i.e. until 15 May 2020.

The temporary travel restriction applies to all non-essential travel from third countries to the EU+ area. Nonetheless, to safeguard the rights of EU citizens and citizens of Schengen Associated States⁶, as well as their family members and third country nationals legally residing in the EU, such persons are exempted from the application of the non-essential travel restriction for the purpose of returning to their homes. In addition, in order to limit the impact of the restriction on societal functioning to the necessary minimum, Member States were recommended not to apply the restrictions to specific categories of travellers with an essential function or need⁷.

¹ COM(2020) 115, 16 March 2020.

² The “EU+ area” includes all Schengen Member States (including Bulgaria, Croatia, Cyprus and Romania), as well as the four Schengen Associated States. It also includes Ireland and the United Kingdom if they decide to align.

³ Iceland, Liechtenstein, Norway, Switzerland.

⁴ C(2020) 2050, 30 March 2020.

⁵ COM(2020) 148, 8 April 2020.

⁶ Including UK nationals and nationals of the Participating States to the Union Civil Protection Mechanism (Serbia, Montenegro, North Macedonia, Turkey) when repatriated under the Mechanism.

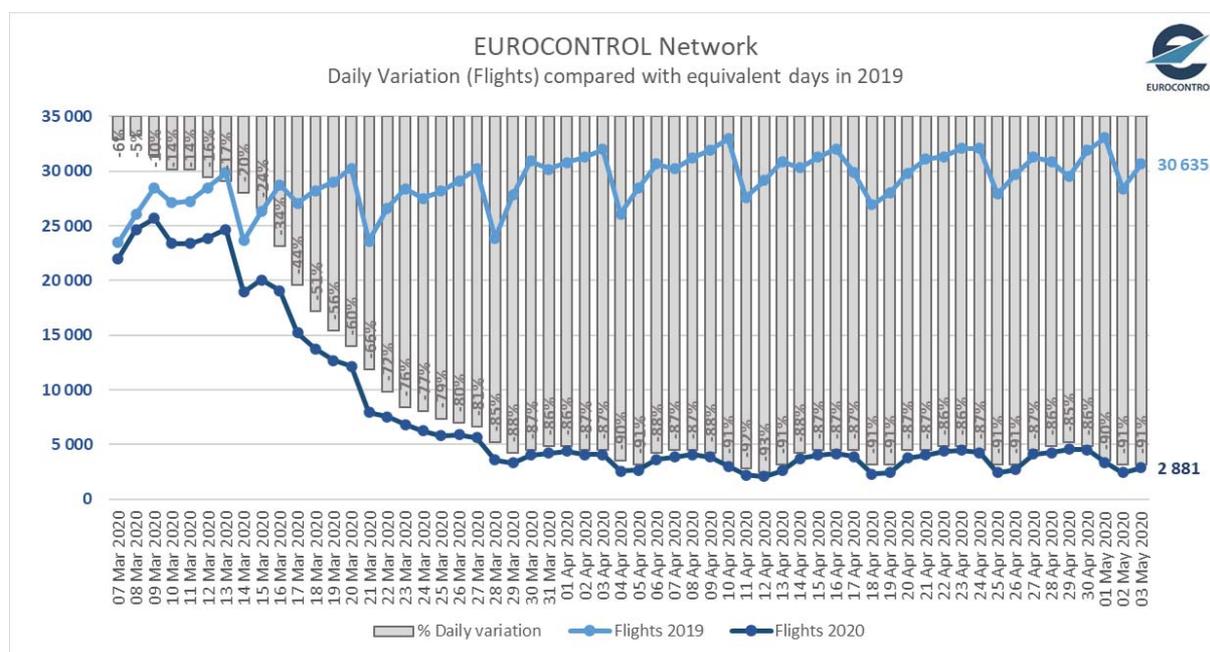
⁷ These should include

- Healthcare professionals, health researchers, and elderly care professionals;
- Frontier workers;
- Seasonal workers in agriculture;
- Transport personnel;
- Diplomats, staff of international organisations, military personnel and humanitarian aid workers in the exercise of their functions;

Since the recommended period for maintaining a travel restriction at the external borders will come to an end on 15 May 2020, this Communication assesses whether a further extension is needed and justified.

II Developments since the adoption of the Communication on the assessment of the travel restriction (8 April 2020)

The objective of a travel restriction at external borders is to reduce the risk of spread of the disease through travel to the EU. The month of April has seen a continued drastic reduction in global travel, both to and from the EU, as well as within the EU. On 3 May 2020, Eurocontrol⁸ reported an overall reduction of 91% in the number of flights, which translates into 27,754 fewer flights compared to 2019⁹. At present, remaining flights are mainly limited to cargo. Similar trends are also being witnessed for other modes of transport, such as ferry, coach and rail.



While some EU and Schengen Associated States are taking their first cautious steps to ease social distancing measures within their territories, the overall objective of limiting the spread of the Coronavirus via reduced social interaction remains. Moreover, the situation in Europe as well as the situation worldwide remains very fragile and it cannot be excluded that measures may need to be reintroduced in the event of a resurgence in infections.

On 15 April 2020, the President of the European Commission and the President of the European Council set out a ‘Joint European Roadmap towards lifting COVID-19 containment measures’¹⁰. The Joint Roadmap proposes a phased approach to the opening of our internal and external borders, with the aim of eventually returning to unrestricted free movement and the normal functioning of the Schengen area. Internal border controls will need to start being lifted gradually and in a coordinated manner before, in a second stage, temporary restrictions

- Passengers in transit;
- Passengers travelling for imperative family reasons;
- Persons in need of international protection or for other humanitarian reasons respecting the principle of *non-refoulement*.

⁸ Eurocontrol is composed of 41 States worldwide.

⁹ www.eurocontrol.int

¹⁰ https://ec.europa.eu/info/sites/info/files/communication_-_a_european_roadmap_to_lifting_coronavirus_containment_measures_0.pdf

at the external borders can be relaxed and non-EU residents can resume non-essential travel to the EU.

It is also worth recalling that in order to address the serious problems caused by the reintroduction of internal border controls and travel restrictions, and to limit the impacts on the functioning of the internal market, the Commission mobilised all the necessary resources and ensured coordination at EU level. In addition, the Commission presented practical guidance to ensure the continuous flow of vital goods across the EU via green lanes¹¹, to facilitate air cargo¹² and to guarantee the exercise of the free movement of workers¹³. These guidelines have provided important mitigation of the impact of restrictions on the Single Market and free movement and should be applied until internal border controls have been lifted.

III Prolongation of the temporary travel restriction to the EU+ area

As mentioned above, preliminary steps towards the easing of the containment measures for fighting the spread of the pandemic have been taken by some Member States. However, it is imperative that any action taken is gradual, with different measures being lifted in different phases. In addition, sufficient time should be left between each phase, as the impacts will only become measurable over time. Whilst the epidemiological situation within the EU is starting to show some stabilisation and gives cause for cautious optimism, the risk of a renewed increase of community transmission remains, particularly if measures are lifted too early and in an uncoordinated manner. Moreover, the situation remains fragile in many third countries, including in countries that normally have substantial travel to and from the EU, with many countries and regions in earlier stages of exposure to the virus than Europe.

In order to complement the efforts of EU and Schengen States to limit the spread of the COVID-19 through reduced social interaction, parallel and coordinated action also continues to be necessary at the external borders of the EU+ area. To ensure that such actions are effective, they should be implemented by all EU and Schengen States at all external borders, with the same end date, in a uniform manner.

The Commission therefore **invites the Schengen Member States and the Schengen Associated States to prolong the application of the travel restriction on non-essential travel from third countries into the EU+ area by another 30 days, until 15 June 2020.** Any further prolongation of this period should be assessed in the coming weeks, based on the development of the epidemiological situation, both inside and outside the EU.

The scope of the extension of the temporary travel restriction should be the same as that set out in the Commission's Communications of 16 March and 8 April 2020. When applying the temporary travel restriction, Member States should follow the Guidance issued by the Commission on 30 March 2020. In addition, the Commission recalls point 15 of its Communication on the implementation of Green lanes of 23 March 2020 and calls on all States and actors to continue cooperating and applying the implementation guidance on green lanes to the greatest extent possible at external borders.

¹¹ C(2020) 1897, 23 March 2020.

¹² C(2020) 2010, 26 March 2020.

¹³ C(2020) 2051, 30 March 2020.