



# Mobility: immigration alert

May 2020

## European Commission

### European Commission signals phased reopening of borders and transport services

#### Executive summary

The European Commission (EC) on 13 May 2020 outlined its recommendations for a phased approach to [reopening](#) borders and [restoring](#) transport services and connectivity.

The aim is to ensure that key enablers of the EU and the global economy, and fundamental parts of daily lives of EU citizens, (transport services and connectivity) are progressively restored as far as conditions allow. It also seeks a return to the unrestricted free movement of persons and the integrity of the Schengen area.

The recommendations follow earlier ones put forward on 15 April 2020 in the [Joint European Roadmap](#) on lifting COVID-19 containment measures. Whilst not binding, they provide a key framework which Member States are asked to adhere to in developing a co-ordinated and phased easing of restrictions.

#### Key issues

The EC has proposed a two-phased approach

- Phase 1: There should be a **partial lifting of travel restrictions and of controls at internal borders** if epidemiological developments across Europe continue their current positive trend. This should apply when a sufficiently low-level transmission rate is reached. If this is not immediately possible, travel restrictions and border controls should be lifted for regions, areas and Member States with a positively evolving and sufficiently similar epidemiological status. In

cases where the epidemiological situation is less similar, additional safeguards and measures as well as monitoring could be applied.

Restrictions on travel should first be lifted in areas where sufficient capabilities are in place in terms of hospital capacity, testing, surveillance and contact tracing capacities. Safe mobility options are preferable over general prohibitive measures that could lead to the paralysis of transport services within the EU. All steps need to be taken in full awareness of the risks of triggering a second wave of community transmission which would require the reintroduction of more rigorous containment measures.

If it is not yet possible to lift internal border controls across the EU in full, there are also steps that could be taken to start the process of removing restrictions, such as replacing systematic border controls by border controls based on risk assessment or by local police measures. Where a Member State decides to lift its restrictions for movement to and from another Member State, or as regards regions or areas of either such Member State, this must apply on a no discrimination basis: it should apply to all EU citizens and to all residents of that Member State regardless of their nationality. Further it should apply to all parts of the Union in a similar epidemiological situation. Smooth and safe travel should be possible for professional reasons, but also for personal reasons, such as visits to see family.

- **Phase 2:** This second (and last) phase, would see the **general lifting of restrictions and of internal border controls**. This is expected only when the epidemiological situation across the EU is sufficiently positive and convergent. It would involve the lifting of all COVID-19 related restrictions and controls at the internal borders, while keeping the necessary health measures (personal hygiene, physical distancing, etc.) in place inside (parts of) the territories of the Member States and maintaining extensive information campaigns. Guidance stipulating safety requirements for different transport and accommodation modes must be met for the free movement of persons, goods, services to be fully restored.

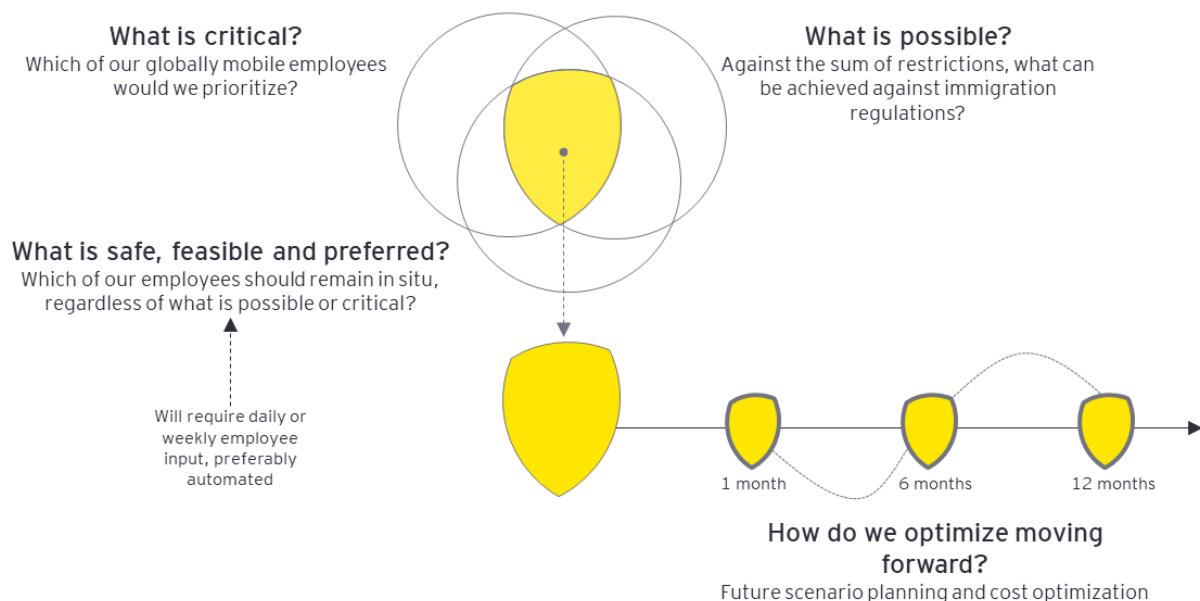
While the Commission recognizes it would currently be unfeasible to completely restore international travel to pre-Covid levels in a manner that is safe for all persons involved, it has indicated that all modes of transport services should be resumed as a matter of priority. This should be subject to the deployment of effective measures to protect the health of transport workers and passengers. Imposed measures will include regular cleaning, disinfection and appropriate ventilation of transport hubs and vehicles and these measures will require continuous monitoring. Contact tracing and warning measures (for example, with the use of mobile apps) could be used on a voluntary basis by passengers to detect and interrupt infection chains and reduce the risk of further transmission for as long as transmission risks persist. However, the EC has said that access to transport services should not be made conditional upon the use of contact tracing apps - these should rather be an additional layer of risk mitigation. Such measures must be subject to cross-border interoperability and mutual acceptance. If they are implemented, contact tracing measures should be strictly limited for the purposes of dealing with the COVID-19 outbreak, set up in line with the EU's regulations on the use of mobile applications in the fight against COVID-19 and ensure the highest level of data privacy.

Steps must be taken to ensure that measures at points of departure and arrival are comparable to prevent travel becoming overly cumbersome or even impossible. This will require that equivalent measures, that are based on shared principles and that each mitigate in an adequate way the relevant health risks, are mutually accepted at the point of departure and of arrival. To facilitate this, the EC has recommended the development of concrete criteria that should be translated in an internationally recognized approach and has called for close cooperation with non-EU countries and international partners, including the International Civil Aviation Organisation (ICAO).

#### Impact and next steps

These recommendations point to a reciprocal enabling of movement between EU countries with "similar overall risk profiles" on COVID-19. This, together with measures proposed in Austria, Greece, Cyprus and Germany, suggest a shift towards protective travel corridors - Estonia, Latvia and Lithuania have similarly announced the intention to open borders to each other on 15 May 2020. With suggestions that such corridors could open based on conditions in the point of departure rather than citizenship or residence status, this could be challenging to manage effectively and implement in practice with travellers navigating a complex and divergent set of rules across regions.

Although travel may start to become more open than it has been during the last 3 months, capacity will remain reduced due to social distancing measures in order to manage risk. It will important to prioritise critical travel. Where travel is critical and possible (against the sum of restrictions), it is important to keep up to date with local developments in individual EU member states and ensure that travel is not only permitted via desired routes but also viable and preferable in light of possible post entry restrictions such as mandatory quarantine.



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