

Towards a common EU approach to lifting coronavirus-related restrictions on freedom of movement

SUMMARY

In an effort to tackle the second wave of the coronavirus outbreak, EU Member States started reinstating restrictions on the freedom of movement in October 2020. To prevent a new series of severe and uncoordinated restrictions at countries' internal borders similar to those of March this year, there have been renewed efforts at the EU level to establish a coordinated approach towards coronavirus-related restrictions on movement.

While the focus is now on the ongoing health crisis, concerns about the functioning of the Schengen area of free movement predate the pandemic. As recent terrorist attacks in Europe remind us, scant progress and unfinished reforms in the area of migration, external borders and security both weaken and threaten to undo the important achievements of Schengen cooperation.

This briefing discusses the key steps taken by the EU to develop a common response to the above challenges and thus to safeguard the Schengen area. It provides an overview of the main restrictions on movement imposed by EU and Schengen countries as of 25 November 2020. Since contact-tracing apps have been promoted as a key tool in combating the pandemic and restoring freedom of movement, this briefing also provides an overview of the existing coronavirus applications in the EU Member States and their interoperability across borders.



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Introduction

In March 2020, in an effort to **contain the coronavirus outbreak** in Europe, most EU and Schengen countries imposed [restrictions](#) on the free movement of persons, together with wide-ranging domestic restrictions on social and economic life. The restrictions on movement have had a major impact both on citizens, in particular on cross-border and seasonal workers, and on businesses in many areas, not least [tourism](#) and [transport](#).

While many of these restrictions were lifted by the summer, a new spike in coronavirus infections across Europe has prompted a growing number of Member States to **reinstate restrictions**. At the same time, more concerted efforts have been dedicated to preventing full-scale border restrictions and to developing a **common EU response** to the crisis.

Despite bringing important [benefits](#) and being widely regarded as one of the greatest achievements of EU integration, the Schengen area of free movement has been **under stress in the past decade**. The recent restrictions triggered by the pandemic have added to a series of **pre-existing challenges** that have prevented the full potential of free movement in the EU from unfolding. While the health crisis has shifted the focus to curbing the disease, 'old' issues, related in particular to **irregular migration** and **security** challenges, remain unresolved.

Recent **terrorist attacks** in Europe, in which some of the perpetrators had previously [crossed](#) Schengen borders, constitute a brutal reminder of these challenges and underline the urgency of **reforming the Schengen** system. Moreover, calls to modernise Schengen have also been made in the context of new efforts to relaunch the updating of the European [migration and asylum](#) policies.

Restrictions on movement

Temporary border controls

By mid-April 2020, 17 Schengen countries had officially [notified](#) the Commission on the reintroduction of internal border controls due to the pandemic (see Figure 1).

In a number of Schengen countries, these restrictions supplemented or overlapped with **pre-existing border controls**. Austria, Denmark, France, Germany, Sweden and Norway have maintained 'temporary' border controls since 2015 due to concerns related to the situation at the EU's external borders and/or security threats.

As of **25 November**, **about a third of the Schengen countries** (8 out of 26) had temporary controls at their internal borders (see Table 1). In Finland, Hungary and Norway this was due to the pandemic. Austria, Denmark, Germany, France and Sweden maintained temporary border controls because of concerns over deficiencies at the EU external borders and/or security threats (see Table 1). The temporary border controls related to deficiencies at the EU external borders and/or security threats are currently due to last until April/May 2021.

Figure 1: Schengen countries with internal border controls



Data source: [European Commission](#).

Table 1: Schengen countries' notified internal border controls (March - November 2020)

Schengen state	Period	Borders
Austria	11/03/2020 – 15/06/2020	Land borders with Germany, Italy, Switzerland, Liechtenstein, Slovakia and Czechia
Belgium	20/03/2020 – 14/06/2020	All internal borders
Czechia	14/03/2020 – 04/06/2020 05/06/2020 – 30/06/2020	Land borders with Austria and Germany, internal air borders Air borders
Denmark	14/03/2020 – 11/05/2021	All internal borders
Estonia	17/03/2020 – 14/05/2020 15/05/2020 – 16/06/2020	All internal borders Air and sea borders
Finland	19/03/2020 – 14/06/2020 15/06/2020 – 14/07/2020 15/07/2020 – 11/10/2020 12/10/2020 - 13/12/2020	All internal borders All internal borders, except borders with Norway, Denmark, Iceland, Estonia, Latvia and Lithuania Borders with selected EU/Schengen countries All internal borders
France	18/03/2020 – 21/06/2020 /03/2020 – 31/10/2020	Borders with Spain All internal borders
Germany	16/03/2020 – 15/06/2020 16/06/2020 – 21/06/2020	Air and land borders (where applicable) with Austria, Switzerland, France, Luxembourg, Denmark, Italy and Spain, sea border with Denmark Air border with Spain
Hungary	12/03/2020 – 29/11/2020	All internal borders
Iceland	24/04/2020 – 22/06/2020	All internal borders
Lithuania	14/03/2020 – 31/05/2020 01/06/2020 – 11/06/2020 12/06/2020- 14/09/2020	All internal borders Land border with Poland, air and sea borders Air and sea borders
Norway	16/03/2020 – 09/02/2021	All internal borders
Poland	15/03/2020 – 12/06/2020	Land borders with Czechia, Slovakia, Germany and Lithuania, sea and air borders
Portugal	16/03/2020 – 30/06/2020	Land border with Spain
Slovakia	08/04/2020 – 26/06/2020	All internal borders
Spain	17/03/2020– 14/05/2020 15/05/2020 – 21/06/2020 21/06/2020 – 30/06/2020	Land borders All internal borders Borders with Portugal
Switzerland	13/03/2020 – 15/06/2020	Air and land borders

Other entry restrictions

During the first wave of the coronavirus outbreak, nearly all EU Member States [imposed](#) entry or exit restrictions at their internal borders, often in addition to existing temporary border controls. Such restrictions included general entry and/or exit bans and other special requirements such as the obligation to provide test results upon entry or to observe quarantine after entry.

Whereas most internal border controls and entry restrictions were removed before or during the summer, as of October, many Member States started reinstating or adopting new restrictions on movement. Several Schengen countries have imposed new **entry bans** on travellers coming from all or certain EU/Schengen countries. Whereas Cyprus, Denmark and Finland imposed entry bans on travellers from high-risk countries (with exceptions), Hungary banned travellers from all EU/Schengen countries, except for Czech, Polish and Slovak nationals. The most common **requirements** concerning travellers from EU/Schengen risk countries are (in various combinations): submitting passenger locator forms or other declarations, Covid-19 testing, and the obligation to observe a quarantine typically lasting 10 to 14 days (see Table 2). Whereas several countries make explicit reference to (non-binding) common European criteria for defining areas of **high epidemiological risk**, available information suggests that there is still **wide variation** in this regard.

Table 2: Entry requirements for travellers from other EU/Schengen countries
(25 November 2020)

Country	Entry ban	Entry form	Main requirements for travellers from risk areas	Definition of risk areas	Identified EU/Schengen areas of high risk
Austria	No	No	Negative Covid-19 test or <u>10-day quarantine</u>		Areas in eight EU/Schengen countries
Belgium	No	Yes	Negative Covid-19 test or <u>10-days quarantine</u>		Most EU/Schengen countries
Bulgaria	No	Yes	No		
Croatia	No	Yes	No		
Cyprus	Yes	Yes	Negative <u>Covid-19 test</u> (high and moderate risk); Negative Covid-19 test and <u>14-days quarantine</u> (high-risk, if allowed to enter)	Three categories of risk countries (low, moderate, high)	All EU/Schengen countries
Czechia	No	Yes	Negative <u>Covid-19 test</u>	According to the Council Recommendation	Most EU/ Schengen countries
Denmark	Yes	No	<u>Exceptional</u> entry: negative Covid-19 test		All EU/Schengen countries
Estonia	No	No	<u>10-days quarantine</u> or negative Covid-19 test(s)	Above 15 cases / 100 000 people / last 14 days)	All EU/Schengen countries
Finland	Yes	No	<u>Exceptional</u> entry: 10-days quarantine or negative Covid-19 test(s)	Above 25 cases / 100 000 people / last 14 days	All EU/Schengen countries
France	No	Yes	Negative Covid-19 test- travel to overseas territories		
Germany	No	Yes	<u>Quarantine</u> or negative Covid-19 test(s)	Above 50 cases / 100 000 people / last 7 days	Most EU/Schengen countries (or regions)

Greece	No	Yes	Negative Covid-19 test		All EU/Schengen countries
Hungary	Yes	No			All EU/Schengen countries
Iceland	No	Yes	14-day quarantine (shortened after two negative Covid-19 tests)		All EU/Schengen countries
Ireland	No	Yes	14-day quarantine	According to the Council Recommendation	'Red' countries on the ECDC risk map
Italy	No	Yes	Negative Covid-19 test / 14-day quarantine	Six risk groups of countries (A-F)	Six EU/Schengen countries
Latvia	No	Yes	10-day quarantine	Above 50 cases / 100 000 people / last 14 days	All EU/Schengen countries
Lithuania	No	Yes	10-day quarantine (shortened by a negative Covid-19 test)	According to the Council Recommendation	'Red' countries on the ECDC risk map
Luxembourg	No	No	No		
Malta	No	Yes	Negative Covid-19 test (or quarantine)		Fifteen EU/Schengen countries
Netherlands	No	Yes	10-day quarantine		Most EU/Schengen countries
Norway	No	No	10-day quarantine	Above 20 cases per 100 000 people and above 5 % positive tests / last 14 days	All EU/Schengen countries
Poland	No	Yes	No		
Portugal	No	Yes	Negative Covid-19 test – travel to Madeira and Azores		
Romania	No	No	14-day quarantine		Most EU/Schengen countries
Slovakia	No	Yes	10-day quarantine and Negative Covid-19 test		Most EU/Schengen countries
Slovenia	No	No	10-day quarantine or negative Covid-19 test	Three risk groups of countries	All EU/Schengen countries
Spain	No	Yes	Negative Covid-19 test		Most EU/Schengen countries
Sweden	No	No	No		
Switzerland	No	No	10-day quarantine	Infection rate (cases / 100 000 people / last 14 days) is 60 % higher than in the country	Four EU/Schengen (or areas)

Schengen *acquis*

The [Schengen Borders Code](#) (SBC) lays down common rules governing the management of internal and external borders, including rules on the temporary reintroduction of controls at the internal borders **as a last-resort measure** against cases of serious **threats to public policy or internal security**. The SBC provides for three such specific cases: i) a foreseeable threat (linked, for instance, to a special event such as a sporting competition); ii) an immediate threat; and iii) persistent serious deficiencies relating to the Schengen external borders (see Table 3).

Table 3: SBC provisions on the temporary reintroduction of controls at internal borders

Article	Specific threat	Time-limits	Procedure
Articles 25-27	Foreseeable serious threat to public policy or internal security	30 days, renewable by 30-day periods up to 6 months	The Schengen country notifies the Commission and the other Schengen countries at least four weeks in advance (if possible) indicating the reasons, scope and duration of the measures. The European Parliament and the Council are informed. The Commission or any other Schengen country may issue an opinion (to be discussed in a consultation between the Schengen countries concerned and the Commission).
Article 28	Serious threat to public policy or internal security requiring immediate action	10 days, renewable by 20-day periods up to 2 months	The Schengen country notifies the Commission immediately indicating the reasons, scope and duration of the measures. The Commission or any other Schengen country may issue an opinion (to be discussed in a consultation between the Schengen countries concerned and the Commission). The Commission informs the European Parliament without delay.
Articles 29-30	Persistent serious deficiencies relating to external border control that put at risk the functioning of the area without internal border control	Six months, renewable 3 times up to 2 years	Based on a proposal from the Commission , the Council recommends that one or more Schengen countries decide to reintroduce border control at all or at specific parts of their internal borders. The recommendation is based on relevant information and takes into account a number of key considerations . The Schengen country notifies the other Schengen countries, the European Parliament and the Commission.

According to Article 26 of the SBC, when reintroducing border controls at their internal borders, Schengen countries (Member States in the wording of the SBC) shall i) assess the extent to which such a measure is likely to **adequately remedy the threat** to public policy or internal security; ii) assess the **proportionality** of the measure in relation to that threat; and iii) consider in particular the likely impact of such a measure on **free movement of persons** within the area without internal border control. The SBC does not contain specific provisions regarding the reintroduction of internal border controls on grounds of threat to **public health**. By comparison, the SBC rules on **external border** controls provide that third-country nationals shall be refused entry if they are 'considered to be a threat to public health' (Article 2).

[Directive 2004/38/EC](#), which lays down the conditions for the right of EU citizens and their families to move and reside freely within the EU, allows for restricting freedom of movement, **irrespective of nationality**, 'on grounds of public policy, public security or **public health**' (Article 27), including 'diseases with epidemic potential'. The directive provides that 'measures taken on grounds of public policy or public security shall comply with the principle of **proportionality** and shall be based exclusively on the **personal conduct** of the individual concerned' (Article 29).

Mitigating the impact of internal border controls

On 13 March 2020, the Commission adopted a [communication](#) on a **coordinated economic response** to the coronavirus outbreak, stressing the negative impact of border controls on free movement, in particular on the flow of critical supply materials. In its [guidelines](#) for **border management measures** to protect health and ensure the availability of goods and essential services, published on 16 March, the Commission maintained that any measures restricting free movement should be transparent, motivated, proportionate, relevant and non-discriminatory. To safeguard the free movement of workers and in particular of workers exercising critical occupations, on 30 March the Commission presented [guidelines](#) on the **free movement of workers** and on 8 May a [communication](#) with guidance on the free movement of **health professionals**.

On 17 April, the **European Parliament** adopted a [resolution](#) on **EU coordinated action** to combat the coronavirus pandemic, urging Member States to adopt 'only necessary, coordinated and proportionate measures when restricting travel or introducing and prolonging internal border controls'. The Parliament stressed the necessity to facilitate the cross-border travel of **front-line workers** in key sectors and emphasised the need to get back to a **fully functioning Schengen area** of free movement with no internal border controls as part of a crisis exit strategy.

European roadmap towards lifting restrictions

On 15 April, responding to the [call of the European Council](#), the Commission, in cooperation with the European Council President, Charles Michel, put forward a joint European [roadmap](#) for lifting the coronavirus containment measures. The roadmap identified common criteria for lifting restrictions, including **epidemiological convergence** between countries (and regions) and the existence of appropriate monitoring measures and capacities.

On 13 May, the Commission unveiled a **tourism and transport package** containing guidelines and recommendations to help Member States gradually lift travel restrictions and allow tourism businesses to reopen. In a [communication](#) within the same package, the Commission recommended a **common approach to restoring free movement** and lifting controls at EU internal borders in a gradual and coordinated way. The **gradual lifting of border controls** should be based on a comparative assessment of 'the epidemiological situations and implementation of health-related guidance in **regions**, regardless of their proximity'. To support the relaunch of free movement and tourism across the EU, on 15 June the Commission launched '[Re-open EU](#)', an interactive web platform providing real-time information on border and travel restrictions, public health and safety measures and other practical information for travellers.

In a [resolution](#) of 19 June, the **European Parliament** reiterated its call for a swift and coordinated return to a fully functioning Schengen area. It urged the Commission 'to exercise appropriate scrutiny over the application of the Schengen *acquis*' and called for 'a Recovery Plan for Schengen' to ensure the swift return to a fully functioning Schengen area. In another 19 June [resolution](#), the Parliament called on the Commission and the Member States to ensure the proper implementation and enforcement of applicable EU legislation as regards the rights of cross-border and seasonal workers. In a third [resolution](#) from that day, the Parliament welcomed the Commission's proposal for a phased and coordinated approach towards lifting restrictions and highlighted that travel restrictions and border controls should be lifted for the regions, areas and Member States where the epidemiological situation is improving, based on common assessment criteria.

Interoperable contact-tracing apps

The EU has supported the development of a common approach to using data and digital applications, such as contact-tracing apps, to fight the coronavirus pandemic. On 8 April, the Commission adopted a [recommendation](#) on a common EU approach to the use of mobile applications and mobile data in response to the pandemic.

On 15 April, the Member States in the [eHealth Network](#) adopted, with the support of the Commission, the first version of the [EU toolbox](#) on contact-tracing apps that laid the foundations of a common pan-European approach. It argued for developing voluntary apps that rely on Bluetooth signals, follow decentralised approaches to data-processing, and support interoperability with other apps. This approach was further detailed in the Commission's [guidance](#) on apps supporting the fight against the pandemic in relation to data protection, published on 17 April. The **European Data Protection Board** published its [guidelines](#) on the use of location data and contact-tracing apps on 22 April.

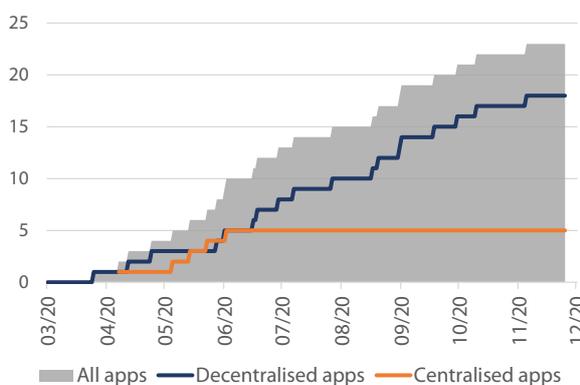
On 13 May, the eHealth Network adopted the [interoperability guidelines](#) for apps detailing the interoperability needs at different stages of the digital contact-tracing flow. In its [guidance](#) on mobile applications in support of contact-tracing for coronavirus disease, released on 10 June, the **European Centre for Disease Prevention and Control (ECDC)** outlined several epidemiological and operational issues that public health authorities and app developers should consider, insisting that the public health authorities should be involved in all stages of the selection, development, piloting, roll-out and evaluation of apps. On 16 June, the eHealth Network agreed on a set of [technical specifications](#) to ensure a safe exchange of information between national contact-tracing apps. The document stressed that tracing apps must be voluntary, transparent, temporary and secure, must use temporary and pseudonymised data (personal data that has been processed in such a way that it can no longer be attributed to a specific person without the use of additional information) and rely on **Bluetooth technology** (as opposed to more privacy-intrusive solutions based on location/GPS data). It also announced the creation of a **federation gateway** to allow for interoperability of national backend servers with a view to minimising the amount of data exchanged. On 15 July, the Commission adopted Implementing [Decision \(EU\) 2020/1023](#) on the cross-border exchange of data between national contact tracing and warning mobile applications. It set up an [interoperability gateway service](#) to link national coronavirus contact-tracing and warning apps. The service started testing in mid-September and [went live](#) on 19 October, linking apps from Germany, Ireland, and Italy (and later from Spain and Latvia).

In its [resolution](#) of 17 April, the **European Parliament** stressed that mobile applications for counteracting the pandemic should be voluntary, fully transparent, temporary and fully compliant with EU data protection rules. The Parliament demanded that the generated data are **not stored in centralised databases**, which are prone to potential risk of abuse and loss of trust and may endanger uptake throughout the EU. It also asked that the **effectiveness** of these applications be demonstrated and that sunset clauses be imposed for their use. In its [resolution](#) of 17 September, the Parliament called on the Commission and the Member States to make further progress on the **interoperability** of contact-tracing apps and to **encourage citizens' use** of these apps.

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As of 25 November, 23 Member States had developed or endorsed contact-tracing apps to fight the pandemic (see Figure 2). The great majority of these apps are based on a [decentralised](#) architecture (not involving a central server for matching users' anonymised data), which enables them to become interoperable using the EU gateway. Apart from the seven Member States' apps that are currently

Figure 2: Number of contact tracing apps developed/endorsed by EU Member States



Data source: compiled from several sources: European Commission, [Mobile contact tracing apps in EU Member States](#); EU Agency for Fundamental Rights, [Coronavirus pandemic in the EU –fundamental rights implications: with a focus on contact-tracing](#), EPRS, [National COVID-19 contact tracing apps](#).

linked via the gateway, the existing apps of another 11 Member States could become interoperable across the EU (see Table 4).

Table 4: Contact-tracing apps in EU Member States and their interoperability

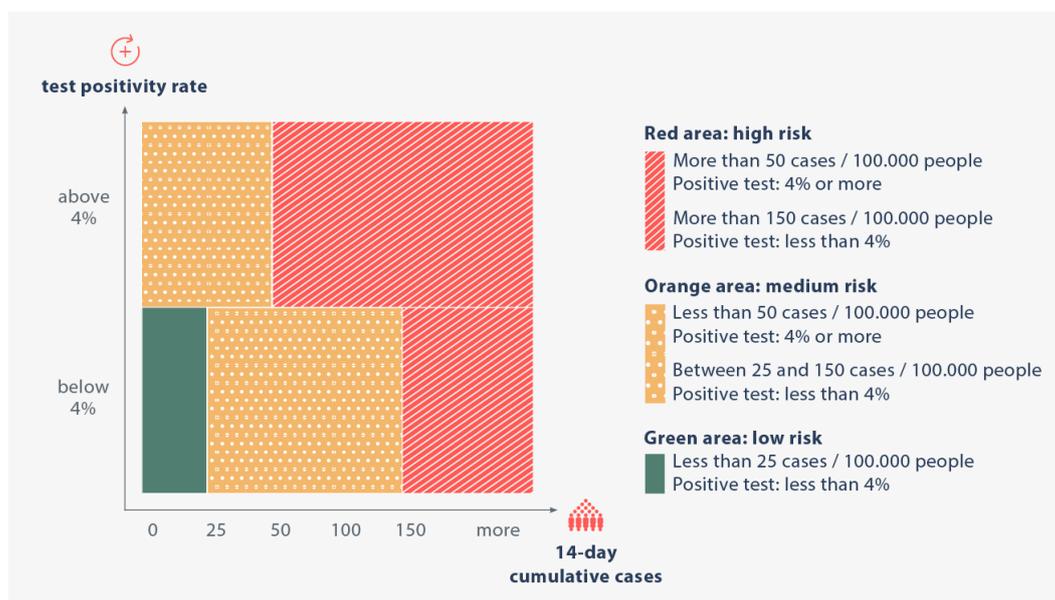
Member State	Coronavirus app	Date of (first) launch	Centralised / Decentralised	Potentially interoperable	Effectively interoperable
Austria	Stopp Corona	25/3/2020	Decentralised	Yes	No
Belgium	Coronalert	30/9/2020	Decentralised	Yes	No
Bulgaria	Virusafe	7/4/2020	Centralised	No	-
Croatia	Stop COVID-19	27/7/2020	Decentralised	Yes	Yes
Cyprus	CovTracer	5/5/2020	Centralised	No	-
Czechia	e-rouska	12/4/2020	Decentralised	Yes	No
Denmark	Smittestop	18/6/2020	Decentralised	Yes	Yes
Estonia	Hoia	20/8/2020	Decentralised	Yes	No
Finland	Koronavilkku	31/8/2020	Decentralised	Yes	No
France	StopCovid	2/6/2020	Centralised	No	-
Germany	Corona-Warn-App	16/6/2020	Decentralised	Yes	Yes
Hungary	VirusRadar	14/5/2020	Centralised	No	-
Ireland	COVID tracker	7/7/2020	Decentralised	Yes	Yes
Italy	Immuni	1/6/2020	Decentralised	Yes	Yes
Latvia	Apturi Covid	28/5/2020	Decentralised	Yes	Yes
Lithuania	Korona Stop LT	5/11/2020	Decentralised	Yes	No
Malta	COVIDAlert	18/9/2020	Decentralised	Yes	No
Netherlands	CoronaMelder	10/10/2020	Decentralised	Yes	No
Poland	Protego Safe	24/4/2020	Decentralised	Yes	No
Portugal	StayAway COVID	1/9/2020	Decentralised	Yes	No
Slovakia	Covid-19-ZostanZdravy	23/5/2020	Centralised	No	-
Slovenia	#OstaniZdrav	17/8/2020	Decentralised	Yes	No
Spain	Radar Covid	29/6/2020	Decentralised	Yes	Yes

A coordinated EU approach

On 4 September, the Commission presented a [proposal](#) for a Council recommendation on a coordinated approach to the restriction of free movement, mainly suggesting the following: i) **common criteria and thresholds** in deciding whether to introduce restrictions to free movement; ii) a risk mapping based on colour codes; and iii) a common approach to the measures applied to persons moving to and from higher risk areas.

On 13 October, the Council adopted a [recommendation](#) on a coordinated approach to the restriction of free movement in response to the pandemic. The recommendation set out common criteria for collecting data across the Member States in order to enable the ECDC to provide a **common map** highlighting the degree of infection (epidemiological risk) across different regions in the EU. Three **common criteria** are applied to the collection of data: i) testing rate – the number of tests per 100 000 population during the previous week; ii) test positivity rate – the percentage of positive tests during the previous week; and iii) 14-day cumulative cases – the number of new cases per 100 000 population in the previous 14-day period (at regional level). The data are combined to generate a map at regional level, where the epidemiological risk is classified in three colour-coded levels: high (red areas); medium (orange areas) and low (green areas) (see Figure 3).

Figure 3: EU recommended colour-coded mapping of risk areas



Source: [Council of the EU](#).

Based on weekly data received from the Member States, the ECDC publishes, on a weekly basis, a common map covering all regions in the EU. The first ECDC colour-coded risk map was published on 15 October. The [risk map](#) published on 19 November shows **most European countries and regions** as high-risk areas.

The Council recommended that no restriction of free movement of persons should be applied to travellers coming from green areas. Moreover, Member States **should not, in principle, refuse entry** to travellers from orange or red, but apply proportionate measures such as quarantine/self-isolation (except for essential workers), and Covid-19 testing after or prior to arrival, while taking into account the epidemiological situation in their own territory. Member States could also require persons entering their territory to submit **passenger locator forms**. A common European passenger locator form should also be developed.

Despite progress on coordinated risk assessment among Member States, divergent approaches remain in other relevant areas, such as **testing** and **quarantine**. Whereas the ECDC [advocated](#) for reducing the quarantine period to 10 days (if a test on day 10 is negative), a recent [report](#) from the Commission's [Health Security Committee](#) acknowledged that **the quarantine period varies across Member States**, lasting between 7 and 14 days.

On 28 October, the Commission adopted a [package](#) of measures to reinforce preparedness and response measures across the EU and to help limit the spread of the coronavirus. In its [communication](#) on additional measures, the Commission reiterated the need to develop reliable tests, in particular **rapid antigen tests**, and to develop a common and proportionate European

approach to **quarantine practices**. The European Union Aviation Safety Agency and the ECDC are working on a testing protocol for travellers, to be used by public health authorities, airlines and airports to help the safe arrival of passengers. Following up the Council's call to develop a common digital **European passenger locator form**, the Commission announced the launch a pilot project in view of submitting such a form for public use in December. A mobile version (app) of the **Re-open EU** platform is also under development.

In its [resolution](#) of 17 September, the **European Parliament** called on the Member States to harmonise their health definitions, methods and criteria so as to avoid confusion and travel difficulties for citizens. It welcomed the **regional approach** proposed by the Commission and stressed that the common methodology and the **risk maps developed by the ECDC** should facilitate a coordinated approach to lifting restrictions. In another [resolution](#), adopted on 24 November, the Parliament expressed concerns about the obstacles encountered by **cross-border workers**, students and binational couples due to the closing of borders or travel restrictions, and called on the Commission, the Council and the Member States to further enhance and **fully implement the measures** for overall coordination based on the best available science.

The future of Schengen

In the past decade, increased pressure from **irregular migration**, challenges related to cross-border **security**, and recently, concerns about **public health threats** have not only put the Schengen area under stress but also triggered repeated calls for reform. Changes to the Schengen Borders Code, such as one [introducing](#) the option to impose temporary internal border controls in the case of persistent deficiencies at external borders (2013), another [establishing](#) an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* (2013), and a third [introducing](#) systematic checks of all persons crossing external borders (2016), have not prevented Member States from introducing long-term internal border controls.

The appropriateness and [legality](#) of these measures, in particular their **necessity and proportionality**, have been widely contested. The Parliament has repeatedly [condemned](#) the continuation of border controls that are not in line with the existing rules. A Commission [proposal](#) to amend the Schengen Borders Code in 2017, seeking in particular to prolong time limits for border controls while introducing additional procedural safeguards, has not been finalised by the co-legislators. The Parliament [expressed](#) concern about the proposed changes demanding stricter time limits for temporary border controls and stronger safeguards.

In the context of the coronavirus outbreak, the European Parliament [called](#) for a **recovery plan for Schengen** to ensure the swift return to a fully functioning Schengen area and to prepare contingency plans for the near future. In view of establishing a 'truly European governance of the Schengen area', the Parliament demanded from the Commission to present a proposal for Schengen governance reform that will take into account long-standing as well as recent challenges.

In its [New Pact on Migration and Asylum](#), presented on 23 September, the Commission put forward a series of proposals aimed at increasing coherence between EU policies on asylum, borders, migration and external cooperation. The [proposal](#) for a new regulation on **screening third-country nationals** seeks to streamline and complement the Schengen rules and procedures for dealing with third-country nationals who are not authorised to cross the external borders. One key addition is the requirement to conduct a **preliminary health check**.

In the [roadmap](#) to implement the New Pact, the Commission announced that it will present a strategy on the future of Schengen. The Commission stressed the need to improve the effectiveness of the Schengen evaluation mechanism and to explore possibilities to use alternatives to internal border controls such as police checks and new technologies. It stated that, in case of Member States' failure to adhere to the rules or to remedy deficiencies, the Commission will more systematically consider launching infringement procedures. The Commission envisages establishing a dedicated

Schengen forum involving the relevant national authorities, in order to boost cooperation and trust and set the direction for future reform. The European Parliament will be invited to participate in the forum. According to the Commissions' [2021 work programme](#), the new strategy for the future of Schengen will be launched in the second quarter of 2021.

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