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

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

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

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)

<table>
<thead>
<tr>
<th>Country</th>
<th>Entry ban</th>
<th>Entry form</th>
<th>Main requirements for travellers from risk areas</th>
<th>Definition of risk areas</th>
<th>Identified EU/Schengen areas of high risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>No</td>
<td>No</td>
<td>Negative Covid-19 test or 10-day quarantine</td>
<td>Areas in eight EU/Schengen countries</td>
<td></td>
</tr>
<tr>
<td>Belgium</td>
<td>No</td>
<td>Yes</td>
<td>Negative Covid-19 test or 10-days quarantine</td>
<td>Most EU/Schengen countries</td>
<td></td>
</tr>
<tr>
<td>Bulgaria</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Croatia</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cyprus</td>
<td>Yes</td>
<td>Yes</td>
<td>Negative Covid-19 test (high and moderate risk); Negative Covid-19 test and 14-days quarantine (high-risk, if allowed to enter)</td>
<td>Three categories of risk countries (low, moderate, high)</td>
<td>All EU/Schengen countries</td>
</tr>
<tr>
<td>Czechia</td>
<td>No</td>
<td>Yes</td>
<td>Negative Covid-19 test</td>
<td>According to the Council Recommendation</td>
<td>Most EU/ Schengen countries</td>
</tr>
<tr>
<td>Denmark</td>
<td>Yes</td>
<td>No</td>
<td>Exceptional entry: negative Covid-19 test</td>
<td>All EU/Schengen countries</td>
<td></td>
</tr>
<tr>
<td>Estonia</td>
<td>No</td>
<td>No</td>
<td>10-days quarantine or negative Covid-19 test(s)</td>
<td>Above 15 cases / 100 000 people / last 14 days</td>
<td>All EU/Schengen countries</td>
</tr>
<tr>
<td>Finland</td>
<td>Yes</td>
<td>No</td>
<td>Exceptional entry: 10-days quarantine or negative Covid-19 test (s)</td>
<td>Above 25 cases / 100 000 people / last 14 days</td>
<td>All EU/Schengen countries</td>
</tr>
<tr>
<td>France</td>
<td>No</td>
<td>Yes</td>
<td>Negative Covid-19 test- travel to overseas territories</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Germany</td>
<td>No</td>
<td>Yes</td>
<td>Quarantine or negative Covid-19 test(s)</td>
<td>Above 50 cases / 100 000 people / last 7 days</td>
<td>Most EU/Schengen countries (or regions)</td>
</tr>
<tr>
<td>Country</td>
<td>Test/Quarantine Requirements</td>
<td>Exception Criteria</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>----------------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greece</td>
<td>No, Yes Negative Covid-19 test</td>
<td>All EU/Schengen countries</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hungary</td>
<td>Yes, No</td>
<td>All EU/Schengen countries</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Iceland</td>
<td>No, Yes 14-day quarantine (shortened after two negative Covid-19 tests)</td>
<td>All EU/Schengen countries</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ireland</td>
<td>No, Yes 14-day quarantine</td>
<td>According to the Council Recommendation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>’Red’ countries on the ECDC risk map</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Italy</td>
<td>No, Yes Negative Covid-19 test / 14-day quarantine</td>
<td>Six risk groups of countries (A-F)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Six EU/Schengen countries</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Latvia</td>
<td>No, Yes 10-day quarantine</td>
<td>Above 50 cases / 100 000 people / last 14 days</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>All EU/Schengen countries</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lithuania</td>
<td>No, Yes 10-day quarantine (shortened by a negative Covid-19 test)</td>
<td>According to the Council Recommendation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>’Red’ countries on the ECDC risk map</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Luxembourg</td>
<td>No, No, No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Malta</td>
<td>No, Yes Negative Covid-19 test (or quarantine)</td>
<td>Fifteen EU/Schengen countries</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Netherlands</td>
<td>No, Yes 10-day quarantine</td>
<td>Most EU/Schengen countries</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Norway</td>
<td>No, No 10-day quarantine</td>
<td>Above 20 cases per 100 000 people and above 5% positive tests / last 14 days</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>All EU/Schengen countries</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poland</td>
<td>No, Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Portugal</td>
<td>No, Yes Negative Covid-19 test – travel to Madeira and Azores</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Romania</td>
<td>No, No 14-day quarantine</td>
<td>Most EU/Schengen countries</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slovakia</td>
<td>No, Yes 10-day quarantine and Negative Covid-19 test</td>
<td>Most EU/Schengen countries</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slovenia</td>
<td>No, No 10-day quarantine or negative Covid-19 test</td>
<td>Three risk groups of countries</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>All EU/Schengen countries</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spain</td>
<td>No, Yes Negative Covid-19 test</td>
<td>Most EU/Schengen countries</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sweden</td>
<td>No, No, No</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Switzerland</td>
<td>No, No 10-day quarantine</td>
<td>Infection rate (cases / 100 000 people / last 14 days) is 60% higher than in the country</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Four EU/Schengen (or areas)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**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

<table>
<thead>
<tr>
<th>Article</th>
<th>Specific threat</th>
<th>Time-limits</th>
<th>Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Articles 25-27</td>
<td>Foreseeable serious threat to public policy or internal security</td>
<td>30 days, renewable by 30-day periods up to 6 months</td>
<td>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).</td>
</tr>
<tr>
<td>Article 28</td>
<td>Serious threat to public policy or internal security requiring immediate action</td>
<td>10 days, renewable by 20-day periods up to 2 months</td>
<td>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.</td>
</tr>
<tr>
<td>Articles 29-30</td>
<td>Persistent serious deficiencies relating to external border control that put at risk the functioning of the area without internal border control</td>
<td>Six months, renewable 3 times up to 2 years</td>
<td>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.</td>
</tr>
</tbody>
</table>

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. 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.

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

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**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

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

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).

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

Source: Council of the EU.
Towards a common EU approach to lifting coronavirus restrictions on freedom of movement

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.

MAIN REFERENCES


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