



Plenary sitting

B9-0362/2020

18.11.2020

MOTION FOR A RESOLUTION

pursuant to Rule 227(2) of the Rules of Procedure

on the Schengen system and measures taken during the COVID-19 crisis
(2020/2801(RSP))

Dolors Montserrat

on behalf of the Committee on Petitions

**European Parliament resolution on the Schengen system and measures taken during the COVID-19 crisis
(2020/2801(RSP))**

The European Parliament,

- having regard to Petition No. 0653/2020,
- having regard to Articles 21(1) and 67(2) of the Treaty on the Functioning of the European Union,
- having regard to the Treaty of Amsterdam Protocol integrating the Schengen *acquis* into the framework of the European Union¹,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)²,
- having regard to the Commission communication of 30 March 2020 entitled ‘Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak’ (C(2020)2051),
- having regard to the Commission communication of 16 July 2020 entitled ‘Guidelines on seasonal workers in the EU in the context of the COVID-19 outbreak’ of 16 July 2020 (C(2020)4813),
- having regard to the Commission communication of 13 May 2020 entitled ‘COVID-19: Towards a phased and coordinated approach for restoring freedom of movement and lifting internal border controls’ (C(2020)3250),
- having regard to its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences³ and its resolution of 10 June 2020 on the situation in the Schengen area following the COVID-19 outbreak⁴,
- having regard to its resolution of 19 June 2020 on European protection of cross-border and seasonal workers in the context of the COVID-19 crisis⁵,
- having regard to its resolution of 17 September 2020 entitled ‘COVID-19: EU coordination of health assessments and risk classification, and the consequences for

¹ OJ C 340, 10.11.1997, p. 93.

² OJ L 77, 23.3.2016, p. 1.

³ Texts adopted, P9_TA(2020)0054.

⁴ Texts adopted, P9_TA(2020)0175.

⁵ Texts adopted, P9_TA(2020)0176.

Schengen and the single market’⁶,

- having regard to Council Recommendation (EU) 2020/1475 of 13 October 2020 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic⁷,
 - having regard to the deliberations on Petition No. 0653/2020 during the meeting of the Committee on Petitions of 2 July 2020,
 - having regard to Rule 227(2) of its Rules of Procedure,
- A. whereas the Committee on Petitions has received Petition No. 0653/2020 by representatives of the Belgian/German/Dutch/Luxembourgish border regions raising concerns about the sudden closure of the EU’s internal borders in response to the COVID-19 pandemic, and the consequences the different measures introduced by various Member States have had for people in the EU, especially those living in border regions;
- B. whereas border regions represent 40 % of the territory of the European Union and are home to 30 % of the EU population;
- C. whereas the Schengen *acquis* has been pivotal in turning border regions into places of economic and social exchange as well as model regions for territorial cooperation and institutional innovation;
- D. whereas the COVID-19 pandemic is a serious threat to public health, impacting on the health and lives of all people residing in the EU and the health and care systems of the Member States;
- E. whereas, as a response to the COVID-19 pandemic, the majority of Member States have reintroduced internal border controls or closed borders; whereas temporary restrictions on travel from third countries, but also from EU Member States in the Schengen area, have been introduced and continue to apply; whereas these measures have not been coordinated between the Member States or with the EU institutions;
- F. whereas over 17 million EU citizens live and work in an EU country other than that of their citizenship (3.9 % of the total labour force in 2018);
- G. whereas according to the Schengen Borders Code, controls at internal borders can be introduced by Member States as an exception and as a last resort in the event of a serious threat to public policy or internal security, and must respect the principle of proportionality; whereas in such a case, a notification must be sent to other Member States and the Commission;
1. Underlines that an area without any internal borders is an important element of the European single market; reiterates that the COVID-19 pandemic is a crisis unlike any other experienced in Europe since the creation of the Schengen area;

⁶ Texts adopted, P9_TA(2020)0240.

⁷ OJ L 337, 14.10.2020, p. 3.

2. Stresses that the free movement of people is one of the cornerstones of a functioning European Union and is one of its biggest achievements; recalls the increasing mobility across the EU for the purposes of living, working, studying or running a business;
3. Emphasises that the freedom of movement has been severely affected by the full or partial closure of borders by Member States during the COVID-19 pandemic; regrets that the rushed and uncoordinated sudden closure of borders and introduction of accompanying measures left people in transit stranded and has severely affected those living in border regions by limiting their ability to cross a border for work, to provide and receive services or to visit friends or family members; stresses the detrimental effect that the closing of internal and external borders has had on the international business, scientific and tourism sectors; stresses that instead of introducing border controls, Member States should strive to take the necessary measures to enable people to cross borders while ensuring maximum safety and protecting health;
4. Stresses the need to respect the rules of the Schengen *acquis* by better coordinating measures in the Schengen area, and in cross-border regions in particular, and avoiding a fragmented approach across the Member States; emphasises that measures restricting free movement should remain an exception; stresses that restrictions on free movement should be replaced by targeted measures in line with the principles of proportionality and non-discrimination; encourages the Member States to moderate their restrictions; recalls the importance of restoring a fully functioning Schengen area without internal border controls;
5. Notes that the areas most affected by the pandemic do not always coincide with national borders, which is why limitations on movement should be based on the public health situation in different regions and should be flexible and local;
6. Welcomes the efforts of the Commission and the Member States to support ongoing and coordinated EU action to ensure the protection of public health while respecting freedom of movement; calls 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, notably regarding quarantine regulations, cross-border contact tracing, testing strategies, the joint assessment of testing methods, the mutual recognition of tests, and temporary restrictions on non-essential travel into the EU; believes that comprehensive, adequate and clear public health protection measures for people crossing internal borders should be used in order to avoid the reintroduction of internal border controls;
7. Welcomes the Commission's continuing guidance as part of the ongoing coordination of a common EU response to the COVID-19 outbreak, particularly as regards the implementation of the principle of equal treatment and non-discrimination, and the exercise of the free and fair movement of workers and services;
8. Calls on the Commission to continue its efforts to improve and support EU-wide cooperation and coordination among and with Member States during the pandemic;
9. Considers that tools such as COVID-19 tracing apps should be compatible across borders to ensure they are effective and to make it possible to trace infections during travel; underlines that EU residents should have easy access to reliable, comprehensive

and real-time information about travel restrictions and health and safety measures related to the pandemic throughout the EU; reiterates the importance of multilingual communication about the pandemic, with particular attention paid to the languages used in cross-border regions; calls on the Commission to update the 'Re-open EU' website accordingly in order to create a true one-stop shop which facilitates free movement during the pandemic and significantly helps residents to resume their usual way of life;

10. Expresses concerns at the numerous obstacles encountered by many cross-border workers, students and binational couples in stable relationships due to the closing of borders or travel restrictions; calls on the Commission and the Member States to pay particular attention to the specificities of cross-border regions where cross-border commuting is common; suggests in this respect that people living in border regions and cross-border workers should be exempted from pandemic-related measures and restrictions, while being required to respect the advice and measures taken by the health authorities of the relevant Member States in order to prevent the spread of the virus;
11. Considers that a swift return to a fully functional Schengen area is of utmost importance and depends on both the political will of the Member States and their commitment to coordinating measures under the Schengen *acquis*; recalls that any uncoordinated and bilateral action which could lead to unnecessary restrictions on mobility and free movement should be avoided; notes that a strategy on the future of Schengen is one of the key initiatives of the Commission for 2021; recalls that the completion of the Schengen area is more than desirable as it will ensure that all EU citizens can benefit equally from the EU *acquis*; reiterates its call on the Commission and the Member States to prepare, as quickly as possible, contingency plans in the event of further peaks in the spread of COVID-19, in order to prevent temporary border controls from becoming semi-permanent in the medium term;
12. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States.