

EN
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Answer given by Ms Johansson
on behalf of the European Commission
(28.4.2021)

Germany reintroduced temporary internal border controls at the borders to the Czech Republic and Austria¹ on the basis of Article 28 of the Schengen Borders Code² referring to its restrictions of travel from areas of variant of concern.

Such measures remain under close Commission scrutiny with due regard to the very dynamic development of the epidemiological situation.

With regard to free movement within the EU, the Council adopted in October 2020 Recommendation (EU) 2020/1475 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic³. Member States may adopt different measures to restrict free movement (quarantine and testing) which should respect principles of EU law, in particular proportionality and non-discrimination.

With the emergence of more infectious SARS-CoV-2 variants of concerns in the months of December 2020 and January 2021, the Council tightened the provisions for travel from so-called “dark red zones”, that is, areas with very high infection numbers, as well as areas with a high prevalence of variants of concern⁴. As set out in Point 17a of Council Recommendation 2020/1475⁵ as amended, Member States should require persons travelling from such areas to undergo both a test for COVID-19 infection before departure and to undergo quarantine/self-isolation after arrival. In addition, Member States agreed that non-essential travel from high-risk areas should be strongly discouraged until the epidemiological situation has considerably improved.

Some Member States, like Germany, are adopting stricter restrictions to free movement than provided in the Council Recommendation⁶. For this reason, the Commission is in close contact with Germany. The Commission continues to monitor the compliance of measures restricting freedom of movement with EU law, in particular in relation to the principles of necessity and proportionality.

¹ Complementary to the reintroduced temporary border controls already in place at the land border with Austria under Article 25 Schengen Borders Code.

² 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).

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1602661353609&uri=CELEX:32020H1475>

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.LI.2021.036.01.0001.01.ENG&toc=OJ%3AL%3A2021%3A036I%3ATOC>

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02020H1475-20210202>

⁶ Germany currently prohibits the transport of passengers to the country from ‘areas of variant of concern’, except for a limited number of reasons. As of 19 March 2021, within the EU, these areas are: Austrian Bundesland Tyrol, Czechia, Slovakia, and the French department of Moselle.