Priority question for written answer P-004641/2020

to the Commission

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Subject: Restrictions on travel between EU Member States

In connection with the coronavirus pandemic, the Presidents of the European Council and the Commission issued a communication on 15 April emphasising the European approach in the gradual lifting of restrictions. The measures should be based on scientific knowledge, focused on public health, consistent across the Member States and based on respect and solidarity.

In practice, national measures (based on a traffic-light system) vary widely, which is in breach of the prohibition against discrimination on grounds of nationality (Article 18 TFEU) and of the free movement of EU citizens (Articles 20 and 21 TFEU). Applying the principle of reciprocity, some Member States are treating citizens as an epidemiological risk even if they come from an EU country which, according to the health criteria, does not present an epidemiological risk (e.g. Denmark).

The same country is on the list red for some countries and on the orange or green list for others.

1. Is the Commission aware of such measures and has it examined their conformity with European legislation? Does it intend to take action – and if so, what action – in cases where European law and fundamental principles have been violated?

2. Do such cases qualify as a violation of the principle of non-discrimination on grounds of nationality and a disproportionate restriction on the freedom of movement of EU citizens?

3. Is arbitrary reciprocity in the application of the traffic-light system compatible with EU law (the Treaties, Directive 2004/38, the EU Charter, etc.)?

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1 https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1598857951564&uri=CELEX:52020XC0417(06)