

【欧州】【Common】

Common - COVID-19 response and transport: The EU's new restrictions for the free movement of people as reaction on the arise of new SARS-CoV-2 variants

Andrea Antolini Former Researcher JTTRI

【概要 : Summary】

The free movement of people within the EU is one of the fundamental principles of the European Union. However, due to the COVID-19 pandemic the free movement had to be restricted, with negative impacts in particular on the transport sector and the air passenger transport, but also on the tourism sector. At the beginning of the pandemic in the EU in March 2020, uncoordinated and hasty border closures of individual EU Member States did not stop the virus, but it weakened wide parts of the EU Member States' economies and the EU's Single Market.

Meanwhile, the rise of new variants of the SARS-CoV-2 virus and in particular the new mutation B.1.1.7 that is spreading in Europe since its appearance in the UK, has not only caused the restriction of transport connections to and from the UK since December 2020. The appearance of this new virus variant B.1.1.7 in particular but also other variants lead to the renewed restriction of free movements within the EU. Therefore, it is necessary to strongly discourage non-essential travel, while at the same time border closures or blanket travel bans need to be avoided in order to ensure the functioning of the EU's Single Market. Against this backdrop, the European Commission proposed targeted

actions to ensure a coordinated approach on measures restricting the free movement of people within the EU, based on its Communication "A united front to beat COVID-19" (COM(2021) 35 final). The European Commission also proposed an update to the Council Recommendation (EU) 2020/1475 in its proposal COM (2021) 38 final, including an update to the agreed colour code for the mapping of risk areas and stricter measures applied to travellers coming from higher-risk areas. The Commission intends to ensure a better coordination and communication of travel-related measures and restrictions between the 27 EU Member States. The main aim is to reduce and discourage non-essential travel for touristic reasons within the EU, until the epidemiological situation has considerably improved.

Furthermore, the Commission proposed amendments concerning the carrying out of checks on persons and efficient monitoring of the crossing of the EU's external borders (COM (2021) 39).

These proposed recommendations seem to be indispensable in the current stage of the COVID-19 pandemic with the arise of new variants. However, these restrictions can be expected to have a continuously detrimental impact on the transport and tourism sectors within the EU and beyond.

【記事 : Article】

1. The restrictions of free movement and non-essential travels in the EU

Since the COVID-19 pandemic came to Europe, the European Commission has presented several recommendations to help the sectors mostly affected by lockdown measures, like the transport sector, and to restore the free movement of people. The re-establishment of passenger transport connections in the EU in late spring and early summer 2020 with the gradually lifting of travel restrictions was an attempt to allow the transport sector and tourism to recover, while respecting health precautions.

On 13 May 2020, the European Commission presented a package of guidelines and recommendations in the “Communication from the Commission Guidelines on the progressive restoration of transport services and connectivity - COVID-19” 2020/C 169/02 (C(2020) 3139 final). The aim was to give the EU Member States a common guideline on how to gradually lift travel restrictions and allow the transport and tourism sector to recover. Restoring the freedom of movement for citizens in the EU and lifting internal border controls and strict quarantine rules was also a necessary precondition to restore tourism in the EU in summer 2020. Furthermore, the European Centre for Disease Prevention & Control (ECDC) and European Aviation Safety Agency (EASA), in collaboration with the Commission, developed protocols for the measures at the airports, airlines and operators in order to ensure a safe return to normal flight operations. On 30 June 2020, EASA published its second issue of the “COVID-19 aviation health safety protocol. Operational guidelines for the management of air passengers and aviation personnel in relation to the COVID-19 pandemic.” Besides the European Commission’s guidelines, the individual EU Member States and the UK continuously introduced individual measures in the transport sector to confine the further spread of the SARS-CoV-2 virus.

2. Recommendation for a common framework of measures applied to travellers from high-risk areas

With the new rise of COVID-19 cases in the second half of 2020, the Commission presented a proposal for a Council Recommendation on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic (COM/2020/499 final) and the EU Member States adopted the Council Recommendation (EU) 2020/1475 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic on 13 October 2020. Thereby, the EU Member States committed to ensure more coordination and better information sharing of measures taken by Member States that restrict free movement due to the COVID-19. All non-essential travel, especially to and from high-risk areas, should be strongly discouraged until the epidemiological situation has considerably improved. Since the high-risk areas were also differently defined by the individual Member States, it was important to recommend a common approach to define low and high-risk areas. Therefore, the Council Recommendation (EU) 2020/1475 Council Recommendation (EU) of 13 October 2020 recommends also thresholds for Member States when deciding whether to introduce travel restrictions, as well as a common mapping of common criteria using an agreed colour code. A clear and timely information should also be given to the public about any restrictions. The Recommendation sets out four key areas where Member States will coordinate their efforts:

2.1. Common criteria to restricting free movement

The Member States will take key criteria into account when considering to restricting free movement in response to the coronavirus pandemic, including the notification rate (the total number of newly notified COVID-19 cases per 100,000 population in the last 14 days at regional level), the test positivity rate (the percentage of

positive tests among all tests for COVID-19 infection carried out during the last week) and the testing rate (the number of tests for COVID-19 infection per 100 000 population carried out during the last week)

2.2. A common map

Based on data provided by the Member States, the European Centre for Disease Prevention and Control (ECDC) will publish a map of EU Member States, broken down by regions, which will show the risk levels across the regions in Europe indicating in the colours ‘green’, ‘orange’, ‘red’ and ‘grey’ (if not enough information is available) the low and high-risk areas. This map will also include data from Iceland, Liechtenstein, and Norway. Based on this data, the ECDC publishes a weekly map of EU Member States, broken down by regions, in order to support Member States in their decision-making. According to the recommendations on the restrictions of the free movement, the EU Member States should in principle not refuse entry to persons travelling from other Member States. If considering whether to apply restrictions, they should respect the differences in the epidemiological situation between green, orange and red areas and act in a proportionate manner. They should also take into account the epidemiological situation in their own territory. Those EU Member States that consider it necessary to introduce restrictions could require persons travelling from non-green areas to undergo quarantine and to undergo a test after arrival. EU Member States could also require persons entering their territory to submit passenger locator forms. A common European passenger locator form should be developed for possible common use.

Regarding the freight transport the system of “Green Lanes” should keep transport flows moving, in particular to ensure the free movement of goods, thus avoiding supply chain disruptions.

As provided for in Council Recommendation (EU) 2020/1475, the Commission, supported by ECDC, has been regularly assessing the criteria, data needs and thresholds outlined in the Council Recommendation (EU) 2020/1475. In fact, in the view of the arise of new and more infectious SARS-CoV-2 variants, the Commission has presented an amendment to the Council Recommendation (EU) 2020/1475 on 25 January 2021.

3. The EU’ s recommendation (C(2020) 9607 final) on the new SARS-CoV-2 variant

The increasingly dynamic COVID-19 pandemic in Europe worsened at the end of 2020 due the appearance of new variants of SARS-CoV-2 virus. In particular the new variant in the UK, the variant B.1.1.7, caused the closure of transport connections to the UK from some EU Member States on 20 December 2020. In response to this situation, the European Commission adopted a Recommendation on a coordinated approach to travel and transport regarding the SARS-CoV-2 variant observed in the UK (C(2020) 9607 final) on 22 December 2020.

The Commission underlined that it was important to take temporary precautionary action to limit the further spread of the new SARS-CoV-2 virus strain and all non-essential travel to and from the UK should be discouraged while essential travel and transit of passengers and the movement of goods needs to be facilitated. Cargo flows needed to continue uninterrupted, in accordance with the Green Lanes and the Air Cargo Communication in accordance with the Green Lanes and the Air Cargo Communication (C/2020/1897).

As of 1 January 2021, the UK became a third country and EU Member States had to start applying the Recommendation 2020/912 on the temporary restriction on non-essential travel to the EU to persons travelling from the UK of 30 June 2020. However, in line with Council Recommendation (EU) 2020/1475, some groups of EU citizens and third-country nationals should be exempted from further temporary restriction, provided they do a RT-PCR

test, among others.

4. The European Commission proposals to avoid a third COVID-19 wave

4.1. “A united front to beat COVID-19” COM (2021) 35 final

While currently there is no evidence that the recent emergence of new variants causes a more severe disease, the variants appear to be about 30-70% more transmissible. This means that the virus can spread more easily and quickly, which could lead to a further significant rise of cases. Therefore, the EU institutions and Member States must act now to contain the risk of a potentially severer third wave of infections.

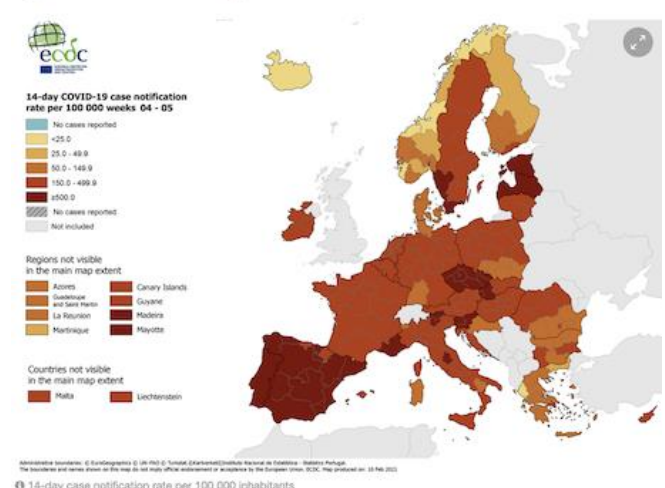
Proportionate, non-discriminatory travel restrictions and testing of travellers should be maintained or reinforced, in particular from areas with a higher incidence of variants of concern. Where required, quarantine of travellers should be put in place, with appropriate exceptions for travellers with an essential function or need. On 19 January 2021, the European Commission presented a Communication entitled “A united front to beat COVID-19” (COM(2021) 35 final) on actions needed to avoid a third wave in the COVID-19 pandemic. The Commission’s Communication COM(2021) 35 final includes actions needed to avoid a third wave, and the Commission proposes that all non-essential travel should be strongly discouraged until the epidemiological situation has considerably improved. At their meeting on 21 January 2021, the European heads of states and governments acknowledged that the Council may also need to review the recommendations on free movement and travel from third countries in light of the risks posed by the new variants of the SARS-CoV-2 virus.

4.2. A coordinated approach to the restrictions of free movement COM(2021) 38 final

In December 2020 and January 2021, in almost all EU Member States, the cases of COVID-19

infections rose to levels far above the rate of 150 infections per 100,000 inhabitants in a 14-day case notification. This had again a detrimental impact on the tourism sector in Europe. During the winter season, in particular ski resorts were affected as the EU Member States in the Alps regions closed their ski resorts for tourism and in particular, they excluded tourists from abroad. As of mid-February 2021, the French ski resorts remain closed, as well as ski resorts in Austria for non-Austrian tourists, whereas Italian ski resorts were confident to open soon.

14-day case notification rate per 100 000 inhabitants, updated 11 February 2021



Source: <https://www.ecdc.europa.eu/en/covid-19/situation-updates/weekly-maps-coordinated-restriction-free-movement>

Map 1: The 14-day COVID-19 case notification rate per 100,000 inhabitants in the EU and Norway, Island and Liechtenstein, 11 Feb. 2021:

In the light of new SARS-CoV-2 virus variants and high numbers of new infections across many Member States, on 25 January 2021, the Commission proposed an update of the Council Recommendation (EU) 2020/1475; the “Proposal for a Council Recommendation amending Council Recommendation (EU) 2020/1475 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic” (COM (2021) 38 final). This proposal became necessary to discourage non-essential travel, while avoiding border closures

or blanket travel bans and ensuring that the functioning of the Single Market and supply chains remain uninterrupted.

The Commission proposal COM(2021) 38 final sets out additional coordination in two areas where Member States have already agreed to work together, which include an update to the agreed colour code for risk areas in the EU and stricter measures applied to travellers from higher-risk areas. Due to the increasing number of cases, the colour “dark red” should apply to an area where the 14-day notification rate is more than 500 per 100,000 people. However, it is up to the individual Member States to decide what measures to apply on people travelling from risk areas to their territories. This means that some Member States will not apply any restrictions on travel within the EU, while others might decide to apply certain measures, such as quarantine or testing, to travellers coming from risk or high-risk areas. For people travelling from a “dark red” area, Member States should require them to undergo a test prior to arrival and undergo quarantine. On 25 January 2021, Portugal, Spain, the Czech Republic, Ireland, Slovenia, Lithuania, Latvia, Sweden, Slovakia, Estonia, Cyprus, the Netherlands and Malta have all reported more than 500 infections per 100,000 inhabitants during the last two weeks.

As a general rule, information on new measures should be published 24 hours before they come into effect. Proportionate, non-discriminatory travel restrictions and testing of travellers should be maintained or reinforced, in particular from areas with a higher incidence of variants of concern. Regarding stricter measures applied to travellers from higher-risk areas, for people travelling from a “dark red” area, Member States should require them to undergo a test prior to arrival and to undergo quarantine as currently practiced by several Member States. All non-essential travel should be strongly discouraged until the epidemiological situation has

considerably improved, particularly in the light of the outbreak of new variants. In addition to recommendations against non-essential travel, and restrictions on travel for those infected, travel measures such as the testing and quarantining of travellers should be maintained, in particular for travellers from areas with a higher incidence of the new variants. At the same time, Member States should seek to avoid disruptions to essential travel, to keep transport flows moving in line with the “Green Lanes” system as well as avoid disruptions to supply chains and the movement of workers and self-employed persons travelling for professional or business reasons. Furthermore, the Commission recommends, based on ECDC guidance, that Member States agree to adopt, maintain or reinforce interventions such as stay-at-home measures and the temporary closing of certain businesses.

However, Member States should not require persons living in border regions and travelling across the border on a daily or frequent basis for the purposes of work, business, education, family, medical care or caregiving to undergo quarantine. If a testing requirement on cross-border travel is introduced in these regions, the frequency of tests on such persons should be proportionate. If the epidemiological situation on both sides of the border is comparable, no travel-related testing requirement should be imposed. Persons who claim that their situation falls within the scope of this point could be required to provide documentary evidence, according to the Commission proposal COM(2021) 38 final.

4.3. Monitoring of the crossing of the EU’s external borders COM(2021) 39 final

On 30 June 2020, the Council adopted Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction from third countries. On 22 December 2020, the Commission responded to the appearance of the new

SARS-CoV-2 variant with the adoption of a Recommendation on a coordinated approach to travel and transport in response to the SARS-COV-2 variant observed in the United Kingdom. The criteria and thresholds laid down in Regulation (EU) 2020/912 should therefore be updated and additional safeguards and requirements for international travellers into the EU should be introduced. The “Proposal for a Council Recommendation on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction, amending Council Recommendation 2020/912 “ (COM (2021) 39 final) regards these additional requirements for dealing with the new SARS-CoV-2 variants in some third countries. The third countries for which the current restriction on non-essential travel into the EU should be lifted, the epidemiological situation in the respective third countries and four criteria should be taken into account. Regarding the epidemiological situation, firstly, the “14-day cumulative COVID-19 case notification rate “, of the total number of newly notified COVID-19 cases per 100,000 inhabitants in the previous 14 days, secondly, the “testing rate “, which is the number of tests for COVID-19 infection per 100,000 population carried in the previous seven days, thirdly, the “test positivity rate “, being the percentage of positive tests among all tests for COVID-19 infection carried out in the previous seven days and fourthly, the nature of the virus present in a country in particular new variants of concern, need to be taken into account, as a new important aspect. Travel restrictions may be totally or partially lifted or reintroduced for a specific third country already listed in Annex I, according to changes in some of the mentioned conditions. Rapid decision-making should be applied in case the situation in a third country worsens quickly, and in particular, where a high incidence of variants of concern of the virus are detected. The Member States should require

persons travelling for any essential or non-essential reason, function, or need, with the exception of transport and frontier workers, to have tested negative for COVID-19 on the basis of a polymerase chain reaction (PCR) test taken at the earliest 72 hours before departure, and to submit the appropriate proof of such a test result in the form stipulated by the authorities. For travellers arriving from a third country where a variant of concern of the virus has been detected, Member States should impose such requirements and in particular, quarantine upon arrival and additional testing upon or after arrival.

The system of “Green Lanes” should keep freight transport flows moving, thus avoiding supply chain disruptions.

The restrictions cover non-essential travel only but those who have an essential reason to come to Europe should continue be able to do so, subject to the safeguards outlined in the proposal. This includes categories of travellers listed in Annex II of the Council Recommendation (EU) 2020/912 of 30 June 2020, including frontier workers, seasonal workers in agriculture, transport personnel, diplomats, passengers in transit, passengers travelling for imperative family reasons, third country nationals travelling for the purpose of study, among others. EU citizens and long-term residents as well as their family members are also be allowed to enter the EU. Therefore, the proposal for a Council Recommendation COM (2021) 39 final does not change the categories of travellers exempted from the restriction.

Finally, EU Member States should also continue to take account of the reciprocity granted to EU citizens of the EU Member States.

5. Vaccinations and the return to the freedom of movement

Regarding the progress on vaccinating the population in the Member States, they should set targets to vaccinate a minimum 80% of health and

social care professionals and people over 80 years old by March 2021. A minimum of 70% of the total adult population should be vaccinated by summer 2021. The Commission, Member States and the EMA will work with companies to maximise vaccine manufacturing capacity. So far, the capacity for producing the vaccines might not be enough to reach these targets of vaccination levels in the given time frame. However, in particular these points will decide on how and when people can return to freely travel within the EU and when the non-essential travels for vacations and therefore the revival of tourism can take place.

Currently, the lack of availability of vaccines represents a very serious bottleneck in the fight against the pandemic in the EU. The coming weeks will represent a great challenge for the EU Member States, as due to the simultaneity of the lack of a sufficient number of vaccine doses and the quick rise of new variants, the free movement of people remains significantly restricted. Therefore, the EU's passenger transport, in particular aviation, and the tourism sector will only be able to recover if the number of vaccinations will reach a sufficient scale to allow the lifting of restrictions.

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