

GMS Flash Alert

Immigration Edition

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European Union - Countries Taking Extraordinary Measures on Borders, Travel, Health

National leaders of the European Union (EU) member states agreed on 17 March the measures proposed by European Commission ("EC"). Member states are currently implementing these measures in their jurisdictions.¹

As reported in GMS *Flash Alert* 2020-077 (18 March 2020), in a press conference on 16 March 2020, EC President von der Leyen proposed several measures to the member states aiming to protect health and ensure the availability of goods and essential services in the European Union. In the meantime, guidelines were published by the EC aiming to set out a framework for an integrated approach across the European Union.²

This newsletter briefly describes the new guidelines for border management measures, including guidelines for both the internal and external borders, health-related measures, guidelines for the transport of goods and services, guidelines for the supply of goods, health-related measures and guidelines.

WHY THIS MATTERS

The coronavirus crisis has highlighted the challenge of protecting the health of the population whilst avoiding disruptions to the free movement of persons and the delivery of goods and essential services across Europe. The guidelines published by the EC on 16 March 2020 aim to set out a framework for an integrated approach to an effective border management while preserving the integrity of the Single Market.²

In light of the implemented travel restrictions, it is important for third country nationals to cancel their planned business trips and assignments, unless they hold a valid residence permit in one of the EU member states. Global mobility managers need to adapt their mobility programs in Europe taking into account these new measures.

In addition to these announced travel restrictions, it is also advisable for EU nationals and for EU residents to avoid any non-essential international travel.

Individuals wishing to enter the EU to live and/or to work, will experience delays in reviews of applications and possible cancellations of appointments at Embassies, Consulates, and visa application centres.

Guidelines – General Overview

The EC guidelines provide a framework for the different member states and set out the rules and exceptions that must be followed by the member states.

In effect this amounts to a 30-day (extendable) halt to all non-essential travel from across the external borders of the Schengen Area free-travel zone. A temporary travel restriction could only be effective if decided and implemented by Schengen Area member states for all external borders at the same time and in a uniform manner. Member states have agreed to implement these measures without delay.

Guidelines – More Details

External and Internal Borders

Systematic border checks will be implemented for all persons (EU and non-EU nationals) crossing the external borders to enter the Schengen Area. Member states will have the right to refuse entry to non-resident third country nationals, or to impose isolation or quarantine measures.

Nationals of all EU member states and Schengen associated states should be allowed to cross the Schengen Area's external borders to return to their homes. This relates to:

- all EU citizens and citizens of the Schengen associated states, and their family members.²
- third country nationals holding a valid residence permit in one of the member states and persons deriving their right to reside from other EU Directives or national law or who hold national long-term visas.

In addition the member states have been authorised to reintroduce temporary internal border controls if justified for reasons of public policy or internal security and this includes risk posed by a contagious disease, in accordance with the Schengen Borders Code

Frontier workers, especially but not exclusively those working in health care and in the food sector, should be permitted to cross internal borders as this is required to foster continued professional activity especially in these critical sectors.

Transport of Goods and Services

As noted in the previous GMS [Flash Alert 2020-077](#), control measures implemented by the member states cannot undermine the continuity of economic activity or cause the disruption of supply chains. As a consequence, the transport of goods should continue unobstructed. Professional travel to help assure the transport of goods and services should be enabled.

Fast lanes (so-called green lanes) will be implemented for emergency transport services. The EC is also asking the members states to guarantee the supply chain of essential products such as medicines, medical equipment, essential and perishable food products and livestock.

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Health-Related Measures

The EC recommends its member states to put in place screening measures for travellers arriving from affected areas or countries to assess the presence of symptoms and/or exposure to COVID-19 (for instance by measuring body temperature and/or by asking to complete a questionnaire) and to also put in place exit screening measures. Travellers identified as exposed to or infected with COVID-19 should be offered medical care and should not be allowed to travel out.

Execution of the Measures

Many countries have already taken steps to limit travel or indeed, partially or fully close their borders. For example, Germany already closed off its borders with Austria, Denmark, France, Luxembourg, and Switzerland partially on 16 March (see GMS [Flash Alert 2020-067](#), 18 March 2020); however, in line with the EC directive, goods and cross border commuters can still enter and leave the country.

For news of what other countries are doing to combat COVID-19, see the dedicated GMS *Flash Alert* [website](#).

FOOTNOTES:

- 1 For an announcement on the agreement on the website of the European Council, [click here](#).
- 2 For the full guidelines, [click here](#) or [click here](#) (.pdf).

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Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or the following professional with the KPMG International member firm in Belgium or in the Netherlands:



Nele Godefroid
Tel. + 32 2708 3846
ngodefroid@kpmg.com

Heleen Snieders
Tel. +31 (0)88 90 93420
Snieders.Heleen@kpmg.com

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The information contained in this newsletter was submitted by the KPMG International member firm in Belgium.

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