

GMS Flash Alert



Immigration Edition

2020-278 | June 12, 2020

European Union - COVID-19: Temporary Travel Restrictions to EU Winding Down

With the recommended period for maintaining a travel restriction at the external borders ending on 15 June 2020, the EU Commission's latest Communication¹ puts forward an approach for a gradual and coordinated phasing out of these travel restrictions, based on a set of common principles and criteria for identifying those third countries with which it is possible to lift the travel restriction on non-essential travel into the "EU+" area.²

This GMS *Flash Alert* describes the new guidelines for border management measures, including guidelines for both the internal and external borders. (For prior coverage, see GMS [Flash Alert 2020-267](#), 4 June 2020.)

WHY THIS MATTERS

Even as some travel restrictions lift, the remaining restrictions will continue to impact employers and their globally-mobile employees – especially business travelers – within the European Union, the Schengen Area and third countries.

Assignments to Europe and hiring new personnel from abroad will continue to experience some delays due to ongoing travel restrictions, border crossing limitations, and quarantines. Thus awareness of continually evolving developments is important in minimizing disruptions to operations and managing associated risks and costs.

Until most all restrictions are lifted, remote working is a "best practice" for globally-mobile employees, to the extent possible, and is a way for employers to foster the safety of their employees and help ensure business continuity.

Internal Borders

Several Member States have already lifted the internal border controls and restrictions to free movement within the EU including post-travel quarantine requirements on such movement, and others are planning to do so as of 15 June 2020.

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The Commission strongly encourages the remaining Member States to finalise the process of lifting the internal border controls and restrictions to free movement within the EU by 15 June 2020.

External Borders

The Commission recommends prolonging the current travel restriction on non-essential travel to the EU until 30 June 2020.

Applying the coordination mechanism set out under Chapter V of the latest Communication, the intervening period should be used by the Commission and the Member States to prepare a list of those third countries for which travel restrictions can be lifted as from 1 July 2020.

Listing Criteria

The list should be regularly updated in line with the following criteria

- I. The assessment of approximation of epidemiological situation and response to COVID-19 in the third country.
- II. The application of containment measures during travel, including physical distancing while building and maintaining trust.
- III. Reciprocity and travel advice.

For all third countries that are not on that list by 30 June, the Commission recommends that Member States prolong the travel restriction on non-essential travel until they are put on the list of countries where travel restrictions could be lifted.

The Commission **also recommends** lifting the travel restriction on non-essential travel from the following countries/partners as of 1 July 2020:

- Albania;
- Bosnia and Herzegovina;
- Kosovo;
- Montenegro;
- North Macedonia;
- Serbia.

For those countries where no decision has been taken to end the temporary travel restriction for non-essential travel into the EU, the exemptions³ should be extended as follows:

a) EU citizens and citizens of Schengen Associated States and third country nationals legally residing in the European Union, as well as their family members, should be exempted from the travel restriction, regardless whether or not they are returning home. Member States can, however, take appropriate measures such as requiring such persons to undergo self-isolation or similar measures upon return from a third country for which the temporary restriction on non-essential travel is maintained, provided they impose the same requirements on their own nationals;

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b) The specific categories of travellers with an essential function or need should be extended to also include:

- third-country nationals travelling for the purpose of study;
- highly qualified third-country workers, if their employment is necessary from an economic perspective and the work cannot be postponed or performed abroad.

KPMG NOTE

The temporary duration of these specific actions will be determined by the indications of the competent authorities in each country.

FOOTNOTES:

1 For the Communication of 11 June COM(2020) 399, *On the third assessment of the application of the temporary restriction on non-essential travel to the EU*, see: https://ec.europa.eu/info/sites/info/files/communication-assessment-temporary-restriction-non-essential-travel_en.pdf.

2 See Communication, footnote 1. The “EU+ area” includes all Schengen Member States (including Bulgaria, Croatia, Cyprus and Romania), as well as the four Schengen Associated States. It also includes Ireland and the United Kingdom if they decide to align.

3 For the original list in Communication COM(2020) 115, see: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:115:FIN>.

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The information contained in this newsletter was submitted by the KPMG International member firms in Spain and Romania.

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