

NORMATIVA

CORONAVIRUS

Data 17 marzo 2020

COVID19: Unione europea adotta divieto di viaggi in ingresso nell'area Schengen

In breve

Nel pomeriggio del 17 marzo il Consiglio europeo ha approvato, su proposta della Commissione, il divieto per i viaggi non essenziali in entrata nell'area Schengen per i cittadini di Paesi terzi, come misura di contrasto all'emergenza sanitaria in corso. La misura avrà durata di 30 giorni, salvo proroghe.

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La proposta della Commissione europea e le conclusioni del Consiglio europeo

Il 16 marzo la Commissione europea ha pubblicato la Comunicazione "*COVID-19: Temporary Restriction on Non-Essential Travel to the EU*" (in allegato 1) con la quale invita tutti gli Stati membri dell'area Schengen⁽¹⁾ a creare un "perimetro di sicurezza" ai confini esterni.

Le restrizioni dovranno essere concordate tra gli Stati membri per agire in modo simultaneo e coordinato, al fine di proteggere i cittadini europei ed evitare di danneggiare il mercato interno.

Nel pomeriggio del 17 marzo, il Consiglio europeo straordinario, partecipato dai leader dei singoli Stati membri, ha formalmente adottato, con sue conclusioni, la proposta della Commissione.

La Commissione europea, inoltre, invita anche gli Stati Membri dell'UE non aderenti all'area Schengen (Bulgaria, Cipro, Croazia, Irlanda, Romania), così come il Regno Unito (in uscita, ma ancora membro dell'UE) ad applicare le stesse misure.

Divieto di ingresso

La Comunicazione prevede **il divieto temporaneo per i viaggi "non essenziali" in entrata nell'area Schengen per i cittadini di Paesi terzi**, come misura di contrasto all'emergenza sanitaria in corso.

Tale divieto non sarà applicato ai cittadini degli Stati membri dell'UE e dell'area Schengen (UE, Islanda, Liechtenstein, Norvegia, Svizzera), ai loro familiari e i cittadini di Paesi terzi in possesso di visto di soggiorno di lungo termine.

Le **eccezioni** al divieto riguardano anche le seguenti categorie: operatori sanitari, ricercatori e professionisti dell'assistenza agli anziani; lavoratori frontalieri; **personale addetto al trasporto merci**; diplomatici, militari e operatori umanitari; passeggeri in transito e che viaggiano per motivi familiari; persone bisognose di protezione internazionale o per altri motivi umanitari.

Durata e attuazione

La misura avrà durata di 30 giorni, prorogabile in caso di necessità.

Il compito di far rispettare questo divieto di ingresso nell'UE spetterà ai Singoli Stati membri.

Allegato



Comunicazione Commissione su Covid-19

Note

- (1) *L'area Schengen è normata dal Regolamento UE 2016/399: i cittadini UE possono circolare liberamente all'interno dell'Unione, indipendentemente dall'adesione o meno dei singoli Stati membri allo spazio Schengen. Al momento dell'ingresso in uno Stato membro dell'UE che non aderisce allo spazio Schengen, i cittadini UE sono oggetto di controlli minimi, volti a verificarne l'identità in base ai documenti di viaggio (passaporto o carta d'identità).*



Brussels, 16.3.2020
COM(2020) 115 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL**

COVID-19: Temporary Restriction on Non-Essential Travel to the EU

The coronavirus crisis is now a pandemic which has spread across the globe, with cases on five continents. Globalisation and international movements of people create conditions which facilitate the spread of the virus across borders. A public health crisis has, through travel, resulted in a large number of imported cases in several countries, which progressively set off local outbreaks through gradual but large-scale community transmission. The sooner the link between the transmission chain and travel is lost, the faster local transmission intensifies, exerting great pressure on healthcare systems.

At this moment, the European Union is considered to be at the epicentre of the COVID-19 pandemic. Over the past few weeks, Member States have taken a number of drastic measures to limit the spread of the virus. However, the cases of COVID-19 have increased exponentially within a short period of time, putting the healthcare systems of Member States under significant strain, which also increases exponentially on a daily basis.

While travel restrictions are generally not seen by the World Health Organisation as the most effective way of countering a pandemic, the rapid spread of COVID-19 makes it essential that the EU and Member States take urgent, immediate and concerted action not only to protect the public health of our populations, but also to prevent the virus from further spreading from the EU to other countries, as has been observed in recent weeks.

Travel restrictions should focus on drastically reducing incoming people flows at the external borders of the Union, thereby also slowing transmission to other countries on travellers' return, and discouraging outgoing travel of EU citizens and other persons residing in the EU+ area.¹

By this Communication, the Commission recommends to the European Council to act with a view to the rapid adoption, by the Heads of State or Government of the Schengen Member States together with their counterparts of the Schengen Associated States, of a coordinated decision to apply a temporary restriction of non-essential travel from third countries into the EU+ area.

The EU's external border has to act as a security perimeter for **all Schengen States**. It is of common interest and a common responsibility. In the current circumstances, with the coronavirus now widespread throughout the EU, the external border regime offers the opportunity of concerted action among Member States to limit the global spread of the virus.

Any action at the external border needs **to be applied at all parts of the EU's external borders**. A temporary travel restriction could only be effective if **decided and implemented by Schengen States for all external borders at the same time and in a uniform manner**. Uncoordinated travel restrictions by individual Member States for their parts of external borders risk being ineffective. Any unilateral decision of a Schengen State to apply a temporary travel restriction at its own part of the external borders could be easily undermined by those who would enter the Schengen area at another part of the external borders: likewise a coordinated decision requires the participation of all.

¹ The "EU+ area" should include all Schengen Member States (including Bulgaria, Croatia, Cyprus and Romania), as well as the four Schengen Associated States. It would also include Ireland and the United Kingdom if they decide to align.

Such a measure would also enable the lifting of internal border control measures, which several Member States have recently reintroduced in an effort to limit the spread of the virus. These measures risk having a serious impact on the functioning of the Single Market as the EU and the Schengen area is characterised by a high degree of integration, with millions of people crossing internal borders every day.

Scope

The temporary travel restriction should apply to all non-essential travel from third countries to the EU+ area.

For such a temporary travel restriction to have the desired effect in terms of restricting the spread of the virus, exceptions need to be limited to travel for essential purposes.²

The temporary travel restriction must **exempt nationals of all EU Member States and Schengen Associated States**,³ for the purposes of returning to their homes. This exemption must apply to:

- all EU citizens⁴ and citizens of the Schengen Associated States, and their family members;
- third-country nationals who are long-term residents under the Long-term Residence Directive⁵ and persons deriving their right to reside from other EU Directives or national law or who hold national long-term visas.

It should also not apply to other travellers with an essential function or need, including:

- Healthcare professionals, health researchers, and elderly care professionals;
- Frontier workers;
- Transport personnel engaged in haulage of goods and other transport staff to the extent necessary;
- Diplomats, staff of international organisations, military personnel and humanitarian aid workers in the exercise of their functions;
- Passengers in transit;⁶
- Passengers travelling for imperative family reasons;
- Persons in need of international protection or for other humanitarian reasons.

Coordinated and reinforced health checks should be carried out for the individuals allowed to enter the EU+ area.⁷

² The special transit scheme to Kaliningrad should continue to apply, but the trains under this scheme should not stop in the territory of Schengen.

³ Iceland, Liechtenstein, Norway, Switzerland.

⁴ UK nationals are still to be treated in the same way as EU citizens until end 2020.

⁵ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, OJ L 16, 23.1.2004, p. 44.

⁶ Including those having been repatriated through consular assistance.

⁷ Guidelines for border management measures to protect health and ensure the availability of goods and essential services, 16.3.2020, C(2020) 1753 final.

Duration

The temporary travel restriction should apply for 30 days. Any possible prolongation of this period should be assessed depending on further developments.

Conclusion

A temporary restriction on non-essential travel from third countries into the EU+ area requires an **EU-coordinated decision** in agreement with the Schengen Associated States.

For that purpose, the Commission invites the European Council to act with a view to the rapid adoption, by the Heads of State or Government of the Schengen Member States, together with their counterparts of the Schengen Associated States, of **a decision on applying a travel restriction on non-essential travel from third countries into the EU+ area with immediate effect** at all part of the Schengen external borders.

Ireland and the United Kingdom, taking into account the Common Travel Area, are encouraged to also implement this temporary travel restriction.

EU Member States and Schengen Associated States should also strongly encourage citizens and residents not to travel outside their territories in order to prevent the further spread of the virus to other countries.