



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Directorate D: Equality and Union Citizenship
Unit D.3: Union citizenship rights and free movement
Deputy Head of Unit

Brussels,
JUST.D.3/DR/1v (2021)3168912s

Petitioner
Email: policat@policat.org

Dear Petitioner,

I write in relation to your correspondence addressed to Commissioner Johansson and registered under the reference Ares(2021)1637494 (*please quote this reference in any further correspondence*).

As the Deputy Head of the Unit responsible for free movement, I have been asked to reply to your e-mail. Please accept my apologies for the delay in replying to you.

You call for joint testing and vaccination strategies to effectively prevent the spread of mutations of COVID-19 as well as the necessity of additional decentralised possibilities for free quick tests on the German territory (outside the test centre at the border crossing point Goldene Bremm/Brême d'Or, e.g. at supermarkets), and the creation of possibilities for free rapid tests at the points of entry to public transport.

Please note that, according to Article 168(7) of the Treaty on the Functioning of the European Union¹, the organisation and delivery of health services, medical care and the organisation of health insurance systems is a national competence. Therefore, the organisation of testing services for COVID-19 as well as the implementation of vaccination strategies is fully the responsibility of national authorities.

In your e-mail, you mention the difficulties due to the travel ban from the “areas of variant of concern” imposed by Germany to limit the spread of COVID-19. Between 14 February and 26 March 2021, Tyrol, Czechia, Slovakia were considered areas of variant of concern. The department of Moselle was considered an areas of variant of concern from 2 March 2021 until 1 May 2021.

I fully understand the difficult situation you were confronted with. I can provide you with the following information.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN>

To limit the spread of the COVID-19 pandemic, the EU Member States have adopted various measures, some of which have had an impact on citizens' right to move freely across the European Union, such as requirements to undergo quarantine or a coronavirus test. While these measures are intended to safeguard the health and wellbeing of citizens, they have serious consequences for the economy and citizens' rights. The right of European citizens to move and reside freely within the European Union is one of the most cherished achievements of the European Union, as well as an important driver of our economy.

The right to move and reside freely within the territory of the Member States is based on Article 21(1) of the Treaty on the Functioning of the European Union. Any restrictions to the free movement of persons within the Union put in place to limit the spread of COVID-19 must be based on specific and limited public interest grounds, namely the protection of public health.

This means that the Member States can impose measures limiting the free movement of persons within the EU in response to the pandemic. At the same time, the measures taken should not go beyond what is strictly necessary and make no distinction between travellers based on their nationality. The Commission monitors Member States' compliance with these principles.

In addition, the Commission has sought to foster the cooperation and coordination among Member States since the beginning of the coronavirus pandemic. The Commission considers that a well-coordinated, predictable and transparent approach to the adoption of restrictions on freedom of movement is necessary to prevent the spread of the virus, safeguard the health of citizens as well as maintain free movement within the Union, under safe conditions. On 13 October 2020, the Member States, on the basis of a Commission proposal, agreed on a coordinated approach to travel restrictions linked to the coronavirus pandemic, which is important for the millions of citizens who rely on cross-border travel every day, and crucial for our efforts to start safely relaunching the economy².

The Commission has also launched a website called [Re-open EU](#). This interactive tool provides all the information that citizens need to confidently plan their travel and holidays, while staying healthy and safe. The information is based on the information received by Member States, frequently updated and available in 24 languages.

This website includes a map, published every week by the European Centre for Disease Prevention and Control (ECDC), which shows the risk levels across the regions in Europe using a traffic light system. On the basis of this map, Member States decide whether they introduce certain restrictions, such as quarantine or tests, on travellers coming from higher-risk regions.

Member States have agreed that there should be no restrictions, such as quarantine or testing, on travellers coming from green regions. When travelling from orange or red regions, travellers may expect restrictive measures to be imposed. Member States have also agreed that no quarantine measures should be applied for citizens with an essential reason to travel, be it for imperative family reasons, including cross-border families

² [Council Recommendation \(EU\) 2020/1475](#) of 13 October 2020 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic.

travelling on a regular basis, to go to work, or to ensure that we receive the goods we need. You can find the full list of categories of travellers who are exempted from the requirement to undergo quarantine measures in point 19 of the Recommendation mentioned before.

In view of the challenging epidemiological situation, partially linked to more infectious coronavirus variants, Member States agreed, on 1 February 2021, to further strengthen these measures, following a proposal from the Commission³. In particular, Member States agreed that non-essential travel, that is, travel for recreational or touristic purposes, from high-risk areas should be strongly discouraged until the epidemiological situation has considerably improved. A new colour – dark red – was added to the map by ECDC, indicating areas where the virus is circulating at very high levels. Travellers from such areas should be required to do a pre-departure test and undergo quarantine/self-isolation after arrival, which may, under certain circumstances, also be required of essential travellers. At the same time, Member States agreed to strengthen exemptions for transport workers and cross-border commuters, in particular to ensure that our economy can continue to function.

In the meantime, the European Commission continues to closely monitor the emergency measures taken by Member States, as well as their impact, including those taken by Germany.

The Commission is in contact with the German authorities on the measures taken in the context of the fight of COVID-19 outbreak, including on the travel ban from “areas of variant of concern”.

As you may already know, Germany announced that the Department of Moselle would no longer be considered a virus variant area from 1 May and that the restrictions introduced for this virus variant area would therefore be lifted.

Please be also aware that on 17 March 2021, the Commission adopted a legislative proposal on a “Digital Green Certificate” a framework for the issuance, verification and acceptance of interoperable certificates on vaccination, testing and recovery to facilitate free movement during the COVID-19 pandemic⁴. The proposed Regulation would ensure acceptance of the Digital Green Certificate in all Member States. Where a Member State accepts proofs of vaccination, testing or recovery to waive certain free movement restrictions, they would be obliged to accept the certificates issued under the Regulation by other Member States under the same conditions. However, the possession of a vaccination certificate will not be a pre-condition to exercise free movement rights or to use cross-border passenger transport services. The legislative text is currently being discussed by the Member States and the European Parliament in view of an expected adoption and entry into force before the summer.

³ [Council Recommendation \(EU\) 2021/119](#) of 1 February 2021 amending Recommendation (EU) 2020/1475 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic.

⁴ [COM\(2021\)130 Proposal of 17.3.2021](#) for a Regulation of the European Parliament and of the Council on a framework for the issuance, verification and acceptance of interoperable certificates on vaccination, testing and recovery to facilitate free movement during the COVID-19 pandemic (Digital Green Certificate).

The Commission will continue to mobilise all means at its disposal to help Member States coordinate their national responses, to reinforce public health sectors and to mitigate the socio-economic impact of the pandemic in the European Union.

I hope that you will find this information useful.

Yours sincerely,

(e-signed)

Monika Mosshammer
Deputy Head of Unit

Contact: Ms Deborah Riccetti, e-mail: just-citizenship@ec.europa.eu