



Press Release

Luxembourg, 13 June 2022

Schengen border controls poorly scrutinised during the pandemic

Because it has limited tools at its disposal, the European Commission has not scrutinised enough the challenges that the COVID-19 pandemic posed to the right of free movement of people. This is the overall conclusion of a special report published today by the European Court of Auditors (ECA). The supervision of the internal border controls reintroduced by the Member States since March 2020 did not fully safeguard the Schengen rules that facilitate free movement in the EU. In addition, the auditors draw attention to the lack of coordination between Member States' travel restrictions, as well as inconsistencies with EU guidance and recommendations.

Every EU citizen has the right to move freely within the territory of the EU. This is facilitated by the abolition of internal border controls in the Schengen area, which comprises 22 EU and 4 non-EU countries, and which has created a borderless travel area within Europe. This right can nevertheless be restricted for public policy, security or health reasons. Since 2015, several EU countries have reintroduced internal border controls in response to the migration crisis, or to security threats (mainly terrorism). More recently, during the COVID-19 pandemic, many Member States took measures to restrict freedom of movement within the EU in an attempt to limit the spread of the virus. When reintroducing internal border controls in the Schengen area, Member States are required to notify the European Commission, which remains responsible for assessing whether proposed restrictions comply with EU legislation and do not infringe the right of free movement of people.

“Considering that the free movement of people is one of the four fundamental freedoms of the EU and has been at the heart of the European project since its inception, the Commission should have checked carefully that restrictions introduced during the COVID times were all relevant and justified”, said Baudilio Tomé Muguruza, the ECA member responsible for the audit. *“We hope that our audit findings will feed into the ongoing debate on the review of the Schengen system.”*

The auditors reviewed all 150 Member State notifications of internal border controls that were submitted to the European Commission between March 2020 and June 2021, of which 135 related exclusively to COVID-19. Their review clearly shows that notifications did not provide sufficient evidence to demonstrate that the border controls were indeed a measure of last resort, or that they were proportionate and limited in duration. Moreover, the Commission has not launched infringement procedures in respect of long-term border controls that were introduced before the pandemic.

The purpose of this press release is to convey the main messages of the European Court of Auditors' special report. The full report is available at eca.europa.eu.

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In addition, the Commission did not obtain all the reports it was supposed to receive within four weeks of the end of internal border controls. Like for the control measures imposed by the migration crisis and security threats before the COVID-19 pandemic, the Commission did not request additional information or issue any opinion on the matter. The EU auditors' assessment is therefore clear: the European Commission did not properly scrutinise whether the reintroduction of internal border controls respected the Schengen legislation.

The Commission also faced difficulties due to the limitations of the existing legal framework for supervising the COVID-19 travel restrictions. Although responsibility for implementing these restrictions lies solely with the Member States, the European Commission's mandate is to facilitate a concerted approach so as to minimise the impact on cross-border travel within the EU. To this end, guidance was issued, generally in a timely manner. But this guidance related to internal border controls was not practical or actionable enough, the auditors found.

The Commission also set up initiatives to coordinate measures affecting freedom of movement. One such initiative is the 'Re-open EU' platform, launched on 1 June 2020 to support the safe reopening of travel and tourism across Europe. But more than a year later, nine Member States (Bulgaria, Denmark, Germany, Estonia, France, Romania, Slovenia, Finland and Sweden) had still not provided updated information. Similarly, the Commission's efforts to compensate for the lack of any crisis governance structure by setting up the Corona Information Group did not result in a consistent approach. The travel restrictions imposed during the COVID-19 pandemic remained largely uncoordinated, say the EU auditors, and the Commission was unable to prevent a patchwork of individual measures from taking shape, varying widely from one Member State to another.

Background information

The Treaty on European Union stipulates that the EU must provide its citizens with "an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured". EU citizens value freedom of movement as a particularly significant achievement of EU integration. The freedom to travel, study and work anywhere in the EU is the European Union's achievement which is most recognised by citizens, ranking first in surveys in all EU Member States, ahead of the euro and peace.

Free movement of persons within the EU is different from the abolition of internal border controls in the Schengen area. Citizens can move freely within the Schengen Area without being subject to internal border controls. EU citizens enjoy free movement throughout the EU, including to and from EU Member States that have not (yet) abolished internal border controls.

Special report 13/2022, "*Free movement in the EU during the COVID-19 pandemic – Limited scrutiny of internal border controls, and uncoordinated actions by Member States*", is available on the ECA's website (eca.europa.eu).

Later this year, the ECA also plans to publish a special report on EU initiatives to facilitate safe travel during the COVID-19.

The ECA presents its special reports to the European Parliament and the Council of the EU, as well as to other interested parties such as national parliaments, industry stakeholders and representatives of civil society. The vast majority of the recommendations made in the ECA's reports are put into practice.

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