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► **B****COUNCIL RECOMMENDATION (EU) 2020/912**

of 30 June 2020

on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction

(OJ L 208I, 1.7.2020, p. 1)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Council Recommendation (EU) 2020/1052 of 16 July 2020	L 230	26	17.7.2020
► <u>M2</u>	Council Recommendation (EU) 2020/1144 of 30 July 2020	L 248	26	31.7.2020
► <u>M3</u>	Council Recommendation (EU) 2020/1186 of 7 August 2020	L 261	83	11.8.2020
► <u>M4</u>	Council Recommendation (EU) 2020/1551 of 22 October 2020	L 354	19	26.10.2020
► <u>M5</u>	Council Recommendation (EU) 2020/2169 of 17 December 2020	L 431	75	21.12.2020
► <u>M6</u>	Council Recommendation (EU) 2021/89 of 28 January 2021	L 33	1	29.1.2021
► <u>M7</u>	Council Recommendation (EU) 2021/132 of 2 February 2021	L 41	1	4.2.2021
► <u>M8</u>	Council Recommendation (EU) 2021/767 of 6 May 2021	L 165 I	66	11.5.2021
► <u>M9</u>	Council Recommendation (EU) 2021/816 of 20 May 2021	L 182	1	21.5.2021

▼ B**COUNCIL RECOMMENDATION (EU) 2020/912****of 30 June 2020****on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction****▼ M8**

1. As from 6 May 2021, Member States should gradually lift the temporary restriction on non-essential travel to the EU in a coordinated manner with regard to the residents of the third countries listed in Annex I.

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To determine the third countries for which the current restriction on non-essential travel into the EU should be lifted, the epidemiological situation in the respective third countries and further criteria as set out in this Recommendation should be taken into account.

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2. ► M7 As regards the epidemiological situation, the following criteria should apply:

- the ‘14-day cumulative COVID-19 case notification rate’, that is, the total number of newly notified COVID-19 cases per 100 000 population in the previous 14 days,

- the trend of new cases over the same period in comparison to the previous 14 days is stable or decreasing,

- the ‘testing rate’, that is, the number of tests for COVID-19 infection per 100 000 population carried in the previous seven days,

- the ‘test positivity rate’, that is, the percentage of positive tests among all tests for COVID-19 infection carried out in the previous seven days,

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- the nature of the virus present in a country, in particular whether variants of interest or variants of concern of the virus have been detected. Variants of interest and variants of concern are assessed as such by the European Centre for Disease Prevention and Control (ECDC) based on key properties of the virus such as transmission, severity and ability to escape immune response.

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To be included in Annex I, third countries should meet the following thresholds: a 14-day cumulative COVID-19 case notification rate of not more than ► M9 75 ◀, a testing rate above 300, and a test positivity rate of not more than 4 %. In addition, the overall response to COVID-19 may be taken into account, in particular available information on aspects such as surveillance, contact tracing, containment, treatment and reporting as

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well as the reliability of available information and data sources and, if needed, the total average score across all dimensions for International Health Regulations (IHR). ◀

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The data concerning ‘testing rate’, ‘test positivity rate’ and ‘variant of concern and variant of interest’ should be provided by the European Centre for Disease Prevention and Control (ECDC), on the basis of information made available to ECDC. Such data could be complemented by information provided by EU delegations, WHO and other centres of disease control, when available, also based on the checklist annexed to the Communication of 11 June 2020.

In addition to the information referred to in point 2, first paragraph, the ECDC should publish and regularly update a map presenting the situation with regard to variants of concern and variants of interest in third countries.

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3. When deciding whether the temporary restriction on non-essential travel to the EU applies to a third-country national, residence in a third country for which the restrictions on non-essential travel have been lifted should be the determining factor (and not nationality).
4. Every two weeks, the list of third countries referred to in Annex I should be reviewed, and as the case may be updated, by the Council, after close consultation with the Commission and the relevant EU agencies and services following an overall assessment based on the methodology, criteria and information referred to in paragraph 2.

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Travel restrictions may be totally or partially lifted or reintroduced for a specific third country already listed in Annex I, according to changes in some of the conditions set out above and, as a consequence, in the assessment of the epidemiological situation.

Where the epidemiological situation worsens quickly and, in particular, where a high incidence of variants of concern of the virus is detected, travel restrictions may be rapidly reintroduced for non-essential travel for third countries already listed in Annex I.

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In order to lift the temporary restriction on non-essential travel into the EU with regard to the third countries listed in Annex I, Member States should, on a case-by-case basis, take into account reciprocity granted to the EU+ area.

5. Member States should strongly discourage non-essential travel from the EU+ area to countries other than those listed in Annex I.

- **M7** 6. ◀ Where temporary travel restrictions continue to apply to a third country, the following categories of persons should be exempted from the travel restriction, independent of the purpose of travel:

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(a) Union citizens within the meaning of Article 20(1) TFEU and third-country nationals who, under agreements between the Union and its Member States, on the one hand, and those third countries, on the other hand, enjoy rights of free movement equivalent to those of Union citizens, as well as their respective family members ⁽¹⁾;

(b) third-country nationals who are long-term residents under the Long-term Residence Directive ⁽²⁾ persons deriving their right to reside from other EU Directives or national law or who hold national long-term visas, as well as their respective family members.

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In addition, essential travel should be allowed for the specific categories of travellers with an essential function or need referred to in Annex II.

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Where the epidemiological situation worsens quickly and, in particular, where a high incidence of variants of concern of the virus is detected, Member States may temporarily limit the categories of travellers listed in Annex II. Travel justified by compelling reasons should still remain possible.

⁽¹⁾ As defined in Articles 2 and 3 of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

⁽²⁾ 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).

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The list of specific categories of travellers with an essential function or need referred to in Annex II may be reviewed by the Council, based on a proposal from the Commission, depending on social and economic considerations as well as the overall assessment of the evolution of the epidemiological situation, based on the methodology, criteria and information referred to above.

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- 6a. Without prejudice to point 6 (a) and (b), where Member States accept proof of vaccination in order to waive travel restrictions to limit the spread of COVID-19, Member States should in principle lift the temporary restriction on non-essential travel to the EU with regard to travellers from third countries who have received the last recommended dose of one of the COVID-19 vaccines authorised in the EU pursuant to Regulation (EC) No 726/2004 at the latest 14 days before entering the EU+ area.

Member States could also lift the temporary restriction on non-essential travel to the EU with regard to such travellers who have received the last recommended dose of one of the COVID-19 vaccines having completed the WHO Emergency Use Listing process at the latest 14 days before entering the EU+ area.

To that end, travellers wishing to undertake non-essential travel to a Member State should be in possession of a valid proof of a COVID-19 vaccination. Member States could accept third country vaccination certificates containing at least the minimum data set such as the identification of the person, the type of vaccine and the date of the administration of the vaccine, in accordance with national law, taking into account the need to be able to verify the authenticity, validity and integrity of the certificate and whether it contains all relevant data.

Where Member States decide to lift restrictions for travellers in possession of a valid proof of a COVID-19 vaccination, Member States should, on a case-by-case basis, take into account reciprocity granted to the EU+ area.

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- M7 7. ◀ ► M9 Without prejudice to point 6a ◀ ► M7 Member States should require persons travelling for any essential or non-essential reason, function, or need, with the exception of transport and frontier workers, to have tested negative for COVID-19 on the basis of a polymerase chain reaction

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(PCR) test taken at the earliest 72 hours before departure, and to submit the appropriate proof of such a test result in the form stipulated by the authorities.

If tests on departure are not possible, persons referred to in point 6 (a) and (b) should have the possibility to carry out the test after arrival, in accordance with national procedures. This is without prejudice to any obligation to undergo any further measure, including quarantine, after arrival.

In addition, Member States may require self-isolation, quarantine and contact tracing for a period of up to 14 days, as well as further COVID-19 testing as needed during the same period, provided that they impose the same requirements on their own nationals when travelling from the same third country. For those travellers arriving from a third country where a variant of concern of the virus has been detected, Member States should impose such requirements and in particular, quarantine upon arrival and additional testing upon or after arrival. ◀

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7a.

Where the epidemiological situation of a third country or region worsens quickly and, in particular where a variant of concern or of interest has been detected, Member States should, exceptionally, adopt an urgent, temporary restriction on all travel into the EU for third country nationals with residence in that third country. This travel restriction should not apply to persons referred to in point 6 (a) and (b) and to travellers listed in point i. and points iv. to ix. of Annex II. These travellers should nevertheless be subject to appropriate and regular testing, including prior to departure as provided in point 7, and undergo self-isolation/quarantine even if they have received the last recommended dose of one of the COVID-19 vaccines authorised in the EU pursuant to Regulation (EC) No 726/2004 or of one of the COVID-19 vaccines having completed the WHO Emergency Use Listing process at the latest 14 days before entering the EU+ area.

When a Member State applies such restrictions, the Member States meeting within the Council structures and in close cooperation with the Commission should urgently review the situation in a coordinated manner. Such restrictions should be reviewed at least every two weeks, taking into account the evolution of the epidemiological situation.

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- 7b. As regards travel undertaken in connection with an essential function or need as set out in Annex II:
- Member States may decide, in a coordinated way, to waive some or all of the above measures in those cases where such measure would impede the very purpose of the travel,
 - For transport personnel, seafarers and frontier workers, Member States should not require more than a negative Rapid Antigen Test on arrival to enter into the EU+ area. In the specific case of transport personnel coming from a country where a high incidence of variants of concern of the virus is detected, Member States may require a negative Rapid Antigen Test before departure,
 - Air crews should be exempted from any testing if their stay in a third country was less than 12 hours, unless they arrive from a third country where a variant of concern has been detected, in which case they should undergo proportionate testing.

This is without prejudice to general public health requirements that may be imposed by the Member States such as physical distancing and the requirement to wear a mask.

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8. Member States should develop a Passenger Locator Form (PLF) and require persons entering the EU to submit a PLF in accordance with applicable data protection requirements. A common European Passenger Locator Form is being developed for possible use by Member States. Wherever possible, a digital option for passenger locator information should be used in order to simplify processing and expediting contact tracing, while ensuring equal access to all third-country nationals.

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- ▶ M7 9. ◀ A Member State should not decide to lift the restriction on non-essential travel into the EU for a specific third country before the lifting of the restriction has been coordinated in line with this Recommendation.
- ▶ M7 10. ◀ Residents of Andorra, Monaco, San Marino and the Vatican/Holy See should be considered as EU residents for the purpose of this Recommendation.
- ▶ M7 11. ◀ This Recommendation should be implemented by all Member States at all external borders.

▼M8*ANNEX I*

Third countries and Special Administrative Regions, whose residents should not be affected by temporary external borders restriction on non-essential travel into the EU:

I. STATES

1. AUSTRALIA
2. ISRAEL
3. NEW ZEALAND
4. RWANDA
5. SINGAPORE
6. SOUTH KOREA
7. THAILAND
8. CHINA (*)

II. SPECIAL ADMINISTRATIVE REGIONS OF THE PEOPLE'S REPUBLIC OF CHINA

Hong Kong SAR (*)

Macao SAR (*)

(*) Subject to confirmation of reciprocity

▼B*ANNEX II*

Specific categories of travellers with an essential function or need:

- i. Healthcare professionals, health researchers, and elderly care professionals;
- ii. Frontier workers;
- iii. Seasonal workers in agriculture;
- iv. Transport personnel;
- v. Diplomats, staff of international organisations and people invited by international organisations whose physical presence is required for the well-functioning of these organisations, military personnel and humanitarian aid workers and civil protection personnel in the exercise of their functions;
- vi. Passengers in transit;
- vii. Passengers travelling for imperative family reasons;
- viii. Seafarers;
- ix. Persons in need of international protection or for other humanitarian reasons;
- x. Third-country nationals travelling for the purpose of study;
- xi. Highly qualified third-country workers if their employment is necessary from an economic perspective and the work cannot be postponed or performed abroad.