

This text is meant purely as a documentation tool and has no legal effect. The Union's institutions do not assume any liability for its contents. The authentic versions of the relevant acts, including their preambles, are those published in the Official Journal of the European Union and available in EUR-Lex. Those official texts are directly accessible through the links embedded in this document

► **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

▼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****▼M3**

1. As from 8 August 2020, 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.

▼B

To determine the third countries for which the current restriction on non-essential travel into the EU should be lifted, the methodology and criteria set out in the Communication of the Commission of 11 June 2020 ⁽¹⁾ on the third assessment of the application of the temporary restriction on non-essential travel to the EU should apply. The criteria relate to the epidemiological situation and containment measures, including physical distancing, as well as economic and social considerations, and are applied cumulatively.

2. As regards the epidemiological situation, the third countries listed in Annex I should meet in particular the following criteria:
 - close to or below the EU average, as it stands on 15 June 2020, of new COVID-19 cases over the last 14 days and per 100 000 inhabitants,
 - the trend of new cases over the same period in comparison to the previous 14 days is stable or decreasing, and
 - the overall response to COVID-19 taking into account available information on aspects such as testing, surveillance, contact tracing, containment, treatment and reporting as 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). Information provided by EU Delegations based on the checklist annexed to the Communication of 11 June 2020 should also be taken into account.
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.

⁽¹⁾ COM(2020) 399, 11 June 2020.

▼B

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. Rapid decision-making should be applied in case the situation in a third country worsens quickly.

5. 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:
 - (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 ⁽²⁾;
 - (b) third-country nationals who are long-term residents under the Long-term Residence Directive ⁽³⁾ 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.

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 travel restriction is maintained, provided they impose the same requirements on their own nationals.

In addition, essential travel should be allowed for the specific categories of travellers with an essential function or need referred to in Annex II. ⁽⁴⁾ Member States may introduce additional safety measures for these travellers, especially when their trip originates in a high risk region.

The list of specific categories of travellers with an essential function or need referred to in Annex II may be reviewed by the Council, in close consultation with 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.

6. In order to lift the temporary restriction on non-essential travel into the EU with regard to the third countries listed in Annex I, reciprocity should also be taken into account regularly and on a case-by-case basis.

⁽²⁾ 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).

⁽³⁾ 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).

⁽⁴⁾ [See also Commission Communications of 16 March (COM(2020) 115), of 11 June 2020 (COM(2020) 399), as well as the Guidance of 30 March 2020 (C(2020) 2050, 30 March 2020).]

▼B

7. 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.
8. Residents of Andorra, Monaco, San Marino and the Vatican/Holy See should be considered as EU residents for the purpose of this Recommendation.
9. This Recommendation should be implemented by all Member States at all external borders.

▼M3*ANNEX I*

Third countries whose residents should not be affected by temporary external borders restriction on non-essential travel into the EU

1. AUSTRALIA
2. CANADA
3. GEORGIA
4. JAPAN
5. NEW ZEALAND
6. RWANDA
7. SOUTH KOREA
8. THAILAND
9. TUNISIA
10. URUGUAY
11. CHINA (*)

(*) 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.