



Council of the European Union
General Secretariat

Brussels, 17 April 2020

WK 3875/2020 INIT

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WORKING PAPER

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NOTE

From:	General Secretariat of the Council
To:	Coreper II
Subject:	Informal videoconference of Ministers of Home Affairs on 28 April 2020: COVID-19 - Presidency discussion paper

Delegations will find enclosed a discussion paper prepared by the Presidency. This discussion paper contains background information and questions to guide the exchange of views intended to take place at the informal videoconference of Ministers of Home Affairs scheduled for 28 April 2020.

Informal videoconference of the Home Affairs Ministers 28 April 2020

COVID-19

The coronavirus pandemic poses an unprecedented collective challenge to the life and health for people living in the European Union. The wide-ranging measures Member State governments are putting in place to control the spread of the virus have changed daily life in ways that were unthinkable at the start of 2020. In taking swift steps to limit infection rates, governments are seeking to fulfil their obligations to protect the population¹.

On 10 March 2020, the Heads of State or Government recognised the need for coordinated actions by Member States and the European Commission as the only adequate mechanism for finding a solution to the extraordinary situation caused by the COVID-19 pandemic. Consequently, on 16 March the European Commission published the *Communication on the temporary restriction on non-essential travel to the EU*. It served as the basis on which Member States of the EU and the Schengen Associated Countries agreed on a coordinated approach in the implementation of temporary measures at the external borders. In order to assist Member States in the implementation of the new rules, the European Commission issued on 30 March 2020 *Guidance on the implementation of the temporary restriction on non-essential travel to the EU, on the facilitation of transit arrangements for the repatriation of EU citizens, and on the effects on visa policy*. As such measures require more than 30 days to be effective, the European Commission issued on 8 April the *Communication on assessment of the state of play of the Communication on non-essential travel* to prolong the temporary restriction on non-essential travel to the EU until 15 May.

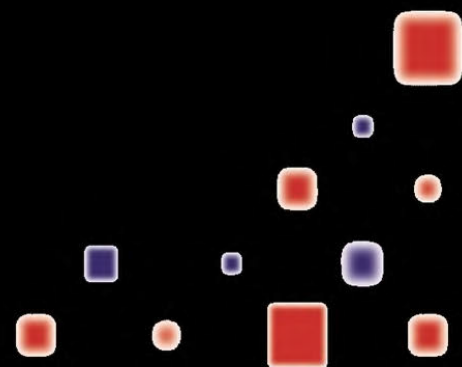
Besides the travel restrictions, limitations on social interactions and national measures at internal borders of the Schengen Area have also been enforced. Following the calls of Heads of State or Government, videoconference meetings with Ministers for Home Affairs and for Health are held regularly in order to coordinate decisions, proportionate to the epidemiological situation, concerning further activities to maintain public health and the free movement of goods and services, as well as the preservation of the EU single market.

1. External and internal border controls

The application of these measures has brought about a drastic reduction of international land, sea and air passenger traffic, preventing or significantly hindering EU citizens and third-country nationals from returning to their home countries. At the same time, the extraordinary situation and the measures implemented as a response to the COVID-19 pandemic have resulted in a large number of third-country nationals exceeding their legal limit of stay. Therefore for several weeks Member States have been making major efforts to repatriate over 600 000 EU citizens, tourists and travellers, stranded in third countries. The EEAS has established a consular task force to facilitate coordination among Member States, enabling more efficient repatriation operations. A significant number of these operations are coordinated and co-financed through the Union Civil Protection Mechanism.

In response to the specific challenge for the maritime sector, on 8 April the European Commission published *Guidelines on protection of health, repatriation and travel arrangements for seafarers, passengers and other persons on board ships*.

Under the current circumstances it is crucial to continue coordinating among EU Member States in order to ensure the continuous supply of the market with goods and services, primarily those which are of key importance, such as food products, medicine and protective and medical equipment. Therefore, on 23 March, the European Commission published its Communication on the implementation of the Green Lanes to ensure the availability of goods in the territory of the entire



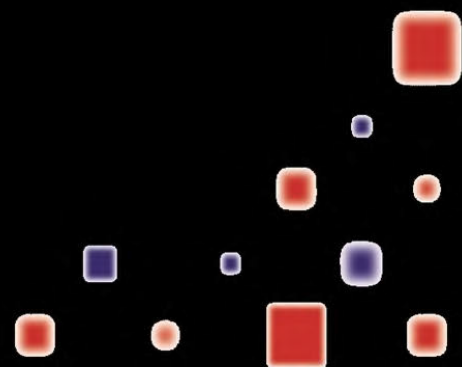
Furthermore, as put forward by the Commission in its roadmap on exiting from the COVID-19 pandemic, cooperation between neighbouring Member States will be crucial when lifting confinement measures and easing cross-border travel. Borders could be reopened gradually, starting with border regions showing similar decreases in COVID-19 cases.

2. Asylum, return and resettlement

The Commission Communication adopted on 16 March 2020, calling for a Temporary Restriction on Non-Essential Travel to the EU in view of COVID-19² provides for exemptions to these temporary restrictions to extend to persons in need of international protection or who must be admitted to the territory of the Member States for other humanitarian reasons.

The pandemic has direct consequences on the way EU asylum and return rules are being implemented by Member States and it has a disruptive effect on resettlement. In order to support Member States, the Commission adopted Guidance on 16 April illustrating how to ensure continuity of procedures as much as possible while fully ensuring the protection of people's health by taking full account of the health protection measures introduced by the Member States. The Guidance also provides practical advice and identifies tools, on how to pursue the asylum and return procedures and continue with resettlement-related activities under the current circumstances. It stresses the need for measures to be proportionate, implemented in a non-discriminatory way and to take into account the principle of non-refoulement and obligations under international law.

The Guidance covers in particular the areas of asylum related to the registration and lodging of applications, modalities for carrying out interviews and issues concerning reception conditions, as well as procedures under Regulation the Dublin Regulation³. With respect to resettlement, the Guidance covers practical modalities to continue, to the extent possible, the preparatory operations, so as to allow for a smooth resumption of resettlements as soon as this is possible. On return, the Guidance highlights practical measures that could facilitate carrying



as clarifying under which conditions it is reasonable and proportionate to detain irregular migrants.

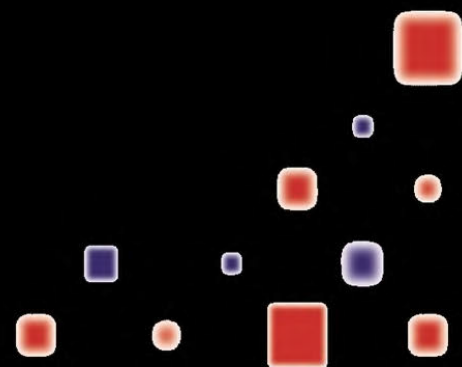
3. Prevention of COVID-19 spread

The procurement and distribution of medical and protective equipment represents a particular challenge as it depends on trends in the world market. It is also significantly hampered because demand significantly surpasses supply. In order to facilitate the procurement of such equipment for Member States, joint procurement procedures have been launched at the EU level. In addition, a strategic European medical stockpile has been established as part of the rescEU reserve under the Union Civil Protection Mechanism. In parallel, the production of medical supplies is underway, which has further emphasised the importance of using green lanes to enable their smooth distribution.

Contact tracing is a key measure in keeping the spread of the virus under control, even more so in the context of gradually easing confinement restrictions. As acknowledged by the Commission, several Member States have expressed their interest in developing and introducing app-based tracing systems. Proper safeguards are needed to ensure compliance with fundamental rights and the General Data Protection Regulation, which is further facilitated by the Guidance and Toolbox adopted by the Commission on 16 April. Coordination between Member States is also relevant in a cross-border context, in particular as such app-based tracing system may contribute to the easing or lifting of internal border controls and the eventual abolition of entry restrictions at the external borders.

3. Internal security

In the current situation of the pandemic, a significant contribution to monitoring the state of crime is provided by Europol. Its reports published so far (the last on 8 April 2020) show an increase in cybercrime, the sexual exploitation of children, the sale of illegal goods via the dark web, the spread of fake news and hybrid threats. Member States are also experiencing a significant increase of domestic



4. Conclusion

Along with addressing all previously stated challenges, all relevant actors are investing parallel efforts in preparations for a gradual return to normal functioning which must be based on scientific and epidemiological indicators and which must be conducted in a transparent way, with Member States informing each other of their intention to ease measures, especially because the epidemiological picture is not the same in all Member States.

In order to structure their discussion, Ministers are invited to refer to the following questions:

- 1. How can green lanes and transit corridors be further improved in order to ensure the proper functioning of the internal market and the free flow of goods?*
- 2. What is your assessment of the possibility of gradually easing or lifting border control measures?*
- 3. How do you consider the effectiveness of measures to continue to implement asylum, return and resettlement procedures in the current context?*
- 4. Are you considering introducing a contact tracing application and how could cross-border coordination be best ensured with a view to contributing to the gradual lifting of internal border controls and the travel restrictions at the external borders?*
- 5. Have you seen a visible shift in criminal activities towards cyber issues and the exploitation of vulnerabilities caused by the pandemic situation, as suggested by Europol? What additional support could be provided to your law enforcement authorities (by financial and other means)?*

