

Dr. Andreas Schwab

Mrs
Ursula von der Leyen
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Brussels, May 7th 2020

Dear President,
dear Ursula

the Single European Market is one of the foundations of the European Union. A well functioning Single European Market is vital. Unfortunately, in the context of the COVID-19 crisis it has come under a lot of pressure as many Member States have understandably reintroduced temporary border controls, as an immediate health safeguard measure, affecting the free movement of people.

The Schengen Borders Code (EU) 2016/399 provides Member States with the capability of temporarily reintroducing border controls exceptionally at the internal borders in the event that a serious threat to public policy or internal security has been established. Such a measure has to respect the principle of proportionality meaning that the scope and duration of a temporary reintroduction of border control at the internal borders must be limited in time and should be restricted to the bare minimum needed to respond to the threat in question.

Art. 25 and 26 of the Schengen Border Code stipulate that for foreseeable events, the duration of the measure is limited to thirty days or for the foreseeable duration of the threat if that threat exceeds thirty days. If required, the reintroduction of border control can be prolonged for renewable periods of up to thirty days. The total period shall not exceed six months. The Member State has to notify the Commission and the other Member States at least four weeks before the planned reintroduction of the border control. An exception is made if the circumstances giving rise to reintroduced border control become known less than four weeks before the planned reintroduction.

Art. 28 of the Schengen Border Code foresees that where immediate action needs to be taken in order to adequately respond to a threat, a Member State may reintroduce border control for ten days without prior notification. The Commission and the Member States must be informed of such decisions immediately. The reintroduction can be prolonged for periods of up to twenty days. The overall period shall not exceed two months.

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Several Member States have notified the Commission of border controls they introduced to respond to the COVID-19 crisis and the immediate need to contain the contagion.

With this letter we would like to call on you as President of the European Commission to ensure that these border controls, particularly at land borders, are not prolonged unnecessarily beyond the initially foreseen period of time. There are options that exist that, particularly at land borders, allow for health-checks and contagion control measures to take place without sealing off a border crossing entirely. The free movement of people is an essential element of the Single European Market, businesses, citizens and entire communities rely on clarity and confidence of EU rules. A well functioning Single European Market needs to be part of our response to the economic and health crisis. An unnecessary extension of border controls would counteract this aim.

Best regards,

A handwritten signature in blue ink, reading "Andreas Schwab". The signature is written in a cursive style with a large, stylized 'S'.

Andreas Schwab MEP

A handwritten signature in blue ink, reading "Roberta Metsola". The signature is written in a cursive style with a large, stylized 'M'.

Roberta Metsola MEP