Council of the European Union

Brussels, 27 October 2020
(OR. en)

12332/20

Interinstitutional File:
2020/0256(NLE)

JAI 869
FREMP 105
FRONT 307
MI 428
SAN 380
TRANS 494
IPCR 33
COMIX 510

'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Proposal for a Council Recommendation on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic in the Schengen area

1. On 4 September 2020, the Commission submitted its proposal [1], based on Article 21(2), Article 46, 52(2), Article 168(6) and Article 292, first and second sentence of the Treaty on the Functioning of the European Union (TFEU), to the Council.

2. On 9 October 2020, the Permanent Representatives Committee reached agreement on the text of the draft Council recommendation on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic. At the same meeting, Coreper preliminarily exchanged views on a second Council recommendation based on Art. 77 TFEU whereby the same principles and standards laid down in the agreed Council Recommendation would apply to the Schengen area.

[1] 10487/20.

3. On 13 October 2020, the Council adopted a Council recommendation on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic[2] based on Article 21(2), Article 168(6) and Article 292, first and second sentence TFEU.

4. At several meetings, the IPCR Round Table continued with the discussion of the text of a draft Council Recommendation on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic in the Schengen area. At the meeting on 26 October 2020, the text of the draft Council Recommendation received broad support by delegations.

5. At the Antici meeting on 27 October 2020, delegations confirmed their support to the text of the Council Recommendation and agreed to submit it for approval to Coreper as an "I" point. The Commission indicated that it would oppose the adoption of the text of the Council Recommendation, thus requiring unanimity in the Council. As provided for in Article 238 paragraph 4 TFEU, abstentions shall not prevent the adoption by the Council of acts which require unanimity.

In view of the above, the Permanent Representatives Committee is invited:

- *to confirm its agreement on the text of a Council Recommendation on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic in the Schengen area as set out in document 12224/20, and*

- *to decide, in accordance with the first subparagraph of Article 12(1) of the Council's Rules of Procedure and Article 1 of Council Decision 2020/430, that the Council uses the written procedure for the adoption of the text of the Council Recommendation as laid down in doc. 12224/20.*

.

---

[2] OJ L 337 14.10.20, p. 3.