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NOTE

From: Belgian delegation

To: Working Party on Frontiers/Mixed Committee
(EU-Iceland/Liechtenstein/Norway/Switzerland)

Subject: Temporary reintroduction of border controls at the Belgian internal borders in accordance with Article 28 of Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)

Delegations will find attached a copy of a letter received by the General Secretariat of the Council on 28 January 2021 regarding the temporary reintroduction of border controls by Belgium at the internal borders between 28 January and 6 February 2021.

E-MAIL



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Minister of Home Affairs, Institutional Reforms and
Democratic Renewal of Belgium

Mr Margaritis Schinas
Vice-President of the
European Commission

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Ms Ylva Johansson
Commissioner for Home Affairs
European Commission

Mr Jeppe Tranholm-Mikkelsen
Secretary-General of the Council of the
European Union

Mr David Maria Sassoli
President of the European Parliament

The Ministers of Home Affairs of the
EU and Schengen countries

Brussels, 27 January 2021,

Dear Colleagues,

We are in a decisive period in the fight against the coronavirus and in our collective effort to contain a third wave. On the one hand, we see that despite all our common efforts, the numbers of infections and hospitalizations remain very high. Strong preventive measures have allowed our country to see a sharp decrease in figures since the peak at the end of October. Since the beginning of the year these numbers have unfortunately stabilized at levels which remain simply too high. Moreover, the spread of the new, more contagious, variants causes deep concern.

On the other hand, the vaccination process has started. The challenge is to control the number of infections and to slow down the spread of the new variants, while awaiting the vaccination of a significant part of the population.

This is why the Leaders agreed during their informal video conference on 21 January 2021 that Member States should take additional measures to control the spread of COVID-19. Measures such as testing, quarantine and vaccinations, but also measures related to non-essential travel were discussed.

Following European recommendations, Belgium has had a policy since June prohibiting non-essential travel from most third countries. No formal travel restrictions were introduced within the Union. However, the figures from the past few weeks show that it is not enough to strongly discourage non-essential travel to zones with high infection rates.

Despite the fact that almost the entire EU territory and, with a few exceptions, all third countries were classified as red zones during the Christmas period, figures show that more than 170,000 people travelled abroad from Belgium at the end of December. Knowing that travelling is a driver

for the acceleration of the spread of the virus, these numbers represent a major source of concern in light of the challenges we face today.

Moreover, all countries neighboring to Belgium currently show infection rates higher than the Belgian infection rate, which presents a risk of (re-)introduction of the virus and its variants through international travel.

The ECDC, too, in its advice on the approach to the new variants, recommends that in order to slow down the importation and spread of the new SARS-CoV-2 variants of concern, non-essential travel should be avoided.

This is why, on Friday, 22 January 2021, the Belgian government, together with the federated entities, decided to restrict all non-essential travel to and from Belgium for a limited period, from 27 January until 1 March. The relevant ministerial decree was published on 26 January 2021. A detailed explanation can be found on the official website (www.info-coronavirus.be).

The existing ban on non-essential travel from third countries, in line with the Council Recommendation of 30 June 2020, remains unchanged. The additional restriction on all other non-essential travel, from 27 January until 1 March, uses broader categories of essential travel (e.g. all professional travel). We consider this difference of treatment non-discriminatory and proportionate because of the principle of freedom of movement and the Schengen acquis, in particular in the border regions, which need to be taken into account.

The measures will be enforced through targeted checks. No borders will be closed. As the above makes it clear that the conditions for applying Article 28 of Regulation (EU) 2016/399 (Schengen Borders Code) are fulfilled, I wish to inform you that some of these checks will be carried out in the form of targeted checks at our different internal borders, starting today for an initial period of 10 days, as provided for in the quoted article.

Belgium considers these temporary measures as necessary and proportionate to deal with the current health situation and to ensure a non-discriminatory application of the travel restrictions. They need to allow us to continue to keep our borders open for essential travel, the flow of goods and local cross-border traffic.

Yours sincerely,



Annelies Verlinden