



Council of the
European Union

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COMIX 111

NOTE

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

Subject: Temporary reintroduction of border controls at the Spanish 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 17 March 2020 regarding temporary reintroduction of border controls by Spain at the internal borders between 17 and 26 March 2020.

E-MAIL

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17.03.2020



MINISTERIO
DEL INTERIOR

Fernando Grande-Marlaska Gómez
MINISTRO

*Mr Margaritis Schinas
Vice-President of the
European Commission*

*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 Interior of the
EU Member States and Schengen Associated Countries*

Madrid, March 16th 2020

Dear colleagues,

The measures adopted by Spain with the aim of fighting against COVID-19, most especially Royal Decree 463/2020, of March 14th, declaring the state of alarm for the management of the health crisis situation caused by COVID-19, as well as measures adopted for the same purpose by other European Union Member States and by third countries, entail directly or indirectly serious restrictions on mobility within the territory itself, upon entry or exit.

Therefore, it is necessary to enable the possibility of restricting movements of persons who will not be able to continue travel to their programmed destination, either for being incompatible with the measures adopted within the Spanish territory, or because its continuation is not possible in or to other territories, or because of the need to give preference to more urgent movements of people or goods. The purpose is to avoid possible disturbances of public order as a consequence of the interruption of the journey of individuals or groups.

For this reason, and in a spirit of coordination with the other EU Member States and neighboring third countries, as permitted by Article 28 of the Schengen Borders Code, Resolution of the Minister of Interior of March 16th reintroducing



controls at the internal borders due to COVID-19 has been taken. These controls will be adapted to the situation and evolution of the measures adopted by Spain and by neighboring countries against COVID-19, both in its location and in the applicable restrictions, of which the public will be informed at all times.

The temporary reintroduction of controls at internal borders will apply from 00:00, March 17th, to 24:00, March 26th, and will affect:

- Internal land borders.*

Yours sincerely,



**ORDEN INT/ /2020, DE MARZO, POR LA QUE SE RESTABLECEN LOS
CONTROLES EN LAS FRONTERAS INTERIORES TERRESTRES CON MOTIVO
DE LA DE LA SITUACIÓN DE CRISIS SANITARIA OCASIONADA POR EL
COVID-19.**

Las medidas adoptadas por España con el objetivo de luchar contra el COVID-19, muy especialmente el Real Decreto 463/2020, de 14 de marzo, por el que se declara el estado de alarma para la gestión de la situación de crisis sanitaria ocasionada por el COVID-19, así como las adoptadas con el mismo fin por otros Estados miembros de la Unión Europea y por terceros países, conllevan directa o indirectamente serias restricciones de la movilidad dentro del propio territorio, a la entrada o a la salida.

Se hace necesario, por tanto, habilitar la posibilidad de restringir aquellos movimientos de personas que no vayan a poder tener continuidad hasta el punto de destino programado, bien por resultar incompatibles con las medidas adoptadas dentro del territorio español, bien por no ser posible su continuación en o hacia otros territorios, o por la necesidad de dar preferencia a movimientos más urgentes de personas o mercancías. El objetivo es evitar posibles alteraciones del orden público como consecuencia de la interrupción del viaje de personas individuales o de grupos.

Por ello, y en un espíritu de coordinación con los demás Estados miembros y con los terceros países vecinos, se resuelve restablecer temporalmente los controles en las fronteras interiores según permite el Reglamento (CE) nº 562/2006 del Parlamento Europeo y del Consejo, de 15 de marzo de 2006, por el que se establece un Código comunitario de normas para el cruce de personas por las fronteras (Código de fronteras Schengen) en su artículo 28. Estos controles se adaptarán a la situación y evolución de las medidas adoptadas por España y por los países vecinos contra el COVID-19, tanto en su localización como en las

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restricciones aplicables, de las cuales se informará a la ciudadanía en cada momento.

De acuerdo con lo expuesto, el Ministro del Interior, como autoridad competente delegada, al amparo de lo previsto en el artículo 7 de la Ley Orgánica 4/1981, de 1 de junio, de los estados de alarma, excepción y sitio, en relación con el artículo 4, apartados 2 y 3 del Real Decreto 463/2020, de 14 de marzo, dispongo:

Artículo único. Restablecimiento temporal de los controles en las fronteras interiores.

1. El restablecimiento temporal de los controles en las fronteras interiores se aplicará desde 00.00 horas del 17 de marzo de 2020, hasta las 24.00 horas del 26 de marzo de 2020 y afectará a las fronteras interiores terrestres.

2. Sólo se permitirá la entrada a territorio nacional, por vía terrestre, a las siguientes personas:

- a) Ciudadanos españoles.
- b) Residentes en España.
- b) Trabajadores transfronterizos.
- c) Aquellas que acrediten documentalmente causas de fuerza mayor o situación de necesidad.

3. Queda exceptuado de estas restricciones el personal extranjero acreditado como miembro de las misiones diplomáticas, oficinas consulares y organismos internacionales sitos en España, siempre que se trate de desplazamientos vinculados al desempeño de funciones oficiales.

4. Con el fin de asegurar la continuidad de la actividad económica y de preservar la cadena de abastecimiento, estas medidas no son aplicables al transporte de mercancías.

- 2 -

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Disposición final primera. *Notificación de la medida.*

Es medida se notificará, a través del Ministerio de Asuntos Exteriores, Unión Europea y Cooperación, a los Estados miembros de la Unión Europea, así como a la Comisión Europea, en los términos previstos en el artículo 28.2 del Reglamento (CE) nº 562/2006 del Parlamento Europeo y del Consejo, de 15 de marzo de 2006, por el que se establece un Código comunitario de normas para el cruce de personas por las fronteras (Código de fronteras Schengen).

Disposición final segunda. *Habilitación al Ministro del Interior.*

De conformidad con lo dispuesto en el artículo 4.3 del Real Decreto 463/2020, de 14 de marzo, por el que se declara el estado de alarma para la gestión de la situación de crisis sanitaria ocasionada por el COVID-19, se dictarán cuantas órdenes, resoluciones, disposiciones e instrucciones necesarias para la aplicación de esta medida.

Disposición final tercera. *Efectos.*

La presente orden surtirá plenos efectos a partir de su publicación en el «Boletín Oficial del Estado», de acuerdo con lo estipulado en el artículo 2 de la Ley Orgánica 4/1981, de 1 de junio, sin perjuicio de lo previsto en el artículo único.

El Ministro del Interior,

Fernando Grande-Marlaska-Gómez

- 3 -

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ORDER OF THE MINISTER OF THE INTERIOR OF 16 MARCH 2020, REINTRODUCING CONTROLS AT THE INTERNAL BORDERS DUE TO HEALTH CRISIS CAUSED BY COVID-19.

The measures adopted by Spain with the aim of fighting against COVID-19, most especially Royal Decree 463/2020, of 14 March, declaring the state of alarm for the management of the health crisis situation caused by COVID-19, as well as measures adopted for the same purpose by other European Union Member States and by third countries, entail directly or indirectly serious restrictions on mobility within the territory itself, upon entry or exit.

Therefore, it is necessary to enable the possibility of restricting movements of persons who will not be able to continue travel to their programmed destination, either for being incompatible with the measures adopted within the Spanish territory, or because its continuation is not possible in or to other territories, or because of the need to give preference to more urgent movements of people or goods. The purpose is to avoid possible disturbances of public order as a consequence of the interruption of the journey of individuals or groups.

For this reason, and in a spirit of coordination with the other EU Member States and neighbouring third countries, the resolution is taken to temporarily reintroduce border controls at the internal borders in application of article 28 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code). These controls will be adapted to the situation and evolution of the measures against COVID-19 adopted by Spain and by neighbouring countries, both in its location and in the applicable restrictions, of which the public will be informed at all times.

By virtue of this, acting as delegated competent authority, in accordance with article 7 of Organic Law 4/1981, of 1 June, on the states of alarm, emergency and siege, in relation with article 4, paragraph 2 and 3 of Royal Decree 463/2020, of 14 March, the Minister of the Interior hereby order as follows:

Sole article. Temporary reintroduction of controls at the internal borders.

1. The temporary reintroduction of controls at the internal borders will apply from 00:00, 17 March 2020, to 24:00, 26 March 2020 and shall affect the internal land borders.
2. The entry into national territory through the land borders shall only be allowed to the following individuals:
 - a) Spanish nationals;
 - b) Residents in Spain;
 - c) Cross-border workers;
 - d) In case of force majeure, duly accredited with documentary evidence.

3. Foreign personal accredited as a member of diplomatic missions, consular offices and international organizations located in Spain, are exempted from these measures in their displacements, provided these are displacements linked to the performance of official duties.

4. With the aim to ensure continuity of the economic activity and to preserve the supply chain, these measures shall not apply to the carriage of goods.

First Final Provision. Notification.

This ministerial order will be notified, via the Ministry of Foreign Affairs, European Union and Cooperation, to the Member States of the European Union and to the European Commission, in the terms set forth in article 28.2 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

Second Provision Two. Legislative development.

In accordance with article 4.3 of Royal Decree 463/2020, of 14 March, declaring the state of alarm declaring the state of alarm for the management of the health crisis situation caused by COVID-19, the Ministry of the Interior may issue the orders, resolutions, provisions and instructions that are deemed necessary for the implementation of the provisions of this ministerial order.

Third Final Provision Three. Entry into force.

Without prejudice to the provisions of its single article, this ministerial order shall enter into force at the time of its publication in the “Official State Gazette”, in accordance with article 2 of Organic Law 4/1981, of 1 June.

The Ministry of the Interior,
Fernando Grande-Marlaska Gómez
