



GMS Flash Alert

Immigration Edition

2020-510 | December 23, 2020

European Union & United Kingdom – COVID-19: Travel Limitations

As a new variant of the coronavirus has appeared, and with transmission spreading in the United Kingdom, many countries in Europe are introducing travel restrictions on travellers arriving from the United Kingdom.

The European Commission has discussed a framework for a coordinated approach and on 22 December adopted a “Recommendation on a coordinated approach to travel and transport measures.”¹ The Commission is recommending that all non-essential travel to and from the U.K. be discouraged until further notice, but that since the principle of free movement of persons still applies to the U.K. (until the end of the Brexit transition period), EU member states should not in principle refuse the entry of persons travelling from the United Kingdom. Moreover, the Commission is advising that certain U.K. nationals and third-country nationals coming from the U.K. into the EU should be “exempted from further temporary restrictions provided that they undergo a test or quarantine.”

It remains to be seen to what extent, member states follow the recommendations of the Commission.

Up to now, what is in place remains at the discretion of member states. Below we highlight some of the measures several EU countries (Ireland, Spain, Italy, the Netherlands, and Belgium) have put in place.

WHY THIS MATTERS

These new travel restrictions will have considerable impact on travellers and globally mobile employees between the United Kingdom and the countries imposing the restrictions. Employees and their families may experience some anxiety and inconvenience.

Travel is now restricted and it is expected that new measures will be put in place in the coming days. The rules are changing quickly and travellers, including employees travelling for business, should consult with their travel agents and their global mobility managers.

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Remote working continues to be the best practice for globally mobile employees – apart from essential workers – and employers should facilitate this to support employee safety and business continuity.

Netherlands

Pending further details and greater clarity on the situation in the United Kingdom, the Dutch public health department (RIVM) advised that the risk of the new virus strain being introduced to the Netherlands should be minimised as much as possible by restricting or regulating travel from the United Kingdom. Thus, with effect from Sunday, 20 December, a ban on flights carrying passengers from the United Kingdom entered into force and will remain in place until 1 January 2021 at the latest.

The government is closely monitoring developments abroad with regard to COVID-19 and considers taking extra measures regarding other modes of transport. Over the next few days, together with other EU member states, it will explore the scope for further limiting the risk of the new strain of the virus being brought over from the United Kingdom.

There is some expectation that travel from the U.K. may resume shortly, dependent upon travellers presenting a negative PCR test result prior to boarding their flights. Such a test is already required for travel from most non-EU countries.

However before the measure can be implemented, the Ministry of Foreign Affairs needs to agree about the implementation with airlines and ferry companies as these will need to execute the measure and check this new requirement. Besides the negative PCR test, travellers from the U.K. will be subject to mandatory quarantine.

Sources:

See: <https://www.government.nl/latest/news/2020/12/20/restrictions-on-travel-from-the-united-kingdom> .

Also, see the report “Reizen uit VK en Zuid-Afrika kan snel weer bij negatieve test,” in *De Telegraaf* (online), 22 December 2020, at: <https://www.telegraaf.nl/nieuws/1044480998/reizen-uit-vk-en-zuid-afrika-kan-snel-weer-bij-negatieve-test> . (Note that this is a 3rd party (non-governmental, non-KPMG) website. Providing this link does not represent an endorsement of this website by KPMG.)

Belgium

All travel by individuals from the U.K. to Belgium by any means of transport, even if the individual is only staying in transit, has been suspended as of 21 December until 31 December 2020. As from 22 December the travel suspension from the U.K. to Belgium has been extended for 24 hours, with the exception of freight transport. Belgian nationals and individuals having their permanent home in Belgium are allowed to return to Belgium as of 23 December 2020, and transit passengers are allowed to travel through Belgium as well.

All persons traveling to Belgium and who are staying at least 48 hours must fill out a Passenger Locator Form (PLF) online (<https://travel.info-coronavirus.be/public-health-passenger-locator-form>) in the 48 hours before their arrival in Belgium. They will receive a confirmation e-mail with a QR code which can be used as proof of completion of the online form.

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After analysis of the PLF form:

- Option 1 (most likely as the U.K. is a 'red zone'): The individual receives a text message with instructions regarding quarantine/COVID-19 testing.
 - o Self-quarantine for seven days.
 - o Get a COVID-19 test seven days after arriving in Belgium.
 - o If the result is negative, the quarantine ends. If the result is positive, seven more days of isolation are required.
- Option 2: The individual does not receive a text message. No quarantine/COVID-19 testing required.

As of 1 January 2021, a negative PCR test not 'older' than 48 hours and a quarantine period will be required.

For individuals not having their permanent home in Belgium, the travel suspension remains in place until 31 December 2020, with limited exceptions for essential professional travel supported by an employer certificate.

Sources:

See (in Dutch): https://diplomatie.belgium.be/nl/Diensten/Op_reis_in_het_buitenland/reisadviezen/verenigdkoninkrijk .

Spain

From 22 December, Spain and Portugal are suspending flights from the U.K., except for nationals and legal residents.

Border control in Gibraltar will be also strengthened.

Two Orders were agreed by the Spanish government: the first Order (Orden INT/1236/2020, 22 December) establishes the applicable criteria for the temporary restriction of access by land to the Schengen Area through the border-control post of persons with the territory of Gibraltar – entry through the border-control post of persons within the territory of Gibraltar will be denied to all people (this includes nationals of a third country or beneficiaries of the right to free movement within the European Union), unless they belong to one of the following categories:

- a) Spanish citizens;
- b) Foreign citizens with legal residence in Spain;
- c) Cross-border workers;
- d) Persons with legal residence in the territory of Gibraltar, whatever their nationality.

* The above exceptions are understood without prejudice to the observance of the remaining legal requirements in each case, and compliance with the public health measures established, where appropriate, by the competent health authorities.

The second Order (Orden PCM/1237/2020, 22 December) establishes the limitation in relation to flights or vessels from the United Kingdom: Flights from any airport located in the United Kingdom to any airport located in the Kingdom of

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Spain, with or without intermediate stop-overs, may only be carried out in the case of aircrafts that carry exclusively Spanish or Andorran nationals, or residents in Spain or Andorra.

The limitations apply from 6:00 p.m. (peninsular time) on 22 December 2020 and until 6:00 p.m. (peninsular time) on 5 January 2021.

Given the timing of the publication of these orders and the Commission's recommendation, it is possible that there could be modifications or clarifications in the following days.

Lastly, according to the U.K. authorities, information for travelling from the U.K. to Spain, in addition to their valid passport, residents of Spain are expected to carry their residence documents (the green paper EU residence certificate or the new TIE), when they travel – and if the Spanish resident has applied but not yet received the document, he or she should carry proof that the registration process has been started.

Sources:

Spanish Official gazette (*Boletín Oficial del Estado*): <https://www.boe.es/boe/dias/2020/12/22/> .

Commission press note regarding the Recommendation:
https://ec.europa.eu/commission/presscorner/detail/es/jp_20_2520 .

Spanish Consulate in the U.K.: <https://twitter.com/SpainMFA/status/1341027547446951936?s=19> .

Spanish Government (La Moncloa): <https://twitter.com/desdelamoncloa/status/1341026168049455108?s=20> .

From the U.K. Authorities, see: <https://www.gov.uk/foreign-travel-advice/spain> .

Also, you may refer to: “España suspende vuelos desde el Reino Unido salvo para españoles o residentes,” in *El País* (online) 21 December 2020, at: <https://elpais.com/sociedad/2020-12-21/espana-suspende-vuelos-desde-el-reino-unido-salvo-para-espanoles-o-residentes.html> . (Note that this is a 3rd party (non-governmental, non-KPMG) website. Providing this link does not represent an endorsement of this website by KPMG.)

Italy

Flights between Italy and the U.K. are suspended from 20 December. Entry to and transit within Italy are prohibited to those who in the past 14 days have stayed in or transited through the United Kingdom.

Those who are currently in Italy and who in the 14 days before 20 December have stayed in or transited through the U.K. are obliged to communicate immediately with the local health-care authority and take a swab test or molecular test.

Sources:

Ordinanza Del Ministero Della Salute n. 315 del 20 dicembre 2020. For the text (in Italian), see:
<https://www.gazzettaufficiale.it/eli/id/2020/12/20/20A07122/sq> .

Ireland

In response to the identification of a new strain of COVID-19 in Great Britain, the Irish government has announced a ban on all flights arriving into Ireland from Great Britain with effect from midnight, Sunday, 20 December 2020. The ban will remain in place until 31 December 2020, at which point it will be subject to further review.

People in Great Britain, regardless of nationality, should not travel to Ireland by air or by sea. This Irish government direction does not extend to essential supply chain workers in the maritime and road haulage sectors. It is important to note that arrangements are being put in place to facilitate the repatriation of Irish residents currently on short trips to Great Britain who had planned to return to Ireland in the coming days, as well as international travellers to Ireland who are transiting through Great Britain.

Sources:

For further information, please see <https://www.dfa.ie/travel/travel-advice/a-z-list-of-countries/great-britain/>.

Also, see: <https://www.dfa.ie/news-and-media/press-releases/press-release-archive/2020/december/minister-coveney--minister-ryan-announce-covid-consular-flights-and-ferry-access-for-irish-resident.php> and <https://www.gov.ie/en/press-release/4a0ca-48-hours-ban-on-flights-to-ireland-from-great-britain/#>.

For advice on this changing situation, please contact the Corporate Immigration and Employment Law Team with KPMG in Ireland.

KPMG NOTE

Individual countries can decide whether or not to implement travel restrictions in respect of the U.K.; and as we see, some have instituted measures of a medium-term nature, others have introduced measures lasting 24 or 48 hours.

Consequently, travellers should always check up-front if a travel restriction has been lifted for their country of origin before deciding to travel to or from the United Kingdom.

FOOTNOTE:

1 See European Commission, "Commission adopts Recommendation on EU coordinated approach to travel and transport in response to new variant of coronavirus in the UK" at: https://ec.europa.eu/commission/presscorner/detail/es/ip_20_2520.

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