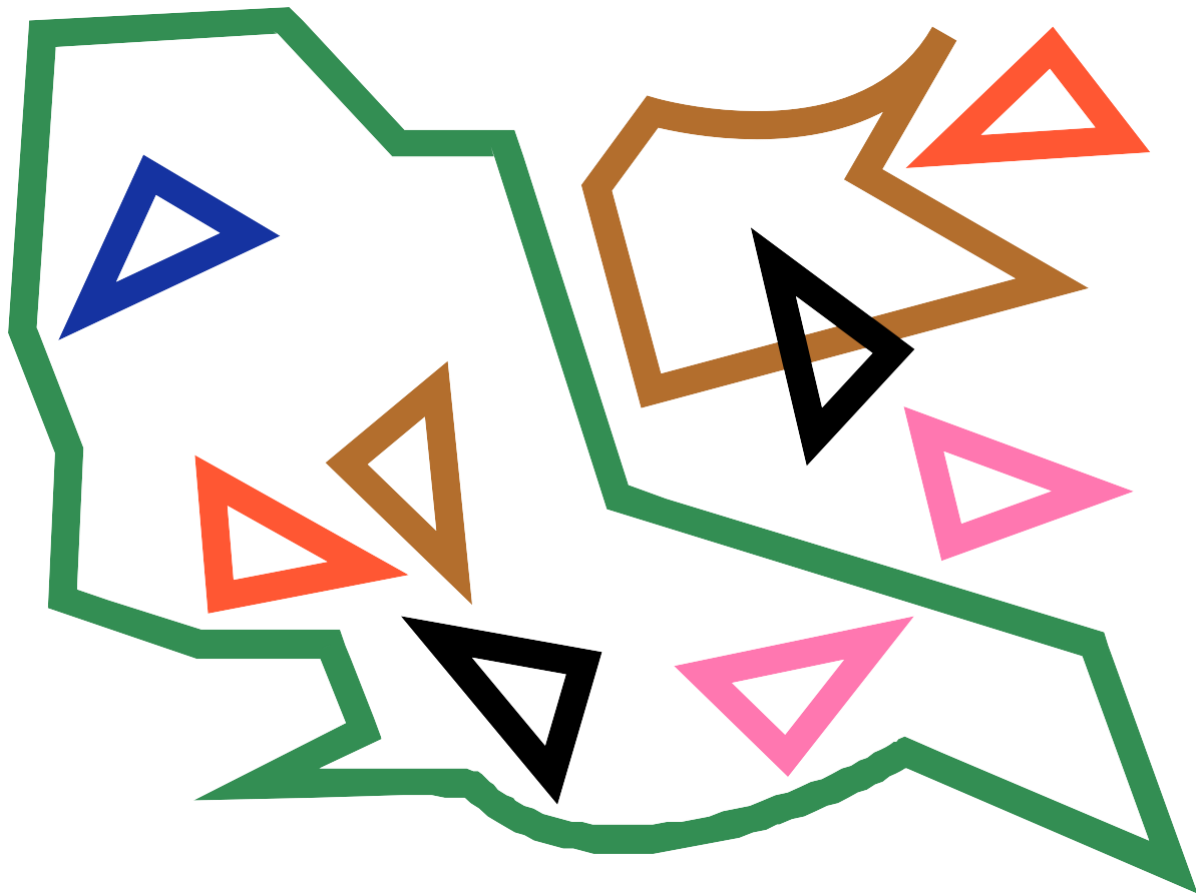




## Policy Brief # 1

# The effects of COVID-19 border closures on commuters, families, and students

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## Abbreviations

|          |                                                   |
|----------|---------------------------------------------------|
| B-SHAPES | Borders shaping perceptions of European societies |
| SDU      | University of Southern Denmark                    |
| WP       | Work Package                                      |
| HH       | Halmstad University                               |
| EGTC     | European Grouping of Territorial Cooperation      |
| COVID-19 | Coronavirus/SARS-CoV-2 pandemic                   |



## Executive Summary

Borders Shaping Perceptions of European Societies (B-SHAPES) is a Horizon Europe Research and Innovation Action project analyzing and assessing how borders still are a key factor in how we understand societies. Eight European universities, one research institute, a national museum, a foundation, a political association, a consultancy, and an art collective have come together for three years<sup>1</sup>. The special border region focus promises new insights on how borders shape perceptions of societies, but also how the story of borders can be narrated differently than from a purely national perspective.

This policy briefing paper is the first in a series which B-SHAPES will produce in order to summarise and disseminate key findings from the research in a way which can support an evidence-informed approach to policy debates and offer considerations for policy makers and those interested in the role of borders in a wider context of EU Cohesion policy and practice.

This first briefing is based on a review of content from 18 newspapers from a range of border regions in which B-Shapes is undertaking case study work, relating to how Schengen border closures during the pandemic affected people living and/or working in border regions, where mobility and connectivity are features of cross-border functional economic areas. It references issues such as delays at borders, variations in public health restrictions during the pandemic, entry restrictions affecting specific groups within the population, and the challenge of navigating the regulatory and operational implications of unilateral or single-jurisdiction decision making, in cross-border regions.

The briefing features four suggested recommendations for embedding the lessons from the pandemic, as it affected those areas and groups falling within the scope of the research. While the media review focused on citizens' experiences, and impact on lives, from a reading of the analysis, it can also be noted that these issues are the day-to-day indicators of the existence of cross-border functional economic areas, cross-border labour markets, and regions which often have a high level of civil society cohesion across borders. Borders are not only geospatial demarcations between jurisdictions – they exist in the context of border regions and

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<sup>1</sup> B-SHAPES is coordinated by the Centre for Border Region Studies at the University of Southern Denmark (SDU). Other partners in the consortium are: Brunel University London, Halmstad University, University of Oulu, University of Wrocław, University of Strasbourg, ELTE University in Budapest, Technical University of Liberec in the Czech Republic, EURAC Research, the Bulgarian National History Museum, the Lungomare artists' collective in South Tyrol (Italy), the European Network of Remembrance and Solidarity, the Association of European Border Regions (AEBR/AGEG/ARFE), and the Kreatus consultancy.

populations. While in single national terms a border region may be regarded as peripheral and less significant in terms of population numbers, about 30% of the EU population lives in a border region,<sup>2</sup> which makes such considerations important for a significant proportion of the EU. As such, the disruption to daily lives implies disruption of these fundamental economic and civil ecosystems, and this has implications for how well the whole territory of the EU can function in an emergency scenario such as that experienced during the COVID-19 pandemic.<sup>3</sup> The lessons from the pandemic are therefore useful for planning for and responding to future challenges.

The recommendations relate to – first, ensuring a common definition of proportionality as it relates to implementation of the Schengen Borders Code; secondly, bilateral co-ordination between Member States; thirdly, involvement of border-region stakeholders and their representative bodies (e.g. EGTCs, Euroregions); and finally, ensuring effective cross-border emergency planning and clear information and paperwork for citizens of border regions relating to their cross-border mobility, which would apply in future scenarios where borders may need to be closed.



## Context

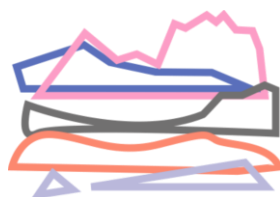
The Schengen Borders Code allows member states to reintroduce border controls temporarily if they face a serious threat to public policy or internal security. Such border controls must only be imposed in exceptional circumstances and must abide by the principle of proportionality (i.e. must be suitable and necessary to achieve the desired end and must not impose an excessive burden in relation to the objective<sup>4</sup>).

<sup>2</sup> European Commission, 2017, 'Communication from the Commission to the Council and the European Parliament: Boosting Growth and Cohesion in EU Border Regions', COM(2017) 534 final, [eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017DC0534&from=HU](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017DC0534&from=HU) (accessed 5 June 2014).

<sup>3</sup> AEBR/DG SANTE, (Mullan/Guillermo-Ramirez/Wilson), 2022, 'Cross Border Patient Mobility in Selected EU Regions (2022)', carried out during the pandemic, identified a number of examples in different border regions (including Maas-Rhein which also features in this policy briefing) where border closures not only restricted citizen movement but adversely affected the ability of healthcare staff to get to their place of work. Safe staffing levels in healthcare facilities is a prerequisite for safe care and was a crucial issue during the pandemic. [crossborder\\_patient-mobility\\_frep\\_en.pdf\(europa.eu\)](https://crossborder-patient-mobility-frep-en.pdf(europa.eu))

<sup>4</sup> EUR-Lex, n.d., 'Principle of proportionality', <https://eur-lex.europa.eu/EN/legal-content/glossary/principle-of-proportionality.html> (accessed 17 April 2024)

All Schengen countries closed their internal borders or introduced border checks at one point in 2020-2021 with the objective of preventing the spread of Coronavirus.<sup>5</sup> The European Commission issued guidelines concerning the exercise of the free movement of workers during the COVID-19 outbreak.<sup>6</sup> However, different national responses to the pandemic caused many problems for residents of EU border regions who had built their lives on a reality of open borders: students, families, and commuters. This report examines some of these problems.



### Evidence, Analysis and Results

The evidence consists of articles from 18 regional or regionally-oriented newspapers from the Franco-German, Danish-Swedish, Polish-German-Czech, and Hungarian-Slovak border regions. Such articles are a useful form of evidence of how broader rules affected people on the ground, especially during the pandemic, when interviews or fieldwork travel were impossible.

Border closures had many effects for borderlanders, including pupils, students and families, as captured in headlines such as ‘When love collides with borders’<sup>7</sup>. The plight of cross-border commuters was discussed frequently in newspapers in all four of our case study regions. Four main issues severely impacted the life of these people, who had relied on borders being open when making crucial life decisions:

- Longer travel times: there were reports of long queues at many borders, such as the Franco-German and the Polish-Czech-German borders. There were fewer open border crossings and protracted checks at many of the borders in question. At the Hungarian-Slovak border, for example, at one point Hungary unilaterally closed the crossing point in border cities such as Komárom and Hont, which meant that Slovak citizens working or studying on the other side had to travel an additional 100km to get to their place of work.<sup>8</sup>
- Quarantine rules: Polish and Czech commuters could travel to their place of work in Germany but had to enter quarantine upon their return. Realising how fundamental commuters are to many regional enterprises led the German states of Brandenburg

<sup>5</sup> Shiraef, Mary A. et al., 2020, ‘The COVID Border Accountability Project (COBAP): Mapping Travel and Immigration Policy Responses to COVID-19’, <https://doi.org/10.7910/DVN/U6DJAC>, Harvard Dataverse, V40, UNF:6:cFOK4RF/bQMb45CQ4Hr1oA== [fileUNF] (accessed 16 April 2024)

<sup>6</sup> Commission, 2020, ‘Communication from the Commission Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak’ 2020/C 102 I/03

<sup>7</sup> Ott, Jean-François, ‘Hésingue: quand l’amour se cogne aux frontières’, *Dernières nouvelles d’Alsace*, 28 May 2020

<sup>8</sup> Pásztor P., ‘Határázási helyzetkép a honti régióban’, *Felvidék.ma*, 1 September 2020

and Saxony to offer these commuters some financial aid to stay in Germany, but this in turn impacted families.

- Entry restrictions: in addition to border checks, some limitations were placed on who could enter at all, e.g. in Czechia and Denmark. At the Swedish-Danish border, this resulted in families being separated, including children of parents living on the other side: ‘My son and I live 35 kilometers from each other. It is a 35-minute journey. There are no reasonable reasons why we cannot meet.’<sup>9</sup> At the Polish-Czech border, there were reports of soldiers preventing prohibited border crossings by firing warning shots.<sup>10</sup>
- Companies implementing health policy: in many border regions, one-sided (or unilateral/single-jurisdictional) decisions took the other side by surprise and caused confusion. An example of best practice from Euregio Maas-Rhein, where a trinational task force was created to solve local problems, and coordination occurred between police forces and healthcare providers, was contrasted with the Polish-German border region, where representatives from different levels of government could not find suitable contact persons.<sup>11</sup> One-sided (unilateral, single-jurisdictional) decision-making and lack of coordination sometimes placed a heavy burden on companies, which effectively became implementers of policy, with variable success. In the Franco-German border region, there were reports that French “border workers are singled out in certain companies. There they are not allowed to eat with their work colleagues” [...] “Elsewhere, one company wanted to introduce night work just for them, so that they wouldn't run into their German colleagues”.<sup>12</sup> In the Polish-German-Czech border region, Saxony mandated compulsory regular Covid testing for commuters and pupils but expected employers to pay for this, at a time when tests were scarce.<sup>13</sup>

<sup>9</sup> Magnusson, E., ‘A violation against the Convention on the Rights of the Child’ [Ett brott mot barnkonventionen] *Sydsvenskan*, January 12, 2021

<sup>10</sup> Köhler, C., ‘Bleiben Grenzen länger dicht?’, *Lausitzer Rundschau*, 30 April 2020

<sup>11</sup> Schröder, Dietrich, ‘Geht mehr als nur Grenze zu?’ *Lausitzer Rundschau*, 4 June 2021

<sup>12</sup> Jankowski, Jean-Marc, ‘Les travailleurs frontaliers au bord de la crise de nerfs’, *Dernières nouvelles d'Alsace*, 22 April 2020

<sup>13</sup> Weisskircher, Manès et al., ‘Die letzten Vielflieger Europas’, *Sächsische Zeitung*, 2 May 2020



## Policy Recommendations

The following are suggested policy recommendations arising from the review:

- **Proportionality:** as part of ongoing amendments of the Schengen Borders Code,<sup>14</sup> it is suggested that a common definition of the principle of proportionality should be established to prevent overreactions from border enforcement agencies and an excessive burden on cross-border students, families, and commuters.
- **Bilateral coordination:** by definition, reimpositions of border controls involve national rules on border closures and checks, but borders are subject to at least two national policy regimes. There should thus be a requirement to coordinate such impositions with the neighbouring state's government on an interjurisdictional basis, which takes into account the particular implications for border regions, their population, and other actors within the civil and economic fabric of the region. Relevant contact persons at all levels of government should be named.
- **Local consultation:** to minimise the impact on cross-border students, families, and commuters, border regional stakeholders with local knowledge, such as EGTCs or Euroregions, should be consulted in designing and implementing rules governing border closures and checks. Clear rules on who is responsible for implementing policy should be established, with clear guidelines if private companies are to be involved in implementation.
- **Preparation:** to prepare for possible future border closures, each member state should be required to publish acceptable forms of paperwork that allows cross-border students, families, and commuters to prove their cross-border connections, making exemptions easier to implement. As also recommended elsewhere,<sup>15</sup> joint cross-border emergency plans should be prepared for all border regions.

<sup>14</sup> Council of the EU, 'Schengen: Council and European Parliament agree to update EU's borders code, press release, 6 February 2024, <https://www.consilium.europa.eu/en/press/press-releases/2024/02/06/schengen-council-and-european-parliament-agree-to-update-eu-s-borders-code/> (accessed 17 April 2024)

<sup>15</sup> Mission Opérationnelle Transfrontalière (MOT) and European Union, 'The effects of COVID-19 induced border closures on cross-border regions', Luxembourg: Publications Office of the European Union, 2021

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LinkedIn: <https://www.linkedin.com/groups/13019005/>,

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