

ECA: Internal Border Control during Pandemic Largely Unjustified

Thomas Wahl



News

In its [Special Report 13/2022](#) (published on 13 June 2022), the European Court of Auditors (ECA) assessed whether the Commission had taken effective action to protect the right of free movement of persons during the COVID-19 pandemic. It came to the overall conclusion that the Commission has not scrutinised enough the challenges that the COVID-19 pandemic posed to the right of free movement of people. The main reason for this are limitations of the legal framework, which hampered the Commission to exercise its supervisory role.

However, the Commission did also not exercise proper scrutiny to ensure that internal border controls complied with the Schengen legislation. The auditors reviewed all 150 Member State notifications of internal border controls that were submitted to the European Commission between March 2020 and June 2021, of which 135 related exclusively to COVID-19. None provided sufficient evidence that the controls were a measure of last resort, proportionate and of limited duration.

The report acknowledged that the Commission launched important initiatives to coordinate measures affecting freedom of movement, but Member States' responses had been uncoordinated and often inconsistent with guidance by the EU institutions.

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