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Judgment of the Court in Case C-128/22 | NORDIC INFO

COVID-19: the Court validates certain travel bans and testing and quarantine obligations during the health crisis

In a pandemic situation, a Member State may prohibit non-essential travel to other Member States classified as high-risk zones on the basis of the health situation prevailing in those States. It may also impose on persons entering its territory the obligation to carry out screening tests and to observe quarantine. However, such rules must set out the reasons on which they are based, be clear, precise, non-discriminatory and proportionate. They must also be open to challenge.

In March 2020, the World Health Organisation (WHO) classified the COVID-19 epidemic as a 'pandemic'. Belgium then prohibited non-essential journeys to or from countries classified as 'red zones' because of the health situation prevailing in those countries. In addition, any traveller from such countries had to undergo a screening test and observe quarantine. In July 2020, Sweden was briefly classified as a 'red zone' by the Belgian authorities.

Following that classification, NORDIC INFO, an agency specialising in travel in Scandinavia, cancelled all scheduled trips between Belgium and Sweden. It then sought compensation for the damage thus caused. A Belgian court asked the Court of Justice whether EU law precluded the Belgian legislation.

The Court specifies that a Member State may, in order to combat a pandemic such as Covid-19, prohibit non-essential travel to or from other Member States classified as 'red zones'. It may also impose on persons entering its territory the obligation to undergo screening tests and to observe quarantine.

Those measures, which restrict freedom of movement within the European Union, may be laid down by legislation of general application. **Such legislation must, however, state the reasons on which it is based and contain clear and precise rules, the application of which must be foreseeable by citizens.** It must also be non-discriminatory and be open to challenge in the context of judicial or administrative redress procedures.

Furthermore, such restrictions on free movement must comply with the principle of proportionality. They must therefore be appropriate for attaining the public health objective pursued, be limited to what is strictly necessary and not be disproportionate to that objective, which implies in particular a balancing of the importance of the objective and the seriousness of the interference with the rights and freedoms of the persons concerned.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text and, as the case may be, an abstract](#) of the judgment are published on the CURIA website on the day of delivery.

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