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From:	the Presidency
To:	Delegations
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Subject:	Summary of replies to the questionnaire regarding the temporary reintroduction of controls at internal borders

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**1. Introduction**

In order to prepare the Council debate on 3-4 December 2015, the Presidency invited delegations to reply to a series of questions in relation to the re-introduction of temporary controls at internal borders.

Twenty-seven Member States and Schengen Associated Countries replied to the questions (AT, BE, BG, CY CZ, CH, DE, DK, EE, EL, ES, FI, HR, HU, IT, LT, LU, LV, MT, NL NO, PL, PT, RO, SE, SI, SK) <sup>1</sup>; their replies are summarised below.

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<sup>1</sup> Frontex informed that despite its interest in contributing to the questionnaire, it was impossible for them to do so in light of the current heavy workload.

## 2. Summary of replies to the questionnaire

### **Q1. Member States which temporarily reintroduced internal border control for reasons related to migratory pressures:**

Since last summer, five of the responding Member States (DE, AT, SI, SE, NO) temporarily reintroduced internal border control for the above reasons:

**AT** temporarily reintroduced controls at internal borders on 16 September 2015, in accordance with Article 25 of the Schengen Borders Code (SBC), the reintroduction of border control was ordered, provisionally for 10 days. This period was extended twice by 20 days and subsequently by an additional 11 days, thus exhausting the period of two months provided for in Article 25 SBC. On 16 November 2015, in accordance with Article 23 SBC, the reintroduction of border control was ordered, provisionally for three months until 15 February 2016, and, as previously, the European Commission, the European Parliament (EP), the General Secretariat of the Council and all other Member States and associated countries were notified thereof in a timely manner.

**DE** recalled that on 13 September 2015 took measures to temporarily reintroduce border controls on Germany's internal borders, with a particular focus on the land border between Germany and Austria. These temporary internal border controls have in the meantime been prolonged and continue to apply.

**SE** temporarily reintroduced controls at internal borders on 12 November 2015 and prolonged them until 11 December 2015 (on the basis of Articles 23 and 25 SBC).

**SI** temporarily reintroduced controls at the land borders with Hungary on 17 September 2015 and lifted them on 16 October 2015.

**NO** temporarily reintroduced controls at internal borders as of 26 November at 08.00 until 6 December 2015 at 08.00.

**HU** has adopted a decision on the temporary reintroduction of border control at the Hungarian-Slovenian border, the decision entered into force on 17 October 2015 for a 10-day period.

**Q2. Authorities contacting, prior to the notification, other Member States on their intention to temporarily reintroduce border control and agreements on specific procedures for persons refused entry:**

In **AT**, regional police authorities concerned contacted the security authorities of the neighbouring countries affected (Hungary, Slovenia and Germany) with a view to allowing the implementation of border controls and managing the large-scale irregular migration flows in an orderly manner. The results were not satisfactory in all cases and, in particular, at the border with Hungary near Nickelsdorf there were unannounced ‘transfers’ of thousands of migrants.

In the course of the temporary border controls, which were specific to and dependent on the situation, only a relatively small number of persons have to date been refused entry. There have so far been no problems with the acceptance of these persons by the neighbouring countries.

The **SE** Police Authority did not engage in any contacts prior to reintroduction. It has the legal right to issue expulsion orders to persons not applying for asylum and not having another basis for rightful stay. It receives information on the number of incoming migrants from DE and DK, to whom it also sends information on returns.

**NO** pointed out that the question of temporarily introducing internal border control has been a topic, among others, at nordic meetings. There was no consultation immediately before the decision to reintroduce border control was taken. As a main rule, a person arriving to Norway or apprehended in Norway without legal stay, will be refused entry or rejected. A return decision will be issued, and the person will be returned to his state of origin or another country where he has legal stay. This is in accordance with "normal procedures".

However, due to the recent challenges caused by the migration flows, the government has recently amended the immigration legislation, in order to provide for a more speedy return to a "safe" third country.

**SI**, in most of the cases, was informed about the intention to temporary reintroduce border control by other Member States (Germany, Austria) some time in advance (a day or two) of the official notification, mostly through informal contacts/channels. Such prior information is in the opinion of SI useful especially in order to prepare the adequate response.

In the case of SI this has proven to be welcomed particularly in the case of the Austrian reintroduction as it had direct impact on our borders. SI pointed out that there was no specific procedure agreed concerning persons to whom the entry was refused, the provisions of the Schengen acquis were followed

**DE:** As a general principle, coordination with other Member States in advance of the reintroduction of border controls on internal borders takes place, time constraints permitting.

Coordination is carried out also in view of existing bilateral agreements and the so-called Prüm rules concerning cross-border police cooperation with neighbouring states. Coordination measures of this nature can also be the subject of consultations with other Member States as provided for in Article 24(1) of the Schengen Borders Code. The procedure followed in the event of refusal of entry - pursuant to the European and national legal provisions - is in accordance with bilateral agreements with neighbouring countries and/or in accordance with the applicable ICAO provisions where air routes are concerned.

**HU:** Due to the urgent need for the reintroduction of border control at the Hungarian-Slovenian border the Slovenian Government was informed at the same time as the Commission i.e. on the day when the decision entered into force.

**Q3. Procedure for notifying the reintroduction of internal border control - application of the procedures agreed in Coreper<sup>2</sup>:**

**AT:** The original first notification of the reintroduction of border controls in accordance with Article 25 SBC was in the form of a letter from the Minister to the Commissioner for Migration, Home Affairs and Citizenship, the First Vice-President of the Commission, the Secretary-General of the Council and to all the other Member States and associated countries. The last extension in accordance with Article 25 SBC and the reintroduction of border controls in accordance with Article 23 SBC were notified in good time to the EP and to the border management points of contact of all the Member States and associated countries, in addition to the addressees mentioned above.

**SE** followed the procedures agreed in Coreper.

**NO**: The formal notification was sent from the Ministry of Justice through the Norwegian mission to the EU in line with the rules in the border code. Before that, the most affected states were informed. The Minister of Justice and Public Security notified his colleagues in Sweden, Denmark and Germany immediately after the decision was taken on 25 November 2015, and then the National Police Directorate notified the police in Sweden, Denmark and Germany accordingly.

Also the ambassadors in Brussels from these states were informed. The initial information was limited to these three countries, because the decision to reintroduce border control at internal borders will initially focus on ports with internal ferry connections between Norway and these three countries.

In addition, a notification was forwarded immediately via the Contact Points for Border Management Issues, in accordance with the procedures agreed upon in Coreper (Council document 5685/15).

**SI** informed that the first notification (letter by the Minister) was sent to the EU Member States and Schengen Associated Countries as well as to the Council of the EU and to the Commission via the Permanent Representation of Slovenia to the EU (cover letter signed by the Ambassador – Permanent Representative). As the temporary border control was reintroduced at the land border with Hungary a separate diplomatic note on the reintroduction was sent by the Ministry for Foreign Affairs to the Embassy of the Republic of Hungary in Slovenia.

The notification about the prolongation of reintroduction was sent by the Permanent Representation (cover letter signed by the Ambassador – Permanent Representative) to the Commission and to the General Secretariat of the Council. The EU Member States and Schengen Associated Countries were informed about the prolongation via the official channels of the Ministry for Foreign Affairs.

The procedure agreed by the Coreper was partially followed in this case.

**DE**: The procedure for temporary reintroduction of internal border controls is determined by the provisions of Article 23 et seqq. of the Schengen Borders Code. With regard to notification and/or consultation, the reasons and circumstances of each individual case, especially, are taken into account. In particular, account is taken of whether and to what extent the situation is urgent, and whether and to what degree immediate action by another Member State (e.g. in the event of terrorism/mass violent attacks) should be requested or is necessary.

Independently of this, operational coordination with adjacent States takes place at police level. Reference is made additionally to the letter of notification/consultation sent to the Council.

**HU:** Due to the urgency of the temporary reintroduction of border control at the Hungarian-Slovenian border Hungary informed the Ministers of the EU Member States and Schengen associated states and the European Commission on the reintroduction of the border control at the Hungarian-Slovenian border on the date of the reintroduction via the Permanent Representations/Missions to the EU.

#### **Q4. Information supplied to justify the reintroduction:**

**AT:** In the letter to the First Vice-President of the European Commission, the reasons for the measure were set out. Reference was made in particular to the massive influx of third-country nationals, which entailed a risk to public order and internal security and led to a continuous overburdening of the police, emergency services and public infrastructure, and it was therefore necessary to allow the Austrian Federal Police bodies to perform their duties thoroughly at the internal borders. Irrespective of this, these measures were unavoidable on account of Germany's reintroduction of border controls. The letter also pointed out that these checks were being carried out in a flexible manner, with the time and place progressively adapted to the situation, depending on the information available on the given situation, developments in cross-border human trafficking, the probable travel routes of migrants and other intelligence. It was furthermore stressed that the intensity of the border controls would be limited to the extent necessary for security and that the controls would be concentrated at the land borders with Hungary and Slovenia.

**SE** took the decision on the basis of the serious threat to public policy and internal security posed by the consequences of the unprecedented migratory pressure and the ensuing significant challenges to the functioning of Swedish society as previous measures appeared insufficient. The notification to the Commission, the Council and fellow Member States contained more extensive information.

**NO:** Border control was reintroduced in accordance with article 23 and 25 of the Schengen Borders Code. Norway is, as other EU/Schengen member states, currently facing an unpredictable migratory flow, containing a mix of asylum seekers, economic migrants, potential criminals such as smugglers or traffickers of human beings, also including potential victims of crime.

As a consequence, also knowing that many of the migrants arriving to Norway have not been subject to border control upon arrival to the EU/Schengen territory, there is a need already at the internal borders to distinguish between the different categories of arriving migrants. Border control will help identifying the different categories of migrants, enabling adequate support and control procedures, i.e. registration, further identification and return of those in no need for protection. Considering the current number of migrants arriving to Norway, and the consequences for Norwegian society, the Norwegian Government deems that the conditions now amount to a serious threat to public policy and internal security, necessitating a temporary reintroduction of border control at the internal border in line with the Schengen Borders Code.

**SI:** the incontrollable migration flows in the region and corresponding measures adopted by the neighbouring countries, which could have had a negative impact on the public policy and internal security were stated as the main reasons for the measure taken.

**DE:** reference is made to the letter of notification/consultation sent to the Council.

**HU:** The migratory situation presented a serious threat to public policy and internal security in Hungary.

**Q5. Support (personnel / technical equipment) received from other Member States or EU agencies to face this situation:**

**AT:** There was no assistance in the form of personnel or technical equipment from other Member States or FRONTEX. However, over the past few weeks good cooperation has developed, particularly with the security authorities of Slovenia and Germany, to manage this massive migratory flow in a reasonable manner. **In response to Slovenia's request for the provision of 400 police officers, Austria has seconded 15 policemen to Slovenia to provide support.**

**SE** exchanged liaison officers: 1 DK police officer to the Department of National Operations in Stockholm and another to the Police Region South (Malmö and surroundings), and one SE police officer to the Copenhagen police.

**NO** did not ask for support from other Member States.

**SI** did not ask for support from other Member States or EU Agencies.

**DE** pointed out that in principle, the temporarily reintroduced internal border controls are conducted with German personnel and using German command and operational equipment. Border police measures are carried out in cooperation and coordination with neighbouring States' border control authorities. The focus is in particular on joint and/or coordinated checkpoints and the exchange of information (including via joint police and customs cooperation centres and through liaison officers). Further support in terms of accommodating staff or establishing traffic control measures can also form part of this cooperation. A detailed list is not available.

**HU:** All measures concerning the reintroduction of border control at the Hungarian-Slovenian border were carried out by Hungarian authorities with Hungarian equipment.

**Q6. Reinforcement of controls at the external borders, possibly involving reinforcing controls at the "green" borders (*ie* the parts of the external land border between border crossing points):**

Certain Member States have reinforced border controls (**HR, RO, BG, BE, EL, LV, NO, CY, HU, NL, IT**). Other Member States either do not suffer from an increase in migratory pressure) or already have a sufficient level of control in place.

**HR** reinforced border control and checks at the external land border by deploying more border guards and police officers, more technical equipment; **RO** adopted measures to strengthen border control especially at the Serbian border, by increasing the number of border surveillance posts/patrols and their equipment with day- and night time surveillance devices. Moreover, a legislative act was adopted on measures to be taken at the borders in the event of a massive influx of migrants. **BG** took additional measures to strengthen border control especially at its land borders with Turkey and Serbia. Along the TU border a 30-kilometre fence was built along the roughest terrain to prevent further tragedies and divert the flows to the BCPs (lengthening of the fence is ongoing). Border patrolling has been enhanced along the most critical parts of this green border as well as the Serbian border, incl. joint patrols, air surveillance and in general development of an automated system for surveillance of the high-risk parts of this border.



**BE** reinforced controls at its external borders, on the basis of information and risk analysis. At the airborders, additional capacity was attributed to gate-controls for incoming flights from third countries or from transit/migration sensitive MS. Police controls on international trains have also been intensified. **EL** has reinforced controls at all its external borders (air, sea, land). Additional personnel deployment, increase of patrols and reinforcement of electronic monitoring communication and intelligence information sharing are among the measures that have been taken. The Hellenic Coast Guard, in particular, intensifies the patrolling activities to areas subject to massive migratory flows (Eastern Aegean islands), while redeploying additional resources (e.g. personnel, assets, devices) with a view to strengthening the local HCG authorities. Moreover, in the framework of Joint Operation “Poseidon Sea” being conducted at the external EU sea borders, FRONTEX provides additional assistance by deploying operational assets (surface, aerial) of several M-S in order to reinforce the sea border controls. Due to the increasing (in comparison with previous years) illegal migration flows through Latvia, **LV** is improving co-operation with neighbouring State Border Guard Services in the fight against illegal immigration. Also coordinated criminal investigation and preventive measures were organized to ensure the border regime and co-operation arrangements between the Russian, Belarusian and Latvian border guard services were improved for joint actions on state border security. Also co-operation between the State border Guard, the State Police and the State Revenue Service for the border and the border zone regime control was strengthened. **LV** has increased intensity of border and borderland regime control by additional patrols, the border surveillance units’, immigration units’ and Criminal Investigation Service personnel regular work with local people to obtain information about illegal activities in the border area. It has also increased monitoring of border sections and borderland areas in particular where illegal migrants were detected or information received about the possible illegal border crossings as well as the increased intensity of the State Border Guard helicopter’s flights for "green" border surveillance from air.

**NO** pointed out that its National Police Directorate has established a close cooperation between the police units in order to strengthen the overall capacity to conduct the necessary intelligence and risk analysis in relation to the migratory pressures.

The border guards (and the police in general) are continually updated on the relevant threats and risk assessments, and the border guards (and police performing checks within the territory) are thus able to carry out more targeted checks and adequate follow-up measures.

In Norway, the migratory pressure is primarily related to the secondary movements from other Member States (particularly the internal land border towards Sweden), and also to the external land border towards Russia (where there is one border crossing point – "Storskog"). Since August 2015, there has been an increasing number of migrants coming from Russia and applying for asylum in Norway (external land border). The border checks are performed systematically in the same manner as before. However, the National Police Directorate has relocated personnel to the Storskog border crossing point, in order to deal with the increased amount of people and especially the large amount of asylum seekers. Furthermore, the Norwegian police have also increased the checks within the territory, in order to gain more knowledge on who the migrants are, and to prevent illegal immigration and crossborder crime, and thus to ensure internal security. The time and place of the increased checks are based on the situational picture and intelligence.

**NO** also informed that there is a close cooperation between its police and the military "Garrison of South Varanger" as regards border surveillance along the land border towards Russia. The police is in charge of all border surveillance activities, but the surveillance is carried out by the military unit, by means of sensors and cameras etc, and also by means of patrolling the border. There has only been one incident the last six years where a person has crossed the external land border outside of the border crossing point.

**CY** enhanced the passport control procedures at the air and sea borders enforcing the provisions of the SBC. In particular, based on Article 7 of the SBC all persons undergo a travel document control in order to detect false/falsified documents. If necessary, border guards may consult relevant databases for further information concerning stolen or invalidated Travel Documents. It should be noted that Cyprus is not a member of the Schengen Area, consequently all borders are considered to be external for the implementation of SBC. In addition to the above measures concerning Third Country Nationals, border guards ensure that all provisions of Article 7 par. 3 are met. Generally controls are performed through the national data base in order to exclude the possibility that the person is a threat for the public policy, internal security etc.

Furthermore measures have been enhanced at the points of entry at the “Green Line”. It should be noted that based on EC Regulation 866/2004 the Line does not constitute an external border of EU. The abovementioned Regulation was established in order to ensure the effectiveness of the controls of persons and goods between the areas where the Government of the Republic of Cyprus does not exercise effective control with those areas where the Government of the Republic of Cyprus exercises effective control. Measures have been taken along the Green Line and between the check points.

**HU:** In order to tackle the extraordinary migratory pressure at the external border of Hungary, special measures were taken by the relevant Hungarian authorities.

As a first step, the Hungarian Police reinforced Bács and Csongrád County Polices responsible for the border surveillance activities at the Hungarian-Serbian border section with deployment of human resources, technical equipment and vehicles. The reinforcement measures were implemented with the involvement of the staff and technical means of the Riot Police and other county policies.

Hungary also requested the Frontex on February 2015 to start immediately the flexible operation at the Hungarian-Serbian border.

Secondly, the measures taken by the Hungarian Police and the Office of Immigration and Nationality focused on the alien policing processes and asylum applications, therefore Bács and Csongrád County Polices were reinforced by alien policing officers. In addition, 10 administration centres were established all over the country in order to manage the high number of alien policing cases and asylum procedures.

Thirdly, a legislative package was elaborated and adopted by the Hungarian Assembly in order to carry out new measures and methods for managing the extraordinary migratory flow.

Amendments were adopted to the asylum law (Act LXXX of 2007 on Asylum and Government Decrees) that entered into force on 1 August. The amendments aimed at quicker decision-making in the asylum proceedings: the length of the procedure was shortened in order to ensure that protection is provided to those who are in genuine need of it and those who are not in need of protection could return to their countries of origin in a more timely manner. Moreover, in line with the Asylum Procedures Directive, the accelerated procedure was introduced in order to reinforce tools against abuses of the asylum procedure.

In addition, the Hungarian Government established the list of safe countries of origin and the list of safe third countries (Government Decree 191/2015 (VII.21.)). The new rules provide for the possibility for the Government to initiate a crisis situation due to mass migration. Based on a proposal of the Hungarian Minister of Interior initiated by the Chief of Police or the General Director of the asylum authority, the Hungarian Government would be able to declare crisis situation due to mass migration for a maximum of 6 months. The proposals respect the principles of necessity and proportionality.

The legislative package also provides for the introduction of border procedures. In line with Article 43 (1) of the Asylum Procedures Directive, in cases of applications submitted at the transit zone, the admissibility of asylum claims will be examined in a transit zone under an accelerated procedure. If the application is admissible, moreover, if no decision was made within 4 weeks, the applicant may enter the territory of Hungary and the application is examined under the general provisions. The judicial review procedure fully respects Article 47 of the Charter of Fundamental Rights and the requirements of the Asylum Procedures Directive. It is important to note that this procedure cannot be applied in case of persons with special needs (including minors, the elderly, pregnant women, single parents, victims of torture, etc.).

Furthermore, the recently tabled legislative package proposes the amendment of the Hungarian Criminal Code and the Criminal Procedure Code in order to increase sanctions against smugglers and to introduce new criminal acts in relation to the damaging of the border fence and its illicit crossing.

As a last resort the Hungarian Government decided on the installation of the temporary border protection device at the Hungarian-Serbian border and later at the Hungarian-Croatian border. The temporary border protection device installed at the Hungarian–Serbian border section is an additional element of the existing border surveillance system.

In addition, in order to handle the mass migratory flow, transit zones were set up on the designated border crossing points operating from 6 am till 10 pm, where irregular migrants can submit their applications for asylum.

Besides the transit zones dedicated as entry points for asylum seekers, the physical barrier (fence) contains gates at every two kilometres. These gates can also be used as an entry point if – based on information received from observation cameras or patrols – there seems to be a need for it.

The Hungarian Government allocated additional budgetary resources of cca. 65 M € so far for managing the mixed migration pressure at the external borders of Hungary.

**NL:** The controls at some external sea border crossingpoints have been reinforced. Furthermore by decision of 16 September 2015 the Dutch State Secretary of Security and Justice has activated an existing legal measure laid down in article 4.17b of the Aliens Decree that empowers the Royal Marechaussee to intensify their patrols in the region adjoining the intra Schengen borders with Belgium and Germany (Government Gazette 2015 nr. 31186, 18 September 2015). Whilst intensifying their patrols, the legal framework still puts limits to these controls to ensure that they do not have the same effect as a border controls, and these national measures fall short of instituting a full swing border control in the sense of articles 24 to 26 of the Schengen Borders Code. If a decision to reintroduce border controls would be taken, the Commission would of course be notified. The national measure has in principle a duration of 28 days, proscribed by law. This national measure has been extended until 15 December 2015.

**IT:** Even in relation to the migration situation that is affecting the common area, with particular reference to the flows from the Central/Eastern Mediterranean and the Western Balkans, IT has taken steps to raise awareness of the Border Police Offices operating in the country to strengthen the activities of verification, control and surveillance of external borders (both air and maritime), in light of the recent EU recommendations, by implementing the use of the operating Border Police information systems and data bases (Frontiers Information System/SIF II, Border Control System/BCS, Schengen Information System /SIS II, Visa Information System/ VIS, FA.DO., e-Gates, etc.), and intensifying, also, the use of the appropriate technical equipment already operating at the borders such as, i.e., scanners, carbon dioxide detectors, heartbeat detectors and sniffer dogs.

Particular attention is paid, on the basis of a detailed risk analysis and threat assessment activity, to the flight connections considered sensitive to irregular migration and sea connections used by third-country nationals to attempt the irregular entry in the Schengen area, especially hidden in those means of transportation or by the use of false and/or counterfeited documents.

In addition, steps were taken to intensify random checks on people, goods, commercial vehicles and cars/motorcycles at the air, sea and land borders as well intra-Schengen borders, including rail crossings (in compliance with the provisions of Art. 21 SBC), as well as in order to intensify bilateral cooperation with the equivalent Border Police counterparts in France, Switzerland, Austria, Slovenia and Greece.

As regards the following Member States, these elements could be highlighted:

**AT**: No specific additional measures were taken at the six international airports. However, controls were implemented in respect of some flights to the Scandinavian region.

**ES** reinforces controls when required by the circumstances (airports, sea borders in the Atlantic and Western Mediterranean, land border with Morocco). Controls at the green and blue borders are already intensive but have not been further intensified recently. Specific operations are carried out at times to tackle increasing migratory pressure (incl. FRONTEX operations “Indalo”, “Minerva” and “Hera” for maritime incoming flows, and “Focal Point”, “Alexis” and “Vega” for air borders).

**FI** controls its external borders as usual. Systematic control at the external borders is carried out of the SBC, based on risk analysis. No reinforcement of the green or sea border is currently foreseen.

**MT** has not reinforced controls at its external borders, although it maintains a strong presence at the external sea borders since a number of years.

**SK** did not carry out any reinforced controls. Due to the situation in Ukraine in 2014 however, several preventive measures were taken in relation to the external (Ukrainian) border (e.g. more systematic and consistent monitoring of trends, the security situation in Ukraine, etc.)

**BG**'s reinforced controls generally focus on detecting hidden persons, false ID documents, possible transportation of explosives or other hazardous materials. Special attention is paid to suspiciously behaving drivers and passengers. The presence of uniformed and operational staff is enhanced at the international airports and the BCPs.

**CH, CZ, DE, DK, EE, LT, LU, SE, PL** (the latter with the exception of posting additional border guards at the Polish-Ukrainian border section as a measure of preventive nature) **PT** and **SE** did not carry out any particular reinforced controls at the external borders.

**DE** indicated that it did not carry out reinforced controls (at the external borders) since it is significantly affected by illegal intra-Schengen migration. Monitoring and checks on cross-border traffic at Schengen external sea and air borders on the German side are carried out in accordance with Schengen standards.

**Q7a. Systematic nature of checks on persons arriving and their travel documents / exceptions granted**

The Member States, Associate Countries which replied pointed out that they systematically check all persons arriving and their travel documents. No mention was made of exceptions. In particular:

**CZ** systematically checks all persons arriving and their travel documents. Air carriers must refuse third country nationals (crossing the external border) not holding a valid travel document.

**FI** systematically checks all third country nationals at the external borders.

**MT** systematically checks all third country nationals at the external borders. Police checks were enhanced on specific internal movements on the basis of risk analyses.

**SK** systematically checks all third country nationals at the external borders, also on the basis of informal recommendations issued by the Commission.

**ES:** Border checks are being carried out following the rules of the SBC and no exceptions have been made for large groups applying articles 5(4) or 8(1).

**BE** systematically checks all third country nationals at the external borders. Persons and / or travel documents of persons enjoying the right of free movement are checked on the basis of risk analyses. In this regard, specific indicators have been developed and distributed to all BCP's.

**CH** systematically checks all third country nationals (and travel documents) at the external borders, no exceptions have been granted.

**SE:** After the temporary reintroduction of border controls, no exceptions have been granted. The controls are limited to the extent necessary and are adapted to the circumstances. At the external borders, no changes have been made in comparison to the procedures before the reintroduction at internal borders.

**EE** systematically checks all third country nationals at the external borders.

**BG** systematically checks all persons at the BCPs following the terrorist attacks in Paris.

**LU** checks in line with the Schengen Border Code.

**EL**: At the borders, the effective implementation of border controls as well as the systematic use of relevant IT systems and databases has been enhanced (national databases, SIS II, VIS, Interpol). Emphasis has been given to the identification of previous registration and fingerprinting of all third country nationals who have stayed or are currently present illegally in the country and, when needed, the competent authorities perform registration procedures and fingerprinting, which are transmitted to the EURODAC database.

**PL**: The Polish Border Guard carries out controls on the external borders, in accordance with the Schengen Borders Code. So far, no circumstances occurred that would result in the withdrawal of carrying out checks at external borders.

**LV**: The border checks at border crossing points are organized and carried out in strict compliance with the requirements of Schengen Borders Code and based on the risk analysis.

The enhanced border checks procedures on persons enjoying the right of free movement within the Community were introduced from the end of 2014. Checks are based on the common risk analysis profiles of foreign terrorist fighters developed by European Commission and on the national risk profiles.

**LT**: Persons are being checked according to SBC. No derogations/relaxations of Article 5 (4)(c) or Article 8(1) of SBC were applied for large groups of migrants or persons without travel documents.

**PT**: Passengers from third countries have been systematically checked at the external air borders. EU citizens and citizens with right to free movement have been subject to minimum checks as a rule, and non-systematically, checked against relevant data bases, only when arriving or departing from certain few security risk countries, based on risk analysis, on an exceptional and non permanent basis.

**NO**: At the external land border towards Russia, the police/border guards systematically check all persons arriving at the Storskog border crossing point, including their travel documents. Systematic border checks are also performed at the external airborders, and at the external sea borders the checks are carried out according to risk assessments, ref the Schengen Borders Code Article 7 and Annex 6.3.

**SI**: The check of persons was done in accordance with the provisions of the Schengen acquis. The control of vehicles and persons was done on a selective basis, in accordance with the risk analysis.



**DE**: The Federal Police has not deviated from the standard systematic checks carried out at the external Schengen borders. Checks in connection with the reintroduction of internal border controls are carried out as required by the situation.

**NL**: No exceptions were granted. Due to the high influx however, it was not possible to check and register directly everyone that arrived to the Netherlands via the internal Schengenzone. Subsequently, the Netherlands implemented measures to significantly increase capacity to register asylum seekers such as establishing additional registration centers in different parts of the country. Presently, all persons have been registered.

**IT**: In recalling the considerations made with the previous answer (Q6), it would like to mention that the Border Police checks activities are carried out in line with the provisions of the relevant EU legal framework, with particular reference to Art. 7 SBC.

**DK**: Entry and exit checks at Denmark's external borders are carried out according to the relevant provisions in the SBC and national legislation including checks on persons and their travel documents.

**Q7b. Use of clauses contained in Articles 5(4)(c) or 8(1) SBC (admission on the territory of large groups of persons, notably those travelling without travel documents), or refusal of entry of such persons**

**AT**, **LV** and **HU** made use of the clause contained in Article 5(4)(c).

**AT** owing to the humanitarian situation in respect of the persons in question, only a small number were refused entry. Entry/transit was authorised through application of the derogation under point (c) of Article 5(4) SBC. This also included persons who were not able to produce travel documents. This approach was necessary in order not to jeopardise the physical safety of other persons at the border crossing points in question. Any other course of action would not have been consistent with the principle of proportionality.

As regards **LV**, in some cases, the point c) of the paragraph 4 of the Article 5 of the Schengen Borders Code was applied because the entry of person was associated with humanitarian or national considerations. In such cases, if the person doesn't fulfil the entry conditions, the decision on permission to enter the Latvian Republic has to be taken by the Head of the State Border Guard. Meanwhile paragraph 1 of the Article 8 of the Schengen Borders Code was not applied because the competent authorities this whole time were able to carry out checks to existing intensity of border crossings.

**HU** granted exceptions for asylum seekers arrived at the Hungarian-Croatian border from the systematic border check in accordance with Articles 5(4)(c) of the SBC.

In the same context, regarding **CY** the only exceptions were with regard to the cases where vessels arrive at the sea borders and the search and rescue procedures were followed.

**Q8. systematic registration and fingerprinting of migrants entering / poss. exceptions:**

*All Member States which have replied have systematically registered and fingerprinted ( illegal) immigrants and asylum seekers.*

**AT:** under the relevant provisions of Union law, irregular migrants must/should be registered at the external borders. In Austria, all persons seeking protection who have applied for asylum in Austria have been registered and their fingerprints entered in Eurodac. Persons who made it clear when crossing the internal border into Austria that they wanted to travel on to Germany or Sweden, etc. were only registered if this was possible without endangering the officials involved or other refugees, in the light of the situation at the border crossing point in question. Up to now, such persons have not been fingerprinted.

**CZ:** Authorities have systematically registered and fingerprinted migrants entering. A third country national arriving at the external borders and holding a falsified or no travel document or applying for international protection, has to be fingerprinted and their fingerprints have to be compared against the AFIS and EURODAC databases.

**ES** applies the Eurodac Regulation and systematically takes fingerprints.

**FI**: all asylum seekers are systematically registered and fingerprinted.

**HR**: all asylum seekers are systematically registered and fingerprinted

**LT** systematically takes fingerprints of third-country nationals at least 14 years of age according to the provisions of the Eurodac Regulation, i.e. applicants for international protection; third-country nationals irregularly crossing an external border (not turned back or kept in detention during the period until his expulsion); third-country national found illegally staying in a Member State. This is done in order to check if the person concerned has previously lodged an application for international protection in another Member State.

**MT**: All migrants are systematically registered and fingerprinted.

**RO**: Border Police registers and fingerprints all illegal migrants, both those applying for international protection and those detected when illegally crossing the border or detected in the border area. No exception is made. According to Regulation no. 603/2013, all data are introduced into Eurodac.

**SK**: All migrants are systematically registered in accordance with all provisions of Schengen acquis and national legislation.

**BE** fully respects the relevant EU-acquis as far as registration and fingerprinting of migrants is concerned.

**LU** fully respects the relevant EU-acquis as far as registration and fingerprinting of migrants is concerned.

**DK**: Asylum applicants and apprehended irregular migrants are registered and fingerprinted in accordance with the Eurodac Regulation and formal procedures laid down on the national level.

**CH**: all asylum seekers are systematically registered and fingerprinted.

**SE**: all those who have been admitted to the country at the parts of the border where border controls are in place, and who have applied for asylum, are systematically registered and fingerprinted.

**EE** systematically registers and fingerprints illegal immigrants and asylum seekers who are at least 14 years of age.

**BG** has systematically registered and fingerprinted migrants entering the country.

**EL**: The Greek authorities systematically register and fingerprint the migrants entering Greece (CAT 2 of Regulation 603/2013). All migrants crossing the external EU borders irregularly are registered and fingerprinted by the Hellenic Police with the support of the other competent authorities. In addition, further security checks of migrants' documents (passports, IDs, etc) and personal items (luggage) are conducted, while they are checked via national databases and SIS II as well. All these checks are carried out with due respect to fundamental rights.

However, due to the massive influx of migrants on the islands of the eastern Aegean Sea, fingerprints can also be collected manually. All data collected manually is transmitted to the EURODAC databases.

**PL**: All migrants which are subject to administrative procedures are registered in the respective systems, and fingerprinted.

**LV**: State Border Guard officials immediately take the fingerprints of each at least 14-year-old third-country national or a stateless person who is apprehended in connection with the fact that he/she:

- illegally crossed the border and has not been returned or physically remains on the territory of the country and is not apprehended;
- was found with falsified or forged travel documents, as well as forged visa or residence permit at border crossing point at the external borders or within the country.

If it is not possible to take the fingerprints due to damaged papillary lines, the State Border Guard does it immediately after the papillary line regeneration. If it isn't possible to take fingerprints from the elderly persons with reduced thickness of the skin, officials must try to take that person's fingerprints using special fingerprinting equipment.

**PT**: Its authorities systematically register and fingerprint migrants entering its territory.

**NO**: The police/border guards systematically register and fingerprint all migrants arriving at an external border crossing point, ie migrants who do not have legal stay or who apply for asylum. Migrants that are encountered by the police when performing checks within the territory, are also systematically registered and fingerprinted.

Furthermore, many migrants arrive to Norway across the internal borders, and contact the police in order to apply for asylum. These asylum seekers are also systematically registered and fingerprinted.

**DE**: Performance of such procedures at Germany's external Schengen border is guaranteed.

In the light of the massive influx of third-country nationals across the German-Austrian internal border into federal territory, all possible legal and practical measures are taken at this border and at reception centres in Germany. The aim is to achieve systematic monitoring and storage as referred to in the question. A number of legal and technical measures are being initiated to this end.

**CY**: All third-country nationals arriving at the points of entry at the external borders are registered. Furthermore in cases where they arrive irregularly at the sea borders or at the “Green Line” they are registered and fingerprinted based on the Eurodac Regulation.

**HU** pointed out that it does its utmost to fulfil the obligations stemming from the EU acquis. However; the enormous pressure caused serious technical and capacity problems for the Hungarian authorities.

Due to the unprecedented, extraordinary migration pressure at the Hungarian-Serbian and later at the Hungarian-Croatian border and because of the lack of cooperation of migrants there have been individual cases where the Hungarian authorities were not able to register and fingerprint each and every person who arrived to the territory of Hungary (physically it was impossible to register daily 8-10 thousand migrants having arrived to Hungary from other EU Member States).

**NL** applies the relevant EU-acquis as far as registration and fingerprinting of migrants is concerned, see also the reply under Question 7.

**IT** underscored that its competent authorities shall, without exception, undertake the recording and fingerprinting (fingerprints and photograph) of all migrants who enter illegally in Italy or who are rescued and recovered at sea. In some circumstances, it was not possible to proceed to the fingerprints detection for the fierce resistance put up by those concerned, who have thwarted any attempt by experienced operating personnel. Most of them were Syrians and Eritreans. Even children older than 14 years have to undergo the fingerprinting identification. In case of doubt about their age, it is requested to the competent judicial authority to authorize the child to be subjected to radiographic findings at hospitals.

Moreover, even foreign citizens who regularly enter Italy are subject to the fingerprint identification when applying for a residence permit, except for those who come to Italy for business, visit, medical care and, in any case, for periods not exceeding 90 days.

**Q9. noticeable impact or repercussions of recent cases of reintroduction in/on the territory (in economic terms and/or in terms of a change in migration patterns)**

**AT, CH, FI, EL, NO** and **IT** have made reference of some impact, although limited.

**AT**: The reintroduction of border controls at its internal border has not changed migration flows, but has made it possible for these large numbers of people to be received in an orderly manner and for the appropriate food, initial medical care and clothing to be provided, as well as onward transportation to transit accommodation or to the points of handover to Germany agreed with the German authorities. AT has also observed that the number of inhumane and dangerous smuggling operations in heavy goods vehicles, etc. has clearly decreased.

In **FI** the number of migrants arriving from Sweden decreased slightly following Sweden's reintroduction of border control, although the impact in the longer term is difficult to assess already now.

**CH** noted some short term impact in late May; when DE reintroduced controls because of the G7 summit and FR intensified border controls towards Italy, there was a significant increase of Eritreans coming from Italy to Switzerland during a number of days.

From time to time there is an increase of asylum seekers and migrants at the CH-AT borders, usually when there are traffic jams at the DE-AT border and people have to wait.

CH pointed out that in general, the impact of the reintroduction of border controls was only limited.

**EL** estimates that the reintroduction of the internal border control affects the migration patterns and in particular the movement of migratory flows creating more pressure on Greek borders. It is required to constantly review the initial planning of the border surveillance system, to adjust to the changing circumstances, i.e. by allocating additional or shifting resources (personnel and equipment).

It is also estimated that it might serve as a pull factor, while adding more pressure on the front-line Member States.

**NO**: There has been a steady increase in the migrant flow across both the external land border towards Russia and the internal land border towards Sweden since August 2015 until early November 2015. The last weeks there has been a slight decrease. The measures implemented in other European countries is probably a contributing factor.

**IT**: Up to date, the temporary reintroduction of border controls at internal borders adopted by many countries of Central/Northern Europe and by some countries affected by the so-called Balkan route, have affected only marginally Italy, if referred to the changes in the routes and modus operandi adopted by criminal networks involved in illegal migration.

In particular, in recent weeks, a new phenomenon that could be called "counter-flow" has started to be recorded, which sees an increasing number of migrants moving from the countries of Central/Northern Europe to the south, trying to enter IT, as they did not find "reception" (as stated by many migrants) in these Central/Northern Europe countries.

In principle, until now, the flow is made up of third-country nationals (usually Pakistanis, Afghans, Sri Lankans). Their vast majority is to be considered "economic migrants", that are apprehended or spontaneously show up at the Police offices located in the North East Italian provinces (Trieste, Gorizia, Udine, Bolzano), in order to submit a request for international protection, or who appear to have already made a similar request and, therefore, already recorded in the EURODAC system.

Finally, it should be stressed that the reintroduction measures taken by the North East Italy neighbouring countries and any possible additional measures put in place in order to strengthen controls and checks on migration flows (barriers, fences, channelling flows, strengthening of controls) can determine, over time, also the change of migratory routes, which could therefore be of interest to both the internal land borders with Austria and Slovenia (Trentino Alto Adige and Friuli Venezia Giulia regions), and the Italian Adriatic sea coast.

**BE, CZ, DK, EE, ES, HU, LT, LU, LV, MT, PL, PT, RO, SE, SK, SI, NL, DE** (which recalled that occasional cross-border traffic restrictions, including occasional and temporary discontinuation of cross-border rail traffic, have been implemented at the German-Austrian border) did not report any noticeable impact neither in economic terms nor in terms of a change in migration patterns. Certain of these delegations added that it is difficult to assess any impact in economic terms.

NL pointed out that the recent high migration flows towards and in the EU and the national measures of Member States, rather than the recent cases of reintroduction of internal border controls as such, have an impact on the Dutch society. Since May 2015 a record-breaking influx of migrants has been registered in the Netherlands. In the current situation a shift is visible from the Mediterranean sea route to a land based route through the Balkans. At this moment it is estimated that up to 75% of the migrants arriving in the Netherlands is traveling over this route.

With the current influx of migrants in the Netherlands it is a huge challenge to offer adequate reception and accommodation. It is also a challenge to register every migrant and process asylum claims in an adequate manner. Due to the high influx it was also necessary to increase the national financial budget for the reception of asylum seekers. Additional resources will be made available for education and temporary housing of this group.

**Q10. Suggested measures to improve the functioning of the Schengen area in relation to the control of the external borders, including the "green" borders, so as to decrease or minimise the need for reintroducing internal border control:**

In the view of AT, the highest priority is to ensure that controls at the external borders are implemented consistently and that all persons entering EU territory illegally in this way are also registered, as provided for in the Eurodac Regulation. It is necessary to ensure that such persons can only be relocated to other EU Member States once they have been registered. Those who travel on independently and apply for asylum in other EU Member States of their choosing should automatically lose all rights and entitlements. Unequivocal rules of this nature are the only way to control the migration flows, and in due course might actually make it possible to lift internal border controls again.

CZ calls for rigorous registration procedures and fingerprinting at all the EU external borders so as to have a clear distinction between economic migrants and persons in need of international protection and to monitor effectively the movement of persons across the borders. Hotspots must play a key role in the process. Moreover, the Czech Republic advocates the concept of the European Border Guards, which should effectively complement the activities carried out by the national border guards. This concept should be implemented, without delay, at the most affected places of the EU external borders.



**ES** finds it important to make full use of new technologies and (future) IT systems for border checks and border surveillance (ABC, API, EES, PNR, new technological developments for Eurosur, etc). Further progress is to be made in cooperation with neighbouring third countries and countries of origin and transit. Deterrent effects of measures, such as return, are also very valuable.

**FI** considers that the functionality of the Schengen area is a sum of different factors. Enhancement of the external border control will not make the whole system function better. Control of the external borders is basically functioning rather well. Common legal basis, operational cooperation, common systems (i.e. IT systems) and burden sharing are examples of those elements which have enabled quite high level of harmonisation and effectiveness of border control.

Border checks are in general carried out effectively. Room for improvement seems to be still in land and sea border surveillance, where full implementation of EUROSUR, enhancement of situational awareness and reaction capabilities as well as cooperation between border authorities across the external borders are examples of measures to strengthen border surveillance. The future role of Frontex should be such that it has the capabilities to support MS in demanding situations.

**HR** proposes efficient control using all legal instrument at the first point of entry into the EU (EL-TU border) as well as proper measures in third countries (countries of origin or transit e.g. Turkey).

**LT** sees permanent awareness of the state of play at external borders as an important condition. One of the most efficient „green“ border means is to install modern stationary border surveillance equipment at external borders and to ensure their permanent functioning. Also an effective use of information systems is essential, in order to have accurate data and thus to carry out the necessary controls in the most efficient way.

It is also necessary to keep efficient number of staff which could act promptly at irregularities recorded on stationary border surveillance system, to prevent or detain border crossing offenders. Set minimum requirements in terms of numbers border surveillance staff, technical equipment, etc. in order to ensure effective and border surveillance at the external borders. Moreover, effective cooperation with other law enforcement institutions is necessary to prevent illegal migration.

**RO** suggests:

- Implementation and adjustment of border surveillance systems, including at the maritime borders;
- Improvement of reaction capacity of structures with border surveillance competencies;
- Application of readmission agreements
- Carrying out forced returns of Directive 2008/115/CE with the possibility of applying the provisions of Decision 2004/573/CE
- Correctly and uniformly applying the Schengen acquis by all MS, to ensure the highest standards for border checks and surveillance;
- Using the Schengen evaluation mechanism in the most responsible way, including the follow-up process;
- Reinforcing / intensifying information & intelligence sharing between the competent authorities of all Member States;
- Making full use of the risk analysis tools.

**SK**: The European Border Guard Teams should be used more effectively and their deployment should be intensified in areas where migratory pressures are increased pursuant to Article 8a of the Frontex Regulation (2007/2004). Simultaneously we consider as essential and necessary the effective application of common visa policy and consistent realisation of returns.

**BE** is in favour of increased cooperation of all actors at BCP's, facilitating the exchange of relevant information on persons and documents. Clear and uniform guidelines under a clear chain of command to guarantee a smooth working of the hotspots should be put in place. A uniform interpretation of the SBC guidelines, with a particular focus on the registration and fingerprinting of all persons expected to apply for asylum in an EU MS. The reinforcement of Frontex and joint operations at the outer external borders of the European Union in combination with an enhanced regional cooperation between member states with a high potential of massive influx at its border.

**CH** considers effective control of the external borders to be the basis for increasing security inside the Schengen area. To this end, and to enhance knowledge about the situation inside the Schengen area, States should share information effectively and make full use of the relevant IT databases, also via mobile devices. Furthermore it is important to cooperate in a spirit of solidarity e.g. in Frontex operations. A reinforcement of the controls of the external border has only a limited effect on the migration flows recently observed. Asylum seekers must be allowed to enter the Schengen area for processing of their asylum request.

**SE** finds it important to strengthen border controls at the Schengen external borders. MS should commit to participating in Frontex operations to assist those MS which are most exposed to the current migratory pressure. Sweden looks forward to the EC's proposals.

**EE** suggests amending the SBC in relation to border surveillance activities similar to the border control activities at border crossing points, increasing the number of unannounced Schengen evaluations and implementing the EES (entry-exit system) as soon as possible.

**BG** believes that strict well-coordinated controls at the external borders of the EU carried out by enough manpower and modern equipment, surveillance of the green borders and regular exchange of information including intelligence between all relevant competent authorities regarding suspicious vehicles or persons, are crucial for better border management. The mandate of Frontex should be enhanced in order to have full capacity to support the frontline MS. The cooperation with neighbouring third countries should be strengthened.

**LU** did not find it appropriate to express its views on measures to be taken in other countries, as its only external border is the airport and no significant flows of migrants have arrived there.

**EL** underlines the need for EU cooperation with third countries and in particular Turkey to be reinforced, in order to stem migratory flows.

Combating smuggling networks transporting and facilitating migrants from other third countries towards the Greek borders through Turkey should be a key priority for EU.

Returns and readmission is another important aspect. Turkey's track record of the implementation of the bilateral Protocol with Greece on readmission is disappointing. Turkey should be urged to step up cooperation in the field of returns as a matter of urgency and, additionally, conclude readmission agreements with third countries of origin – such as Pakistan (the relevant agreement has not been ratified) - and transit.

Moreover, the Internal Security Fund should prioritise actions aiming to enhance the security of EU external borders not only under MS national programmes but also under centrally managed funds.

In general, security checks on the EU level should be further reinforced, taking into account the Common Risk Indicators. More systematic controls should take place in the national data bases, SIS II and Interpol i24/7.

Finally, the level of readiness and security measures should be stepped up. Communication and information exchange among the competent law enforcement services, including ILOs and EMLOs should be strengthened.

**PL:** To improve the functioning of the Schengen area in relation to the control of the external borders it seems advisable to strengthening of border guards towards automating not only the border control, but also automating state border protection.

In light of the above, it would be worthwhile to consider:

- a) creation of a mechanism of targeted purchases of equipment / technical border provision by the EU which will allow for a real increase in quantity and quality in terms of technical support for the implementation of tasks in protecting the state border;
- b) integration of border situational pictures systems and the extension of the EUROSUR formula;
- c) development of given in advance information on travelers collection systems e.g. in rail and road traffic;
- d) development of cross-border cooperation platforms (eg. on a 4-sided / 6-sided formula of cooperation);
- e) development of the network of border guards' liaison officers in the third countries.

**PT:** In line with the Council Conclusions adopted last 19 November: to implement immediately the necessary systematic ( where appropriate) and coordinated checks at external, including on individuals enjoying the right of free movement; to reinforce risk analysis, profiling, exchange of information and police cooperation at national and EU level ( including EU Agencies) on foreign fighters and terrorism; intensify security checks within the Schengen area.

The adoption of EU PNR instrument including intra-Schengen flights is also very important.

**LV** believes that it is important to strengthen the overall management of the European Union's external border. The measures should take place within the framework of current system and also by strengthening the capacity of FRONTEX. We have to improve the use of already existing systems, for example by full implementation of EUROSUR. Furthermore it is really important to use all the possibilities given by the new technologies in every border crossing point not only in the busiest ones.

**NO** suggested:

- Strengthened control at all external borders, with the support of other Member States at the most exposed border sections. Frontex should be strengthened to be able to coordinate these efforts.
- Increased control on all travellers and consider broadening the scope of the smart borders system in order to also include European nationals.
- Systematic registration and fingerprinting of all migrants upon arrival to the Schengen territory.
- Quick return of migrants who are not in need of protection.
- Increased commitment in the fight against smuggling of people and the organised crime groups profiting from the migration crisis.
- Information campaign in order to provide correct information about the asylum procedures and possibilities to stay in EU/Schengen.
- Underline the importance of information sharing

**SI:** As the first step the reinforced/effective control at the external border is necessary, with identification and registration of migrants. Overall functioning of hotspots needs to be ensured and return and readmission policy implemented to the maximum possible extent. But as mentioned several times before, a lot can also be done by better implementing of the compensatory measures at the internal borders and within the Schengen area; this includes better use of police powers in controlling cross-border traffic, also by using technical surveillance equipment and available databases, non systematic checks of the persons at inter-Schengen flights, etc. In our view this could be an appropriate alternative to the temporary reintroduction of border controls.

**DE:** Monitoring and controls at the Schengen external borders in accordance with the uniform Schengen standard is comprehensively guaranteed by all Member States.

For this purpose the evaluation and monitoring mechanism to verify the application of the Schengen acquis [Regulation (EU) No 1053/2013] is of particular importance. The implementation of the hotspot approach, which also includes sufficient absorption capacity to register arriving third-country nationals, must be stepped up. In addition, European provisions, inter alia on the collection, comparison and storage of fingerprints of third-country nationals (EURODAC Regulation) must be complied with, and searches for third-country nationals in European (SIS II and VIS) and national databases must be as comprehensive as possible. Also, existing systemic deficiencies regarding reception conditions and asylum procedures must be eliminated to enable the Dublin III Regulation to apply in full to all Member States.

**HU:** The general aim should be to change the current situation where it is easier to cross the green borders illegally than entering through ordinary legal channels, primarily at the BCPs.

It is of vital importance to regain a level of control over the external borders of the Schengen area. Uncontrolled migratory flows across borders are unacceptable. Under the current circumstances, stabilization of the situation in Greece, as a first entry point should take priority. The hotspot concept needs to be fully implemented, all migrants arriving need to be registered and checked against available databases, with the possibility of detention in closed facilities, in case the identification of an individual or the processing of an asylum application so requires. Reinforced exit-checks at the Greece-FYROM border could also be considered, with the possible participation of FRONTEX and the Member States. The resilience of the asylum system has to be increased in order to counter systematic abuse, and to ensure sustainability – with the introduction of special procedures.

In accordance with the Council Conclusions on measures to handle the refugee and migration crisis, adopted on 9 November 2015, Hungary considers, that the following measures should be implemented without undue delay at the most affected external borders of the EU:

- deployment of Rapid Border Intervention Teams (RABITs)
- introduction of asylum procedures at borders or transit zones;
- introduction of accelerated procedures;
- introduction of non-admissibility of subsequent asylum applications by the individuals concerned;
- introduction of coercive measures, including, as a last resort, detention for a maximum period necessary for the completion of underlying procedures.

**NL:** First of all it is important that all MS take their responsibilities and that obligations from the acquis are met. We must strengthen our border management and regain control over our external borders. Frontex's mandate should be strengthened, the control at the external borders that are most exposed should be strengthened, for example by deploying rapid border intervention teams in cooperation with a well functioning hotspot mechanism.

Furthermore it is of importance that Schengen's legal framework is revised in the light of today's challenges. The Schengen system does not function well, and therefore emergency measures are carried out, but this does not enable Member States to act timely. In theory, the current system does function, however in practice it is too bureaucratic and inflexible. This leads to undesirable solutions, therefore the legal framework of Schengen needs to be revised, for example:

- Quicker and more often performing Schengen evaluation missions;
- More flexible rules with regard to checks within the territory ex article 21 Schengen Borders Code and the establishment of temporary border checks;
- Intensifying systematic controls of both EU and non-EU citizens, as was also concluded in the JHA Council of 20 November 2015.

**IT:** With regard to possible measures that could be taken (or further implemented) to improve the functioning of the common area (Schengen) for the control of external borders, in order to reduce also or, at least, minimize the need to reintroduce border controls internal border, the following key aspects could be considered:

- the implementation and execution, at the "regional" level, of "early warning and rapid response systems", with the designation of "National Contact Points", to ensure the timely and secure exchange of information and make the fight to irregular migration even more effective;
- the adoption of concrete actions, through early consultation, to plan joint actions (if deemed necessary), designed to contain the "secondary movements" along the illegal migration main routes;
- the further planning and implementation of operational activities by means of "mixed units", with Border Police staff belonging to the States concerned for the supervision and control of the common land borders, including joint patrolling;

- the establishment of programs for strengthening the exchange of Border Police personnel, as an observer, in the ports, airports and along land borders most affected by significant irregular migration, to ensure an effective operational support and conduct a more comprehensive and useful exchange of information.

**DK** encourages Member States to use all means available to strengthen their external borders in order to minimize the need for reintroduction of border control at the internal borders. This includes in particular the use of Frontex and the tools provided by the Agency.

