

Council adopts recommendation for continuation of internal border controls

On 12 May 2016, the Council adopted an implementing decision setting out a recommendation allowing for the continuation of temporary internal border control in exceptional circumstances.

Starting from the date of the adoption, Austria, Germany, Denmark, Sweden and Norway should maintain proportionate temporary border controls for a maximum period of six months at the following internal borders:

Austria at the Austrian-Hungarian land border and Austrian-Slovenian land border;
Germany at the German-Austrian land border;
Denmark in the Danish ports with ferry connections to Germany and at the Danish-German land border;
Sweden in the Swedish harbours in the Police Region South and West and at the Öresund bridge;
Norway in the Norwegian ports with ferry connections to Denmark, Germany and Sweden.

However, before introducing such controls, the member state concerned should exchange views with the relevant neighbouring member state(s) with a view to ensuring that internal border controls are only carried out at those parts of the internal border where it is considered necessary and proportionate, in accordance with the Schengen Borders Code.

Border controls should be targeted and limited in scope, frequency, location and time, to what is strictly necessary to respond to the serious threat and to safeguard public policy and internal security resulting from the secondary movements of irregular migrants.

The recommendation does not envisage the introduction of controls on passengers arriving from or departing to Greece by air or sea.

Background

The Schengen evaluation mechanism, established in October 2013 by Council Regulation 1053/2013, provides for the verification of the application of the Schengen rules through monitoring visits to a given member state by teams with experts from the Commission and member states. After the visits, that can be announced or unannounced, a Schengen Evaluation Report is drawn up and agreed by the Schengen evaluation committee of member state experts. If the report identifies any weaknesses in the evaluated area of the Schengen acquis, the Commission presents to the Council for adoption recommendations for remedial action.

On 2 February 2016 the Commission adopted the Schengen evaluation report on Greece and submitted to the Council a recommendation to address specific deficiencies in the external border management. On 12 February 2016, the Council adopted this recommendation and proposed to Greece remedial action to address these deficiencies.

Where, after three months from the adoption of the Council recommendation, serious deficiencies persist and the measures taken have not proved sufficient, the Commission may trigger the application of the procedure provided for in article 29 of the Schengen Borders Code.

Under article 29 of the Schengen Borders Code, the Commission may propose a recommendation, to be adopted by the Council by qualified majority, to reintroduce controls at all or specific parts of the border of one or more member states as a matter of last resort. They may be introduced for a period of up to six months. Controls can be prolonged for additional six month periods up to a maximum duration of two years.

Despite significant progress made by Greece, not all of the serious deficiencies identified in the evaluation could be adequately and comprehensively addressed within the three months' limit. Therefore, on 4 May 2016 the Commission considered that the conditions for applying Article 29 of the Schengen Borders Code were fulfilled and submitted a recommendation to the Council to prolong the temporary internal border controls introduced by five Schengen states.

[Decision setting out a recommendation for temporary internal border control in exceptional circumstances](#)
[A item note and Statements by Greece and Slovenia](#)
[Schengen Border Code](#)
[Schengen Evaluation Mechanism \(Regulation 1053/2013\)](#)

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