



Back to Schengen: Commission proposes that the Council allows Member States to maintain temporary controls for another three months

Brussels, 25 January 2017

The European Commission has today recommended the Council allows Member States to maintain the temporary controls currently in place at certain internal Schengen borders in Austria, Germany, Denmark, Sweden and Norway for a further period of three months.

Despite the progressive stabilisation of the situation and the implementation of a series of measures proposed by the Commission to better manage the external borders and protect the Schengen area, the Commission considers that the conditions of the "Back to Schengen" [Roadmap](#) allowing for a return to a normally functioning Schengen area have not yet been entirely fulfilled.

First Vice-President Frans **Timmermans** said: *"Significant progress has been made to lift internal border controls, but we need to solidify it further. This is why we recommend allowing the Member States concerned to maintain temporary border controls for a further three months."*

Commissioner for Migration, Home Affairs, and Citizenship Dimitris **Avramopoulos** said: *"Schengen is one of the greatest achievements of EU integration, which we must not take for granted. The European Commission is and remains fully committed to work with Member States in gradually phasing out temporary internal border controls and return to a normal functioning of the Schengen area without internal border control as soon as possible. While over the past months we have been continuously strengthening our measures to address the unprecedented migratory pressure that Europe is facing, we are not there yet unfortunately. That is why we recommend that the Council allows Member States to continue limited temporary internal border controls for another three months, under strict conditions, and only as a last resort."*

In the past months there has been important progress when it comes to securing and better managing the external borders and reducing irregular migration: With the new **European Border and Coast Guard** established since 6 October 2016, the means are being put in place to better protect the external borders of the EU and to react to new developments. With the establishment of the **hotspot system**, the registration and fingerprinting of migrants arriving in Greece and Italy has now reached a rate of almost 100%. The upcoming **systematic checks** against relevant databases for all people crossing the external border, as proposed by the Commission, will further contribute to strengthening the external borders. In addition, the **EU-Turkey Statement** has resulted in a significant decrease in the number of irregular migrants and asylum seekers arriving in the EU.

However, a significant number of irregular migrants and asylum seekers still remain in Greece and the situation remains fragile on the Western Balkans route, entailing a potential risk of secondary movements. Furthermore, despite important improvements in the management of the external borders, some of the actions identified by the "Back to Schengen" [Roadmap](#) require more time to be fully implemented and to deliver the expected results. As of February 2017, [European Border and Coast Guard](#) operations will assist Greece at the Northern Greek external border. The trend of steady delivery of results of the EU-Turkey Statement needs to be continued and the full application of the Dublin rules in Greece gradually restored as of mid-March. Despite important progress, ongoing work and the situation on the ground point towards the persistence of these exceptional circumstances. The Commission therefore finds it justified on a precautionary basis to allow the Member States concerned, and only after having examined alternative measures, to prolong the current limited internal border controls as an exceptional measure for a further limited period of three months under strict conditions. In particular, any such controls must be targeted and limited in scope, frequency, location and time to what is strictly necessary.

The controls concern the same internal borders as those recommended by the Council on 11 November 2016:

- **Austria:** at the Austrian-Hungarian and Austrian-Slovenian land border;
- **Germany:** at the German-Austrian land border;
- **Denmark:** in Danish ports with ferry connections to Germany and at the Danish-German land border;

- **Sweden:** in Swedish harbours in the Police Region South and West and at the Öresund bridge;
- **Norway:** in Norwegian ports with ferry connections to Denmark, Germany and Sweden.

Next Steps

The Council needs to take a decision based on this proposal for a Recommendation.

The necessity, frequency, location and time of the controls should continue being reviewed weekly, with the controls adjusted to the level of the threat addressed and phased out when appropriate. Member States continue to be obliged to report promptly on a monthly basis to the Commission on the necessity of the controls being carried out.

The Commission also recognises that new security challenges have arisen in the past years, as demonstrated by the recent terrorist attack in Berlin. In this respect, whilst the current legal framework has been sufficient to address the challenges faced until now, the Commission is reflecting on whether it is sufficiently adapted to address evolving security challenges.

Background

The combination of serious deficiencies in the management of the external border by Greece at that time and the significant number of unregistered migrants and asylum seekers present in Greece who may have sought to move irregularly to other Member States, created exceptional circumstances constituting a serious threat to public policy and internal security and endangering the overall functioning of the Schengen area. These exceptional circumstances led to the triggering of the safeguard procedure of Article 29 of the Schengen Borders Code and the adoption of the [Council Recommendation](#) on 12 May 2016 to maintain temporary proportionate controls at certain internal Schengen borders in Germany, Austria, Sweden, Denmark and Norway for a period of six months.

On 25 October 2016, the Commission [proposed](#) to allow Member States to maintain the temporary internal border controls at the same internal borders for a further period of 3 months, with stricter conditions and a detailed monthly reporting obligation on the outcome of the results for the Member States concerned. Despite the progressive stabilisation of the situation, the Commission considered that the conditions of the "Back to Schengen" [Roadmap](#) allowing for a return to a normally functioning Schengen area are yet entirely fulfilled. On 11 November 2016, the Council adopted the Commission [proposal](#).

The Commission's proposal for a Recommendation is without prejudice to additional possibilities available to all Member States, including the five affected Member States, under the general rules for temporary reintroduction of internal border control in the event of another serious threat to public policy or internal security, not linked to the serious deficiencies in the management of the external border. For example during the period of application of the Recommendation of 12 May 2016, France, not concerned by this Recommendation, notified the reintroduction and subsequent maintenance of border controls at its internal borders based on grounds related to foreseeable events and terrorist threats.

For more information

[Proposal for a Council implementing decision setting out a Recommendation for prolonging temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk](#)

[Questions and answers](#): A coordinated EU approach for temporary internal border controls

[FACTSHEET](#): The Schengen Rules Explained

Back to Schengen – [A Roadmap](#)

[Press release](#): Commission reports on progress in making the new European Border and Coast Guard fully operational

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