

## Schengen and EURO 2016

With an estimated 7 million fans and 1 million foreign visitors, the UEFA European Football Championships, EURO 2016, promises to be one of the largest sports events taking place this year. In order to be better equipped against the threats of terrorism and hooliganism, France has reintroduced controls at its borders under the Schengen Borders Code (SBC). In the past, sporting events, G7 meetings, major international conferences and high profile state visits have also triggered the introduction of border controls in several Schengen member countries, for limited periods of time. However, strict conditions and procedures are applied to assess the necessity and the proportionality of the measure and its likely impact on the free movement of people within the Schengen area.

### Background

EURO 2016 kicked off on 10 June and ends on 10 July. This is the [third](#) time that France has welcomed the European Championships, having hosted the very first edition in 1960 and also the 1984 event. With 24 teams participating, and matches taking place in ten venues across France (Bordeaux, Lens, Lille, Lyon, Marseille, Nice, Paris, Saint-Denis, Saint-Etienne and Toulouse), EURO 2016 is set to be one of Europe's biggest sporting events this year. An [estimated](#) 2.5 million supporters will be attending matches, with a further 7 million expected in fan-zones – dedicated areas set up in the host cities for the duration of the competition. These numbers include 1 million foreign visitors. An event of this magnitude calls for specific measures to ensure that the influx of visitors is managed in a secure and orderly manner.

### Security concerns

As pointed out by the [French Minister for the Interior](#), the two major threats to EURO 2016 relate to terrorism and hooliganism. Unfortunately, [violent clashes](#) among supporters and a double [murder](#) with an alleged terrorist motive marred the first week of the championship. When preparing for the event France called for preventive action at its borders, and reintroduced controls under Articles 25-27 of the [Schengen Borders Code](#) (SBC).

France had already reintroduced border controls following the Paris terrorist attacks of 13 November 2015 and as a result of the subsequent state of emergency. According to the French Ministry of the Interior, 35 million people have since been monitored crossing France's land, air and sea borders in both directions, and more than 18 000 individuals have been refused entry to French territory. The temporary reintroduction of border controls was [extended](#) from 27 May 2016 until 26 July 2016 in order to ensure that French authorities could deal effectively with the security implications of two major sporting events: EURO 2016 and, immediately thereafter, the Tour de France cycle race.

### EURO 2016 host cities



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## Reintroducing controls at internal Schengen borders

France is far from an exception as Schengen member countries have often reintroduced temporary internal border controls, usually for the purposes of safeguarding international events taking place on their territories. Austria, for instance, introduced similar measures for the 2008 European Football Championships, and Poland for the 2012 Championships. G7 meetings, major international conferences and high-profile state visits have also triggered the introduction of border controls in several member countries, for limited periods of time.

A closer look at the [SBC](#) reveals that the temporary reintroduction of border controls among Schengen countries is currently subject to strict conditions and procedures. Border controls are permitted only as a last resort, in cases either of planned events (such as major sporting fixtures) or unforeseeable circumstances (such as health threats or environmental disasters) that pose a serious threat to public policy or internal security (Articles 25, 26, 27, 28 SBC). A different case arises when a Schengen member country is unable to control the Schengen area's external borders (Articles 29 and 30 SBC).

## Reintroduction of border controls in cases of planned events

Article 25 SBC provides the general framework for the temporary reintroduction of border controls at internal borders (those between Schengen countries). The first requirement is that there be a 'serious threat to public policy or internal security' in a member country. When such an emergency arises, the country may exceptionally reintroduce border controls at all, or specific parts, of its borders for a limited period (i.e. up to 30 days) or for the foreseeable duration of the serious threat if it extends beyond 30 days. The scope and duration of the temporary reintroduction of border controls, however, must not exceed what is strictly necessary to respond to the serious threat. If the serious threat to public policy or internal security persists beyond the period provided, it may be prolonged for renewable periods of up to 30 days not exceeding six months (with the exception of cases foreseen under Article 29 and 30 SBC).

When prolonging internal border controls, the country must assess the degree to which the measure is likely to adequately remedy the threat and the proportionality of the measure in relation to the specific threat. The following elements need to be taken into account: the likely impact of any threats on public policy or internal security; and the likely impact of the measure on the free movement of people within the Schengen area (Article 26).

In terms of procedure, Article 27 SBC requires that the country concerned notify the other Schengen member countries, the Commission, the European Parliament and the Council at least four weeks before the introduction of the border controls (unless the circumstances become known less than four weeks before the planned reintroduction of controls). The notification must be detailed and include: the reason for and the scope of the proposed introduction; the names of the crossing points affected; and the date and duration of the planned reintroduction of border controls.

Following such a notification, the Commission is entitled to request further information and can issue an opinion if it has concerns regarding the necessity or proportionality of the measure or if it considers that consultation is appropriate. Other Schengen countries can also issue opinions and request consultations including joint meetings of Schengen member countries on the reintroduction of controls.

## Reintroduction of border controls in cases requiring immediate action

In cases requiring immediate action, a state may, exceptionally, reintroduce controls for a period of up to 10 days. It must notify the other Schengen member countries, the Commission and the European Parliament. In addition to meeting the conditions described above, the member country must also justify resorting to the emergency procedure (Article 28 SBC). The Commission may consult other Schengen member countries on receipt of the notification. Where the serious threat continues beyond the initial 10 days, the country can prolong the border controls for renewable periods of up to 20 days (for a total of two months). Any renewal implies an assessment of necessity, proportionality and any new elements. Consultations and opinions are also required in cases where the emergency procedure is applied.