

(English version)

**Question for written answer E-001719/24
to the Commission
Pascal Arimont (PPE)
(16 September 2024)**

Subject: Compatibility of internal border controls with the Schengen Borders Code

Temporary internal border controls have been allowed at all German borders since 16 September 2024. Following temporary border controls already in place at Germany's borders with Austria, Switzerland, Czechia and Poland, the German Ministry of the Interior has ordered further temporary internal border controls to last six months at the country's borders with Belgium, Luxembourg, the Netherlands, France and Denmark. It informed the Commission of the new border controls on 9 September 2024.

1. Are these internal border controls in line with Article 25(2) of the Schengen Borders Code (Regulation (EU) 2016/399), according to which such controls may be introduced only as a last resort?
2. Are these internal border controls consistent with the principles of necessity and proportionality set out in Article 26 of the Schengen Borders Code?
3. How does the Commission intend to avoid a domino effect if other Member States decide to follow Germany, France, Austria, Sweden, Denmark, Italy and Slovenia and reintroduce their own border controls?

Submitted: 16.9.2024

**Answer given by Mr Brunner on behalf of the European Commission
(6 January 2025)**

The German Government has notified the temporary reintroduction of internal border control in accordance with Article 27 of the Schengen Borders Code ⁽¹⁾, indicating that it considers the reintroduction as a measure of last resort to address security risks related to irregular migration, including smuggling and terrorism.

The temporary reintroduction of internal border control is a prerogative of the Member States. The Commission shall issue an opinion where it has concerns as regards the necessity or proportionality of that measure.

Germany has explained that it considers the reintroduction both necessary and proportionate. It has stressed that it cannot sufficiently address the identified serious threats with alternative measures.

It has indicated that border checks will be flexible and risk-based, and that the Federal Police strive to limit the impact on free movement and cross-border regions.

The Commission is currently assessing the necessity and proportionality based on the notification and the additional information received from Germany.

The Commission, including through its Schengen Coordinator, is in close contact with the German authorities and Member States concerned. It has stressed the importance of Member State cooperation at the internal borders.

The Schengen Borders Code, as amended by Regulation (EU) 2024/1717 ⁽²⁾, allows Member States to address security concerns with a range of alternative measures, including joint patrols and information exchange.

Finally, the Commission actively encourages Member States to make use of the new transfer procedure under the amended Schengen Borders Code to apprehend third-country nationals in internal border areas and transfer them to the Member State from which they arrived.

⁽¹⁾ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L 77, p.1-52, as amended by Regulation (EU) 2024/1717.

⁽²⁾ Ibid.