

*(English version)*

**Priority question for written answer P-001801/24  
to the Commission  
Jadwiga Wiśniewska (ECR)  
(24 September 2024)**

*Subject:* Compliance of the German Government's decision to reintroduce border controls with EU law

The German Government's introduction of controls at all borders on 16 September 2024 is a legal measure that is incompatible with the principles of proportionality and non-discrimination, as well as with the rules laid down in the Schengen Borders Code, and it is resulting in discrimination against EU citizens. Neighbouring countries are particularly affected, leading to a decline in trade, delays and disruption to border regions.

Member States may bring a matter before the Court of Justice of the European Union if they consider that another Member State has failed to fulfil one of its obligations under the Treaties. This act must be preceded by a complaint to the Commission, as guardian of the Treaties.

In light of the above, could the Commission please clarify the following:

1. What serious threat to public policy or internal security, within the meaning of Article 25 of the Schengen Borders Code, has the Government of the Federal Republic of Germany indicated to justify the temporary reintroduction of border controls at internal borders?
2. Has the German Government provided the Commission with evidence that the introduction of controls is necessary and justified and that the measure complies with the principles of proportionality and non-discrimination?
3. Has a complaint been lodged with the Commission against Germany in respect of the violation of obligations under the Treaties under Article 259 TFEU? If so, which Member State lodged the complaint, and is the Commission preparing a reasoned opinion on it?

Submitted: 24.9.2024

**Answer given by Ms Johansson on behalf of the European Commission  
(29 October 2024)**

1. In the notification of 9 September 2024, the German authorities indicated as public policy and internal security grounds: the security risks connected to irregular migration, including migrant smuggling, resulting in high levels of illegal entries; the excessive burden on the asylum reception system and solidarity in society and resulting threats to public order and internal security; security risks flowing from the Russian invasion in Ukraine and the situation in the Middle East, including terrorist Islamist violence; the effects of crimes carried out by refugees on the overall sense of security among the German public.
  2. In the notification, Germany explained that it considers the reintroduction of internal border control to be a necessary and proportionate means of last resort. It does not believe the threats can be sufficiently addressed with alternative measures. It has indicated that the controls will be flexible and risk-based and that the federal police strive to limit the impact on free movement of persons within the area without internal border control and cross-border regions. The Commission will remain in close contact with the German authorities in order to evaluate the situation.
  3. No Member State has brought the matter before the Commission in accordance with the procedure laid down in Article 259 of the Treaty on the Functioning of the EU.
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