

Border control: common rules on temporary reintroduction of border control at internal borders in exceptional circumstances

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The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Renate WEBER (ALDE, RO) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances.

The parliamentary committee recommends that the European Parliament's position adopted at first reading under the ordinary legislative procedure should be to amend the Commission's proposal as follows:

Migration should not be considered as a serious threat: Members consider that migration and the crossing of external borders by a large number of third-country nationals **should not, per se, be considered to be a threat to public policy or to internal security.**

The reintroduction of border controls based on guidelines laid down by the Commission: Members stipulate that full free movement within the area without internal border controls should be guaranteed and the reintroduction by Member States of border control at internal borders on **political grounds should be avoided**. In this regard, the Commission should draw up guidelines on the reintroduction of border control at internal borders, both in cases which require such a measure as a temporary reaction and in cases where immediate action is needed. These guidelines should ensure coherent implementation of the Schengen rules and provide clear indicators to facilitate the assessment of threats to public policy and to internal security..

The reintroduction of border controls as a measure of last resort: Members underline that any temporary reintroduction of internal border controls should be in the framework of a **rigorous evaluation process** and should only be **a measure of last resort**, such as in the case of a serious and **imminent** threat to public policy or to internal security. In this context, they ask that the establishment of a European mechanism for the reintroduction of temporary and exceptional border control at internal borders is based on an analysis from the [evaluation mechanism to verify application of the Schengen acquis](#) in the Member State in question.

Under this mechanism, a procedure with the three following stages would apply:

1. the Commission should transmit to the European Parliament and to the Council a recommendation assessing the necessity for the reintroduction of border control at internal borders as a measure of last resort;
2. the European Parliament and the Council should present their opinions within one month of receipt of the Commission's recommendation;
3. the Commission should then be able to decide on the reintroduction of border control at internal borders by way of implementing acts, in accordance with [Regulation \(EU\) No 182/2011 of the European Parliament and of the Council](#).

Information and mutual cooperation: where a Member State considers that border control at internal borders should be reintroduced, it shall notify the **other Member States** and the Commission accordingly

at the latest six weeks before the planned reintroduction. The information shall be submitted to the **European Parliament at the same time**. If necessary, the Commission may request additional information from the Member State(s) concerned.

The opinion that the Commission prepares shall be the subject of consultation between the Member State planning to reintroduce border control at internal borders, the Member States that might be affected by the reintroduction of border controls, and the Commission, with a view to ensuring mutual cooperation between Member States and to examining the proportionality of the measures to the events giving rise to the reintroduction of border controls.

Duration of the application of a border control reintroduction measure: any measure to reintroduce border controls at internal borders evaluated and decided in accordance with the procedure, is only applicable for six months. This period may be extended for a further period of six months if the serious deficiencies are not remedied, with a maximum of three such prolongations.

Duration of application of an exceptional reintroduction measure where there is an immediate threat: when there is an imminent threat to public order or the internal security of a Member State requires **immediate action**, the Member State concerned may, exceptionally and immediately, reintroduce border controls at internal border for a period not exceeding **10 days** (and not 5 as proposed by the Commission). This period may be extended in duly justified circumstances. This measure should be notified to the European Parliament, as well as be the subject of notifications and consultations between Member States, and should be assessed in terms of proportionality. In any event, any reintroduction of border controls (all exceptions included) **should not exceed two months**.

Report: Members call for the Commission to present to the European Parliament and to the Council, at least annually, a report on the functioning of the Schengen area. That report should provide the basis for an annual debate in the European Parliament and in the Council and should contribute to the strengthening of political guidance and cooperation in the Schengen area. The report shall include a list of all decisions to reintroduce border control at internal borders taken during the relevant year. The representatives of the Member States which have reintroduced internal border controls shall be invited to the Commission's presentation of the report.