

# Temporary reintroduction of border control at internal borders

2017/0245(COD) - 27/09/2017 - Legislative proposal

**PURPOSE:** to update the Schengen Borders Code to adapt the rules for the reintroduction of temporary internal border controls to the current needs to respond to evolving and persistent serious threats to public policy or internal security.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** The European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** due to the secondary movements of irregular migrants and the increase of cross-border terrorist threats posing a serious threat to the internal security of a number of Schengen States, **some Members States have been compelled to extend the temporary reintroduction of internal border controls.**

Based on the current [Schengen rules](#), border controls at internal borders are possible for longer than six months when there are serious deficiencies in the external border management of a Member State, as demonstrated during a Schengen Evaluation.

In situations where the serious threat to public policy or internal security is not related to deficiencies in the management of the external borders as demonstrated during a Schengen Evaluation, the reintroduction of border control at internal borders is subject to the conditions and time limits set out in the Schengen Borders Code.

While the current rules for the temporary reintroduction of internal border controls have proved sufficient in the vast majority of cases, **the maximum periods laid down in the legislation may not be sufficient** when Member States face serious and persistent threats to public order or internal security.

This is why the Commission considers it necessary to **adapt the maximum periods** for the temporary reintroduction of border checks to current needs, while ensuring that the use of this measure remains exceptional and is decided only as a last resort.

**CONTENT:** the proposal seeks to **update the Schengen Borders Code to prolong the time limits for internal border controls.** **Stronger procedural safeguards** are also being introduced to ensure that border controls at internal borders remain an exception - **a measure of last resort** - and are used only if necessary and proportionate, limiting the impact on free movement.

The Commission proposes:

- **to increase up to one year (instead of six months) the maximum time limit for temporary reintroduction of border control at internal borders** for the foreseeable duration of the serious threat and to increase from up to 30 days to up to six months the limit for the length of prolongation periods;
- **to introduce better procedural safeguards** in order to ensure that the decision on temporary border control at internal borders or their prolongation is based on a proper risk assessment and is taken in cooperation with the other Member States concerned. Member States will prepare and

submit a risk assessment assessing how long the identified threat is expected to persist and which sections of the internal borders are affected and how border control contributed to address the identified threat;

- **to introduce a better follow up to the opinion of the Commission** expressing concerns on the necessity or proportionality of border controls being exercised for longer than six months and the consultation procedure involving the Commission, Member States and, as now proposed, relevant Agencies;
- **a new possibility is introduced to extend internal border controls by a maximum period of two years where the serious threat to internal security or public policy persists beyond the one-year deadline**, provided that it can be attributed to the same grounds (e.g. threat related to the operation of a cross-border terrorist network) and that commensurate exceptional national measures are taken within the territory to address the threat (such as the state of emergency). Such prolongation would require a **Recommendation of the Council**, which would need to take into account the opinion given by the Commission, and would be strictly limited to 6 month periods with the possibility to prolong no more than three times up to a maximum period of two years.