

## Schengen area: Council recommends up to six month prolongation of internal border controls

On 11 May 2017, the Council adopted an implementing decision setting out a recommendation to prolong temporary internal border controls in exceptional circumstances.

As from this date, when the previous decision expires, Austria, Germany, Denmark, Sweden and Norway may **prolong proportionate temporary border controls for a maximum period of six months** at the following internal borders:

**Austria** at the Austrian-Hungarian land border and Austrian-Slovenian land border

**Germany** at the German-Austrian land border

**Denmark** in the Danish ports with ferry connections to Germany and at the Danish-German land border

**Sweden** in the Swedish harbours in the Police Region South and West and at the Öresund bridge

**Norway** in the Norwegian ports with ferry connections to Denmark, Germany and Sweden

Before prolonging such controls, those member states concerned should exchange views with the relevant member states to **ensure that internal border controls are carried out only where it is considered necessary and proportionate**. They should also ensure that internal border controls are only carried out as a last resort and when other alternative measures cannot achieve the same effect. When they provide the same security results, the use of police powers across the territory should be preferred.

Border controls should be targeted and limited in scope, frequency, location and time to what is strictly necessary to respond to the serious threat and to safeguard public policy and internal security resulting from the continued risk of secondary movements of irregular migrants.

The member states that carry out these controls should review each week whether they are still necessary and adjust them to the level of the threat, phasing them out wherever appropriate. They should report to the Commission and the Council every month.

### Background

Under article 29 of the Schengen Borders Code, the Commission may propose a recommendation, to be adopted by the Council by qualified majority, to reintroduce controls at all or specific parts of the border of one or more member states as a matter of last resort. They may be introduced for a period of up to six months. Controls can be prolonged, no more than three times, for additional six month periods up to a maximum duration of two years.

On 4 May 2016, in the context of the migratory crisis, the Commission considered that the conditions for applying Article 29 of the Schengen Borders Code were fulfilled and submitted a recommendation to the Council. This was due to serious deficiencies in ensuring efficient controls at parts of the EU's external borders, which put the functioning of the entire Schengen area at risk.

On 12 May 2016, the Council recommended to the five Schengen state most affected (Austria, Germany, Denmark, Sweden and Norway) that they maintain proportionate temporary border controls for a maximum period of six months to respond to the serious threat and to safeguard public policy and internal security, as a result of the secondary movements of irregular migrants.

Given the fragile situation and the residue of pressure remaining in the members states most affected by these movements, on 11 November 2016 the Council recommended that these member states prolong proportionate temporary border controls for a maximum period of three months. The Council adopted a recommendation for a further three month prolongation on 7 February 2017.

On 2 May 2017, the Commission adopted a proposal, underlining that this is for the last time, recommending to the five Schengen states that they prolong the temporary internal border controls for a further maximum period of six months. It also presented a recommendation on proportionate police checks and police cooperation, which is intended to contribute to the gradual phasing out of the temporary internal border controls.

[Council implementing decision setting out a recommendation allowing for the prolongation of temporary internal border controls Schengen Border Code](#)

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