

Danish Minister for Immigration,  
Integration and Housing

Mr Frans Timmermans  
First Vice-President of the European Commission  
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Mr Dimitris Avramopoulos  
Commissioner for Migration, Home Affairs and Citizenship  
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CC

Council Presidency  
Deputy Prime Minister and Minister of the Interior  
of the Slovak Republic  
Mr Robert Kalinák  
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Dear Vice-President,  
dear Commissioner,

We are writing in reference to our joint letter of 29 April 2016 in which we asked you to submit a proposal to extend temporary border controls at the internal borders to the Council on the basis of Article 29 of the Schengen Borders Code. On 12 May 2016, the Council accepted your proposal and recommended that internal border controls be maintained for six months until 12 November 2016. All five Member States located at the internal borders concerned took advantage of the possibility.

In the meantime, we have informed the Commission about the implementation of the measures and the situation at the internal borders. In its report of 28 September 2016 the Commission came to the conclusion that the current border controls have been carried out only to the necessary extent and have been limited in their intensity, which means that the measures taken by the Member States have been proportionate and in line with the Council recommendation.

Even though the refugee situation at the internal borders along the Balkan route is no longer as dramatic as in the past, we are still concerned about developments at the European Union's external borders



**Ministry of Immigration,  
Integration and Housing**

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The evaluation of external borders in Greece between 10 and 16 April 2016 has revealed persistent serious shortcomings and structural deficits in some areas. There are still structural deficiencies in the Greek border management system. Many elements of these system and some core capabilities are still weak or fragmented. We still do not assume that they can be permanently remedied in the very near future. Furthermore, a considerable number of migrants are still in Greece and along the Balkan route. We do not know whether and to what extent they have been registered. Hotspot facilities seem to become increasingly overcrowded and in this context secondary movements are on the rise. Thousands of migrants are stranded in Western Balkan countries. In addition, the Dublin-regulation is still not applied by all Member States causing further risks of secondary irregular movement also for migrants, who have been registered.

In general, the situation continues to be extremely volatile and difficult to predict, all the more so as the central Mediterranean route remains another cause of concern. From our point of view, this threatens the functioning of the Schengen area without internal border controls and generally constitutes a serious risk for public order and security. Dramatic events, such as the terror attacks of 13 November 2015 in Paris, the attacks of 22 March 2016 in Brussels und those that occurred in Würzburg und Ansbach on 18 and 24 July 2016 respectively, recently demonstrated that terrorist groups are likely to try and take advantage of deficiencies in border controls.

For this reason we urge you to submit another proposal to the Council allowing those Member States that face the necessity to maintain or introduce temporary border controls along the internal Schengen borders as from 12 November 2016 in line with Article 29 of Regulation (EU) 2016/399 of 9 March 2016 (Schengen Borders Code), as was announced in your communication “Back to Schengen - a Roadmap” of 4 March 2016. Member States must be able to use this tool in a flexible manner wherever it is necessary to respond to changing migration routes and security needs.

It is our common objective to protect the outstanding achievement of border-free travel in the Schengen area. In their declaration of 7 March 2016, the European Union's heads of state and government emphasized the need to implement the above-mentioned Commission roadmap of 4 March 2016 in order to remove the reintroduced internal border controls by the end of this year. To return to normality it is necessary to permanently remedy the structural deficits at the external borders, including offering support for border management to Member States facing disproportionate pressure at their external borders. Until then, given the volatile and unpredictable situation and persistent irregular internal migration and security threats, internal border controls are still necessary for the Member States we represent. As in the past, the border controls would be limited to a strictly necessary minimum, also with regard to the cross-border traffic of persons and goods.

The Council Decision of 12 May 2016 was a sign that Europe can act together to regain the trust of our people and strengthen Schengen. The reasons justifying this Decision continue to exist.

Yours sincerely,

Dr. Thomas de Maizière, MdB  
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of Germany

Mag. Wolfgang Sobotka  
Federal Minister of the  
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Inger Støjberg  
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