



# Justice & Home Affairs

*'Reintroduction of internal border checks*

*Assigned readings for this session:*

- *Guild, Brouwer et al. (2015), 1-24- Brière, Chloé (2020)*
- *Cornelisse, Galina (2020)*

## *Reintroduction of internal border checks*

2011

'Franco-Italian  
affair'

2015

- 'Franco-Italian affair' (2011)
  - Italian government issued Schengen visas to 25,000 Tunisians migrants following an uprising in Tunisia
  - France temporarily closed its border with Italy in April 2011.
- Consequently, Schengen Border Code was revised in 2013 (artt. 23-25):
  - providing grounds and time limits under which Schengen states are entitled to introduce intra-state border controls on persons
  - tasking the Commission with the evaluation of reasons and applications of these emergency measures

# Reintroduction of internal border checks

2011

'Franco-Italian  
affair'

2015

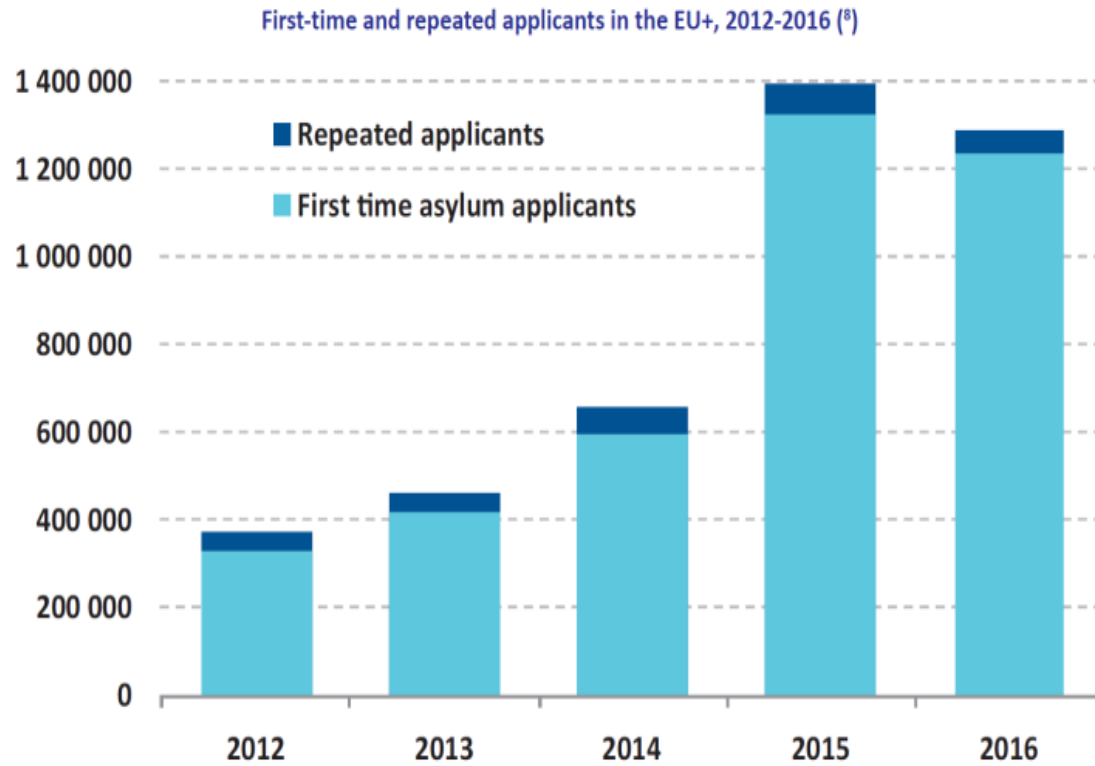
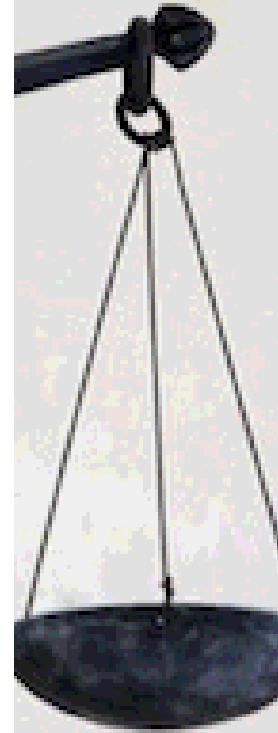


Figure 1: Small decrease in the number of applicants in the EU+ compared to 2015



13 September  
2015

*Germany*

1997

- 13 September 2015: German *temporary reintroduction of border controls*
  - *controls at the German-Austrian land border*
  - *justification: “uncontrolled and unmanageable influx of third country nationals affecting public order and internal security”*
  - *on 12 October a prolongation of temporary controls was announced*

13 September

*Germany*

15 September

*Austria*

16 September

- 15 September 2015: Austrian *temporary reintroduction of border*
  - *Justification: mass inflows and the security challenge it presented (overburdening the police, emergency services and public infrastructure)*
  - *controls at the borders with Hungary, Italy, Slovenia and Slovakia*
  - *two subsequent prolongations – for 20 days (under Articles 23 and 24 SBC)*
  - *Austria provided in an annex a list of all designated border crossing points as required by Article 23 SBC*

16  
September

*Slovenia*

12  
November

- 16 September 2015: Slovenian *temporary reintroduction of border controls*
  - *Justification: uncontrollable migration flows*
  - *On 24 September Slovenia prolonged for a further 20 days*

A timeline diagram is overlaid on a background image of a classical statue of a woman holding a scale of justice. The timeline consists of a light blue arrow pointing to the right, with three blue callout boxes. The first box contains the date '16 September', the second contains the country name 'Slovenia', and the third contains the date '12 November'. To the right of the arrow, there is a blue rounded rectangle containing the country name 'Sweden', followed by another blue callout box containing the date '25 November'.

16  
September

*Slovenia*

12  
November

*Sweden*

25 November

- 12 November 2015, Sweden: *immediate and extended border controls*
  - *justification: serious threat to public policy and internal security resulting from the unprecedented migratory pressure and “ensuing significant challenges to the functioning of Swedish society” (strains on housing, health care, schooling and social services)*
  - *controls were extended until 11 December*



25 November

**Norway**

13 November

- 25 November 2015: Norway reintroduces border controls the following day
  - justification: unpredictable migratory flows amounting to a serious threat to public policy and internal security
  - controls were extended until 26 December



25 November

*Norway*

13 November

*France*

2010

- On 13 November France reintroduces border controls
  - justification: security of conference on climate change from 13 November to 13 December
  - these controls were retained after the attacks in Paris (of 13 November)



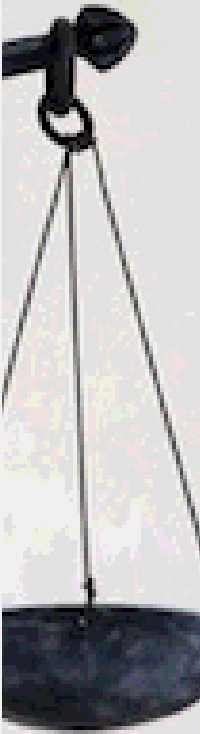
*throughout second half 2015*

- Belgium, Denmark, Finland, Luxembourg, Netherlands and Switzerland did not introduce controls at their internal borders
  - Belgium and the Netherlands intensified the (police) controls in the zones behind their internal borders
  - in most of these cases economic and practical reasons influenced the decision not to introduce border controls
  - “systematic controls at the highways between Antwerp and the Netherlands, at the borders near Basel and Geneva or at the Øresund Bridge would create massive congestion of cross-frontier workers commuting by car.” (Guild et al. 2015: 9)

- Since 2015, internal border controls have been reinstalled more than 80 times,
- with Member States justifying these measures on account of
  - secondary movements of migrants,
  - the threat of terrorism and
  - the situation at the external borders of the EU.
- Then, in 2021, the Covid-19 pandemic introduced another reason: public health risk

# The 'Covid Notifications' of 2021

- Temporarily reintroduced in the context of COVID-19:
  - **Finland (26 April - 25 May 2021; 24 May – 15 June 2021)**  
  
Coronavirus COVID-19; all internal borders except the border with Iceland
  - **Iceland (17 May - 15 June 2021)**  
  
Coronavirus COVID-19; all internal borders
  - **Norway (11 May - 7 September 2021)**  
  
Coronavirus COVID-19; all internal borders
  - **Denmark (12 May - 11 November 2021) \***  
  
Coronavirus COVID-19; to be determined but may concern all internal borders
  - **Hungary (23 May - 22 June 2021)**  
  
Coronavirus COVID-19; all internal borders
  - **France (1 May - 31 October 2021)**  
  
Coronavirus COVID-19; all internal borders



# But also the 'usual' motivation (since 2015)

- Temporary border controls reintroduced in a context *different from COVID-19*:
  - **Norway (12 May - 11 November 2021)**

Terrorist threats, secondary movements; ports with ferry connections to Denmark, Germany and Sweden
  - **Austria (12 May - 11 November 2021)**

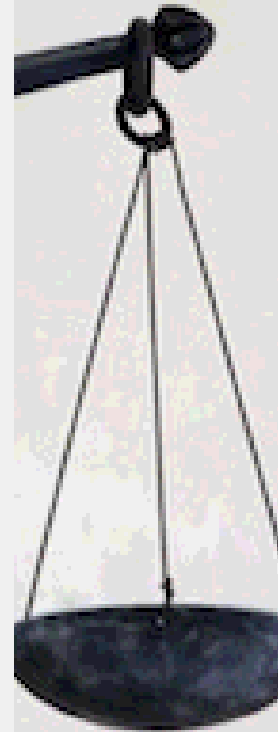
Secondary movements, risk related to terrorists and organized crime, situation at the external borders; land borders with Hungary and with Slovenia;
  - **Germany (12 May - 11 November 2021)**

Secondary movements, situation at the external borders; land border with Austria;
  - **Sweden (12 May – 11 November 2021)**

Terrorist threats, shortcomings at the external borders; to be determined but may concern all internal borders;
  - **Denmark (12 May - 11 November 2021)**

Terrorist threats, organized criminality threats; to be determined but may concern all internal borders;
  - **France (1 May - 31 October 2021)**

Continuous terrorist threat, secondary movements; all internal borders



# It has become 'everyday practice'

Country	Duration	Reasons/Scope
Slovakia	27/05/2023 - 08/06/2023	International security conference of Globsec 2023 Bratislava Forum taking place at the same time as the international event of the motorcyclist club Hells Angels MC Slovakia - World Run; all internal borders
Norway	12/05/2023 - 11/11/2023	Threat to critical on-shore and off-shore infrastructures, Russian intelligence threat in Norway; ports with ferry connections to the Schengen area
Denmark	12/05/2023 - 11/11/2023	Islamist terrorist threat, organised crime, smuggling, Russian invasion of Ukraine, irregular migration along the Central Mediterranean route; land border with Germany and ports with ferry connections to Germany
Germany	12/05/2023 - 11/11/2023	Increase in irregular migration from Türkiye through the Western Balkans, strain on the asylum reception system, human smuggling; the land border with Austria
Sweden	12/05/2023 - 11/11/2023	Islamist terrorist threat; all internal borders (exact borders to be determined)
Austria	12/05/2023 - 11/11/2023	Pressure on the asylum reception system, high migratory pressure at the EU's external border to Türkiye and the Western Balkans, threat of arms trafficking and criminal networks due to the war in Ukraine, human smuggling; land borders with Hungary and Slovenia
France	01/05/2023 - 31/10/2023	New terrorist threats, increasing risk of terrorist organisations present on national territory targeting the Rugby World Cup taking place in September and October 2023, increase in irregular entry flows at the external borders (from the Central Mediterranean and the Western Balkans); internal borders with Belgium, Luxembourg, Germany, Switzerland, Italy, Spain

# And it has become 'everyday practice'

Iceland	26/04/2023 - 24/05/2023	Council of Europe Summit in Reykjavik; all internal borders (specific border sections and border crossing points to be determined by the National Commissioner of the Icelandic Police).
Germany	12/11/2022 - 11/05/2023	Secondary movements, smuggling, strain on national refugee reception facilities, need to increase security of critical infrastructures; land border with Austria
Denmark	12/11/2022 - 11/05/2023	War in Ukraine, smuggling and human trafficking, Russians fleeing conscription, returning terrorist fighters, risk of exploiting by terrorists the migration routes, incidents involving the organised crime; the land borders and ports with ferry connections with Germany and Sweden
Norway	12/11/2022 - 11/05/2023	War in Ukraine, need to increase the security of the Norwegian on-shore and off-shore gas facilities, situation at the external border; ports with ferry connections to the Schengen area
Austria	12/11/2022 - 11/05/2023	Secondary movements, increase in irregular migration flows, smuggling activities, illegal entry of potential terrorist threats, land borders to Slovenia and Hungary
Sweden	12/11/2022 - 11/05/2023	Increase in irregular migration flows, risk of secondary movements, situation at the external border, all internal borders

# Reviewing the notifications

- controls have overtly been reintroduced in accordance with EU law
- Commission was, as evaluator, often sympathetic to the justifications (whether in relation to the extraordinary influx, perceived threats to public order, internal security or public health risks)
- there are still points requiring attention, though

## Point 3 Conclusive Remarks

*Conclusion by Guild et al. (2015: 17): the overarching interest is “protecting the free movement of persons as laid down in Article 20 SBC, with only limited and conditioned options for internal border checks”.*

movements, as such, should not be considered a threat to security, even though it is widely used

‘radicalised people’ hiding among refugees or illegal migrants)

*and use of the “symbolism of Schengen” the Commission layed by the pragmatic cost-benefit reasoning of the member states in the discussion on internal border checks (Cornelisse, 2020)*

*Commission proposes a strategy on the future of Schengen, scheduled for the second quarter of 2021*



# SBC revision of 2021

The background of the slide features a grayscale image of a classical statue, likely representing Justice or Law. The statue is shown from the waist up, holding a pair of scales of justice in its right hand. The scales are positioned on the right side of the frame, with the pans hanging down. The statue's left hand is raised, holding a sword or a similar object, though it is less distinct. The overall tone is formal and legalistic.

- 14 December 2021: proposal for a regulation amending SBC
- The main elements of the proposal:
  - A new coordination mechanism ***dealing with health threats***
  - A safeguard mechanism providing a common response at the internal borders in situations of threats ***affecting a majority of Member States***
  - ***Updated procedural requirements*** for reintroduction of internal border controls
  - Promote the ***use of alternative measures*** (such as more ***operational police checks in border regions***)
  - Limiting impact of internal border checks on border regions – e.g. by establishing ***‘green lanes’***

A marble statue of Lady Justice, the personification of the goddess of justice. She is depicted from the waist up, wearing a long, flowing robe. Her right hand is raised, holding a pair of black scales of justice. Her left hand is partially visible, holding a book. The background is a plain, light-colored wall.

**Leading question for presentations of today's lecture:**

***Should internal borders be reinstated in the EU?***

A marble statue of Lady Justice, the personification of the goddess of justice. She is depicted from the waist up, wearing a long, flowing robe. Her right hand is raised, holding a pair of black scales of justice. The scales are balanced, with two pans hanging from a central beam. The background is a plain, light-colored wall.

**END**

**KONEC**

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