

CONTROL AND CLOSURE OF INTERNAL BORDERS IN THE SCHENGEN AREA

- **SCHENGEN CONVENTION OF 19 JUNE 1990**

- (...)

- “Whereas the Treaty establishing the European Communities, supplemented by the Single European Act, provides that the internal market shall comprise an area without internal frontiers,”

- (...)

- **Article 2**

- 1. Internal borders may be crossed at any point without any checks on persons being carried out,
 - 2. However, where public policy or national security so require a Contracting Party may, after consulting the other Contracting Parties, decide that for a limited period national border checks appropriate to the situation shall be carried out at internal borders. If public policy or national security require immediate action, the Contracting Party concerned shall take the necessary measures and at the earliest opportunity shall inform the other Contracting Parties thereof.

CONTROL AND CLOSURE OF INTERNAL BORDERS IN THE SCHENGEN AREA

- **TITLE V TFEU**

- **AREA OF FREEDOM, SECURITY AND JUSTICE**

•

- **ARTICLE 77**

- 1. The Union shall develop a policy with a view to:
 - (a) ensuring the absence of any controls on persons, whatever their nationality, when crossing internal borders;
 - (b) carrying out checks on persons and efficient monitoring of the crossing of external borders;
 - (c) the gradual introduction of an integrated management system for external borders

CONTROL AND CLOSURE OF INTERNAL BORDERS IN THE SCHENGEN AREA

- **SCHENGEN BORDERS CODE**

- (Regulation No 562/2006 of 15 March 2006)

- **Article 2**

- **Definitions**

- 1. '**internal borders**' means:
 - (a) the common land borders, including river and lake borders, of the Member States;
 - (b) the airports of the Member States for internal flights;
 - (c) sea, river and lake ports of the Member States for regular internal ferry connections.
- 8. '**border crossing point**' means any crossing-point authorized by the competent authorities for the crossing of external borders;
- 9. '**border control**' means the activity carried out at a border, in accordance with and for the purposes of this Regulation, in response exclusively to an intention to cross or the act of crossing that border, regardless of any other consideration, consisting of border checks and border surveillance;
- 10. '**border checks**' means the checks carried out at border crossing points, to ensure that persons, including their means of transport and the objects in their possession, may be authorized to enter the territory of the Member States or authorized to leave it;
- 11. '**border surveillance**' means the surveillance of borders between border crossing points and the surveillance of border crossing points outside the fixed opening hours, in order to prevent persons from circumventing border checks;

CONTROL AND CLOSURE OF INTERNAL BORDERS IN THE SCHENGEN AREA



CONTROL AND CLOSURE OF INTERNAL BORDERS IN THE SCHENGEN AREA

- ***General procedure of temporary reintroduction of border control at internal borders***
 - **Articles 23, 23a and 24 SBC**
 -
- - Where there is a serious threat to public policy or internal security in a Schengen State as a result of a foreseeable event, that State may exceptionally and as a last resort reintroduce border control at all or specific parts of its internal borders for a limited period of up to 30 days, renewable. However, the total period during which border control is reintroduced shall not exceed six months;
- - Duty for the Schengen State to assess the extent to which such a measure is likely to adequately remedy the threat and is proportional in relation to the threat;
- - Duty to notify with antecedence the other Schengen States, the Commission, the EP and the Council and to supply relevant information, normally four weeks before the planned reintroduction. The other Schengen States and the Commission may issue an opinion. This opinion becomes mandatory for the Commission if the latter has concerns as regards the necessity or proportionality of the planned measure, or if it considers that a consultation on some aspects of the notification would be appropriate.

CONTROL AND CLOSURE OF INTERNAL BORDERS IN THE SCHENGEN AREA

- ***Specific procedure for cases requiring immediate action***
 - **Articles 25 and 23a SBC**
- - Where a serious threat to public policy or internal security in a Schengen State requires immediate action to be taken, the State concerned may, on an exceptional basis, immediately reintroduce border control at internal borders, for a limited period of up to ten days which may be prolonged for renewable periods of up to 20 days. The total period shall not exceed two months.
- - Duty for the Schengen State to notify the other States and the Commission and supply the relevant information.
- - Duty for the Schengen State deciding to prolong the border control to assess the extent to which such a measure is likely to adequately remedy the serious threat to public policy or internal security and is proportional in relation to the threat.
- - In the event of such a prolongation, a consultation should be promoted by the Commission.

CONTROL AND CLOSURE OF INTERNAL BORDERS IN THE SCHENGEN AREA

- **Specific procedure where exceptional circumstances put the overall functioning of the Schengen area at risk**
 - **Articles 26 and 26a SBC**
- - In exceptional circumstances where the overall functioning of the Schengen area is put at risk as a result of persistent serious deficiencies relating to external border control carried out by a Schengen State, and insofar as those circumstances constitute a serious threat to public policy or internal security within the Schengen area or within parts thereof, border control at internal borders may be reintroduced for a period of up to six months. That period may be prolonged, no more than three times, for a further period of up to six months if the exceptional circumstances persist.
- - The Council may, as a last resort and as a measure to protect the common interests within the Schengen area, where all other measures are ineffective in mitigating the serious threat identified, recommend that one or more Schengen States decide to reintroduce border control at all or at specific parts of their internal borders. The Council's recommendation shall be based on a proposal from the Commission.
- - The Council shall assess the extent to which such a measure is likely to adequately remedy the threat to public policy or internal security within the Schengen area, and shall assess the proportionality of the measure in relation to that threat. That assessment shall be based on the detailed information submitted by the Schengen State(s) concerned and by the Commission and any other relevant information.