



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL MIGRATION and HOME AFFAIRS

The Director-General

Brussels, 23 October 2017

H.E. Mr. Kim JØRGENSEN  
Ambassador Extraordinary and  
Plenipotentiary

Permanent Representation of  
Denmark to the European Union

Rue d'Arlon 73,  
1040 Brussels,  
Belgium

Your Excellency,

I am contacting you following your letter of 11 October 2017 in which you inform the Commission about your decision to carry out internal border controls for 6 months beyond 11 November 2017 at the land border with Germany.

As you know on 19 October the European Council reiterated its commitment to the Schengen system and expressed the intention to get "Back to Schengen" as soon as possible while taking proportionate security interests of Member States fully into account. While it is clear under the current rules Member States may have proportionate security interests justifying internal border controls, it is also clear that any such decisions must come as a last resort measure, applied only as long as necessary and justified. Any temporary border controls should therefore be carried out in a proportionate manner and sensitive to impacts on neighbouring Member States.

It was with a view to assist Member States in the implementation of these rules that on 12 May and 3 October the Commission presented recommendations on respectively, proportionate police checks and police cooperation in the Schengen area<sup>1</sup> and on the implementation of the provisions of the Schengen Borders Code on temporary reintroduction of border controls at internal borders in the Schengen area<sup>2</sup>.

In line with Article 27(1) of the Schengen Borders Code and two Commission Recommendations of 12 May and 3 October I would like to request several clarifications to assess in detail your notification of 11 October.

According to your notification the planned decision on temporary border controls at the internal border concerned is linked to the risk of exploiting by the terrorists alleged deficiencies in border controls and perpetuating the terrorist attacks as prepared in one Member State on the soil of another Member State. You are also referring to the irregular

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<sup>1</sup> C(2017) 3349

<sup>2</sup> C(2017) 6560

secondary movements which are facilitated by the alleged structural deficiencies at the EU external borders as well as that the Dublin regulation is still not applied by all Member States.

I would like to invite you to confirm that you have made the necessary assessment in line with Articles 25, 26 and 27 of the Schengen Borders Code, which demonstrates that the degree of secondary movements into Denmark currently experienced constitutes a serious threat to public policy or internal security. I would like to also invite you to confirm that according to your assessment, intensified police checks in the border areas as an alternative measure to the intended border controls were not sufficient to address the identified threats.

I would like to invite you to elaborate more on the specific measures you intend to take in order to ensure the right balance between the need to protect public policy or internal security and the benefits of the area without controls at internal borders. In particular, I would appreciate very much that you share the outcome of your assessment of the impact of the announced border controls on free movement of persons and the internal market. I would also like to ask for any further clarifications demonstrating that the intended border control would be in place only as long as necessary and would be adjusted to what is strictly necessary to address the identified threat.

I would like to also ask you for more information concerning the ongoing or held consultations with Germany as the Member State to be affected the most by the announced border controls, and explaining how this cooperation will be continued in the next six months so as to reflect the evolving needs and impact on the ground.

I would be also grateful for clarifying if the announced border controls will concern only the land border with Germany or also the ferry connections.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Matthias Ruete', is positioned above the printed name.

Matthias RUETE