



Council of the
European Union

Brussels, 4 October 2018
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COMIX 535

NOTE

From: French delegation
To: Working Party on Frontiers/Mixed Committee
(EU-Iceland/Liechtenstein/Norway/Switzerland)
Subject: Prolongation of the temporary reintroduction of border controls at the French internal borders in accordance with Article 25 of Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)

Delegations will find attached a copy of a letter received by the General Secretariat of the Council on 3 October 2018 regarding temporary reintroduction of border controls by France at its internal borders between 1 November 2018 and 30 April 2019.

**PERMANENT REPRESENTATION OF FRANCE
TO THE EUROPEAN UNION**

IM 09978 2018
3 October 2018

The Permanent Representative

Brussels, 2 October 2018

No 2018-1605058

Dear Sir,

Please find enclosed a note from the French authorities extending the reintroduction of border controls at the internal borders with Belgium, Luxembourg, Germany, Italy, Spain and the Swiss Confederation from 1 November 2018 to 30 April 2019.

(Complimentary close)

Mr Philippe LÉGLISE-COSTA

Copy: Ms Christine ROGER

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NOTE FROM THE FRENCH AUTHORITIES

SUBJECT: Extension of border controls from 1 November 2018 to 30 April 2019 at France's internal land borders with Belgium, Luxembourg, Germany, Italy, Spain and the Swiss Confederation, and at its air and sea borders.

France is still facing a serious terrorist threat. To date, in 2018, there have been two attacks for which Islamic State claimed responsibility, in which 5 people were killed and 20 wounded. One of the attacks took place at Carcassonne and Trèbes on 23 March, leaving 4 dead and 15 wounded; the second attack, in which one person was killed and five others wounded, took place in Paris on 12 May.

Since the start of the year, five more terrorist plots linked to religious radicalisation have been foiled as a result of arrests made thanks to the intelligence services. The work carried out by the Standing Committee on Operational Cooperation on Internal Security (COSI) of the Council of the European Union (EU) shows that France continues to be the leading target for such attacks.

Individuals are still carrying out 'lone wolf' actions in France, such as the attack on two people in Trappes on 23 August 2018, for which Da'esh claimed responsibility. Such individuals are likely to move around within the EU in response to calls for action by the terrorist organisation.

Lastly, there is an increased risk that we will see the return of foreign terrorist fighters who are European nationals, following the announcement by Turkey and Russia that Idlib – the last jihadist bastion in Syria – has been demilitarised. There are believed to be around 10 000 terrorists in the Idlib region, possibly including 400 French nationals or foreign nationals with a French residence permit, who may try to return to Europe intending to carry out large-scale attacks or lone wolf actions.

This information confirms that a high-level threat remains and that there are likely to be further plots to carry out attacks on French soil, particularly given that the crossing of internal borders continues to be one of the strategies used by terrorist cells, which seek to thwart the intelligence services by deploying members of their organisation in a number of Member States.

The attack in Amsterdam on 31 August 2018 – in which two people were wounded by an Afghan refugee who held a German residence permit – is further proof of the ease with which terrorist cells are able to move around within the Schengen area.

The process of strengthening the EU's external borders is not yet complete, and the new intensity of the threat means that our efforts must be maintained. France will continue to give its full support to the negotiations under way to protect European territory. The recent initiatives, the possible establishment of controlled centres and an increased role for Frontex will also make it possible to carry out security checks on individuals arriving via irregular migration flows, before they enter the Schengen area. However, all these measures must be properly implemented if the EU's external borders are to be fully secured. In this connection, if records were made every time that European nationals crossed the EU's external borders, this would help to trace the movements of foreign terrorist fighters who represent a real threat on European soil.

Against this backdrop of heightened terrorist threat, France will hold the presidency of the G7 in 2019, which will make it necessary to strengthen the country's security and control of cross-border movement, particularly given that it will be hosting a number of ministerial meetings, including the meeting of G7 interior ministers and foreign ministers in April 2019, and the summit of the heads of state and government in Biarritz. These international political events require France to demonstrate total vigilance in terms of security.

The French authorities have therefore decided to extend the controls at France's internal borders from 1 November 2018 until 30 April 2019, in accordance with the provisions of Articles 25(1) and 27 of the Schengen Borders Code. The circumstances require that it be possible for travel documents to be checked when internal borders are crossed, to verify their authenticity and the identity of their holder.

The French authorities are mobilising all available legal tools and operational resources to ensure the safety of European citizens. In compliance with the provisions of the Schengen Borders Code, these checks will respect the principle of proportionality, in accordance with up-to-date risk analyses.

In line with the European Commission recommendation of 12 May 2017 inviting Member States to optimise their use of ordinary police checks, national measures have been in place since October 2017 to replace checks at internal borders on an ad hoc basis, without having the same effects as regards non-admission. These measures will allow those checks to be adapted according to the specific level of risk at each border section.

However, in order to comply with the requirements of the Schengen Borders Code and the case-law of the Court of Justice of the European Union, these measures cannot have an effect equivalent to a border check. This is why the reintroduction of internal border controls is still necessary.

These controls have proven their worth in preventing terrorism. In addition to acting as a deterrent, between November 2015 and the end of September 2018 they led to 217 261 arrests, of which 131 422 were made due to records being detected in European databases. This represents a fourfold increase in the number of alerts, with an average of 3 922 records being discovered each month.

They have also proved useful in the fight against document fraud, pending the adoption of the new regulation requiring the inclusion of biometric data in ID cards and residence documents issued by Member States. The use of false documents and identity theft are techniques that are frequently employed by criminal networks to travel within the EU, with a total of 22 609 individuals arrested carrying false documents between November 2015 and the end of August 2018, 3 148 of whom were arrested at internal borders.

So as not to infringe the principle of freedom of movement in the Schengen area, measures have been taken to ensure that crossing French borders remains as smooth a process as possible during the period of reintroduction of controls at internal borders. At land borders, the officials in charge of checks conduct static and mobile surveillance patrols between crossing points, mainly on the basis of risk analyses, supplemented by information exchanged in the context of bilateral and multilateral cooperation with other Member States.

The 10 Police and Customs Cooperation Centres (PCCCs) at the borders with neighbouring Member States facilitate exchanges of information with Belgium, Luxembourg, Germany, Switzerland, Italy and Spain. Their activities are essential to targeting and setting the parameters of control operations carried out at the internal border sections with the highest risk level, on the basis of regularly updated risk analyses and depending on the situations encountered and services concerned (national police, customs or national gendarmerie). This is the case, for example, for analyses shared between the French police and gendarmerie and the Italian border services.

Combining exchanges of information with neighbouring Member States and the recently adopted national measures with controls at internal borders will ensure there is no breach of the principle of freedom of movement, in line with the provisions of the Schengen Borders Code and with a view to a return to the normal functioning of the European area of free movement.

The Minister of the Interior will send a letter to his counterparts in neighbouring countries, in particular to ensure that their services cooperate in carrying out these border controls.
