



Council of the
European Union

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NOTE

From: French delegation

To: Working Party on Frontiers/Mixed Committee
(EU-Iceland/Liechtenstein/Norway/Switzerland)

Subject: Temporary reintroduction of border controls at the French internal borders in accordance with Articles 25 and 27 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 19 June 2017 regarding temporary reintroduction of border controls by France at its internal borders between 16 July and 31 October 2017.

Paris, 16 June 2017

NOTE FROM THE FRENCH AUTHORITIES

Subject: Reintroduction of controls at France's borders from 16 July 2017 to 31 October 2017 owing to the state of emergency.

The attacks on 13 November 2015, followed by the implementation of the state of emergency, the organisation of major sporting events on national territory, the attack in Nice on 14 July 2016 and the persistence of the terrorist threat led the government to reintroduce controls at France's internal borders, for various reasons, from 13 November 2015 until 26 July 2016 and then from 27 July 2016 until 15 July 2017.

The various attacks on national territory, in particular the attacks in Nice on 14 July 2016 and recently in Paris, as well as those in the UK, show that the terrorist threat remains acute.

Over the past months, controls at the internal borders have proven their worth. Thus, 10 672 alerts related to state security were detected in 2016, which is four times more than the previous year. Since the beginning of 2017, 4 380 alerts related to state security have been issued during checks carried out by the French border guards. Indeed, the withdrawal of jihadist troops in Syria and Iraq raises the spectre of an increase in the number of foreign fighters returning to Europe.

A risk analysis by the competent services has confirmed the very high threat level and prompted concern about other attacks on national territory. Numerous attempted attacks have been foiled in recent months.

Against this background, the French Government decided to draft a bill extending the state of emergency until 31 October 2017.

It has been confirmed that crossing the external and internal borders of the Schengen area is part of the terrorist groups' strategy, which often involves preparing attacks in one Member State from the territory of a neighbouring Member State.

The specialised services indicate that the terrorist groups' strategy for committing attacks in France and other European countries is based in particular on the opportunities for crossing the external borders provided by the current migratory pressure there.

It therefore remains absolutely essential that effective checks can be carried out on the travel documents, visas and residence permits presented when internal borders are crossed, to verify their authenticity and the identity of the holder.

Over the past few months, controls at the internal borders have contributed to the implementation of a strategy to prevent acts of terrorism in Europe and to significantly increase both the number of detections of usurped or falsified travel documents and the volume of alerts on persons in the Schengen Information System (SIS) or in national databases.

The French Government has therefore decided, in accordance with the provisions in Article 25(1) of the Schengen Borders Code concerning cases where there is a serious threat to public policy or internal security and in line with the procedure laid down in Article 27 of that Code, to reintroduce border controls from 15 July to 31 October 2017 at the internal land borders with Belgium, Luxembourg, Germany, the Swiss Confederation, Italy and Spain, and at the air and sea borders.

The controls will respect the proportionality principle, in accordance with the risk analyses conducted. They will be performed in conjunction with the police checks authorised on the basis of Article 23 of the Schengen Borders Code, reinforced under the Commission recommendation of 12 May 2017 on proportionate police checks and police cooperation in the Schengen area.
