



Council of the  
European Union

Brussels, 17 September 2015  
(OR. en)

12110/15

FRONT 189  
COMIX 413

**NOTE**

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From: Austrian delegation

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

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Subject: Temporary reintroduction of border controls at the Austrian internal borders in accordance with Article 25 of Regulation (EC) No 562/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)

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Delegations will find attached a translation of the letter received by the General Secretariat of the Council on 15 September 2015 concerning the report on temporary reintroduction of borders controls by Austria at internal borders.

H.E. Mr Jeppe Tranholm-Mikkelsen General Secretariat of the Council of the European Union 1049 Bruxelles/Brussel BELGIUM	Ms JOHANNA MIKL-LEITNER Herrengasse 7 1014 Vienna P.O. Box 100 Tel.: + 43-1 53126-2352 Fax: + 43-1 53126-2191 ministerbuero@bmi.gv.at
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Sir,

In view of the security situation caused by the huge migration flows to and via Austria and the reintroduction of border controls by Germany on 13 September 2015, after thorough consideration the Federal Government has temporarily reintroduced border controls at its internal borders, as a preventive measure to avert further serious threats to public order and security for the time being, in accordance with Article 25 of Regulation (EC) N° 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), as last amended by (amending) Regulation (EU) No 1051/2013.

With effect from 16 September 2015, border controls may be carried out at Austria's Schengen land and air borders, depending on the circumstances. These controls are planned to be implemented gradually and flexibly and will be adapted in terms of time and place circumstances arising, depending on information on the situation, developments in cross-border human trafficking,

migrants' probable travel routes and any other factors identified. The intensity of the border controls will be limited to the extent necessary for security. The main focus will be, firstly, the land border between Austria and Hungary, but also the land borders with Italy, Slovenia and Slovakia.

In view of the massive influx of third-country nationals, this measure is inevitable in order to prevent a threat to public order and internal security and a continuous overburdening of the police, emergency services and public infrastructure, and to allow the Austrian Federal Police bodies to perform their duties thoroughly at the internal borders.

The great willingness to help shown by the Republic of Austria over the past few weeks should not be overstretched. Under European law, the Republic of Austria is not responsible for the vast majority of the persons concerned. This means that the Member State responsible not only registers those seeking protection, but also deals with the asylum procedure and, if their application for protection is rejected, takes measures to terminate their stay. Asylum seekers must also accept that they cannot choose which EU Member State will grant them protection.

The single European legal framework can function in its entirety only if all Member States act together to live up to their common responsibility.

I am also informing the First Vice-President of the European Commission, the Commissioner for Migration, Home Affairs and Citizenship, and all Member States and associated countries which apply the Schengen acquis, of this decision and they will be asked for their close cooperation in implementing this measure.

(Complimentary close)

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