



Council of the
European Union

Brussels, 7 October 2019
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LIMITE

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COMIX 453**

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 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 7 October 2019 regarding temporary reintroduction of border controls by France at its internal borders between 1 November 2019 and 30 April 2020.

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

The Permanent Representative

Brussels, 3 October 2019

N° 2019-593312

Dear Sir,

Please find enclosed a note from the French authorities on the extension of border controls at France's internal land borders with Belgium, Luxembourg, Germany, the Swiss Confederation, Italy and Spain, and at its air and sea borders, from 1 November 2019 to 30 April 2020.

(Complimentary close).

Mr Philippe Léglise-Costa

Copy: Ms Christine Roger

**Mr Jeppe Tranholm-Mikkelsen
Secretary-General of the Council of the European Union
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Paris, 2 October 2019

NOTE FROM THE FRENCH AUTHORITIES

Subject: Extension of border controls from 1 November 2019 to 30 April 2020 at France's internal land borders with Belgium, Luxembourg, Germany, the Swiss Confederation, Italy and Spain, and at its air and sea borders.

Although the number of attacks and plots fell in the first half of 2019, the threat of jihadist terrorism in France remains high.

In recent months, violent attacks have been committed by radicalised individuals: since the beginning of 2019, five planned terrorist attacks have been thwarted by the intelligence services, bringing the total number of foiled plots to 59.

On 26 April, for instance, four individuals suspected of plotting to carry out an attack on the law enforcement authorities were arrested. On 24 May, an attack carried out in the centre of Lyon by an Algerian national residing without authorisation in France injured 14 people, including a 10-year-old child. At the end of July, intelligence operations also thwarted a plot by three radicalised individuals incarcerated in Châteaudun (Eure-et-Loir), one of whom previously fought for *Jabhat Fatah al-Sham* in Syria.

Moreover, international developments suggest that the terrorist threat is unlikely to decrease in the coming months. In spite of the loss of territory by the 'caliphate' since March 2019 and the fall of Baghouz, the threat of terrorism in Europe remains very high due to the risk of return of foreign fighters, which may increase in the coming months. According to the United Nations Security Council Committee on 'Islamic State', the Idlib region still contains 'the greatest concentration of terrorist elements anywhere in the Levant and Iraq', and available estimates place around 10 000 terrorists in the area, including up to 400 French nationals and 4 300 European citizens, who absolutely must be intercepted if they attempt to enter French territory.

Moreover, according to the latest report presented to the United Nations Security Council on this issue, the ability of 'Islamic State' to lead and facilitate complex international attacks could be restored before the end of 2019. Repeated calls by self-proclaimed 'caliph' Abu Bakr al-Baghdadi to specifically target France further increase the risk of an attack on our territory.

This situation has prompted fears that further attacks on French soil are in preparation, particularly as these terrorist groups have a tendency to target high-profile, symbolically important events. In this vein, the second Paris Peace Forum will be held in November 2019. This event, launched by the President of the Republic, will bring together numerous Heads of State and Government and leaders of international organisations.

At a time when the threat of terrorism remains high, controlling cross-border movement is essential for maintaining public order and the security of our territory.

In addition to the terrorist threat, the large amount of secondary movement observed within the Schengen area may lead to local disruption of public order and is a growing cause for concern for the French authorities. The proliferation of migrant settlements has disrupted public order, particularly in Paris, Nantes, Strasbourg and the Hauts de France region, despite recent dismantling operations.

Such situations can become breeding grounds for criminal networks (drugs, pimping, human trafficking, etc.) and give rise to local tensions or even violence involving residents.

For these reasons, **France will extend the controls at its internal borders from 1 November 2019 until 30 April 2020**, in accordance with the provisions of Articles 25(1) and 27 of the Schengen Borders Code. This decision has been taken following an evaluation of the necessity and proportionality of the controls in relation to the threat to public order and internal security described above, using up-to-date risk assessments.

Since their reintroduction in November 2015, internal border controls have proved to be useful and effective: since November 2015, 492 215 arrests have been made at the national borders. The threat is all the more pressing given that the number of arrests of this kind has increased by 9 % since 2017. In addition, terrorist networks continue to employ techniques for identity theft and use of false documents, and 40 270 individuals carrying false documents have been arrested at the borders since November 2015.

The French authorities have also introduced alternative measures to replace internal border controls on an ad-hoc basis, including allowing police checks in border areas as facilitated by the law strengthening internal security and the fight against

terrorism of 30 October 2017, and developing police and customs cooperation with neighbouring countries. As a result, the ten police and customs cooperation centres (PCCCs) at the internal borders with Germany, Belgium, Spain, Luxembourg, Switzerland and Italy facilitate the exchange of information between contracting parties. This mechanism is essential in targeting the control operations carried out on sections of the internal borders, which take into account the risk assessments that are regularly shared between the Schengen states. In this connection, regulations for conducting police and customs operations at the French-Italian border were adopted by France and Italy on 19 March 2019.

In light of the above-mentioned risk assessments, land border checks are carried out by fixed and mobile patrols, with appropriate monitoring ensured between the various crossing points.

However, these measures are not sufficient to confine the significant threats to public order and internal security described above, and the French authorities are therefore convinced that it is necessary to extend internal border controls.

The Minister for the Interior will send a letter to the authorities of the neighbouring Member States, in particular to ensure that their authorities work to strengthen cooperation in carrying out these border controls.

Finally, it should be borne in mind that the French authorities have supported and will continue to support the European Commission's initiatives to guarantee effective protection of European territory and to optimise control of the external borders. For instance, they vigorously supported the extension of Frontex's mandate and the creation of a 10 000-strong European Border Guard by 2027. In addition, France has encouraged the development of new instruments such as the entry/exit and ETIAS information systems, interoperability of information systems and upgrading databases (SIS) in order to improve the security of our external borders.

In this context, the extension of internal border control remains a measure of last resort and the French authorities wish to reaffirm their commitment to the principle of free movement, one of the founding principles of the European Union. All necessary measures will be taken to limit the impact on free movement and to ensure that crossing the French borders remains as fluid as possible throughout the period.
