



Council of the
European Union

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NOTE

From:	Swedish delegation
To:	Working Party on Frontiers/Mixed Committee (EU-Iceland/Liechtenstein/Norway/Switzerland)
Subject:	Prolongation of the temporary reintroduction of border controls at the Swedish internal borders in accordance with Article 25 of Regulation 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 13 October 2017, concerning the prolongation of the temporary reintroduction of borders controls by Sweden at its internal borders between 12 November 2017 and 11 May 2018.

E-MAIL / FAX

IM 10594 2017
13.10.2017

REGERINGSKANSLIET

12 October 2017

Ministry of Justice Sweden
Minister for Justice and Home Affairs

Secretary General for Justice and Home
Affairs
Jeppe Tranholm Mikkelsen

Dear Secretary General,

I would hereby like to inform you that due to the continuous serious threat to public policy and internal security, the Swedish government intends to take a decision on the temporary reintroduction of border control at the Swedish internal borders. The control will be carried out until 11 May 2018. Other measures have, after detailed consideration, been deemed insufficient.

The decision will be taken in accordance with article 25 of the Regulation (EU) no 2016/399 of the European Parliament and of the Council on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

The scope of the border control may extend to all internal borders, be it land, sea or air borders, whereby the specific border sections and border crossing points will be determined by the Swedish Police Authority, following a continuous risk analysis. However, the scope will be limited to what is strictly necessary to respond to the threat to public policy and internal security and constantly adapted to the relevant circumstances.

On 11 May 2017, the Council of the European Union, based on the proposal of the European Commission, adopted the "Council Implementing decision setting out a Recommendation for prolonging temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk". Pursuant to Article 29 (2) of the Schengen Borders Code, the Swedish government decided to apply the Implementing Decision, which allowed temporary border checks at the Swedish harbours in the Police region South and West and at the Öresund Bridge for a maximum period of six months, starting from the day of the adoption of the Decision by the Council. The European Commission has announced that it will not be able to present another proposal on prolonging internal border controls once the current Recommendation expires in November.

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However, the serious threat to public policy and internal security in Sweden remains. The Swedish Security Service has come to the conclusion that the threat level remains the same as on 7 April 2017 when Stockholm witnessed what is considered a terrorist attack. Shortcomings in the protection of the external borders persist and contribute to this threat, as they enable potential terrorists and other criminals to enter the Schengen territory unnoticed. As I foresee that this situation will last beyond the near future, the temporary reintroduction of border control at the Swedish internal borders will be carried out for a period of six months.

The reintroduction of border control at the internal border is truly a last resort. The existing Swedish legislation does not allow for police checks on persons in the border areas in line with the Commission's Recommendation from 12 May 2017. The Swedish Ministry of Justice is currently reviewing the need for revised or new legislation, primarily regarding checks in internal border areas as well as the use of modern technologies to monitor traffic flows. However, instruments like these can never have the exact same effect as border control at the internal border.

Sweden strongly supports the goal of returning to an area without internal border controls and a well-functioning Schengen cooperation. In the light of this we also welcome the European Commission's proposal from 27 September on the amendments of the Schengen Borders Code.

Yours sincerely,



Morgan Johansson