



Council of the
European Union

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NOTE

From: Austrian delegation
To: Working Party on Frontiers/Mixed Committee
(EU-Iceland/Liechtenstein/Norway/Switzerland)
Subject: Prolongation of the temporary reintroduction of border controls at the Austrian internal borders in accordance with 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 courtesy translation of the letter received by the General Secretariat of the Council on 13 October 2017, concerning the prolongation of the temporary reintroduction of borders controls by Austria at its internal borders between 12 November 2017 and 11 May 2018.

Mr
Frans Timmermans
First Vice-President of the European Commission
1049 Brussels
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Mr
Dimitris Avramopoulos
European Commissioner
for Migration, Home Affairs and Citizenship
1049 Brussels
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Vienna, 12th of October, 2017

Mr
Jeppe Tranholm-Mikkelsen
Secretary-General of the Council of the European Union
1049 Brussels
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Mr
Antonio Tajani
President of the European Parliament
Bât Altiero Spinelli
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To the Ministers of Interior of the EU and the Schengen States

Dear Colleagues,

Dear Commissioners,

Dear Mr Secretary-General,

On 11th of May 2017, on a proposal from the European Commission, the Council of the European Union adopted the “*Implementing decision of the Councils recommendation on the temporary extension of internal border controls under exceptional circumstances which jeopardize the functioning of the Schengen area as a whole.*” In the light of ongoing deficits in the protection of the external borders and therefore resulting illegal secondary migration to other Member States, the adoption of the implementing decision allows a temporary continuation of internal border controls at the Austrian-Hungarian and Austrian-Slovenian land border until the 11th of November 2017.

The European Commission has announced that the Commission will not be able to present a new proposal to the Council of the European Union concerning the extension of internal border controls. Some Member States have suffered severe terror attacks. The security situation in the European Union continues to be tense. Therefore on the 27th of September 2017 the European Commission has suggested to adapt the existing legal framework on the temporary reintroduction of internal border controls. Still a deficit in the protection of the external borders as well as a considerable amount of illegal secondary migration within the Schengen area continues to exist. A serious threat to the public order and security comes from this uncontrolled illegal migration. Austria is still facing a large number of unregistered asylum seekers. In 2017 alone 6.841 asylum seekers, that were supposed to have a hit in the EURODAC System, did not have a respective hit. There is still a high level of internal migration coming from Hungary, Italy, Slovenia, Slovakia as well as from Germany. Austria’s main focus lies on the land border to Hungary and Slovenia. With regard to migration- and security policy reasons internal border controls at the Austrian-Hungarian border are still considered to be essential.

Austria strongly welcomes and practices the intensification of police control (border compensation measures) and bilateral cooperation measures at the border areas with all neighboring countries as recommended by the European Commission. Border compensation measures will be intensified particularly at the German, Italian and Slovenian border and will be carried out under the assistance of the Austrian Armed Forces. Considering the current situation at the Austrian-Hungarian and the Austrian-Slovenian border the present instruments do not constitute a sufficient substitute for temporary border controls.

The efforts of returning to an European area without internal border controls is still strongly supported. But when we can return to this status, depends on the development of the overall situation. In the short-term, significant changes cannot be expected. Therefore I have decided that internal border controls at the Austrian-Hungarian and Austrian-Slovenian land border will be carried for 6 month beyond the 11th of November 2017. Further internal border controls are subject to a continuous assessment of the situation.

Rest assured that as before temporary internal border controls will be limited to the strict minimum necessary for security and will be subject to regular reviews. In this respect, we are in constant consultations with our partners and build on many years of excellent bilateral cooperation within the framework of cross-border police cooperation. Over the past weeks and months we discussed intensively in particular with our affected neighboring states the Austrian migration and security situation, the necessary operational steps as well as the appropriate border control measures and adapted them to the existing situation. In this sense, close and regular coordination will be continued particularly with our Hungarian and Slovenian partners at strategic and operational level.

Sincerely yours,
