



Council of the  
European Union

Brussels, 30 October 2015  
(OR. en)

13569/15

FRONT 231  
COMIX 532

**NOTE**

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From: German delegation

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

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Subject: Prolongation of the temporary reintroduction of border controls at the German internal borders until 13 November 2015, in accordance with Article 25, and thereafter on the basis of Articles 23 and 24 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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**TRANSLATION PROVIDED BY GERMAN DELEGATION**

Delegations will find attached a copy of a letter of 27 October 2015 received by the General Secretariat of the Council on 28 October 2015, concerning a prolongation of the temporary reintroduction of borders controls by Germany at internal borders.

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Mr  
Jeppe Tranholm-Mikkelsen  
Secretary-General of the Council  
of the European Union  
Rue de la Loi/Wetstraat 175  
B-1048 Bruxelles/Brussels  
BELGIUM

Dear Mr Tranholm-Mikkelsen,

In my letters of 13 and 22 September and 9 October 2015, I informed you about the temporary reintroduction of border checks at Germany's internal borders and the plans to extend these checks. Furthermore, in my letters of 1 and 13 October 2015 I provided you with a detailed justification. In its Communication of 23 October 2015, the European Commission informed me that it considered the temporary border checks at Germany's internal borders justified and the corresponding measures appropriate and necessary.

The Federal Republic of Germany continues to receive an unprecedented and uncontrolled influx of migrants seeking asylum. No other Member State of the European Union is affected to such a degree. This influx seriously affects Germany's public order and internal security in various ways. Internal border checks are therefore necessary to replace, at least to a certain degree, uncontrolled migration with an orderly procedure.

In this context, I would also like to reiterate that the situation in Germany mainly depends on the measures taken by the responsible Member States to protect the EU's external borders. Unfortunately, I still have the impression that, despite European assistance, the necessary level of protection is not guaranteed. Moreover, transit countries within the Schengen area seem to be unable or unwilling to take the measures required by EU legislation to register and check each and every migrant. Especially with regard to persons who may have been radicalized in crisis and conflict regions, threats related to uncontrolled migration are obvious. Human smuggling and related crime have developed in a way that is not acceptable.

Since the overall situation is unlikely to change any time soon, Germany will continue to carry out border checks at its internal borders until 13 November 2015 on the basis of Article 25 of the Schengen Borders Code. Afterwards, as announced on time in my letter of 9 October 2015, border checks will be carried out for three more months on the basis of Articles 23 and 24 of the Schengen Borders Code, unless the situation changes significantly.

Effects on cross-border transport will be limited to the level required. We are currently examining whether in the future borders can be crossed only at certain border crossing points. In the light of recent developments, the border controls will focus on the German-Austrian land border.

Germany continues to be committed to the Schengen area and free movement as pillars of European integration and supports all European efforts to create the conditions necessary for Germany to end its temporary border checks. The crisis situation we are currently experiencing underlines the urgent need for a European solution.

Yours sincerely,

[signed]

Dr Thomas de Maizière

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