



Council of the  
European Union

Brussels, 25 November 2016  
(OR. en)

14879/16

FRONT 458  
COMIX 779

**NOTE**

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From: Austrian delegation

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

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No. prev. doc.: 8947/1/16 REV 1 FRONT 211 COMIX 369

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Subject: Prolongation of the temporary reintroduction of border controls at the Austrian internal borders in accordance with Article 29(2) of Regulation (EU) No 2016/399 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)

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**TRANSLATION PROVIDED BY AUSTRIAN DELEGATION**

Delegations will find attached a copy of a letter received by the General Secretariat of the Council on 24 November 2016, concerning the prolongation of the temporary reintroduction of border controls by Austria at internal borders until 11 February 2017.

Vienna, 11 November 2016

Dear,

On 11 November 2016 the Council adopted, on the basis of a Commission proposal, an Implementing Decision setting out a Recommendation for temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk.

The Republic of Austria will apply this Implementing Decision accordingly, enabling temporary border controls at the Austrian-Hungarian and Austrian-Slovenian borders for a maximum time period of three months.

Border controls at Austria's southern and eastern borders not only have a preventive effect in view of stopping illegal migration in the direction of Central Europa; recent months have also clearly shown that criminal acts of human smuggling are enormously on the increase, and groups of illegal migrants are being picked up almost daily, either at control areas of border crossings or at the green border. Without the option of border controls pursuant to Article 29 Schengen Borders Code, such illegal migrants as a rule would only be spotted in the hinterland at a later stage during compensatory measures, which would only provide the option of returning them to the neighbouring State, but not of refusing them entry altogether. It is certainly well known, that in particular Hungary is accepting neither Dublin III returns nor returns under the bilateral readmission agreement, so that these persons would have to remain in Austria. Therefore, border controls constitute the only effective instrument of stopping illegal entry into the Austrian Federal territory.

Hereby, I wish to make the notification required in accordance with paragraph 2 of Article 29, Regulation (EU) 2016/399 (Schengen Border Code).

An identical letter has been sent to the other Member States, to the First Vice President of the European Commission and to the President of the European Parliament.

With kind regards