



Council of the
European Union

**Brussels, 3 November 2023
(OR. en)**

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COTER 201
COMIX 508**

NOTE

From:	Danish delegation
To:	Working Party on Frontiers/Mixed Committee (EU-Iceland/Norway and Switzerland/Liechtenstein)
No. prev. doc.:	8320/23
Subject:	Prolongation of border controls at the Danish 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 3 November 2023 regarding the prolongation of border controls by Denmark at the internal borders with Germany for 6 months as from 12 November 2023.

E-MAIL



IM 012327 2023
03-11-2023



JUSTITSMINISTERIET

Commissioner Johansson

Ministry of Justice

Date: 13 October 2023

Dear Commissioner Johansson,

1. Please be informed that the Danish Government, in accordance with the provisions in Article 25 and 27 of Regulation (EU) 2016/399 of 9 March 2016 (Schengen Borders Code), has decided to temporarily reintroduce border controls at the internal borders for six months as from 12 November 2023. The border controls may extend to all internal borders, including land, sea and air borders, whereby the specific border sections and border crossing points are determined by the Danish National Police. The border controls will focus on the Danish-German land border and the Danish ports with ferry connection to Germany. Such border control will thus not be carried out at the Danish-Swedish border crossings.

This decision has been reached in order to be able to effectively counter the significant threat to our public policy and internal security caused by terrorists and organized criminals who are able to exploit the free mobility within the Schengen area and the threat from espionage from foreign state intelligence. This notification provides factual information and elaborates on the circumstances and events which give rise to a new serious threat to our public policy and internal security, while taking into account the free movement of persons in the practical execution of the border controls.

2. First of all, the Centre for Terror Analysis (CTA), under the Danish Security and Intelligence Service, assess that the terrorist threat to Denmark remains at the level of significant (level 4 of 5). Due to recent international attention to events in Denmark and Sweden involving defamations of the Quran the terror threat has been assessed to be heightened within the current threat level.

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The events have attracted substantial negative attention from various actors, including militant Islamists groups, communities and individuals in foreign countries. Due to the speed and unpredictability in which the defamations of the Quran are shared via international media, social media and militant Islamic propaganda, the threat picture is assessed to be volatile. The Danish Security and Intelligence Service has concrete indications of a number of threats targeted against both Denmark and Danish interests abroad following the defamations of the Quran.

Furthermore, the Danish Defence Intelligence Service (DDIS) assesses that Islamic State (ISIS) and Al Qaida (AQ) wish to revenge the defamation of the Quran in Sweden and Denmark.

Currently, the primary potential terrorist threat emerges from sympathizers inspired by propaganda from the mentioned groups. Both groups have encouraged sympathizers to seek revenge against Denmark and Sweden for defamations of the Quran. AQ and ISIS state in propaganda videos that it is an Islamic duty to revenge the defamations.

AQ's top management issued a declaration on 13 August 2023 which likens Denmark and Sweden. In the declaration, AQ encourages attacks against Danish and Swedish embassies and diplomats. Furthermore, the declaration encourages Muslims to form attack cells.

In general, militant Islamism is estimated to be the primary terrorist threat to Denmark. In this regard, it is further noted that CTA assess that since the summer of 2012 a large number of individuals have travelled from Denmark to the conflict zone in Syria/Iraq. Approximately one third of these individuals are presumed to have died in the conflict zone, and approximately half of them have either returned to Denmark or taken up residence in other countries outside of the conflict zone. According to information available, approximately one fifth of these individuals from Denmark, including their children, currently reside in the conflict zone or in neighboring countries. Some of the individuals who have travelled from Denmark to the conflict zone in Syria/Iraq may pose a threat towards Denmark or Danish interests abroad. Likewise, it is possible that individuals having departed other countries than Denmark including other European countries will pose a threat towards Denmark and Danish interests abroad.

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Exploitation of refugee and migrant routes has previously been included as a central element in the planning of attacks by ISIS against targets in Europe, and it is possible that militant Islamist groups still intend to exploit these routes.

Secondly, the Russian invasion of Ukraine still constitutes an extraordinary and uncertain situation in Europe.

DDIS states that Denmark and the West continue to be faced with the prospect of a long-term conflict with Russia that will use an array of different means to create fear and uncertainty. The increased tension between Russia and the West means that there is a high and persistent threat of espionage from Russia.

In April 2022, Denmark expelled 15 Russian intelligence officers. However, the Russian need for gathering information in Denmark has increased. It is thus expected by the Danish Security and Intelligence Service that Russia will look for new ways to receive information e.g. through the use of visiting intelligence officers.

3. Against this backdrop and after careful consideration, the Danish Government considers temporary reintroduction of internal border controls as a necessary and effective measure to address these real and current threats to public policy and internal security.

This is also supported by the following facts:

- From 11 February 2023 until 18 August 2023 a total of 168 weapons have been confiscated in relation to the border controls against Germany.
- From 11 February 2023 until 18 August 2023 the police have refused entry to 801 persons on the Danish-German border.

Finally, the recent migration developments within the Schengen area remains to be of great concern to Denmark. In 2022 approximately 330.000 incidents of irregular entries were recorded which in comparison to 2021 is an increase of 64 percent. In the first 38 weeks of 2023 the number of registered irregular entries is 22 percent higher than within the same period in 2022. The number of filed applications for asylum in EU+ (EU, Norway and Switzerland) in 2022 were one and a half times as many as in 2021 with a total of 991.000. In 2023 as of 24 September 2023 774.000 applications of

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asylum in EU+ have been filed which is 28 percent more than within the same period of 2022.

4. The Danish Government remains committed to the principle of free movement of persons. Please rest assured that the scope of the internal border checks will continue to be limited to what is deemed strictly necessary to respond to the threat to our public policy and internal security. It thus remains a matter of priority for the Danish Government that the practical execution of the temporary border controls is carried out in a manner with the least negative impact on persons crossing the border for legitimate reasons and with careful considerations taken to the free movement of persons within the EU.

The Danish police conduct the border controls in cooperation with German law enforcement authorities where cooperation is also established regarding exchange of information.

The border controls are carried out as spot-checks which in terms of quantity, location and intensity are adapted to the expected number of travelers as well as the current intelligence picture, the local conditions and the traffic patterns at the individual border crossing points. The internal border controls are thus substantially different from the systematic control of Denmark's external borders. The Danish National Police have found that the previous border controls have not had a distinctive negative impact on the free movement of persons across the internal borders. This will continue to be a priority for the Danish authorities in close cooperation with the German authorities.

In continuation of letter of 14 April 2023 Denmark has decided to strengthen the use of alternative measures in the border regions by increasing the use of intelligent monitoring of the border areas as well as increasing the number of police patrols and the crime-fighting efforts in the border area while at the same time deescalating the intensity of the border control. This restructuring of the police efforts in the border areas is still being implemented. However, it is the assessment of the Danish Government that alternative measures at this point cannot fully remedy the need for reintroduction of internal border controls. The reintroduction of internal border controls thus remains a measure of last resort.

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The Danish Government will notify the other Member States about this decision.

Yours sincerely,



Peter Hummelgaard

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