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**NOTE**

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From: Slovenian delegation

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

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Subject: Temporary reintroduction of border controls at the Slovenian 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)

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Delegations will find attached a copy of the letter received by the General Secretariat of the Council on 22 November 2023 regarding the temporary reintroduction of border controls by Slovenia with Croatia and Hungary as of 22 December 2023 for six months.

**E-MAIL**IM 013790 2023  
22-11-2023REPUBLIKA SLOVENIJA  
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Ljubljana, 20. november 2023

Spoštovani podpredsednik za spodbujanje evropskega načina življenja,  
spoštovana komisarka za notranje zadeve,  
spoštovana generalna sekretarka Sveta EU,  
spoštovana predsednica Evropskega parlamenta,  
spoštovane ministrice in ministri,

izrazito poslabšanje varnostnih razmer na Bližnjem vzhodu in grožnje, ki se odražajo v številnih pozivih terorističnih organizacij k izvedbi terorističnih in drugih nasilnih dejanj v zahodnih državah, ob nadaljevanju ruske vojaške agresije v Ukrajini, razvoja varnostne situacije v Afganistanu, pa tudi nasilnih konfliktov v nekaterih afriških državah, zahtevajo sprejem skrajnih ukrepov za zagotovitev javnega reda in varnosti naših državljanov. Doselej regionalna teroristična komponenta namreč prehaja vse bolj v globalno.

Podobno kot je to storilo več drugih članic schengenskega območja, se je bila Republika Slovenija na zadnje dogodke primorana odzvati z začasno ponovno uvedbo nadzora na notranjih mejah z Republiko Hrvaško in Madžarsko na podlagi 28. člena Uredbe (EU) 2016/399 Evropskega parlamenta in Sveta z dne 9. marca 2016 o Zakoniku Unije o pravilih, ki urejajo gibanje oseb prek meja (Zakonik o schengenskih mejah). Postalo je namreč jasno, da v teh spremenjenih okoliščinah resne grožnje javnemu redu in notranji varnosti ni več mogoče učinkovito preprečevati z alternativnimi ukrepi.

Nedavno sem vas obvestil, da je bila na podlagi odločitve medresorske delovne skupine za protiterorizem ocena ogroženosti zaradi terorizma v Republiki Sloveniji povišana na tretjo (srednjo) stopnjo na petstopenjski lestvici. V tem trenutku na tej stopnji tudi ostaja. Nacionalni varnostni organi pozorno spremljajo morebitna tveganja in varnostne razmere v državi in v širši regiji, ter dejavnike, ki bi lahko vplivali na radikalizacijo posameznikov in širjenje nasilnega ekstremizma. Pri tem si redno izmenjujejo informacije z organi drugih držav, pristojnimi agencijami Evropske unije in mednarodnimi organizacijami.

Ob tem ne gre prezreti dejstva, da je v zadnjem obdobju pomemben del držav članic Evropske unije dvignil stopnjo teroristične ogroženosti, sosednja Republika Avstrija celo na najvišjo. Upoštevaajoč načela schengenskega območja, lahko grožnja v eni članici predstavlja grožnjo celotnemu območju; povedano drugače, lahko povečana ogroženost v naših sosednjih državah vpliva tudi na varnost v Republiki Sloveniji.

Teroristično ogroženost in grožnje z obeležjem ekstremizma v Republiki Sloveniji dodatno podkrepi podatek, da so varnostni organi nekaterih držav članic v okviru protiterorističnih akcij na območju

Evropske unije prijeli več oseb, ki so prišli iz tretjih držav. Migracijski tokovi lahko v tem kontekstu predstavljajo varnostno tveganje, ki ga spremljajo druga odklonska ravnanja. V preteklosti je namreč več držav članic Evropske unije potrdilo, da so znotraj migracijskih tokov potovali tudi posamezniki, ki so na območje Evropske unije prihajali iz kriznih območij in so se povezovali s fenomenom tujih terorističnih borcev. Posebno tveganje torej predstavlja vse večja povezanost med mrežami tihotapcev in terorističnimi skupinami oziroma prepletenost kriminalnih ter terorističnih aktivnosti. Zaradi dokazane vpletenosti skrajnežev v vojno v Ukrajini, kot tudi razvojem varnostne situacije v Afganistanu, je ta nevarnost bistveno večja. Zato je zaskrbljujoče tudi naraščanje organiziranega kriminala na Zahodnem Balkanu, vključno s tihotapljenjem ljudi. Obstaja namreč možnost, da bi te osebe, tudi s pomočjo storitev mednarodnih hudodelskih združb, skušale na nedovoljen način vstopiti v Republiko Slovenijo, kjer smo v letošnjem letu do 12. novembra zabeležili kar 53 tisoč nedovoljenih prehodov notranje meje, od tega več kot 50 tisoč iz smeri Republike Hrvaške.

V letošnjem letu je do 13. novembra policija obravnavala 326 primerov tihotapljenja ljudi (187 v primerljivem obdobju leta 2022), v katerih je bilo prijetih 366 tihotapcev ljudi (358 tujcev in 8 slovenskih državljanov) z skupno 2236 migranti. Za 334 tihotapcev je bil odrejen pripor. V obdobju od 21. oktobra, ko je bil uveden začasni ponovni nadzor na notranjih mejah z Republiko Hrvaško in Madžarsko, do 13. novembra 2023 je slovenska policija obravnavala 46 tihotapcev ljudi, s skupno 333 migranti. Hudodelske združbe pri tem uporabljajo različna prevozna sredstva, od osebnih vozil ali prirejenih prostorov kombiniranih vozil, do tihotapstva v tovornih vozilih. Izpostavljamo, da je v navedenem obdobju slovenska policija zaznala povečano agresivnost tako s strani oseb, ki so tihotapile migrante, kot v postopkih z migranti. Ta se je odražala v neupoštevanju ukazov policistov in bežanju ob poskusu zaustavljanja ali prijetja. Izvajanje postopkov tako zahteva dodatne ukrepe, da se nenazadnje zagotovi varnost tako vpletenih oseb in policistov, kot tudi morebitnih ostalih udeležencev v prometu.

Nadalje pojasnjujem, da je v času izvajanja začasne ponovne uvedbe nadzora na notranji meji z Republiko Hrvaško in Madžarsko, do 12. novembra 2023, slovenska policija na mejnih prehodih zavrnila vstop 281 državljanom tretjih držav, ker niso izpolnjevali vstopnih pogojev, odkrila in obravnavala pa je tudi 52 kaznivih dejanj in 428 prekrškov, povezanih s preходом meje. Zgovoren pa je predvsem podatek, da je bilo z izvajanjem mejne kontrole v omenjenem obdobju ugotovljenih kar 181 ukrepov v Schengenskem informacijskem sistemu, od tega večina na mejnih prehodih z Madžarsko. Navedeno potrjuje, da je v trenutnih varnostnih razmerah nadaljnje izvajanje mejne kontrole ne samo potreben, temveč učinkovit ukrep za odkrivanje čezmejnega kriminala in preprečevanje resnih groženj javnemu redu in varnosti.

Glede na zadnje razprave na evropski ravni in aktualna situacijska poročila pristojnih agencij Evropske unije je mogoče razumeti, da varnostna tveganja za naše skupno območje, močno povečana že od prevzema oblasti Talibanov v Afganistanu in začetka ruske vojaške agresije v Ukrajini, še naprej ostajajo resna in da je nadaljnji razvoj dogodkov v naši bližnji soseščini nepredvidljiv.

Posledično vas obveščam o nameri, da Republika Slovenija na podlagi 25. in 27. člena Zakonika o schengenskih mejah z dnem 22. decembrom 2023 začasno ponovno uvede nadzor na notranjih mejah z Republiko Hrvaško in Madžarsko, za predvideno obdobje šestih mesecev.

Zagotavljam vam, da gre za ukrep v skrajni sili, ki je sorazmeren glede na ugotovljeno grožnjo in tveganja. Načini in intenziteta nadzora bodo ustrezno prilagojeni, s ciljem čim manjšega negativnega učinka na potnike, gospodarstvo in okolje. Predvsem pa z namero, da izvajanje ukrepa ne bi oviralo ali obremenilo življenja prebivalstva na obmejnih območjih. Slovenska policija si bo prizadevala za dobro koordinacijo in nadaljnje tesno sodelovanje s policijama obeh zadevnih držav. Kljub začasni ponovni uvedbi nadzora na notranji meji z Republiko Hrvaško in Madžarsko ohranjamo oblike policijskega sodelovanja na podlagi bilateralnih sporazumov. Tako se z obema državama nadaljuje izvajanje mešanih patrolj, ki so usmerjene v preprečevanje čezmejne kriminalitete in odkrivanje nedovoljenih

prehodov državne meje, s poudarkom na odkrivanju oseb na podlagi indikatorjev za terorizem in ekstremizem, prav tako pa si stalno izmenjujemo statistične podatke o problematiki na skupni meji.

Republika Slovenija ostaja velika zagovornica schengenskega območja in pravice svobode gibanja, zato smo trdno zavezani k čimprejšnji vrnitvi k režimu brez nadzora na notranjih mejah – takoj, ko bodo razmere to dopuščale. Posledično tako ne izključujemo možnosti, da bi znatno izboljšanje varnostne situacije lahko vodilo k predčasni odpravi zadevnega ukrepa.

S spoštovanjem,



**Gospod Margaritis Schinas**  
podpredsednik za spodbujanje evropskega načina življenja

**Gospa Ylva Johansson**  
komisarka za notranje zadeve

**Gospa Thérèse Blanchet**  
generalna sekretarka Sveta EU

**Gospa Roberta Metsola**  
predsednica Evropskega parlamenta

**Notranje ministrice in ministri držav članic EU**  
in pridruženih članic schengenskemu območju

[COURTESY TRANSLATION]

Ljubljana, 20 November 2023

Dear Vice-President for Promoting our European Way of Life,  
Dear Commissioner for Home Affairs,  
Dear Secretary-General of the Council of the EU,  
Dear President of the European Parliament,  
Dear Ministers,

The dramatic deterioration of the security situation in the Middle East and the threats reflected in the calls by terrorist organisations to carry out terrorist and other violent acts in Western countries, the continuation of Russia's military aggression in Ukraine, the worsening conditions in Afghanistan, as well as the violent conflicts in some African countries, call for the adoption of stepped-up measures to ensure public order and the safety of our citizens. The hitherto regional terrorist component is becoming increasingly global.

Like several other Schengen area Member States, the Republic of Slovenia needed to respond to the latest events by temporarily reintroducing internal border controls with the Republic of Croatia and Hungary pursuant to Article 28 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code). It has become clear that in these changed circumstances, the serious threat to public order and internal security can no longer be effectively countered by alternative measures.

I have recently informed you that, following a decision of the Inter-Ministerial Working Group on Counter-Terrorism, the terrorism threat assessment in the Republic of Slovenia has been upgraded to level three (medium) on a five-point scale. It remains at this level for the time being. The competent national authorities are closely monitoring potential risks and the security situation in the country and in the wider region, as well as factors that could influence the radicalisation of individuals and the spread of violent extremism. In this context, they regularly exchange information with the authorities of other countries, the competent agencies of the European Union and international organisations.

A significant number of EU Member States have recently raised their terrorist threat levels; the neighbouring Republic of Austria has raised it to the highest level. In accordance with the principles of the Schengen area, a threat in one Member State may constitute a threat to the entire area; in other words, an increased threat in our neighbouring countries may also have an impact on the security of the Republic of Slovenia.

The terrorist and extremist threat in the Republic of Slovenia is further underlined by the fact that the law enforcement authorities of some Member States have arrested a number of persons from third countries as part of counter-terrorism operations in the European Union. In this context, migratory flows

may constitute a security risk accompanied by other deviant behaviour. In the past, several Member States of the European Union have confirmed that migratory flows included individuals coming to the European Union from crisis areas and were linked to the phenomenon of foreign terrorist fighters. A particular risk is therefore the increasing interconnection between smuggling networks and terrorist groups, and the intertwining of criminal and terrorist activities. The proven involvement of extremists in the war in Ukraine, as well as the evolving security situation in Afghanistan, makes this risk much greater. A further concern is the rise of organised crime in the Western Balkans, including people smuggling. There is a risk that members or supporters of terrorist groups, aided by international criminal organisations, may attempt to illegally enter the Republic of Slovenia, where 53,000 unauthorised crossings of the internal border were recorded this year up to 12 November, including more than 50,000 from the Republic of Croatia.

This year, by 13 November, the police dealt with 326 cases of people smuggling (187 in the comparable period in 2022), in which 366 people smugglers (358 foreigners and 8 Slovenian citizens) with a total of 2,236 migrants were arrested, of whom 334 were remanded in custody. In the period from 21 October, when temporary controls at the internal borders with Croatia and Hungary were introduced, to 13 November 2023, the Slovenian police dealt with 46 people smugglers, with a total of 333 migrants. The means of transport used by the criminal groups vary from cars or adapted vans to lorries. During this period, the Slovenian police observed an increase in aggression both by smugglers and in procedures with migrants. This was reflected in the refusal to comply with police officers' orders and running away when stopped to avoid apprehension. The implementation of the procedures thus requires additional measures to ensure the safety of the persons and police officers involved as well as of any other road users.

Furthermore, during the implementation of the temporary controls at the internal border with Croatia and Hungary, until 12 November 2023, the Slovenian police refused entry to 281 third-country nationals at border crossing points for not meeting the entry requirements, and detected and processed 52 criminal offences and 428 violations related to crossing of the border. It is particularly telling that our border police came across as many as 181 alerts in the Schengen Information System during this period, most of them at border crossing points with Hungary. This confirms that, in the current security situation, the continuation of border control is not only a necessary but also an effective measure to detect cross-border crime and prevent serious threats to public order and security.

In the light of the latest discussions at European level and the up-to-date situation reports of the relevant EU agencies, it can be understood that the security risks for our common area, which had already increased considerably since the Taliban took power in Afghanistan and the beginning of the Russian military aggression in Ukraine, continue to be serious and that further developments in our immediate neighbourhood are unpredictable.

Consequently, I hereby inform you of the Republic of Slovenia's intention, on the basis of Articles 25 and 27 of the Schengen Borders Code, to temporarily reintroduce border controls at the internal borders with the Republic of Croatia and the Republic of Hungary as of 22 December 2023, for a period of six months.

I can assure you that this is a measure of last resort, proportionate to the threat and risks identified. The means and intensity of controls will be adapted accordingly, with the aim of minimising the negative impact on travellers, the economy and the environment, and above all, the border population. The Slovenian police will strive for good coordination and further close cooperation with the police forces of the two countries concerned. Despite the temporary reintroduction of internal border controls with Croatia and Hungary, we maintain the forms of police cooperation based on bilateral agreements. Thus, we continue to conduct mixed patrols with both countries, aimed at preventing cross-border crime and detecting unauthorised border crossings, with a focus on identifying persons based on indicators of

terrorism and extremism, and we continuously exchange statistics on the problems at the common border.

The Republic of Slovenia remains a strong supporter of the Schengen area and the right to freedom of movement, and we are firmly committed to reverting to an area without internal border controls – as soon as the situation permits. Consequently, we do not rule out the possibility of lifting this measure early if there is a significant improvement in the security situation.

Yours sincerely,

*[signed]*  
Boštjan Poklukar  
Minister of the Interior  
Republic of Slovenia

**Mr Margaritis Schinas**  
Vice-President for Promoting our European Way of Life

**Ms Ylva Johansson**  
Commissioner for Home Affairs

**Ms Thérèse Blanchet**  
Secretary-General of the Council of the EU

**Ms Roberta Metsola**  
President of the European Parliament

**Home Affairs Ministers of the EU Member States  
and Schengen Associated Countries**

**LIST OF AUTHORIZED CROSSING-POINTS FOR THE DURATION OF THE REINTRODUCED  
INTERNAL BORDER CONTROLS WITH THE REPUBLIC OF CROATIA AND HUNGARY****CROSSING THE BORDER WITH THE REPUBLIC OF CROATIA**

The crossing of the internal land border with Croatia is allowed at the following **12 border crossing points for international road traffic** (passengers and cargo transport):

- Sečovlje (Sicciole) – checkpoint,
- Dragonja (Dragogna),
- Sočerga,
- Starod,
- Jelšane,
- Petrina,
- Metlika,
- Obrežje,
- Dobovec,
- Gruškovje,
- Zavrč, and
- Petišovci.

The crossing of the internal land border with Croatia is also possible at the following **7 border crossing points for international rail traffic**:

- Rakitovec,
- Ilirska Bistrica,
- Metlika,
- Dobova,
- Rogatec,
- Središče ob Dravi, and
- Lendava.

The persons enjoying the right to free movement under the EU law can cross the internal land border with Croatia at the following **12 border crossing points for international road traffic** (passengers and cargo transport):

- Podgorje,
- Babno polje,
- Vinica,
- Slovenska vas,
- Rigonce,
- Orešje,
- Bistrica ob Sotli,
- Imeno,
- Rogatec,



- Ormož,
- Središče ob Dravi, and
- Gibina.

*The persons who enjoy the right to freedom of movement under the EU law are citizens of the European Union and nationals of Norway, Iceland, Liechtenstein and Switzerland, and their family members, regardless of their nationality. The same right also applies to third-country nationals and their family members, regardless of their nationality, who, pursuant to agreements between the EU and its member states and relevant third countries, have a right to free movement equivalent to that enjoyed by EU citizens.*

#### **CROSSING THE BORDER WITH HUNGARY**

Travellers are allowed to cross the internal land border with Hungary at the following **border crossing points for international road traffic** (passengers and cargo transport):

- Dolga vas – Hosszúfalu, and
- Pince (motorway) – Pince.

The crossing of the internal land border with Hungary is also possible at the following **border crossing point for international rail traffic**:

- Hodoš - Hodos.

The persons enjoying the right to free movement under the EU law can cross the internal land border with Hungary at the following **6 border crossing points for international road traffic** (passengers and cargo transport):

- Pince (local road) – Pince,
- Prosenjakovci – Pártosfalva,
- Hodoš – Hodos,
- Kobilje,
- Čepinci, and
- Martinje.

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