

Brussels, 28 April 2025
(OR. da, en)

8015/25

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MIGR 139
COTER 57
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NOTE

From:	Danish delegation
To:	Working Party on Frontiers/Mixed Committee (EU-Iceland/Norway and Switzerland/Liechtenstein)
No. prev. doc.:	14440/24
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 11 April 2025 regarding the prolongation of border controls by Denmark at its internal borders for six months as of 12 May 2025.

ANNEX

Notification of a temporary reintroduction or prolongation of border control at internal borders

1. Notification submitted by:

Denmark

2. Date of the notification:

11 April 2025

3. Date and duration of the planned reintroduction or prolongation of border control at internal borders (Article 27(1), point (d), of Regulation (EU) 2016/399):

The prolongation will enter into force at 00:00 on 12 May 2025. Border control will be prolonged for six months.

4. Scope of the proposed reintroduction or prolongation of border control at internal borders, specifying at which part or parts of the internal borders border control will be reintroduced or prolonged (Article 27(1), point (b), of Regulation (EU) 2016/399)

Border control will be prolonged at all of Denmark's land and maritime borders with Germany. Pursuant to this notification, border control may be extended to Denmark's other internal borders if the threat in question manifests itself at those borders.

5. Notification for a:

- ☐ first reintroduction of border control at internal borders (unforeseeable event): Article 25a(1) of Regulation (EU) 2016/399
- ☐ prolongation of border control at internal borders (unforeseeable event): Article 25a(3) of Regulation (EU) 2016/399

Period(s) of previous reintroduction(s) of border control at internal borders:

N/A.

- ☐ first reintroduction of border control at internal borders (foreseeable event): Article 25a(4) and (5) of Regulation (EU) 2016/399
- ☒ prolongation of border control at internal borders (foreseeable event): Article 25a(4) and (5) of Regulation (EU) 2016/399

Period(s) of previous reintroduction(s) of border control at internal borders:

Denmark reintroduced border control at its internal borders on 4 January 2016 and has continually reintroduced border control ever since, most recently on 12 November 2024. Border control has been in place throughout that period along the border with Germany, and at times also along the border with Sweden.

- ☐ prolongation of border control at internal borders after 2 years, for major exceptional situation: Article 25a(6) of Regulation (EU) 2016/399

Period(s) of previous reintroduction(s) of border control at internal borders:

N/A.

- ☐ prolongation of border control at internal borders after 2 years and 6 months, for major exceptional situation: Article 25a(6) of Regulation (EU) 2016/399

Period(s) of previous reintroduction(s) of border control at internal borders:

N/A.

- ☐ reintroduction of border control at internal borders in accordance with a Council Implementing Decision: Article 28(1) and (5) of Regulation (EU) 2016/399

N.B.: A continuation of a reintroduction of border control at the internal borders does not have to be considered a prolongation if the serious threat to public policy or internal security upon which it is based is different from the serious threat that motivated the preceding reintroduction of border control at the internal border. If this is the case, please notify for a first reintroduction and specify the new and distinct nature of the serious threat to public policy or internal security under 7.

6. If the notification for a foreseeable event is made less than four weeks before the planned reintroduction or prolongation of border control at internal borders (Article 25a(4), (5) and (6) of Regulation (EU) 2016/399):

N/A.

7. Serious threat to public policy or internal security, consisting of:

- ☒ terrorist incidents or threats, and threats posed by serious organised crime

The Danish Security and Intelligence Service's (PET) Centre for Terrorism Analysis (CTA) continues to assess the terrorist threat to Denmark as serious (level 4 out of 5). The threat stems from both well-known threat actors such as Islamic State and Al-Qaeda, which have attempted to exploit conflict in their propaganda and have, among other things, called for revenge attacks on the West, and actors which had previously had no impact on the threat landscape in Denmark.

More than a year since the conflict in the Middle East escalated with Hamas' terrorist attacks on Israel on 7 October 2023, that conflict continues to have an indirect impact on the threat landscape in Denmark. The CTA still assesses that the Middle East conflict has significant mobilising potential that may trigger a spontaneous or planned response – including a terrorist attack – on the part of a number of known and unknown threat actors. Several attacks have either taken place or been foiled in the West in connection with the conflict, targeting Jewish and Israeli interests in particular. Charges under the terrorism-related provisions of the Danish Criminal Code were brought against several individuals in two separate cases in Denmark in 2024, both of which involved the targeting of Jewish or Israeli interests in Denmark. The CTA assesses that persons and networks having ties to or expressing support for militant Islamist groups involved in the Middle East conflict are currently influencing the threat landscape in parts of Europe, including Denmark.

The Danish Defence Intelligence Service (FE) and PET assess that the terrorist threat to the West has increased since 2023. This is due in particular to the war between Israel and Hamas, which is viewed as continuing to have a radicalising and mobilising effect, including in militant Islamist

circles in Europe. The CTA assesses that, this year too, the Middle East conflict will act as a key driver for the terrorist threat to Denmark and to Danish interests, contributing to an ever-growing threat to Jewish and Israeli interests in Denmark.

In that regard it is worth noting that, according to the FE, Denmark and the West are simultaneously facing a protracted conflict with Russia, which will use a variety of means to instil fear and uncertainty in Western countries, including Denmark. Even if Russia is still reluctant to enter into a war with NATO, the threat landscape has worsened over the past year. It is highly likely that Russia has carried out acts of sabotage targeting several Western countries.

According to PET's assessment, Russia will attempt to plan or carry out acts of sabotage in the future too, for example targeting Western countries – including Denmark – which are providing considerable support for Ukraine in the war against Russia, while the Russian intelligence services have the capacity to step up even further the use of hybrid warfare against the West.

☐ large-scale public health emergencies

N/A.

☐ an exceptional situation characterised by sudden large-scale unauthorised movements of third country nationals, within the meaning of Article 25(1), point (c), of Regulation (EU) 2016/399

N/A.

☐ Large scale or high-profile international event

N/A.

☐ Other

N/A.

8. Names of authorised border crossing points

There are 13 authorised border crossing points along the land border with Germany which can be used by motor vehicles: Frøslev, Padborg, Kruså, Vilmkær, Sofledal, Bøgelhus, Pebersmark, Beierskro, Vindtved, Sæd, Møllehus, Rudbøl and Siltoft.

In addition, there are four border crossing points which can be crossed solely on foot or by bicycle: Skomagerhus, Madeskovvej, Rønsdam and Haraldsdalvej.

In terms of maritime borders, ferries sail between Sønderborg and Langballigau, between Rømø and Sylt, between Rødby and Puttgarden, between Gedser and Rostock and between Rønne and Sassnitz.

9. Measures taken by other Member States (if applicable)

N/A.

10. Assessment of necessity and proportionality under Article 26(1) of Regulation (EU) 2016/399

10.1. Appropriateness: explanation how the reintroduction of border control at internal borders is likely to adequately remedy the threat

In view of the serious threat and after careful consideration, the Danish government sees the prolongation of border control at the internal borders as a necessary and effective measure to address the genuine and present threat to public order and internal security.

This assessment is supported by the following figures relating to controls along the border with Germany during the period from 9 August 2024 to 2 February 2025:

- 525 foreigners refused entry
- 1 564 individuals charged
- 265 weapons seized

10.2. Explanation why the objectives pursued by the reintroduction cannot be obtained by:

- *the use of alternative measures, such as proportionate checks carried out in the context of checks within the territory as referred to in Article 23, point (a), of Regulation (EU) 2016/399;*
- *the use of the procedure laid down in Article 23a of Regulation (EU) 2016/399;*
- *other forms of police cooperation provided for under Union law;*
- *common measures regarding temporary restrictions on travel to the Member States as referred to in Article 21a(2) of Regulation (EU) 2016/399.*

In the assessment of the Danish National Police, prolongation of temporary border control will provide the police with a viable tool in conjunction with the other elements of the combined efforts to combat terrorism and cross-border crime.

Moreover, the Danish National Police is focusing on tackling crime in border regions. Its efforts in that regard include the increased use of drones along the Danish/German land border, the proactive use of automatic number plate recognition (ANPR) and the establishment of an operational unit, combined with ad hoc observation capacities, to track down itinerant criminal groups present in Denmark.

In practice, these border efforts comprise the following:

- *25 stationary ANPR units installed at all 13 border crossing points plus 12 throughout the rest of the police district, as well as 40 vehicle-mounted mobile ANPR units*
- *one operational unit consisting of 16 members of staff, including 12 police officers*
- *more extensive patrols in border hinterland areas*
- *expansion of the paved control areas at Frøslev, Kruså and Padborg and addition of more vehicle lanes at Padborg and Kruså*
- *drones*

In the police's assessment, the new arrangements for and organisation of the combined border efforts have significantly strengthened crime-fighting efforts in the hinterland and cooperation across the police districts.

As regards Article 23a of Regulation (EU) 2016/399, there are no plans at present to make use of that provision.

Denmark has an existing bilateral agreement with Germany on the transfer of third-country nationals (the 'agreement on border crossings'). That agreement constitutes a bilateral agreement under Article 6(3) of the Return Directive (2008/115/EC).

With regard to paragraph 6 of Article 23a, the procedure laid down in Article 23a does not affect cooperation between Denmark and Germany under the agreement on border crossings since that procedure is without prejudice to existing bilateral agreements or arrangements as referred to in Article 6(3) of the Return Directive.

10.3. Likely impact on the movement of persons within the area without internal border control and the functioning of cross-border regions

Border control is exercised as lightly as possible so as to minimise its impact on areas close to the border, including freedom of movement. While it is possible that such areas may still experience some degree of inconvenience, the police assess that the changes to border control in respect of Germany has generally had a positive impact on the flow of traffic along the border.

In order to make it easier for individuals such as commuters to cross the border, the control areas at the border crossing points of Frøslev, Kruså and Padborg have been expanded, and extra vehicle lanes have been added at Padborg and Kruså. The changes involve larger control areas for lorries, cars and vans, enabling checks to be carried out without any significant disruption to the flow of traffic.

In addition, in October 2024 Denmark and Germany concluded an agreement allowing both countries to carry out checks on trains from the moment they cross the national border, thereby reducing the period of time during which trains have to remain at a standstill while checks are performed at the first station on the other side of the border.

No cross-border regions have yet been determined under Article 42b of Regulation (EU) 2016/399.

10.4. If the serious threat consists of sudden large-scale unauthorised movements (Article 25(1), point (c), and 27(3) of Regulation (EU) 2016/399):

N/A.

10.5. Opinion of the Commission and consultation process (if applicable)

N/A.

11. If the notification concerns a prolongation of border control at internal borders after 6 months in accordance with Article 25a(5) of Regulation (EU) 2016/399 (Article 27(2) of Regulation (EU) 2016/399)

11.1. Assessment of the necessity and proportionality based on the criteria laid down in Article 26(1) of Regulation (EU) 2016/399

See point 10.

11.2. Scale and anticipated evolution of the serious threat

The CTA issues an annual 'Assessment of the terrorist threat to Denmark' containing an evaluation of the current threat level. The CTA draws up ongoing systematic analyses and threat assessments in relation to the terrorist threat to Denmark. The CTA assesses that the terrorist threat to Denmark will remain unchanged for the next six months.

This notification concerns border control along the Danish/German border. There is currently no expectation of any impact on any other sections of the internal borders. If the current threat manifests itself in such a way as to necessitate border control along other sections of the internal borders, then the Commission will be notified accordingly.

12. If the notification concerns a prolongation of border control at internal borders after 2 years, for a major exceptional situation (Article 25a(6) of Regulation (EU) 2016/399).

12.1. Assessment of the necessity and proportionality based on the criteria laid down in Article 26(2) of Regulation (EU) 2016/399

N/A.

12.2. Action taken in response to an opinion of the Commission issued in accordance with Article 25a(6) of Regulation (EU) 2016/399 (if applicable)

N/A.

12.3. Action taken in response to a consultation process initiated in accordance with Article 25a(6) of Regulation (EU) 2016/399 (if applicable)

N/A.

12.4. Substantiation of the continued threat to public policy or internal security

N/A.

12.5. Explanation why alternative measures are ineffective

N/A.

12.6. Presentation of mitigating measures

N/A.

12.7. Where appropriate: presentation of the means, actions, conditions and timeline with a view to lifting border control at internal borders

N/A.

13. Any further information (optional)

N/A.

14. Withholding of information on grounds of public security (Article 27(5) of Regulation (EU) 2016/399)

N/A.

15. Confidentiality of information (Article 35 of Regulation (EU) 2016/399)

N/A.

ELI: http://data.europa.eu/eli/dec_impl/2025/315/oj
ISSN 1977-0634 (electronic edition)