



Council of the
European Union

Brussels, 16 May 2022
(OR. en)

8228/22
ADD 1

FRONT 162
COTER 98
COMIX 191

NOTE

From: Danish delegation
On: 11 May 2022
To: Working Party on Frontiers/Mixed Committee
(EU-Iceland/Liechtenstein/Norway/Switzerland)

No. prev. doc.: 12874/21

Subject: Prolongation of the temporary reintroduction 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)

- Supplementary letter to the Member States

Delegations will find attached a copy of a supplementary letter received by the General Secretariat of the Council on 11 May 2022 regarding the prolongation of the temporary reintroduction of border controls by Denmark at the internal borders for 6 months as from 12 May 2022.

ANNEX

E-MAIL

IM 004840 2022
13.05.2022

Received on
11.05.2022

Dear colleagues,

1. By letter of 13 April 2022 the Government of Denmark notified the Commission of its decision in accordance with the provisions of Article 25 and 27 of the Schengen Borders Code to temporarily reintroduce border controls at the internal borders for a period of 6 months as from 12 May 2022.

As stated in the notification the persistent and significant threat to our public order and internal security caused by militant Islamists and organized criminals exploiting the free mobility within the Schengen area continues to be of grave concern for the Danish Government. The terrorist threat against Denmark continues to be serious, and it is the assessment of the Danish Center for Terror Analysis (CTA) under the Danish Security and Intelligence Service that the larger displacement flows due to the Russian invasion of Ukraine may result in persons posing a terror threat to Denmark using such flows to gain entry to Europe. After careful consideration, the Danish Government has thus considered it necessary to reintroduce internal border controls, as the Government finds that alternative measures would not be sufficient to achieve the same effect in countering these threats.

Denmark has taken note of the judgment of 26 April 2022 of the European Court of Justice in Joined Cases C-368/20 and C-369/20. In light of the judgment the Danish government would like to supplement the notification of 13 April 2022 on the decision to temporarily reintroduce controls at the internal borders.

This addendum thus provides additional factual information and elaborates on the circumstances and events which give rise to a new serious threat to

Skejbovej 10
DK - 1216 København K.
Phone +45 7226 8400
Fax +45 3393 3510
www.justitsministeriet.dk
jm@jm.dk

our public order and internal security, while taking into account the free movement of persons in the practical execution of the border controls.

2. The Russian invasion of Ukraine constitutes an extraordinary and uncertain situation in Europe. On 2 May 2022 Frontex has estimated that approximately 5,5 million people have been displaced since the Russian invasion and that approximately 1,35 million people have returned to Ukraine in the same period. CTA assesses that in the short term the larger flow of migrants and displaced persons could entail a risk that persons who could pose a threat to Denmark would be able to travel into the Schengen area. CTA further assesses that in the long term the presence of an area of conflict in Europe with presumably high accessibility of firearms could potentially attract extremists who could pose a threat to Denmark. Furthermore, it is the assessment of the Danish Special Crime Unit that it is highly probable that weapons from Ukraine will flow towards Danish criminal organizations once the acts of war have ceased.

Additionally, the migratory pressure on the Schengen area's external border with Belarus in general means that since Russia's invasion of Ukraine, the police have had an increased focus on the risk of human smuggling and human trafficking. The Danish National Police has further stated that after a short period of decline in 2020 and 2021, there is currently an increase in the number of criminal groups crossing the Danish/German landborder.

From 30 august 2021 to 24 april 2022 the police of Southern Jutland have refused entry to 3.576 persons. In the same period 24 human traffickers have been arrested.

Throughout the winter of 2021-2022, a violent conflict between a Danish criminal gang and a Swedish criminal network has taken place. The conflict was instigated by a number of violent collisions in Copenhagen and its vicinity as well as in Malmö. From 2-15 December 2021, there were five shootings with four persons killed and additionally four persons injured. The conflict was considered to have ceased on 2 February 2022. Shortly thereafter another person from Sweden was killed in Copenhagen.

After thorough review the Danish Government considers that these circumstances and events entail a new and distinct serious threat to the public order and internal security that cannot be met by other – less severe – measures.

3. Finally it should be mentioned that careful consideration is taken to the free movement of persons within the EU and that border controls are executed in such a manner as to minimize the impact on the traffic movement across the borders.

The Danish National Police has found that the previous border controls have not had a distinctive negative impact on the free movement of persons across the borders. This will continue to be a matter of priority for the Danish authorities in close cooperation with both the German and Swedish authorities.

An identical letter will be sent to Commission.

Yours sincerely

Mattias Tesfaye

