Priority question for written answer P-001801/2024
to the Commission
Rule 144
Jadwiga Wiśniewska (ECR)

Subject: Compliance of the German Government's decision to reintroduce border controls with EU law

The German Government's introduction of controls at all borders on 16 September 2024 is a legal measure that is incompatible with the principles of proportionality and non-discrimination, as well as with the rules laid down in the Schengen Borders Code, and it is resulting in discrimination against EU citizens. Neighbouring countries are particularly affected, leading to a decline in trade, delays and disruption to border regions.

Member States may bring a matter before the Court of Justice of the European Union if they consider that another Member State has failed to fulfil one of its obligations under the Treaties. This act must be preceded by a complaint to the Commission, as guardian of the Treaties.

In light of the above, could the Commission please clarify the following:

1. What serious threat to public policy or internal security, within the meaning of Article 25 of the Schengen Borders Code, has the Government of the Federal Republic of Germany indicated to justify the temporary reintroduction of border controls at internal borders?

2. Has the German Government provided the Commission with evidence that the introduction of controls is necessary and justified and that the measure complies with the principles of proportionality and non-discrimination?

3. Has a complaint been lodged with the Commisson against Germany in respect of the violation of obligations under the Treaties under Article 259 TfEU? If so, which Member State lodged the complaint, and is the Commission preparing a reasoned opinion on it?

Submitted: 24.9.2024