

(English version)

Question for written answer E-001678/24
to the Commission
Łukasz Kohut (PPE)
(11 September 2024)

Subject: The response to German border controls and potential violations of the Schengen Borders Code

The Federal Republic of Germany has implemented additional controls along all of its internal EU borders. Representatives of the German Government have stated that this decision was made to prevent irregular migration.

Initial border controls on the German-Polish, German-Czech, and German-Swiss borders were introduced in mid-October 2023, leading to significant disruptions in traffic flow. While the importance of security is acknowledged, it is crucial to ensure the proper functioning of the Schengen area. Persistent traffic jams at the borders, particularly affecting cross-border workers and the transport sector, could lead to serious challenges.

1. Do permanent and persistent border controls constitute a violation of the Schengen Borders Code ⁽¹⁾?
2. What measures is the Commission taking to safeguard EU citizens' right to freedom of movement, as guaranteed by Article 45 of the Charter of Fundamental Rights of the European Union?

Submitted: 11.9.2024

Priority question for written answer P-001706/24
to the Commission
Marcin Kierwiński (PPE), Andrzej Halicki (PPE)
(13 September 2024)

Subject: Legitimacy of the German Government's decision to impose border controls in the Schengen area

The Schengen area allows over 400 million EU citizens to move freely within the Community. Nearly 4 million people exercise this privilege every day. The Schengen area also allows goods to move freely, which is essential for the internal market to function as intended. Imposing such a burden on EU citizens, including Polish citizens whose main transit routes cross the German border, should be seen as a blow to the bedrock of European solidarity. Parliament expects the Commission to preserve the benefits that come from the Schengen area.

1. Have the Commission and Member States been duly notified, as provided for by the Schengen Borders Code, of the actions taken by Germany?
2. Has an assessment of the necessity and proportionality of these restrictions been undertaken?
3. Does the Commission view the restrictions as justified, and are they accompanied by mitigating measures for goods transportation, given that Germany is the largest and most crucial transit country for the functioning of the internal market?

Submitted: 13.9.2024

Priority question for written answer P-001708/24
to the Commission
Kosma Złotowski (ECR)
(13 September 2024)

Subject: Rationale for and economic impact of Germany's introduction of border controls

According to Article 18 TFEU, the right to not be discriminated against on grounds of nationality is a right inherent to the status of EU citizen. Article 20 TFEU confers on EU citizens the right to move and reside freely within the territory of EU Member States. Furthermore, Directive 2004/38/EC guarantees EU citizens the freedom of movement and residence within the territories of other Member States. While the Treaties permit restrictions on the exercise of this right for a legitimate reason, the measures taken must be proportionate. Germany's decision to introduce border controls does not meet this condition and undermines the guaranteed rights of citizens and economic freedoms.

¹ Regulation (EU) 2016/399 of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), <http://data.europa.eu/eli/reg/2016/399/oj>.

1. In the Commission's view, is the introduction of border controls at all German land borders from 16 September 2024 for a minimum of six months compatible with the EU Treaties, is it not a breach of the principles of freedom of movement conferred by the Schengen area rules and EU citizenship, and is the Commission empowered to respond to the reintroduction of border controls by states?
2. What will the economic impact of the German Government's decision be, particularly in sectors such as the international road transport of passengers and goods, the operation of which could be significantly disrupted?
3. Is the Commission aware that the border controls at the Polish border introduced by Germany have been in place for almost a year now, if so, is it compatible with the principle of proportionality to maintain controls for so long, and for how long can a Member State maintain border controls while complying with European law?

Submitted: 13.9.2024

Joint answer given by Ms Johansson on behalf of the European Commission
(30 October 2024)

The Schengen Borders Code ⁽¹⁾, which has been thoroughly revised ⁽²⁾ with effect from 10 July 2024, provides in its Title III that internal borders may be crossed without border checks.

However, Member States may reintroduce internal border controls, exceptionally and temporarily, in case of threats to public policy or national security.

The revised framework provides for clearer deadlines and strict monitoring and reporting obligations. The Commission has stressed the importance of alternative measures to the reintroduction of internal border controls, such as joint police controls ⁽³⁾.

Border checks at the internal border do not call into question the right of EU citizens to move and reside freely within the EU, under the conditions set out in Directive 2004/38/EC ⁽⁴⁾.

EU citizens can still enter the territory upon simple presentation of a passport or of an identity card, unless there are reasons to restrict the right on grounds of public order, public security or public health.

The Commission is currently assessing the impacts of the recently notified reintroduction of border controls by Germany. In the notification of 9 September 2024, the German authorities indicated that they would attempt to minimise the impact of controls on free movement of persons within the Schengen area without internal border controls and cross-border regions.

The time-limits for a reintroduction of internal border controls are laid down in Article 25a of the revised Schengen Borders Code.

For foreseeable threats, a reintroduction may be extended to a maximum of two years for the same threat, with a possible renewal of twice six months in case of a major exceptional situation with regard to a persisting serious threat.

⁽¹⁾ OJ L 77, 23.3.2016.

⁽²⁾ OJ L, 2024/1717, 20.6.2024.

⁽³⁾ OJ L, 2024/268, 17.1.2024.

⁽⁴⁾ OJ L 158, 30.04.2004.