

(English version)

**Question for written answer E-001698/24
to the Commission
Piotr Müller (ECR)
(12 September 2024)**

Subject: Functioning of the Schengen area and closure of German land borders

Following Germany's decision to introduce temporary controls on all land borders from 16 September 2024, without making prior arrangements with other Member States, I would like to ask the following questions:

1. Did Germany formally notify the Commission of its plan to impose temporary border controls, and did it fulfil the legal grounds for this action as set out in Schengen provisions?
2. How will the Commission guarantee that Germany and other Member States fulfil their commitments arising from the Pact on Migration and Asylum when Germany's unilateral actions undermine the already questionable nature of this pact and raise the issue of double standards in relation to certain EU countries?
3. How does the Commission justify its lack of a response to the unilateral imposition of border controls by Germany, which is apparently suspending the Schengen area rules, while other countries, such as Poland, are criticised for taking steps to protect their borders?

Submitted: 12.9.2024

**Answer given by Ms Johansson on behalf of the European Commission
(21 November 2024)**

1. On 9 September 2024, Germany notified the Commission of its decision to reintroduce border control at its internal borders with Belgium, Denmark, France, Luxembourg and the Netherlands in accordance with Article 25 of the Schengen Borders Code ⁽¹⁾. In the notification, it explains that it considers the reintroduction of internal border control a necessary and proportionate measure of last resort. The Commission is assessing the notification and remains in close touch with the German authorities to evaluate the situation.
2. The obligation to comply with EU law flows from the well-established principles of primacy of EU law and loyal cooperation and applies to all Member States equally. Efforts at a full and timely implementation of the Pact are under way. The Commission published a Common Implementation Plan ⁽²⁾ in June 2024 that provides the framework for a joint work programme for the next two years including the legal and operational deliverables, the structures for discussion, and relevant operational and financial support. Gaps and needs assessments have been carried out in all Member States and the Commission is currently formulating its recommendations to Member States for preparing their national implementation plans.
3. The Commission, including the Schengen Coordinator, continues to work closely together with all Member States concerned by internal border control, including Germany and Poland. The Commission, at the same time, recognises the important work of Member States situated at the external borders of the EU, in fulfilling their task of managing and protecting those borders in compliance with the provisions of the Schengen Borders Code.

⁽¹⁾ 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) (codification), OJ L 77, 23/03/2016, p. 1.

⁽²⁾ COM(2024) 251 final.