

(English version)

**Question for written answer E-003263/26**  
**to the Commission**  
**Mika Aaltola (PPE)**  
(12 August 2026)

*Subject:* EU legal framework for organised mass border-crossing situations

The events in Ceuta in July 2026 confirmed a pattern. The mass storming of an external border is no longer a spontaneous event. It is organised, timed and aimed at the seams of European law. It constitutes a third type of instrumentalisation, alongside coercive state action and corrosive grey zone pressure.

Member States have been left to improvise. Finland adopted an emergency law because the EU had not written any rules. Spain applies a different framework. Twenty-seven national emergency fixes are not a system. They are 27 court cases waiting to happen, and every divergence is a seam our adversaries will test.

1. Will the Commission bring forward a legislative package establishing a single EU legal category and a single border procedure for organised mass storming situations, which is fast, lawful, and applicable at all external borders?
2. How does the Commission assess the fragmentation risk that divergent national emergency laws pose to the Schengen area and to uniform fundamental rights protection?
3. What is the Commission's timetable for closing this legislative gap within the current mandate?

Submitted: 12.8.2026

**Answer given by Mr Brunner on behalf of the European Commission**  
(16 October 2026)

According to the revised Schengen Borders Code (SBC) <sup>(1)</sup>, Member States are required to protect their sections of the EU's external borders and have the obligation to preserve the integrity and security of the Schengen area by preventing unauthorised border crossings, countering cross-border criminality and taking effective measures against persons who have crossed the border illegally.

To this end, Member States may, under Article 5 of the SBC, where a large number of migrants attempt to cross their external borders in an unauthorised manner, en masse and using force, take the necessary measures to preserve security, law and order.

Article 5 explicitly recognises that instances of instrumentalisation of migrants may justify the temporary closure of border crossing points at the external borders concerned.

Furthermore, to protect EU borders at all times, and especially when mass movements are engineered and weaponised, the President of the Commission announced in the 2026 State of the Union a new European Emergency Response Framework to address such situations.

Apart from the tools provided by the EU legislation, coordination and consultations take place at EU level, to ensure coherence and a common approach in situations like the one that happened in Ceuta.

Furthermore, Member States have at their disposal other tools to deal with such situations, for example adoption of emergency legislation, which must fully comply with relevant EU law, including the Charter of Fundamental Rights of the EU <sup>(2)</sup>.

While the Member States hold the primary responsibility for the management of their sections of the EU's external borders, the EU can, upon their request, provide financial and technical assistance.

In the case of Ceuta, the Commission has provided Spain with EUR 114.7 million in emergency funding, as well as support from EU Agencies, namely Frontex <sup>(3)</sup>, Europol <sup>(4)</sup> and the EU Agency for Asylum.

---

<sup>(1)</sup> Regulation (EU) 2024/1717 of the European Parliament and of the Council of 13 June 2024 amending Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders. OJ L 2024/1717, 20.6.2024; ELI: <http://data.europa.eu/eli/reg/2024/1717/oj>.

<sup>(2)</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=oj:JOC\\_2016\\_202\\_R\\_0002](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=oj:JOC_2016_202_R_0002).

<sup>(3)</sup> European Border and Coast Guard Agency.

<sup>(4)</sup> European Union Agency for Law Enforcement Cooperation.