

(English version)

**Priority question for written answer P-002554/24
to the Commission
Raquel García Hermida-Van Der Walle (Renew)
(15 November 2024)**

Subject: Reintroduction of border controls by the Netherlands Government

On 11 November 2024, the Netherlands Government notified the Commission of its plans to implement border controls from 9 December at its borders with Germany and Belgium and at airports. This move highlights the impact of the continued influx of irregular migrants and asylum seekers on the asylum system. The government claims that the Netherlands asylum system is at risk of ‘disruption’, specifically in terms of reception capacity and available housing. The government is basing the reintroduction of border controls on Article 25a(4) and (5) of the Schengen Borders Code (a serious threat to public policy or internal security) ⁽¹⁾. At the same time, the Netherlands Government intends to make substantial cuts to the asylum chain in the coming years.

1. Has the Netherlands met the deadline for submitting to the Commission a draft of its national implementation plan for the Pact on Migration and Asylum ⁽²⁾? If not, does the Commission agree that the Netherlands Government should rather focus on the implementation and execution of the Pact on Migration and Asylum instead of reintroducing border controls that cause significant inconvenience to citizens and businesses?
2. Does the Commission regard this reintroduction of internal border controls as proportionate and strictly necessary, and as a measure of ‘last resort’? If not, what measures will the Commission take to ensure that Dutch citizens and companies can fully enjoy the right of free movement?

Submitted: 15.11.2024

**Answer given by Mr Brunner on behalf of the European Commission
(15 January 2025)**

The Commission’s Common Implementation Plan (CIP) specifies that ‘as provided for in the Asylum and Migration Management Regulation and the Asylum Procedure Regulation, each Member State shall, with the support of the Commission and relevant EU bodies, offices and agencies, establish a National Implementation Plan setting the actions and the timeline for their implementation by 12 December 2024 based on the present Common Implementation Plan’.

To ensure Member States meet this deadline, the CIP mentions that ‘The Commission invites Member States to share their draft plans by October 2024 to ensure a dialogue on the needs and resources available for timely finalisation by 12 December 2024’. The Netherlands submitted a draft National Implementation Plan on 31 October 2024 and a final version on 6 December 2024.

The Commission remains in close contact with the Dutch authorities as regards its decision to reintroduce border control at its internal borders.

The Dutch authorities have assured the Commission that internal border control will take place based on risk assessment and in the form of spot-checks, limiting the impact on cross-border traffic and the functioning of cross-border regions as much as possible.

The Commission has emphasised that this type of checks may in any case take place in the form of police controls under Article 23 of the Schengen Borders Code ⁽¹⁾ insofar as they do not have an effect equivalent to border control.

In any event, border checks at the internal border do not call into question the right of EU citizens to move and reside freely within the EU, including the right of Dutch citizens to travel to other Member States, under the conditions set out in the Free Movement Directive ⁽²⁾.

¹ https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2024Z18066&did=2024D43216

² <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52024DC0251>

⁽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), OJ L 77, 23.3.2016, p. 1-52.

⁽²⁾ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.