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COVER NOTE

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ANNEX 3

ANNEX

to the

Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions

State of Schengen Report 2024

ANNEX 3

Follow-up Report on the situation at the internal borders

October 2023 – March 2024

Introduction

On 23 November 2023, the Commission adopted Recommendation (EU) 2024/268 on cooperation between the Member States with regard to serious threats to internal security and public policy in the area without internal border controls¹. The Recommendation was accompanied by a staff working document containing a Report on the consultation by the Schengen Coordinator of the Member States concerned by the reintroduction of internal border controls between May and November 2023². In the Recommendation, the Commission re-examined recommendations adopted in the previous years, complemented by the lessons learnt since their adoption that can help Member States in combatting serious threats to public policy or internal security, within the Schengen area³. The Recommendation committed to continuing the dialogue between the Schengen Coordinator and the Member States, to support them in the implementation of this Recommendation, as well as to regularly reporting in the Schengen Council on the state of play and progress made. There was a strong expression of support for the Recommendation by Member States, who showed a readiness to adopt the measures contained within the Recommendation.

Since the adoption of the Recommendation, the Commission services have held several meetings with the Member States concerned by the reintroductions of internal border controls to discuss the implementation of the measures set out in the Recommendation. The meetings were organised within the framework of the ongoing dialogue on internal border controls initiated in Autumn 2022 and built on the best practices learnt during the consultation process on the notifications submitted by Denmark, Germany, France, Austria, Norway and Sweden for the period May-November 2023, as summarised in the Report of 23 November 2023⁴.

In addition, since October 2023, Member States have, in response to increasing migratory pressure at the EU's external borders and the rise in terrorist threats across the Schengen area, reintroduced controls at new sections of the internal borders. These are the Austrian-Czech and Austrian-Slovak land borders, the German-Polish, German-Czech and German-Swiss land borders, the Polish-Slovak land border, the Czech-Slovak land border, the Slovak-Hungarian land border, the Slovenian-Croatian and the Slovenian-Hungarian land border, and the Italian-Slovenian land border. These reintroductions have since been subject to the ongoing dialogue and are therefore included in this report.

¹ OJ L, 17.1.2024, p.1

² Report from the consultation with the Member States as regards the internal borders controls reintroduced by Denmark, Germany, France, Austria, Norway and Sweden between May and November 2023, Brussels, 23 November 2023, SWD(2023) 388 final.

³ Commission Recommendation (EU) 2023/682 of 16 March 2023 on mutual recognition of return decisions and expediting returns when implementing Directive 2008/115/EC of the European Parliament and of the Council, OJ L 86, 24.3.2023, p. 58, Council Recommendation (EU) 2022/915 of 9 June 2022 on operational law enforcement cooperation, OJ L 158, 13.6.2022, p. 53, Commission Recommendation (EU) 2017/820 of 12 May 2017 on proportionate police checks and police cooperation in the Schengen area, OJ L 122, 13.5.2017, p. 79; Commission Recommendation (EU) 2017/432 of 7 March 2017 on making returns more effective when implementing the Directive 2008/115/EC, OJ L 66, 11.3.2017, p. 15.

⁴ Brussels, 23.11.2023 SWD(2023) 388 final.

This follow-up report has the following objectives:

- 1) It provides an update, since 23 November 2023, on the state of play at the border sections that were subject to the consultation process: the Austrian-Hungarian and the Austrian-Slovenian land border, the German-Austrian land border, the Danish-German land border, as well as all French, Swedish and Norwegian internal borders.
- 2) It presents an overview of the situation at the border sections subject to the reintroduction of internal border controls by Austria, Italy, Germany, Poland, Czechia, Slovakia and Slovenia since October 2023.
- 3) It provides an overview of the various regional cooperation initiatives developed by Member States with a view to counter secondary movements within the Schengen area and fight cross-border crime.

The Commission recognises Member States' constructive participation in the dialogue and their efforts to mitigate the effects of controls at the internal borders on travellers and businesses. It welcomes the various regional initiatives and the reinforced cooperation on alternative measures, such as joint patrols, and within the framework of bilateral readmission agreements among Member States. The Commission also welcomes the decision of Slovakia, Czechia, and Poland to lift the controls at their internal borders as of January, February and March 2024 respectively.

The Commission is conscious of the fact that in light of the relatively short period that has passed since the publication of Recommendation (EU) 2024/268, many initiatives remain under development and may yet have to come to full fruition, whilst other initiatives based on the Recommendation are still in the planning phase.

Moreover, the Commission has observed diverging practices in the application of the judgment of the Court of Justice of the European Union (CJEU) in Case C-143/225 which confirmed that the temporary reintroduction of controls at internal borders does not dispense Member States from the obligation to apply the rules and safeguards laid down in the Return Directive. First discussions on this matter have taken place with the Member States, including in the Return Directive Contact Committee Group and the Frontiers Working Party.

This Report is based on the notifications of reintroduction of internal border controls sent by Member States and the additional input received in the context of the ongoing dialogue with the Schengen Coordinator. It does not present an assessment of the Member States' notifications received by the Commission, and it is without prejudice to any future action that the Commission may take in its role as the guardian of the Treaties.

⁵ Judgment of the Court of Justice of 21 September 2023, ADDE and others, C-143/22, ECLI:EU:C:2023:689 which confirms to a large extent a judgment of the Court of Justice of 19 March 2019, Arib and Others, C-444/17, ECLI:EU:C:2019:220.

1. State of play at the internal borders subject to the consultation process: update since the Report of 23 November 2023

1.1 Austrian internal border controls at the land borders with Hungary and Slovenia

• Situation at the borders

Austria has maintained border controls at its land borders with Hungary and Slovenia, citing the threat resulting from Russia's invasion of Ukraine, posing risks of arms trafficking and criminal networks. In addition, the migratory pressure and strain on the asylum reception system and secondary movements remain high. The current notification expires on 11 May 2024.

Controls take place at fixed check points at border crossing points that serve international and regional traffic and are open to all types of traffic. The controls are adapted based on situational pictures and threat assessments. The impact on cross border flows has been limited to minor congestion at peak hours.

In the period 4 October 2023 – 8 February 2024, 6 375 irregular migrants and 88 smugglers were intercepted, and 40 refusals of entry were issued at the Austrian-Hungarian land border. In the same period, 909 irregular migrants and 58 smugglers were intercepted, and 105 refusals of entry were issued at the Austrian-Slovenian land border.

The Austrian authorities have observed a change in the behaviour of migrants apprehended at the border, following the CJEU judgment in Case C-143/22. Previously, irregular migrants that would be issued with a refusal of entry at the internal border, would normally lodge a request for international protection, presumably to avoid being directly returned to neighbouring Member States and to gain access to Austrian territory. Since the judgment, direct returns of irregular migrants have only been carried out in limited cases.

• Cooperation

Cooperation between Austria and Hungary

Since 2021, there has been close cooperation between the Hungarian and Austrian police authorities in priority operations, taking place on Hungarian territory near the Austrian border. The Austrian and Hungarian police carry out joint patrol services on the basis of the 2023 Cooperation Agreement between the Hungarian National Police Headquarters and the Directorate General for Public Security of the Austrian Ministry of the Interior. Since October 2023, the units of the Austrian Federal Police Directorate FOX have been in charge of these operations.

In addition, Focal Point operations (mixed patrols) have been conducted on average 12-16 times per month with the participation of the Austrian police on the Hungarian territory near the Austrian border. Since June 2022, the Slovak police has also participated in these operations. The Hungarian Police and Customs Cooperation Centre (PCCC) at Hegyeshalom plays an important role in the organisation and management of the Focal Point operations. Since December 2023, the operational situation at the internal border has allowed for a reduced frequency of Focal Point operations and FOX joint operations.

Based on the information provided by the Austrian authorities, the 1998 bilateral readmission agreement between Hungary and Austria has been effectively suspended and Hungary does not accept

any requests for readmissions. Hungary has declared that it only accepts to take responsibility for migrants who first entered the Schengen area through Hungary.

Austria and Germany have expressed their intention to broaden the trilateral agreement between the German and Austrian Interior Ministries and the Hungarian National Police Headquarters on a joint rail patrol service to include also international bus connections. The agreement is currently under review.

Cooperation between Austria and Slovenia

Since Slovenia's opinion of 25 April 2023 based on Article 27(4) of the Schengen Borders Code⁶, the situation at the border between Austria and Slovenia remains a regular point on the agenda of meetings at political level, most recently during an informal bilateral meeting at Ministerial level on 23 January 2024 in Schladming.

As a result of the strengthened dialogue between Austria and Slovenia, the police authorities of both Member States have reinforced joint activities since March 2023 in the form of enhanced mixed patrols and joint targeted police activities. On a monthly basis, the Slovenian police conduct 14 joint patrols with the Austrian police, of which five on Austrian territory, near the Slovenian border, and nine on Slovenian territory, near the Austrian border. No irregular border crossings were reported during joint patrolling as of October 2023. Operational cooperation at the local level also takes the form of regular direct contacts, information exchange on the measures taken and on procedures of operational interest.

The 1998 bilateral readmission agreement between Austria and Slovenia generally works well, but Austria has reported practical difficulties in carrying out the handover at the border, since Austria does not readmit people that have lodged a request for international protection on the Slovenian territory, as this situation would be covered by the Dublin Regulation. Between 4 October 2023 and 8 February 2024, only one readmission to Slovenia was recorded. The Slovenian authorities highlighted the need for an adaptation in the practical application of the existing agreements, following the CJEU judgment in Case C-143/22.

1.2 German internal border controls at the land border with Austria

• Situation at the border

Germany has maintained border controls at its land borders with Austria, citing migratory pressure and an increase in human smuggling, pressure on the asylum reception system, the situation in relevant countries of origin and the security situation especially due to the turmoil in the Middle East. The current notification expires on 11 May 2024⁷.

In the period 16 October 2023 – 31 December 2023, 23 078 people were checked, 6 149 irregular migrants were intercepted, and 262 smugglers apprehended. In addition, 2 517 refusals of entry were issued.

The controls focus on cross-border highways and international railway connections and are partly static and partly mobile. They are carried out in a targeted manner, using a flexible deployment

⁶ 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.

⁷ On 11 April 2024, the German authorities sent a notification of reintroduction of internal border controls for the period 12 May 2024 – 11 November 2024.

concept, with variable intensity, bearing in mind cross-border traffic flows. Where necessary, the route infrastructure on the German side has been adapted, allowing for opening extra control lanes. Nonetheless, traffic congestions have been reported on the Walsberg motorway (A1/BAB8) and the Kiefersfelden motorway (A12/A93), particularly on weekends. According to the Austrian authorities, border controls on the Kiefersfelden motorway have been continuous since 2017. According to the Austrian authorities, an unfavourable choice of control locations on the Kiefersfelden motorway has led to traffic jams in the past, but this has now been resolved.

• **Cooperation between Germany and Austria**

In general, police cooperation between Austria and Germany continues to function well. There are regular exchanges at Ministerial level (every four weeks) between the German Federal Ministry of the Interior and Community, the Austrian Ministry of the Interior, the Federal States of Bavaria and Baden-Württemberg involving also the Swiss authorities and the German Federal Police.

In addition, the German Federal Police in Munich and the Austrian Provincial Police Directorates (Tyrol, Upper Austria, Salzburg and Vorarlberg) hold monthly meetings to assess the situation at the border, with a focus on human smuggling and trafficking, stolen vehicles, drug trafficking, and other new developments. There is also a frequent exchange of information on document security and fraud. The German authorities underlined that the Passau, Rosenheim, Freilassing and Kempten Federal Police Inspectorates are in close contact with neighbouring Austrian police stations and coordinate cross-border procedures with the close involvement of the responsible police headquarters in Lower Bavaria, Upper Bavaria (South) and Swabia (South/West).

In accordance with the existing bilateral treaty on police cooperation between Germany and Austria, joint police checks are carried out on an ad-hoc basis, as well as exchanges of specially trained police officers (e.g. specialists on investigating vehicle smuggling and document advisors). Joint patrols of German police forces and the Austrian Provincial Police Directorates continue to take place monthly in the Bavaria-Tyrol border region. These include joint security patrols on trains between Germany and Austria and joint police patrols, on both Austrian and German territory, focussing on cross-border crime, including human smuggling.

In addition, Germany continues to participate in bilateral and trilateral joint border patrols with Austria, Italy and Switzerland on the railway line between Rosenheim and Bolzano and Bolzano and Rosenheim. Based on the data shared by the Austrian authorities, around 300 law enforcement officers from the four countries were deployed in those patrols since October 2023.

The 1997 bilateral readmission agreement between Germany and Austria distinguishes between formal readmissions to other Member States, processed centrally via the Federal Police Headquarters at the request of the responsible immigration authority with a centrally responsible office in the other state, and non-formal readmissions to another Member State directly connected to irregular border crossings, decided and carried out at the regional level between the respective police authorities. Based on the limited statistical data available to the German authorities, in the period 1 October 2023 – 31 December 2023, six persons were returned to Austria and seven to Germany under the formal readmission procedure, 1 331 persons were returned to Austria under the non-formal readmission procedure. The authorities have reported operational challenges in the implementation of the CJEU judgment in Case C-143/22 and a lack of coordination on direct returns from Germany to Austria. According to the Austrian authorities this raises genuine internal security concerns. Exchanges at operational and political level between the Austrian and German authorities are taking place. The issue is also discussed in meetings with the Schengen Coordinator.

1.3 Danish internal border controls at the land border with Germany and ports with ferry connections to Germany

- **Situation at the border**

Denmark has maintained border controls at its internal borders citing a serious threat to public policy and internal security by terrorists and organised crime and espionage from foreign state intelligence, as well as following an increase in irregular migration. While the border controls may extend to all internal borders, including land, sea and air borders, the specific border sections and border crossing points are determined by the Danish National Police. In practice, the controls are focused on the Danish-German land border and the Danish ports with ferry connections to Germany. The current notification expires on 11 May 2024⁸.

Between 11 February 2023 and 18 August 2023, a total of 168 weapons have been confiscated and 801 persons have been refused entry in the context of the border controls carried out by Denmark at the border with Germany.

The border controls are carried out as spot-checks and their intensity, quantity and location is adapted to the expected number of travellers as well as the current intelligence picture, the local conditions and the traffic patterns at the individual border crossing points. According to the Danish authorities, the internal border controls are thus substantially different from the systematic controls performed by Denmark at its external borders. As such, the Danish National Police have found that the internal border controls carried out by Denmark in the previous notification period (May-November 2023) have not had a distinctive negative impact on the movement across the internal border.

Denmark has also started restructuring police efforts at the border to strengthen the use of alternative measures in border regions, notably the intelligent monitoring of border areas and the number police patrols and crime fighting activities, while deescalating the intensity of internal border controls.

- **Cooperation**

The 1954 bilateral readmission agreement between Germany and Denmark distinguishes between formal readmission procedures and non-formal/accelerated procedures connected directly with a border crossing. In the context of formal readmission procedures to other Member States, between 1 October and 31 December 2023, Denmark carried out 1 readmission to Germany and Germany performed 1 readmission to Denmark. In the same period, Germany carried out 24 non-formal/accelerated readmissions to Denmark.

1.4 French internal border controls

France has maintained border controls at all its internal borders citing (Islamist and Jihadist) terrorist threats, threats connected with the security situation in Ukraine, in particular the risk arms trafficking, as well as the security situation in the Middle East and the Sahel. The current notification is set to expire on 30 April 2024⁹.

⁸ On 12 April 2024, the Danish authorities sent a notification of reintroduction of internal border controls for the period 12 May 2024 – 11 November 2024.

⁹ On 3 April 2024, the French authorities sent a notification of reintroduction of internal border controls for the period 1 May 2024 – 31 October 2024.

In the period 21 October 2023 – 31 January 2024, Italy reported 6 228 refusals entry issued by France at their shared internal land border. In 2023, Spain reported that 7 653 refusals of entry were issued by France at their shared internal land border.

The border controls are performed by the French Border Police (Police de la Frontière, PAF) in a non-systematic manner and the intensity is adapted based on the type of border (air, maritime, land) and relevant risk analysis carried out by the competent local authorities. In addition, in order to ensure that controls remain proportionate and correspond to the actual level of threats, they are based on a risk assessment using the tools developed by Frontex (CIRAM 2.0) and taking into account police information and experience. According to the French authorities, the flexible adaptation of controls at the various border crossing points allows them to limit the impact on cross-border movement, including traffic congestion at border crossing points.

While the Spanish authorities confirm the fact that the French border controls are carried out in a flexible manner at selected border crossing points, the temporary limitation of open border crossing points and the more thorough nature of controls, notably at the Irun Hendaya border crossing point, did result in considerably longer travel times and delays at the border. In March 2024, France informed the Commission about its decision to re-open all border crossing points on the Spanish-French land border, with a view to facilitating the crossing of the internal border.

The Belgian, Italian, Luxemburgish and Swiss authorities have also confirmed the non-systematic nature of the French border controls and their limited impact on cross-border movement. Notably, the Belgian authorities reported that the checks at the French-Belgian border are characterised by one-off operations set up for a few hours and including both static and mobile arrangements on major roads with minor effect on cross-border flows. The Belgian authorities are informed about such operations through various channels (direct contact between operational units, PCCC, structural concertation platforms) and are sometimes asked to set up ‘mirror operations’ on Belgian territory.

- **Cooperation**

All neighbouring Member States affected by the reintroduction of internal border controls by France highlighted the long-lasting nature of this measure. However, they expressed their overall satisfaction with the level of cooperation with the French authorities, which varies in intensity and type depending on the risks identified at each border section. As reported by the French authorities, the cooperation is being further improved through dialogue with the neighbouring Member States, as evidenced by the recent development of new forms of cross-border operational cooperation (notably, the French-Italian joint brigades and the French-German joint patrols). Building on these good practices, France expressed willingness to develop and deepen joint French-Spanish and French-Swiss patrols.

Cooperation between France and Spain

The Spanish and French authorities continue the work at technical level to reach an agreement on a working agreement to set up the basis for cross-border cooperation, including different modalities for collaboration. Both countries have appointed contact points for public and internal security and PCCCs, which are frequently used for bilateral communication.

At operational level, the Spanish authorities reported intense cooperation over 2022-2023. In the first half of 2023, 128 patrols took place at the land borders, 106 at the air borders and six at the maritime patrols within the PCCC framework. The Response Brigade against Illegal Immigration (BRIC) operates at different points along the Spanish-French border, agreeing with French officials on the

number of patrols. It also carries out controls in coordination with the staff of Spanish municipalities at train stations, buses and roads.

Within the framework of the program for mixed patrols during the holiday season, 14 missions were carried out, with 34 Spanish police officers being deployed in French cities, and 22 French police officers in Spanish cities. The Guardia Civil sets up similar mixed patrols, especially along the “Camino de Santiago”.

The bilateral readmission agreement between France and Spain dates from 2002 (“Málaga Agreement”), with a technical agreement for air transfers, dated 25 May 2013 (“Salamanca Agreement”). Based on the data shared by the Spanish authorities, in 2023 Spain requested 868 readmissions by land and none by air to France, while France requested 2 256 readmissions by land and 166 by air to Spain.

In the reporting period, Spain did not observe a change in practice by the French authorities at the shared internal land border following the CJEU judgment in Case C-143/22, meaning that refusals of entry continued to be accompanied by direct returns without a take back request.

Cooperation between France and Belgium

There is close cooperation at three levels: a strategic committee (administrative authorities, judicial authorities, police and customs), an operational working group (GTO), and seven ‘local’ platforms covering the entire border area. Cooperation at the two long-standing PCCCs - the bilateral PCCC in Tournai (Belgium) and the quadrilateral PCCC in Luxemburg (with Germany and Luxemburg) - is well established. Their main task is to facilitate the exchange of information that is linked to the border region as defined in the French-Belgian bilateral police and customs cooperation agreement (Treaty of Tournai II). The strategic committee has recently launched a reflection on a possible revision of the treaty to further improve the legal framework for cross-border cooperation.

The cooperation between Belgium and France mainly consists in “mirror operations” or joint task forces at local level, as well as occasional joint patrols at the initiative of the units in the border region. However, Belgian and French authorities are stepping up efforts to enhance their cross-border cooperation. Notably, the Belgian Federal Police developed a specific training course for cross-operations. In addition, the Belgian, French and Dutch police carried out a three-year project funded by the Internal Security Fund (ISF) to examine and promote alternatives for systematic controls at the internal borders. The willingness to improve information exchange in the border region is, however, hampered by technical, legal or security reasons.

Cooperation between France and Italy

The Italian authorities reported a stable bilateral communication at all levels with the French authorities. More recently, as of October 2023, the French and Italian authorities have started discussions about the creation of a Unité de Renseignement Opérationnelle (URO) at the Ventimiglia border, for information and investigation liaison to counter migrant smuggling towards France.

Based on the data provided by Italy, for the period 23 October 2023 – 4 February 2024, 10 joint patrols were carried out by the border police on the Italian side of the French-Italian land border area, resulting in 68 persons and 12 vehicles being checked, while no persons were arrested or reported. Within the same period, the French-Italian mixed brigade carried out 240 patrols, resulting in 1 894 persons and 656 vehicles being checked and 11 persons arrested.

The 1997 French-Italian bilateral readmission agreement (Chambery Agreement) provides for bilateral readmissions between the two Member States with respect to irregular third-country nationals apprehended in cross-border areas. Within this framework, in the period 21 October 2023 – 31 January 2024, Italy carried out 205 readmissions to France and France performed 51 readmissions to Italy. The Italian authorities are currently assessing the impact of the CJEU judgment in Case C-143/22 to implement the relevant adjustments.

Cooperation between France and Luxembourg

While no joint risk assessment has been carried out, consultations between the French and Luxembourgish authorities took place prior to France's decision to reintroduce internal border controls.

As reported by Luxembourg, cross-border cooperation between Luxembourg and France is mainly based on joint controls and patrols, cross-border pursuits and observations. To complement such operations, France and Luxembourg signed in 2021 a 'border alert plan' to improve coordination between their security forces in the event of high intensity events. Patrols based this arrangement started on 1 March 2024. In addition, on 25 January 2024, France and Luxembourg signed administrative arrangements on the implementation of mixed patrols on road axes and cross-border routes respectively on cross-border rail routes, leading to the establishment of bilateral contact points.

Cooperation between France and Switzerland

As reported by the Swiss authorities, Switzerland was not consulted prior to or after France's decision to reintroduce internal border controls and no joint risk assessment has been carried out.

Nonetheless, the cooperation between the French and Swiss authorities continues to be well established within the framework of the existing police cooperation agreement and the Action Plan from October 2022. In addition, France and Switzerland have been participating in trilateral joint patrols with Germany in the Basel area since March 2023. The joint border police liaison office in Basel and the Trinat Süd represents a regular exchange forum between Germany, France and Switzerland at various administrative levels.

1.5 Swedish internal border controls (with focus on Swedish-Danish land border)

• Situation at the border

Sweden has maintained border controls at all its internal borders citing a serious threat to public policy and national security from threat of (Islamist) terrorism. The current notification is set to expire on 11 May 2024¹⁰.

Sweden has performed controls at all of types of borders (land, sea and air), but the exact location and intensity of the checks are determined by the Police Authority, based on the available intelligence. In practice, the controls are mostly carried out at the Öresund Bridge at the border with Denmark, and in some of the ports in the Southern region of Sweden, having ferry connections with the Schengen States and are based on access to advanced passenger information.

Since October 2023, 347 37 persons have been checked at air borders and 127 977 persons at the land and sea borders, 279 persons have been refused entry, and six have been apprehended in connection

¹⁰ On 9 April 2024, the Swedish authorities sent a notification of reintroduction of internal border controls for the period 12 May 2024 – 11 November 2024.

with human smuggling. At all borders, the Swedish Police Authority continues to work as much as possible based on intelligence and risk assessment, to ensure that checks remain effective and proportionate and mitigate their impact on cross-border flows.

The border checks, primarily in the vicinity of and on the bridge connection with Denmark over the strait of Öresund at the train station at Hyllie in Malmö and the toll station at Lernacken, are performed at fixed locations, normally as spot-checks. Their frequency and intensity depend on the traffic flows, available intelligence and resources. The impact of controls has been limited thanks to their location at the toll station. On the Öresund Bridge and in ferry ports only a limited number of vehicles is subject to border checks. Similarly, the impact on the railway system has been minimised by making minor adjustments to the train timetables and by checking passengers at the first scheduled stop on Swedish territory. As a result, there are practically no delays on trains between Denmark and Sweden caused by the reintroduction of border controls. For this reason and given that the waiting times for passengers are kept to a minimum, the Swedish authorities explained that the Swedish-Danish agreement allowing for checks to be performed on moving trains over the Öresund bridge has not been put in effect.

Checks at airports (notably Stockholm Arlanda and Västerås) are based solely on intelligence and performed only as mobile checks.

• **Cooperation between Sweden and Denmark**

The dialogue between Sweden and Denmark is ongoing at all levels, between the respective authorities of the two countries, between ministries and on a political level. Sweden reported that the Swedish Police and Custom Authorities are in contact with their Danish counterparts on a daily basis. In addition, Sweden expressed satisfaction with the implementation of the various agreements with Denmark on cross border law enforcement are working very well allowing for a successful cooperation to combat cross border crime and gang violence. Such cooperation encompasses intelligence sharing as well as operational cooperation and support regarding all forms of crime, including migrant smuggling.

Since the new Swedish legislation enabling police checks in border areas entered into force on 1 August 2023, the Swedish Police Authority have been implementing it and developing methods and strategies that have so far yielded good results. It is, however, in the view of the Swedish authorities, still too early to draw any strong conclusions from the experiences and results before a proper evaluation has been carried out.

1.6 Norwegian internal border controls at ports with ferry connections to the Schengen area

• **Situation at the border**

Norway has maintained border controls citing the threat to critical on-shore and off-shore infrastructure and the threat of foreign intelligence services. The controls are limited to ports with ferry connections to the Schengen area, that is to Denmark, Germany, and Sweden. The current notification is set to expire on 11 May 2024.

The controls are targeted, non-systematic and based on risk assessment and the vetting of passenger lists. Based on the data provided by Norway, in 2023, out of 2 765 000 passengers, 34 257 passengers were physically checked, 31 were denied boarding at the place of departure, 78 were denied entry and 25 were apprehended. Overall, the reported effect of these controls on passenger flows is negligible.

As explained by the Norwegian authorities, Norwegian law requires the formal reintroduction of internal border controls to allow authorities to require ferries to transmit passenger lists to the Police. The Ministry of Justice and Public Security is currently examining whether a new national legal framework can be established that would allow for the collection of maritime passenger data information, based on a first assessment of the Norwegian Police Directorate, without the need to resort to the reintroduction of internal border controls.

- **Cooperation**

All Nordic countries participate in a format called the Nordic Police Cooperation. Within the subgroup Nordic Situational Picture, operational information is shared. Cooperation is very close, especially in border regions. A joint police station on the Norwegian-Swedish border is under construction and expected to become operational in 2025. Information on migrants smuggling is shared with other Nordic countries and Europol and Norway participates in Europol's European Multidisciplinary Platform Against Criminal Threats (EMPACT). Norway exchanges information on their reintroduction of internal border controls with neighbouring Schengen States and the measures taken by Schengen States countries are taken into account when assessing the national security situation. Cooperation on return takes place at European level and with Frontex.

Since 2013, Norway has put in place an online platform, SafeSeaNet Norway, facilitating the reporting obligations of maritime transport operators planning to enter or leave a port situated in the Norwegian territory. In this regard, the Norwegian authorities showed interest in contributing to the Commission's study on the feasibility of harmonising at EU level reporting obligations on maritime operators for law enforcement purposes.

2. Internal border controls introduced since October 2023

2.1 Austrian internal border at the land border with Czechia

- **Situation at the border**

On 18 October 2023, Austria first notified the reintroduction of internal border controls at the land border with Czechia on grounds of persistent high migratory pressure, secondary migration and migrant smuggling along the Western-Balkan route, and the security risk of terrorist entering via smuggling routes, exacerbated by the turmoil in the Middle East. The current notification is set to expire on 16 April 2024.

The Austrian authorities have submitted a list of 59 border crossing points designated under Article 27(1)(c) of the Schengen Borders Code at the border with Czechia.

Controls take place at border crossing points that serve international and regional traffic and are open to all types of traffic. Controls carried out by the Austrian authorities at the Czech border have been random and performed by mobile patrols. Occasional congestion has been reported upon entry into Austria, mainly at the border crossing points Kleinhaugsdorf and Drasenhofen.

In the period 4 October 2023 - 8 February 2024, 1 471 irregular migrants were intercepted at the Austrian-Czech border, as well as one smuggler. Four refusals of entry were issued, and one person was readmitted under the 2004 bilateral readmission agreement between Austria and Czechia.

- **Cooperation between Austria and Czechia**

Cooperation between Austria and Czechia takes place both at Ministerial and operational level. Czechia participates in the organisation of quarterly meetings in Vienna. At regional level, there are regular contacts between the Visegrad+ countries¹¹. In addition, both Czechia and Austria participate in the Salzburg Forum.

Eight joint security police patrols (two per border district) and one joint traffic police patrol occur on a monthly basis. These are uniformed and civilian and alternate between Czechia and Austria. The well-established and frequent cooperation continued also during the reintroduction of internal border controls, where the migratory pressure was not such as to increase the intensity of cooperation between Austria and Czechia.

2.2 Austrian internal border controls at the land border with Slovakia

- **Situation at the border**

On 4 October 2023, Austria reintroduced internal border controls at the land border with Slovakia on grounds of increased migratory pressure and related secondary movements. The current notification is set to expire on 2 April 2024. In its decision to reintroduce internal border controls, Austria took into consideration the impact that the reintroduction of border controls by Poland and Czechia at the borders with Slovakia could have had on migratory routes and their possible shift towards Hungary to Austria.

Austria has submitted the list of border crossing points designated under Article 27(1)(c) of the Schengen Borders Code at the border with Slovakia pointing at 11 locations. Controls have generally taken the form of spot checks and the effect on cross-border travel has been negligible.

In the period 4 October 2023 – 8 February 2024, 303 irregular migrants and 11 smugglers were intercepted, and ten refusals of entry were issued at the Austrian-Slovak border.

- **Cooperation between Austria and Slovakia**

The 2005 agreement on police cooperation between Austria and Slovakia allows for transit operations on their respective territories after notification. The Austrian and Slovak authorities work together in joint common police and customs cooperation sites. At regional level, there are regular contacts between the Visegrad+ countries. In addition, both Slovakia and Austria participate in the Salzburg Forum.

The effective implementation of the 2012 Austrian-Slovak bilateral readmission agreement has been affected by diverging interpretations. While regular expert meetings continue to take place, they have so far not been able to resolve these differences. Following the CJEU judgment in Case 143/22, the Austrian authorities reported that the Slovak authorities have refused readmission requests on the basis that entry through Slovakia was not sufficiently demonstrated. By means of example, the Slovak authorities refused readmission of ten irregular migrants from Austria in November and December 2023.

2.3 German internal border controls at the land border with Poland

¹¹ Czechia, Germany, Hungary, Austria, Poland, Slovakia and Serbia.

- **Situation at the border**

On 16 October 2023, the German authorities first reintroduced internal border controls at the land border with Poland on grounds of increased irregular migration along the Eastern-Mediterranean route and Balkan route leading to an increase in smuggling. The reintroduction was renewed based on the continuing presence on the asylum reception capacity and concerns over human smuggling, as well as the deteriorating security situation as a result of the turmoil in the Middle East. The current reintroduction is set to expire on 15 June 2024.

Germany did not submit a list of border crossing points designated under Article 27(1)(c) of the Schengen Borders Code and therefore the border can be crossed at any point. Poland has reported that this has led to a shift in smuggling routes from main road to smaller crossings. The German Federal Police take possible evasive movements of criminal smugglers into account as part of their duties.

In the period 16 October 2023 – 31 December 2023, 141 697 persons were checked, 4 249 irregular border crossings were reported, 52 smugglers apprehended, and 1 686 refusals of entry issued at the border between Germany and Poland.

Controls are based on risk-assessment, police information and experience. They are flexible in terms of time, location and personnel and their intensity varies depending on the location and the need to mitigate the impact on cross-border flows. The German police can resort to so-called ‘processing lanes’ at times of increased irregular migration to ensure the fluidity of traffic. Intensified police measures in border areas (so-called ‘Schleierfahndung’) complement the border controls.

The Polish authorities reported some inconvenience for cross-border movements, especially for the inhabitants of twin cities on the Polish-German border, leading to critical public opinion. Germany stresses that the German Federal Police endeavour to avoid or reduce disruptions to cross-border traffic as far as possible.

- **Cooperation between Germany and Poland**

At the beginning of October 2023, prior to the decision to reintroduce internal border controls, the German authorities stepped up cross-border police cooperation with Poland and Czechia to address the challenges identified by alternative measures to internal border controls. Although this ultimately did not prevent the reintroduction of internal border controls, it allowed for new cooperation channels and practices to be established. For example, a working group for the strategic dialogue on bilateral cooperation between the German and Polish border control authorities was reestablished.

The reintroduction of internal border controls is accompanied by intensive cross-border police cooperation between Germany, Poland, and Czechia. There has been an increase in joint patrols in the German-Polish border area, based on a bilateral cooperation agreement on joint operations, under which German Federal Police and Polish border guards target humans smuggling and unauthorised entries. There are also three joint German-Polish police stations in Ludwigsdorf, Świecko and Pomellen. To address the issue of smuggling, Germany, Poland and Czechia have set up a dedicated taskforce under the EMPACT umbrella.

Joint police patrols take place on both sides of the border along the entire length of the common border section. In 2023, 307 patrols were organised (232 on the Polish side and 75 on the German side). The time and place of patrols are determined based on current risk analysis and operational information. Joint activities, in combination with close cooperation between Member States along the migratory route, have translated into a decrease in irregular migration since November 2023, motivating both

countries to expand the number of joint patrols. Germany has also proposed to carry out trilateral patrols between Germany, Poland and Czechia.

Poland and Germany have a bilateral readmission agreement in place. Currently, Germany and Poland are in the process of updating the forms for requests and decisions on readmission requests under the agreement. Based on the limited statistical data available to the Member States' authorities, in the period 1 October 2023 – 31 December 2023, 72 people were returned to Poland and five to Germany under the formal readmission procedure, 122 persons were returned to Poland under the non-formal readmission procedure.

2.4 German internal border controls at the land border with Czechia

- **Situation at the border**

In the same notification of reintroduction of internal border controls with Poland of 16 October 2023, Germany also reintroduced internal border controls at the land border with Czechia on the same grounds (notably, increased irregular migration along the Eastern-Mediterranean route and Balkan route leading to an increase in smuggling). The current reintroduction is set to expire on 15 June 2024.

The controls are carried out in a flexible manner and based on risk assessment, experience and information. The impact on traffic flows has been limited.

In the period 16 October 2023 - 31 December 2023, 310 718 persons were checked, 3 265 irregular border crossings were reported, 84 smugglers apprehended, and 521 refusals of entry issued at the border between Germany and Czechia.

- **Cooperation between Germany and Czechia**

Bilateral contacts between Germany and Czechia are well-established and frequent, both at ministerial and operational level. The reintroduction of internal border controls is accompanied by intensive cross-border police cooperation with Poland and Czechia.

The German and Czech authorities have also stepped-up joint patrols based on the German-Czech bilateral cooperation agreement on joint operations, under which the Federal Police and the Czech Police together target human smuggling and unauthorised entries. A joint service centre has been established in Hrádek n. Nisou, where German and Czech law enforcement authorities are represented. The participation of Poland is under discussion. In the South Bohemian Region, the German and Czech authorities perform about 50 joint patrols per year (3-5 patrols per month), both at fixed locations and in the form of so-called 'Schengen searches'.

In addition, the German and Czech authorities perform about 72 joint patrols in the Pilsen Region (5-6 patrols per month), 5 to 6 joint patrols in the Ústí nad Labem Region and 3 to 5 joint patrols in the Karlovy Vary region, which primarily perform immigration related controls, but also road safety enforcement and public order-related tasks.

The German-Czech bilateral readmission agreement distinguishes between the formal readmission procedure and informal readmission procedure. Based on the limited statistical data available to the German authorities, in the period 1 October 2023 – 31 December 2023 three persons were returned to Czechia under the formal readmission procedure; 170 persons were returned to Czechia under the informal readmission procedure.

2.5 German internal border controls at the land border with Switzerland

- **Situation at the border**

In the same notification of reintroduction of internal border controls with Poland and Czechia of 16 October 2023, Germany also reintroduced internal border controls at the land border with Switzerland on the same grounds (notably, increased irregular migration along the Eastern-Mediterranean route and Balkan route leading to an increase in smuggling). The current reintroduction is set to expire on 15 June 2024.

Prior to the reintroduction of internal border controls, at the beginning of October 2023, Germany had already intensified controls in the border area with Switzerland. With the reintroduction of internal border controls, these activities have intensified, particularly at border crossing points and on international trains.

So far, there has been occasional congestion at the border, but – in view of the Swiss authorities – this cannot be entirely attributed to the reintroduction of controls as this is generally a busy region with significant cross-border traffic. The German Federal Police endeavour to avoid or reduce disruptions to cross-border traffic as far as possible.

In the period 16 October 2023 – 31 December 2023, 6 463 persons were checked, 5 222 irregular border crossings were reported, 42 smugglers apprehended, and 4 043 refusals of entry issued at the land border between Germany and Switzerland.

- **Cooperation between Germany and Switzerland**

As reported by the Swiss authorities, Switzerland was not consulted on the reintroduction of internal border controls or the subsequent renewals and no joint risk assessments have been carried out. The German authorities point out that prior information was provided. Nonetheless, contacts at all levels are frequent. Regular bilateral meetings have taken place in the framework of the 2022 Action Plan between Germany and Switzerland. In view of the Swiss authorities, reviving the Action Plan could allow for a way forward on lifting internal border controls.

At the German-Swiss internal border, the German Federal Police also operates on Swiss territory, in close cooperation with the Swiss authorities, under a bilateral agreement on joint processing in conjunction applicable ‘zone agreements’, which allows the German authorities to detect and prevent unauthorised entry already on the Swiss territory.

Especially in the Basel area, the German Federal Police and the Swiss Federal Office for Customs and Border Protection (FOCBS) work closely together. The mixed patrols of the existing Joint Operational Service Groups (oD) Basel and Lake Constance are deployed daily. Since March 2023, there have also been trilateral patrols, coordinated between Germany, France and Switzerland, in the Basel area. Information is exchanged between the authorities via the joint border police liaison office in Basel and the Trinat Süd¹². A reinforced police cooperation agreement, concluded between Germany and Switzerland in 2022, allows also for cross-border policing operations, including joint patrols and mixed brigades.

The German-Swiss bilateral readmission agreement distinguishes between the formal readmission procedure and the non-formal readmission procedure. Based on the limited statistical data at the

¹² Forum for the regular exchange of information between Germany, France and Switzerland.

disposal of the Member States' authorities, in the period 1 October 2023 – 31 December 2023, one person was returned to Switzerland and 22 persons were returned to Germany under the formal readmission procedure; one person was returned to Switzerland under the non-formal readmission procedure.

Switzerland raised the issue of Germany's practice of issuing refusals of entry following the CJEU judgment in Case C-143/22, this has however not resulted in a common approach. The German authorities informed the Commission that the issue will soon be taken up bilaterally at ministerial level.

At the Swiss-German internal border, the German Federal Police also operates on Swiss territory, in close cooperation with the Swiss authorities, under a bilateral agreement on joint processing in conjunction with applicable 'zone agreements', which allows German authorities to detect and prevent unauthorised entry already on the Swiss territory. In this context, a pragmatic approach is adopted at the Basel train station on Swiss territory, where irregular migrants are directly registered and handed over to the Swiss authorities. Specific safeguards are in place for minors.

2.6 Czech internal border controls at the land border with Slovakia

- **Situation at the border**

On 4 October 2023, Czechia reintroduced internal border controls with Slovakia referring to increased secondary migration and activity of organised groups of smugglers linked to the deterioration of the migration and security situation at the EU's external borders. The Czech authorities lifted the internal border controls on 2 February 2024, following the improved migratory situation at the Czech-Slovak border. No list of authorised border crossing points was submitted and the right to cross the internal borders at any time and place was not suspended. Border controls were carried out by the Czech Police through a combination of targeted and random checks, in a non-systematic manner at 27 former border crossing locations and at selected points of the green border. In the period of 4 October 2023 – 2 February 2024, 875 914 people were checked, 1 185 irregular migrants were intercepted, and 58 smugglers apprehended. A total of 1 148 refusals of entry were issued.

The frequency and intensity of controls depended on the situational picture. They were carried out in a flexible and proportionate manner to minimise inconvenience for cross-border travellers. As such, account was taken of the high population density, cultural cross-border links and cross-border tourism. The initial number of 133 police officers that were deployed, was reduced to 88 in early December 2023.

- **Cooperation between Czechia and Slovakia**

There are frequent contacts at political and technical level between Czechia and Slovakia, and the two Member States have a police cooperation agreement which include provisions on border management. The reintroduction of internal border controls has led to new ways of cooperation, including the establishment of joint patrols on Slovak territory. In addition, the initiative for a new agreement on police cooperation has been taken in order to streamline and strengthen cooperation on alternative measures. Czech-Slovak cross-border police cooperation was facilitated by the PCCC in Hodonín-Holíč.

Czech-Slovak joint patrols not only perform border management tasks but are also an important deterrent in the fight against cross-border crime. Given the mountainous terrain, patrols focus on railway stations, cross-border train connections and connecting roads. The frequency of joint patrols

differs per region, with 114 joint patrols (9-10 patrols per month), including 10 patrols on international train connections having been carried out in the Zlín region in 2023, and one joint patrol per month on the territory of each Member States in the South Moravian region. Until 12 December 2023, joint patrols were carried out on trains serving high risk cross-border connections at the Čadca railway station.

Cooperation has also been established between border and aliens' police officers, the Slovak National Unit for Combating Illegal Migration, the liaison officer of the German police in Prague, and Hungarian counterparts, primarily through colleagues from Slovakia. This includes the exchange of operational information, which several times per months results in the successful interception of human smugglers.

Czechia has a specific bilateral readmission agreement with Slovakia for readmission at the border. There have been no particular issues reported on the application of this agreement, although the exact numbers of readmissions to Czechia that have been reported by the Czech and Slovak authorities range between 162 and 63.

2.7 Slovak internal border controls at the land border with Hungary

- **Situation at the border**

On 5 October 2023, Slovakia reintroduced internal border controls with Hungary citing intensified migration pressure along the Balkan route to the Schengen area, as well as a serious threat to the internal security and public order. According to the Slovak authorities, the increased pressure was, in part, the result of the introduction of internal border controls at the Austrian-Hungarian border and the increase in joint patrols in that border area.

The Slovak authorities lifted the internal border controls on 22 January 2024, following the improved migratory situation and the successful regional cooperation between Slovakia, Austria and Serbia.

Controls were carried out in a flexible manner, based on constant risk analyses and monitoring of the situational picture. Systemic controls (24/7) only to place at or in the vicinity of major entry roads, while smaller border crossing points and the green border were subject to non-systematic checks. There were no negative effects of the controls on cross-border flows reported.

- **Cooperation between Slovakia and Hungary**

2023 saw a reinforced cross-border cooperation between Hungary and Slovakia in the form of a greater number of joint patrols, daily information sharing and bilateral meetings at political and operational level.

On 31 August 2023, the heads of police of the two Member States signed an agreement amending the rules governing joint patrols along the Schengen external border, allowing Hungarian and Slovak police officers to carry out joint patrol duties throughout the whole Hungarian territory. Since June 2022, the Slovak police have participated in Focal Point Operations, together with their Austrian counterpart. There are also three common PCCC between Austria and Hungary.

In the view of the Slovak authorities, although the close cooperation did not prevent the reintroduction of internal border controls, the established channels of communication and cooperation allowed for the internal controls to be carried out in close coordination with the Hungarian authorities and contributed to their temporary nature.

Although Hungary describes the bilateral readmission agreement in force with Slovakia as adequate and reports 11 readmissions from Slovakia to Hungary, Slovakia is of the opinion that the agreement is ineffective and points out Hungary's position that it will only readmit persons who have first entered Schengen territory irregularly through Hungary, establishing a standard of proof on the Slovak authorities that is very difficult to meet.

2.8 Polish internal border controls at the land border with Slovakia

- **Situation at the border**

On 4 October 2023, the Polish authorities reintroduced internal border controls at the land border with Slovakia citing intensified migration pressure along the Balkan route to the Schengen area. The Polish authorities lifted the internal border controls on 2 March 2024, following the important reduction in irregular crossings and the earlier decision to lift controls by Slovakia and Czechia.

The Polish authorities submitted the list of border crossing points designated under Article 27(1)(c) of the Schengen Borders Code at the border with Slovakia indicating 21 locations, including three rail connections.

Border controls were carried out in a non-systemic manner, based on risk-analyses targeting incoming traffic only. There were no indications of traffic congestion because of the controls.

In the period 4 October 2023 - 11 February 2024, 1 516 378 persons and 665 194 vehicles were checked, 36 people were apprehended, and 53 refusals of entry were issued. In addition, 559 unauthorised border-crossings were recorded, whilst 1 758 people were turned back.

- **Cooperation between Poland and Slovakia**

The Polish and Slovak (police and border) authorities exchange information on a regular basis both at central and local level through the established contact points and cooperation centres at the internal borders. Information between the PCCCs on Poland's southern borders are exchanged in the secure Trans European Services for Telematics between Administrations network (s-Testa). A possible transition to Secure Information Exchange Network Application (SIENA) will be coordinated by the police authorities.

Joint patrols along the entire Polish-Slovak border are carried out on the basis of a bilateral agreement between Poland and Slovakia under the responsibility of the Polish and Slovak Police and Customs Cooperation Centres. They aim to tackle cross-border crime, irregular migration and human smuggling. In 2023, 74 patrols were organized, of which 37 on Polish territory and 37 on Slovak. These patrols' modus operandi is determined by risk analyses and operational information from the PCCC and carried out by jointly trained officers. Poland and Slovakia share two PCCCs.

A bilateral readmission agreement between Poland and Slovakia has been in place since 1993 but information as to its effective implementation is contradictory. Whereas Poland reports that all readmission requests in the period 1 October to 31 January 2024 (147 in total), were rejected by Slovakia for a lack of evidence of transit through its territory, Slovakia indicates a total of 150 readmissions from Poland to Slovakia. The issue remains subject of regular discussion and negotiations at both ministerial and operational level.

2.9 Italian reintroduction of internal border controls at the land border with Slovenia

- **Situation at the border**

On 21 October 2023, the Italian authorities reintroduced internal border controls at the land border with Slovenia on grounds of an increased threat of violence within the European Union, further exacerbated by constant migratory pressure by sea and land. The current notification is set to expire on 18 June 2024.

The Italian authorities have submitted the list of border crossing points designated under Article 27(1)(c) of the Schengen Borders Code at the border with Slovenia pointing at 57 locations (one international rail traffic location, three international highway traffic locations, and 53 international road traffic locations) at which controls take place.

In the period 21 October 2023 – 31 January 2024, 203 836 persons and 120 279 vehicles were checked upon entry. There were 1 885 irregular non-EU nationals detected, and 55 smugglers arrested. 1 090 refusals were issued.

Readmissions are possible based on an agreement between Slovenia and Italy from 1996, but the Italian authorities reported that the low acceptance rate of simplified readmissions by the Slovenian authorities has contributed to the decision to reintroduce border controls. In this regard, the Slovenian authorities clarified that Slovenia readmits all persons for which the conditions for the simplified readmission are met in accordance with the bilateral readmission agreement with Italy.

Italian authorities have taken measures to limit the impact on cross-border flows, especially for border residents. Checks have been targeted and based on risk analyses. Fixed controls have been limited to major border crossings (12 out of 57). They are carried out by the Italian border police, with the support of other law enforcement authorities.

- **Cooperation between Italy and Slovenia**

At central level, a bi-weekly exchange of migration-related data takes place with the Slovenian Liaison Officer in Italy. At the local level, there are frequent meetings and exchanges of a more informal nature. The creation of a more permanent structure for information exchange is currently under discussion, with periodic meetings taking place in person and remotely and involving also Croatia¹³.

Joint patrols aimed at addressing secondary movement and cross-border criminal activities are based on the 2019 implementing protocol of the 2007 Police Cooperation Agreement of 2007. After a suspension due to the pandemic, these controls have now been resumed both on road and railways connections.

Between 23 October 2023 and 4 February 2024, the Italian border police was involved in 29 controls, during which 108 persons were checked. Each month, on average 22 joint patrols are carried out by the Italian and Slovenian police: four on Italian territory and 18 on Slovenian territory. Since the temporary reintroduction of internal border controls by Italy, 252 irregular border crossings have been registered by joint patrols at the Slovenian-Italian border.

The Italian Police, Carabinieri, Guardia di Finanza, and the Slovenian Police also cooperate with the Austrian and German Federal Police in the PCCC of Törl-Maglern. Since November 2023, new

¹³ For more information concerning the trilateral cooperation between Croatia, Italy and Slovenia, see Section 3 of this report.

initiatives to strengthen operational cooperation have been under development within the trilateral framework between Italy, Slovenia and Croatia.

2.10 Slovenian internal border controls with Croatia and Hungary

- **Situation at the border**

On 21 October 2023, the Slovenian authorities reintroduced internal border controls at the land border with Croatia and Hungary on the basis of threats to public order and internal security in the EU emanating from the situation in the Middle East and Ukraine, recent terrorist attacks and the risk of terrorists infiltrating migrant flows, organised crime in the Western Balkans, including human smuggling. The current reintroduction is set to expire on 21 June 2024.

The Slovenian authorities have submitted the list of border crossing points designated under Article 27(1)(c) of the Schengen Borders Code at the border with Croatia pointing at 33 locations and at the border with Hungary pointing at nine locations. In parallel with the implementation of border checks at border crossing points, the Slovenian authorities reported that the regime of border surveillance between border crossing points, that had been suspended following the full application of the Schengen *acquis* to Croatia, has been re-established, with mobile patrols and various technical (stationary and mobile) means for the surveillance of the state border.

Slovenia does not gather statistics on the number of persons checked but has indicated that, between 21 October 2023 and 31 January 2024, approximately 600 000 checks were made in the Schengen Information System (SIS) in relation to checks at its land borders. In the same period, a total of 15 243 irregular migrants and 252 smugglers were apprehended in relation to the reintroduction of controls at the internal borders of both the Croatia and Hungary. Between 19 October 2023 and 21 December 2023, 9 851 unauthorised border crossings were detected (59 411 for the whole of 2023). Croatia has nonetheless questioned whether resources for border controls at the internal border crossing points could not be better spent on the surveillance of the green border.

At 13 border crossing points, corresponding to the main traffic corridors, police presence has been continuous (24/7), carrying out selective checks from fixed locations. Here, two separate lanes, one for persons benefiting from the right of free movement and one for all other persons, can be occasionally operating to ensure better traffic flow. In addition, depending on the category, some of these border crossing points allow for the crossing of international passenger and freight traffic, while others enable the crossing exclusively of persons enjoying the right of free movement under EU law. At all other border crossing points, controls have been carried out by mobile patrols, as targeted and selective checks based on risk analyses. Special attention was paid to facilitate cross-border traffic of residents of the border area.

Croatia reported traffic congestion at two border crossing points with Croatia, Macelj/Gruškovje and Bregana/Obrežje, as well as during peak hours and public holidays. To improve fluidity of traffic at the Macelj/Gruškovje border crossing, the Slovenian police changed the location for the sale of road vignettes from the passenger to the cargo terminal. The Slovenian authorities recorded 13 reports on waiting time, at three of the authorised border crossing points, with an average waiting time of about 20 minutes recorded between 14:00 and 20:00. According to Slovenia, the main cause for the delays was heavy traffic during the holidays period. It indicated that additional staff and lines were made available to mitigate waiting times.

- **Cooperation**

There are close contacts between Slovenia and Croatia, as well as Slovenia and Hungary, at both political and operation level. Information exchange takes place through established channels, both bilaterally and in the context of regional initiatives. The preparation of first joint risk assessment of irregular migration at the common border between Croatian and Slovenia is currently ongoing. No joint risk assessments have been carried out with Hungary prior to the reinstatement of internal border controls.

Since the reintroduction of internal border controls, 68 joint patrols have been performed between Slovenia and Croatia each month: 41 on Croatian territory and 27 on Slovenian territory. During these joint patrols, a total of 144 irregular border crossings was registered at the Slovenian-Croatian border. On average, 25 mixed patrols have been held weekly at railway stations and on trains.

Four joint patrols take place each month between the Slovenian authorities and the Hungarian Police: two on Hungarian territory and two on Slovenian territory. No irregular border crossings were reported during joint patrolling at the Slovenian-Hungarian border. At the Dolga Vas Police Cooperation Centre at the Slovenian-Hungarian border, the Slovenian and Hungarian border police work together with their Austrian and Croatian counterparts.

Slovenia has a bilateral readmission agreement in place with both Croatia and Hungary, which all parties deem to be satisfactory. Nonetheless, the number of readmissions that have been reported is low. Slovenia readmitted two persons from Hungary in October and November 2023, but no persons were readmitted to Hungary. Croatia accepted two requests for readmission since October 2023. It did not, however, accept any of the 2 628 requests for readmission under the informal procedure, since Croatia does not readmit people that have already lodged a request for international protection in Slovenia.

The text of a new bilateral agreement with Croatia on police cooperation was first discussed in 2018 but is still under negotiation at political level. In the context of facilitation of cross-border police operations, Slovenia is awaiting the Croatian declaration pursuant to Article 41 of the Convention Implementing the Schengen Agreement (CISA) to define the procedures for carrying out a hot pursuit in the Croatian territory.

Since November 2023, new initiatives to strengthen operational cooperation have been under development within the trilateral framework between Italy, Slovenia and Croatia¹⁴.

3. Existing frameworks for regional cooperation

In addition to the increase in bilateral cooperation between neighbouring Member States, the trend towards more regional cooperation is steadily increasing. This cooperation takes shape both at a political and operational level, and increasingly includes third countries under a “whole-of-route approach”. Such initiatives serve as important venues for discussing reinforced cooperation and information exchange and include the Visegrad+ process, the Salzburg Forum, the Brdo-process, the Joint Coordination Platform, the joint trilateral cooperation between Italy, Slovenia and Croatia, the Border Security Taskforce between Hungary, Austria and Serbia as well as the Operational Taskforces (OTF) Vistula and Zebra.

¹⁴ For more information concerning the trilateral cooperation between Croatia, Italy and Slovenia, see Section 3 of this report.

The **Visegrad+ process** was initiated by Germany in November 2023 and aims at collecting information and regularly producing a situational report per participating country (Austria, Germany, Hungary, Poland, Czechia, Slovakia and Serbia) in a joint format. A first expert group meeting on the Western Balkans took place in Hungary on 19 December 2023, with the participation of Serbia. A second meeting took place in Czechia on 14 and 15 February 2024. The resulting new regional information-sharing mechanism started producing outputs in March 2024.

The **Salzburg Forum** is a Central European security partnership based on an initiative of the Austrian Federal Ministry of the Interior, in which Austria, Bulgaria, Croatia, Czechia, Hungary, Poland, Romania, Slovakia and Slovenia participate. Slovenia and Austria co-organised a ministerial conference on 11 and 12 December 2023 for the members of the Salzburg Forum in Brdo pri Kranju, to discuss closer regional cooperation, the future of the Schengen area and the fight against migrant smuggling was discussed. The Schengen Coordinator took also part in the conference. As of 1 January 2024, Austria has taken over the chairmanship of the Salzburg Forum for the first half of 2024. The next ministerial conference will take place on 25 and 26 June 2024 in Austria with a special focus on preventing migrant smuggling and trafficking of human beings.

The **Brdo Process** was initiated in 2013 by Slovenia and Croatia, bringing together candidates and potential candidate countries from the Western Balkans as well as other Member States. At the twelfth informal meeting on 21 and 22 March 2024, Ministers of the Interior of the Brdo Process, including Italy, took stock of the implementation of earlier agreements to manage migration and combat migrant smuggling along the Western-Balkan route.

The **Joint Coordination Platform**, involving different Member States and EU agencies, continues to offer support in capacity building in the field of migration and border management, with a focus on the Western Balkan and with the aim to respond quickly to shifting routes through the coordinated and close exchange of information.

Since November 2023, the **Italian, Croatian and Slovenian authorities** have joint efforts to step up their trilateral cross-border cooperation. On 14 November 2023, the Police Chiefs of Italy, Slovenia and Croatia agreed to further formalise operational police cooperation. At the end of February 2024, the Chiefs of Police signed a Letter of Intent to strengthen trilateral police cooperation, including joint patrols and information exchange. Technical discussions to implement the measures laid down in the letter started in March 2024. The Ministers of the Interior met for a third time on 21 March 2024, in the margins of the informal meeting of the Brdo process. Such meeting led to a further reinforcement of the cooperation initiatives, including the strengthening of joint Italian-Slovenian and Slovenian-Croatian patrol activities, Italy's decision to join the Operational Taskforce Zebra (OTF Zebra), and the agreement to organise trilateral patrols involving Croatian, Slovenian and Italian border and police authorities at the Croatian border with Bosnia-Herzegovina.

Hungary and Austria have initiated discussions on the establishment of a **Border Security Task Force (BSTF)**, which would be based on a trilateral agreement between Hungary, Serbia and Austria and would allow for a higher level of cooperation between the parties concerned. The aim of the Border Security Task Force is to support national authorities in the fight against cross-border crime and border protection.

In February 2024, the Polish authorities have taken the initiative for the establishment of the **Operational Taskforce Vistula (OTF Vistula)**. OTF Vistula brings together law enforcement authorities from Poland, Germany, Czechia, Slovakia, Lithuania, Hungary and Ukraine and aims at

apprehending high value targets engaged in human smuggling in Eastern Europe and through the Western Balkan Route.

In March 2024, the **Operational Task Force Zebra** (OTF Zebra) was operationalised, bringing together Bosnia and Herzegovina, Croatia, Germany and Slovenia, Europol, and, since the end of March 2024, Italy. OTF Zebra is targeting organised crime groups involved in active migrant smuggling along the Western-Balkan route from Bosnia and Herzegovina with the purpose to enhance the information exchange among the law enforcement authorities and increase the efficiency of investigative actions.

4. Main observations and way forward

While a number of Member States continue to have reintroduced internal border controls, the ongoing dialogue initiated by the Schengen Coordinator in autumn 2022 has established a framework for the sharing of information and practices between Member States. This has allowed for a more targeted and flexible reintroduction of internal border controls, where checks – although varying in intensity and scope depending on the location – are often non-systematic, based on risk assessment and accompanied by mitigating measures to ensure the fluidity of cross-border traffic.

As noted in the Report of 23 November 2023, Member States continue their efforts to step up cross-border cooperation in various areas and at various levels. In particular, in line with Commission Recommendation (EU) 2024/268, bilateral law enforcement cooperation has increased as Member States are more and more engaged in joint activities, such as joint police patrols in common border areas and cooperation on return. Day-to-day contacts and information exchange at joint service centres and Police and Customs Cooperation Centres (PCCCs) remain of vital importance to ensure situational awareness and to tackle cross-border crime, including human smuggling in border areas.

The progress made in this regard, as well as the overall decrease in secondary movements, have led to an improvement of the situation at several border sections (notably the Polish-Slovak border, the Czech-Slovak border, the Slovak-Hungarian border) allowing for the lifting of internal border controls by Czechia, as of January 2024, Slovakia, as of February 2024, and Poland, as of March 2024.

Similar progress can be noted at the Italian-Slovenian and Slovenian-Croatian land borders, where the enhanced trilateral cooperation between Croatia, Italy and Slovenia has already taken the shape of concrete actions. It can be expected that such intense cooperation will lead to the lifting of the Italian and Slovenian border controls in the coming months.

In line with the trend observed in the Report of 23 November 2023 and the EU Action Plan on the Western Balkans, Member States are increasingly engaging in regional forms of cooperation, at times involving also neighbouring third countries, under a ‘whole-of-route-approach’. Initiatives such as the Visegrad+ process, the Salzburg Forum and the Brdo process, as well as the recurring and successful implementation missions of the EU Action Plan on the Western Balkans¹⁵, serve as important venues for discussing reinforced cooperation and information exchange.

Readmissions at the border will be facilitated with the introduction of the new transfer procedure under the revised Schengen Borders Code. This procedure will allow Member States to effectively address secondary movements at their internal borders without the need to resort to internal border controls.

Importantly, the recently agreed revision of Schengen Borders Code responds to the call from Member States to reinforce the tools necessary to effectively address security threats without resorting to internal border controls. Against this backdrop, the Commission calls on all Member States to phase out existing internal borders controls towards a more sustainable joint management of common challenges. The Member States are encouraged to evaluate all the relevant elements under the new legal framework when assessing the need to reintroduce internal border controls beyond the current notification period.

In this regard, Member States are encouraged to consolidate and further develop their bilateral and multilateral cross border cooperation initiatives in border areas, making full use of the alternative measures at their disposal, in line with Recommendation (EU) 2024/268.

The Schengen Coordinator will engage in a new phase of the dialogue with Member States in light of the new rules provided in the recently agreed Schengen Borders Code, to notably discuss the obligations on Member States at the internal borders where controls have been reintroduced. In this context, and in view of the different practices observed by the Commission in relation to the implementation of the CJEU judgment in Case C-143/22, the Schengen Coordinator will engage in discussions with the Member States and actively support them in ensuring coherent application and compliance with the judgment. The Commission will also continue to assist Member States in their efforts to step up regional cooperation in the spirit of the new ‘whole-of-route approach’. The Schengen Coordinator will continue regularly reporting in the Schengen Council on the state of play and progress made in this regard.

¹⁵ Since the launching of the EU Action Plan on the Western Balkan in December 2022, DG HOME services have organised a series of implementation missions to the Western Balkan countries, which were attended by representatives of the relevant Member States in the region as well as EU Agencies and DG NEAR.