

**Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399
as regards the rules applicable to the temporary reintroduction of border control at internal borders**

COMMISSION PROPOSAL	EP POSITION	COUNCIL POSITION	
THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Having regard to the Treaty on the Functioning of the European Union, and in particular point (e) of Article 77(2) thereof, Having regard to the proposal from the European Commission, After transmission of the draft legislative act to the national parliaments, Acting in accordance with the ordinary legislative procedure, Whereas:	Having regard to the Treaty on the Functioning of the European Union, and in particular point (e) of Article 77(2) thereof, Having regard to the proposal from the European Commission, After transmission of the draft legislative act to the national parliaments, Acting in accordance with the ordinary legislative procedure, Whereas:	Having regard to the Treaty on the Functioning of the European Union, and in particular point (e) of Article 77(2) thereof, Having regard to the proposal from the European Commission, After transmission of the draft legislative act to the national parliaments, Acting in accordance with the ordinary legislative procedure, Whereas:	
	<i><u>(-1) The creation of an area in which the free movement of persons across internal borders is ensured is one of the main achievements of the Union. The normal functioning and strengthening of such an area, which is based on trust and solidarity, should be a common objective of the Union and the Member States which have agreed to take part in it. At the same time, it is necessary to have a common response to situations</u></i>		

	<i><u>seriously affecting the public policy or internal security of that area, or parts thereof, by allowing for the temporary reintroduction of border control at internal borders in exceptional circumstances and as a last resort, while strengthening cooperation between the Member States concerned.</u></i>		
(1) In an area where persons may move freely, the reintroduction of border control at internal borders should remain an exception. The reintroduction of internal border control should be decided only as a measure of last resort, for a limited period of time and to the extent that controls are necessary and proportionate to the identified serious threats to public policy or internal security.	(1) In an area where persons may move freely, the reintroduction of border control at internal borders should remain an exception. <i><u>As the free movement of persons is affected by the temporary.</u></i> The reintroduction of internal border control, it should be decided <i><u>reintroduced</u></i> only as a measure of last resort, for a limited period of time and to the extent that controls are necessary and proportionate to the identified serious threats to public policy or internal security. <i><u>Any such measure should be withdrawn as soon as the underlying grounds for it cease to exist.</u></i>	(1) In an area where persons <i><u>and goods</u></i> may move freely, the reintroduction of border control at internal borders should remain an exception. The reintroduction of internal border control should be decided only as a measure of last resort, for a limited period of time and to the extent that controls are necessary and proportionate to the identified serious threats to public policy or internal security.	
	<i><u>(1a) Migration and the crossing of external borders by a large number of third-country nationals should not, per se, be considered to be a threat to public policy or internal security.</u></i>		

<p>(2) The identified serious threats can be addressed by different measures, depending on their nature and scale. The Member States have at their disposal also police powers, as referred to in Article 23 of 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)¹, which, subject to some conditions, can be used in the border areas. The Commission Recommendation on proportionate police checks and police cooperation in the Schengen area² provides guidelines to the Member States to that end.</p>	<p>(2) The identified serious threats can be addressed by different measures depending on their nature and scale. <i>While it remains clear that police powers are different in their nature and purpose from border control</i>, the Member States have at their disposal also those police powers, as referred to in Article 23 of 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)⁸ which, subject to some conditions, can be used in the border areas. The Commission Recommendation on proportionate police checks and police cooperation in the Schengen area⁹ provides guidelines to the Member States to that end.</p>	<p>(2) The identified serious threats can be addressed by different measures, depending on their nature and scale. The Member States have at their disposal also police powers, as referred to in Article 23 of 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)³, which, subject to some conditions, can be used in the border areas. The Commission Recommendation on proportionate police checks and police cooperation in the Schengen area⁴ provides guidelines to the Member States to that end.</p>	
	<p><i>(2a) Before resorting to the reintroduction of border control at internal borders, Member States should give precedence to alternative measures. In particular, the Member State concerned should,</i></p>	<p><i>(2a) Before the temporary reintroduction of border control at the internal borders, alternative actions and measures to remedy the identified threat should be given the precedence. In particular, the</i></p>	

1 OJ L 77, 23.3.2016, p.1.
2 C(2017) 3349 final of 12.05.2017.
3 OJ L 77, 23.3.2016, p.1.
4 C(2017) 3349 final of 12.05.2017.

	<p><u>where necessary and justified, consider using more effectively or intensifying police checks within its territory, including in border areas and main transport routes, on the basis of a risk assessment, while ensuring that those police checks do not have border control as an objective. Modern technologies are instrumental in addressing threats to public policy or internal security. Member States should assess whether the situation could be adequately addressed by way of increased cross-border cooperation, both from an operational point of view and from that of information exchange between police and intelligence services.</u></p>	<p><u>Member State concerned should, where needed and justified, consider: intensifying police checks within its territory, including in border areas, police checks on main transport routes, including in border areas, adapting the police checks in border areas on the basis of risk assessment or other relevant information, while ensuring that those police checks do not have border control as an objective and in particular, that they are devised and executed in a manner clearly distinct from systematic checks on persons at the external borders. The Member States should also consider further use of available technologies and enhanced cross-border police cooperation.</u></p>	
<p>(3) In accordance with the provisions of Title III, Chapter II of the Schengen Borders Code, internal border control can be temporarily reintroduced as a last resort measure in case of a serious threat to public policy or internal security for a limited period of up to six months - for foreseeable events (Article 25), and for a limited period of up to two months - for cases requiring immediate action (Article 28). These time</p>	<p>(3) In accordance with the provisions of Title III, Chapter II of the Schengen Borders Code, internal border control can be temporarily reintroduced as a last resort measure in case of a serious threat to public policy or internal security for a limited period of up to six months - for foreseeable events (Article 25), and for a limited period of up to two months - for cases requiring immediate action (Article 28). These time frames proved to be sufficient</p>	<p>(3) In accordance with the provisions of Title III, Chapter II of the Schengen Borders Code, internal border control can be temporarily reintroduced as a last resort measure in case of a serious threat to public policy or internal security for a limited period of up to six months - for foreseeable events (Article 25), and for a limited period of up to two months - for cases requiring immediate action (Article 28). These time frames proved to be sufficient</p>	

<p>frames proved to be sufficient to tackle the serious threats related to the most frequent foreseeable events such as international sport or high level political events.</p>	<p>to tackle the serious threats related to the most frequent foreseeable events such as international sport or high level political events.</p>	<p>to tackle the serious threats related to the most frequent foreseeable events such as international sport or high level political events.</p>	
<p>(4) However, experience has shown that certain serious threats to public policy or internal security, such as cross-border terrorist threats or specific cases of secondary movements of irregular migrants within the Union that justified the reintroduction of border controls, may persist well beyond the above periods. It is therefore needed and justified to adjust the time limits applicable to the temporary reintroduction of border control to the current needs, while ensuring that this measure is not abused and remains an exception, to be used only as a last resort. To that end, the general deadline applicable under Article 25 of the Schengen Borders Code should be extended to one year.</p>	<p>(4) However, experience has shown that <i>there is rarely a need to reintroduce border control at internal borders for periods of longer than two months. In exceptional circumstances only,</i> certain serious threats to public policy or internal security, <i>such as cross-border terrorist threats or specific cases of secondary movements of irregular migrants within the Union that justified might persist beyond the maximum periods of six months currently authorised for the reintroduction of control at internal borders controls, may persist well beyond the above periods.</i> It is therefore <i>needed and justified necessary</i> to adjust the time limits applicable to the temporary reintroduction of border control <i>to the current needs</i>, while ensuring that this measure is not abused and remains an exception, to be used only as a last resort. <i>To that end, the general deadline applicable under Article 25 of the Schengen Borders Code should be extended to one</i></p>	<p>(4) However, experience has shown that certain serious threats to public policy or internal security, <i>such as cross-border terrorist threats or specific cases of secondary movements of irregular migrants within the Union that justified the reintroduction of border controls,</i> may persist well beyond the above periods. It is therefore needed and justified to adjust the time limits applicable to the temporary reintroduction of border control to the <i>current actual</i> needs, while ensuring that this measure is not abused and remains an exception, to be used only as a last resort. To that end, the general deadline applicable under Article 25 of the Schengen Borders Code should be extended to one year.</p>	

	year.		
	<i>(4 a) Any derogation from the fundamental principle of free movement of persons should be interpreted strictly and the concept of public policy presupposes the existence of a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society.</i>		
(5) In order to guarantee that these internal border controls remain an exception, Member States should submit a risk assessment concerning the intended reintroduction of border control or prolongation thereof. The risk assessment should, in particular, assess for how long the identified threat is expected to persist and which sections of the internal borders are affected, demonstrate that the prolongation of border controls is a last resort measure and explain how border control would help in addressing the identified threat. In case of internal border control going beyond six months, the risk assessment should also demonstrate retrospectively the efficiency of the reintroduced border control in addressing the	(5) In order to guarantee that these internal border controls <u>are a measure of last resort and</u> remain an exception, Member States should submit a risk assessment concerning the intended reintroduction <u>prolongation</u> of border control or prolongation thereof <u>beyond two months</u> . The risk assessment should, in particular, assess for how long the identified threat is expected to persist and which sections of the internal borders are affected, demonstrate that the prolongation of border controls is a <u>measure of last resort measure, in particular by showing that any alternative measures have proven or are deemed insufficient</u> , and explain how border control would help in addressing the identified threat. In case of internal border control going beyond six months, <u>The risk</u>	(5) In order to guarantee that these internal border controls remain an exception, Member States should submit a risk assessment concerning the intended reintroduction of border control or prolongation thereof. <u>The obligation to submit a risk assessment should be proportionate to the length of the intended border controls and may be triggered by the concerns of the Commission and the directly affected Member States</u> . The risk assessment should, in particular, assess for how long the identified threat is expected to persist and which sections of the internal borders are affected, demonstrate that the prolongation of border controls is a last resort measure and explain <u>substantiate</u> how border control would help in addressing the identified threat. In case of internal border control going beyond six	

<p>identified threat and explain in detail how each neighbouring Member State affected by such prolongation was consulted and involved in determining the least burdensome operational arrangements.</p>	<p>assessment should also demonstrate retrospectively the efficiency <i>and effectiveness</i> of the reintroduced border control in addressing the identified threat and explain in detail how each neighbouring Member State affected by such prolongation was consulted and involved in determining the least burdensome operational arrangements. <i>The Member States should retain the possibility to classify, where necessary, all or parts of the information provided.</i></p>	<p>months, the risk assessment should also <i>substantiate how the previous reintroduction or prolongation of border control has contributed to the decision-making process in temporary prolonging the internal border controls in view of remedying the identified threat. It should contain a detailed report of the cooperation which took place between the Member State concerned and any directly affected Member State or Member States demonstrate retrospectively the efficiency of the reintroduced border control in addressing the identified threat and explain in detail how each neighbouring Member State directly affected by such prolongation was consulted and involved in determining the least burdensome operational arrangements.</i></p>	
	<p><i>(5a) Whenever the reintroduction of internal border control is proposed for specific planned events of an exceptional nature and duration, such as sporting activities, the duration of such control should be very precise, circumscribed and linked to the actual duration of the event.</i></p>		

<p>(6) The quality of the risk assessment submitted by the Member State will be very important for the assessment of the necessity and proportionality of the intended reintroduction or prolongation of border control. The European Border and Coast Guard Agency and Europol should be involved in that assessment.</p>	<p>(6) The quality of the risk assessment submitted by the Member State will be very important for the assessment of the necessity and proportionality of the intended reintroduction or prolongation of border control. The European Border and Coast Guard Agency and, Europol, <u>the European Asylum Support Office, the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice and the European Union Agency for Fundamental Rights</u> should be involved in that assessment.</p>	<p>(6) <u>The Member State concerned should submit a risk assessment in accordance with the specific procedure introduced this Regulation.</u> The quality of the risk assessment submitted by the Member State will be very important for the assessment of the necessity and proportionality of the intended reintroduction or prolongation of border control. The European Border and Coast Guard Agency and Europol should <u>could</u> be involved by the Commission in that assessment, where appropriate.</p>	
<p>(7) The power of the Commission to issue an opinion under Article 27(4) of the Schengen Borders Code should be modified to reflect the new obligations on the Member States related to the risk assessment, including the cooperation with Member States concerned. When border control at internal borders is carried out for more than six months, the Commission should be obliged to issue an opinion. Also the consultation procedure as provided for in Article 27(5) of the Schengen Borders Code should be</p>	<p>(7) The power of the Commission to issue an opinion under Article 27(4) of the Schengen Borders Code should be modified to reflect the new obligations on the Member States related to the risk assessment, including the cooperation with Member States concerned. When border control at internal borders is carried out for more than six months, the Commission should be obliged to issue an opinion. Also The consultation procedure as provided for in Article 27(5) of the Schengen Borders Code should be modified in</p>	<p>(7) The power of the Commission <u>or any Member States</u> to issue an opinion under Article 27(4) of the Schengen Borders Code should be modified to reflect the new obligations on the Member States related to the risk assessment, including the cooperation with Member States concerned. When border control at internal borders is carried out for more than six months, the Commission should be obliged to issue an opinion, <u>whereas the Member States which could substantiate that they are directly affected by such controls should be</u></p>	

<p>modified in order to reflect the role of the Agencies (European Border and Coast Guard Agency and Europol) and focus on the practical implementation of different aspects of cooperation between the Member States, including the coordination, where appropriate, of different measures on both sides of the border.</p>	<p>order to reflect the role of the <u>Union Agencies</u> (European Border and Coast Guard Agency and Europol) and focus on the practical implementation of different aspects of cooperation between the Member States, including the coordination, where appropriate, of different measures on both sides of the border.</p>	<p><u>entitled to issue an opinion.</u></p>	
		<p><u>(7a)</u> Also the consultation procedure as provided for in Article 27(5) of the Schengen Borders Code should be modified in order to reflect the role of the Agencies (the European Border and Coast Guard Agency and Europol) and focus on the practical implementation of different aspects of cooperation between the Member States, including the coordination, where appropriate, of different measures on both sides of the border.</p>	
<p>(8) In order to make the revised rules better adapted to the challenges related to persistent serious threats to public policy or internal security, a specific possibility should be provided to prolong internal border controls beyond one year. Such prolongation should accompany commensurate exceptional national</p>	<p>(8) In order to make the revised rules better adapted to the challenges related to persistent serious threats to public policy or internal security, a specific possibility should be provided to prolong internal border controls beyond one year <u>six months on an exceptional basis</u>. Such prolongation should accompany commensurate exceptional national</p>	<p>(8) — In order to make the revised rules better adapted to the challenges related to persistent serious threats to public policy or internal security, a specific possibility should be provided to prolong internal border controls beyond one year. Such prolongation should accompany commensurate exceptional national measures also</p>	

<p>measures also taken within the territory to address the threat, such as a state of emergency. In any case, such a possibility should not lead to the further prolongation of temporary internal border controls beyond two years.</p>	<p>measures also taken within the territory to address the threat, such as a state of emergency. In any case, such a possibility should not lead to the further prolongation of temporary internal border controls beyond two years <u>one year</u>.</p>	<p>taken within the territory to address the threat, such as a state of emergency. In any case, such a possibility should not lead to the further prolongation of temporary internal border controls beyond two years.</p>	
	<p><u>(8a) The necessity and proportionality of reintroducing internal border control should be balanced against the threat to public policy or internal security triggering the need for such reintroduction, as should alternative measures which could be taken at national or Union level, or both, and the impact of such control on the free movement of persons within the area without internal border control.</u></p>		
<p>(9) The reference to Article 29 in Article 25(4) should be modified with a view of clarifying the relation between the time periods applicable under Article 29 and Article 25 of the Schengen Borders Code.</p>	<p>(9) The reference to Article 29 in Article 25(4) should be modified with a view of clarifying the relation between the time periods applicable under Article 29 and Article 25 of the Schengen Borders Code.</p>	<p>(9) The reference to Article 29 in Article 25(4) should be modified with a view of clarifying the relation between the time periods applicable under Article 29 and Article 25 of the Schengen Borders Code.</p>	
<p>(10) The possibility to carry out temporary internal border controls in response to a specific threat to public policy or internal security which persists beyond a year should be subject to a specific</p>	<p>(10) The possibility to carry out temporary internal border controls in response to a specific threat to public policy or internal security which persists beyond a year <u>six months</u> should be subject to a</p>	<p>(10) The possibility to carry out temporary internal border controls in response to a specific threat to public policy or internal security which persists beyond a year should</p>	

<p>procedure.</p>	<p>specific procedure <i>requiring a Council recommendation.</i></p>	<p>be subject to a specific procedure.</p>	
<p>(11) To that end, the Commission should issue an opinion on the necessity and proportionality of such prolongation and, where appropriate, on the cooperation with the neighbouring Member States.</p>	<p>(11) To that end, the Commission should issue an opinion on the necessity and proportionality of such prolongation and, where appropriate, on the cooperation with the neighbouring. <u>The European Parliament should immediately be informed about the proposed prolongation. The Member States affected should have the possibility to make observations to the Commission before it issues its opinion.</u></p>	<p>(11) — To that end, the Commission should issue an opinion on the necessity and proportionality of such prolongation and, where appropriate, on the cooperation with the neighbouring Member States.</p>	
<p>(12) In view of the nature of such measures, which touch on national executive and enforcement powers regarding serious threats to public policy or internal security, implementing powers to adopt recommendations under this specific procedure should exceptionally be conferred on the Council.</p>	<p>(12) In view of the nature of such measures, which touch on national executive and enforcement powers regarding serious threats to public policy or internal security, implementing powers to adopt recommendations under this specific procedure should exceptionally be conferred on the Council.</p>	<p>(12) — In view of the nature of such measures, which touch on national executive and enforcement powers regarding serious threats to public policy or internal security, implementing powers to adopt recommendations under this specific procedure should exceptionally be conferred on the Council.</p>	
<p>(13) The Council, taking account of the Commission's opinion, may recommend such extraordinary further prolongation and where appropriate determine the conditions for cooperation between the Member States</p>	<p>(13) The Council, taking account of the Commission's opinion, may recommend such extraordinary further prolongation and where appropriate determine lay down the conditions for cooperation between the Member States concerned, with a</p>	<p>(13) — The Council, taking account of the Commission's opinion, may recommend such extraordinary further prolongation and where appropriate determine the conditions for cooperation between the Member States concerned, with a</p>	

<p>concerned, with a view to ensuring that it is an exceptional measure, in place only for as long as necessary and justified, and consistent with the measures also taken at the national level within the territory to address the same specific threat to public policy or internal security. The Council recommendation should be a prerequisite for any further prolongation beyond the period of one year and hence be of the same nature as the one already provided for in Article 29.</p>	<p>view to ensuring that it is an exceptional measure, in place only for as long as necessary and justified, and consistent with the measures also taken at the national level within the territory to address the same specific threat to public policy or internal security. The Council recommendation should be a prerequisite for any further prolongation beyond the period of <i>one year and hence be of the same nature as the one already provided for in Article 29. six months. The Council recommendation should be immediately forwarded to the European Parliament.</i></p>	<p><i>view to ensuring that it is an exceptional measure, in place only for as long as necessary and justified, and consistent with the measures also taken at the national level within the territory to address the same specific threat to public policy or internal security. The Council recommendation should be a prerequisite for any further prolongation beyond the period of one year and hence be of the same nature as the one already provided for in Article 29.</i></p>	
	<p><i>(13a) Measures taken under the specific procedure where exceptional circumstances put the overall functioning of the area without internal border control at risk should not be prolonged by virtue of, or combined with, measures taken under another procedure for the reintroduction or prolongation of internal border control as provided for in Regulation (EU) 2016/399.</i></p>		
	<p><i>(13b) Where it considers that a Member State has failed to fulfil its obligations under the Treaties, the Commission should, as the guardian</i></p>		

	<p><i>of the Treaties that oversees the application of Union law, take appropriate measures in accordance with Article 258 of the Treaty on the Functioning of the European Union, including by bringing the matter before the Court of Justice of the European Union.</i></p>		
<p>(14) Since the objective of this Regulation, namely allowing the prolongation in exceptional cases of reintroduced border controls at specific section(s) of the internal borders for the time period necessary for a Member State to adequately respond to a persistent threat of a cross-border nature, is to complement the current rules on temporary reintroduction of border controls at internal borders, it cannot be achieved by Member States acting alone; an amendment of the common rules established at Union level is necessary. Thus, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.</p>	<p>(14) Since the objective of this Regulation, namely allowing the prolongation in exceptional cases of reintroduced border controls at specific section(s) of the internal borders for the time period necessary for a Member State to adequately respond to a persistent threat of a cross-border nature, is to complement the current rules on temporary reintroduction of border controls at internal borders, it cannot be achieved by Member States acting alone; an amendment of the common rules established at Union level is necessary. Thus, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.</p>	<p>(14) Since the objective of this Regulation, namely allowing the prolongation in exceptional cases of reintroduced border controls at specific section(s) of the internal borders for the time period necessary for a Member State to adequately respond to a persistent threat of a cross-border nature, is to complement the current rules on temporary reintroduction of border controls at internal borders, it cannot be achieved by Member States acting alone; an amendment of the common rules established at Union level is necessary. Thus, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.</p>	

<p>(15) In accordance with Articles 1 and 2 of the Protocol No 22 on the position of Denmark, as annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen acquis, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.</p>	<p>(15) In accordance with Articles 1 and 2 of the Protocol No 22 on the position of Denmark, as annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen acquis, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.</p>	<p>(15) In accordance with Articles 1 and 2 of the Protocol No 22 on the position of Denmark, as annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen acquis, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.</p>	
<p>(16) This Regulation constitutes a development of the provisions of the Schengen acquis, in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC⁵; the United Kingdom is therefore not taking part in the adoption of this Regulation and is not bound by it</p>	<p>(16) This Regulation constitutes a development of the provisions of the Schengen acquis, in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC⁶; the United Kingdom is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its</p>	<p>(16) This Regulation constitutes a development of the provisions of the Schengen acquis, in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC⁷; the United Kingdom is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its</p>	

⁵ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis (OJ L 131, 1.6.2000, p. 43).

⁶ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis (OJ L 131, 1.6.2000, p. 43).

⁷ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis (OJ L 131, 1.6.2000, p. 43).

or subject to its application.	application.	application.	
(17) This Regulation constitutes a development of the provisions of the Schengen acquis, in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁸ ; Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	(17) This Regulation constitutes a development of the provisions of the Schengen acquis, in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁹ ; Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	(17) This Regulation constitutes a development of the provisions of the Schengen acquis, in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ¹⁰ ; Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	
(18) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis ¹¹ , which fall within the area referred to in point	(18) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis ¹³ , which fall within the area referred to in point A of Article 1 of Council Decision 1999/437/EC. ¹⁴	(18) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis ¹⁵ , which fall within the area referred to in point A of Article 1 of	

⁸ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002, p. 20).

⁹ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002, p. 20).

¹⁰ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002, p. 20).

¹¹ OJ L 176, 10.7.1999, p. 36.

¹³ OJ L 176, 10.7.1999, p. 36.

¹⁴ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (OJ L 176, 10.7.1999, p. 31).

¹⁵ OJ L 176, 10.7.1999, p. 36.

A of Article 1 of Council Decision 1999/437/EC. ¹²		Council Decision 1999/437/EC. ¹⁶	
(19) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis ¹⁷ which fall within the area referred to in Article 1, point A of Decision 1999/437/EC ¹⁸ read in conjunction with Article 3 of	(19) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis ²⁰ which fall within the area referred to in Article 1, point A of Decision 1999/437/EC ²¹ read in conjunction with Article 3 of	(19) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis ²³ which fall within the area referred to in Article 1, point A of Decision 1999/437/EC ²⁴ read in conjunction with Article 3 of	

¹² Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (OJ L 176, 10.7.1999, p. 31).

¹⁶ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (OJ L 176, 10.7.1999, p. 31).

¹⁷ OJ L 53, 27.2.2008, p. 52.

¹⁸ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (OJ L 176, 10.7.1999, p. 31).

²⁰ OJ L 53, 27.2.2008, p. 52.

²¹ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (OJ L 176, 10.7.1999, p. 31).

²³ OJ L 53, 27.2.2008, p. 52.

²⁴ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (OJ L 176, 10.7.1999, p. 31).

Council Decision 2008/146/EC. ¹⁹	Council Decision 2008/146/EC. ²²	Council Decision 2008/146/EC. ²⁵	
<p>(20) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis²⁶ which fall within the area referred to in Article 1, point A of Decision 1999/437/EC read in conjunction with Article 3 of</p>	<p>(20) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis²⁸ which fall within the area referred to in Article 1, point A of Decision 1999/437/EC read in conjunction with Article 3 of</p>	<p>(20) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis³⁰ which fall within the area referred to in Article 1, point A of Decision 1999/437/EC read in conjunction with Article 3 of</p>	

¹⁹ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008, p. 1).

²² Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008, p. 1).

²⁵ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008, p. 1).

²⁶ OJ L 160, 18.6.2011, p. 21.

²⁸ OJ L 160, 18.6.2011, p. 21.

³⁰ OJ L 160, 18.6.2011, p. 21.

Council Decision 2011/350/EU ²⁷ .	Council Decision 2011/350/EU ²⁹ .	Council Decision 2011/350/EU ³¹ .	
		<i><u>(20a) As regards Cyprus, this Regulation constitutes an act building upon, or otherwise related to, the Schengen acquis within the meaning of Article 3(2) of the 2003 Act of Accession.</u></i>	
		<i><u>(20b) As regards Bulgaria and Romania, this Regulation constitutes an act building upon, or otherwise related to, the Schengen acquis within the meaning of Article 4(2) of the 2005 Act of Accession.</u></i>	
		<i><u>(20c) As regards Croatia, this Regulation constitutes an act building upon, or otherwise related to, the Schengen acquis within the meaning of Article 4(2) of the 2011 Act of Accession.</u></i>	
(21) This Regulation respects fundamental rights and observes	(21) This Regulation respects fundamental rights and observes the	(21) This Regulation respects fundamental rights and observes the	

²⁷ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

²⁹ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

³¹ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

the principles recognised in particular by the Charter of Fundamental Rights of the European Union.	principles recognised in particular by the Charter of Fundamental Rights of the European Union.	principles recognised in particular by the Charter of Fundamental Rights of the European Union.	
(22) Regulation (EU) No 2016/399 should therefore be amended accordingly,	(22) Regulation (EU) No 2016/399 should therefore be amended accordingly,	(22) Regulation (EU) No 2016/399 should therefore be amended accordingly,	
HAVE ADOPTED THIS REGULATION:		HAVE ADOPTED THIS REGULATION:	
<i>Article 1</i>	<i>Article 1</i>	<i>Article 1</i>	
Regulation (EU) No 2016/399 is amended as follows:	Regulation (EU) No 2016/399 is amended as follows:	Regulation (EU) No 2016/399 is amended as follows:	
(1) Article 25 is replaced by the following:	(1) Article 25 is replaced by the following:	(1) Article 25 is replaced by the following:	
	General framework for the temporary reintroduction of border control at internal borders	<u>General framework for the temporary reintroduction or prolongation of border control at internal borders in case of foreseeable events</u>	
<i>"1. Where, in the area without internal border control, there is a serious threat to public policy or internal security in a Member State, that Member State may exceptionally reintroduce border control at all or specific parts of its internal borders for a limited period of up to 30 days, or for the</i>	1. Where, in the area without internal border control, there is a serious threat to public policy or internal security in a Member State, that Member State may exceptionally reintroduce border control at all or specific parts of its internal borders for a limited period of up to 30 days, or for the	<i>"1. Where, in the area without internal border control, <u>a Member State establishes that there is a serious threat to public policy or internal security in for its territory</u> a Member State, that Member State may exceptionally reintroduce border control at all or specific parts of its internal borders for a</i>	

<p><i>foreseeable duration of the serious threat if its duration exceeds 30 days, but not exceeding six months. The scope and duration of the temporary reintroduction of border control at internal borders shall not exceed what is strictly necessary to respond to the serious threat.</i></p>	<p><i>foreseeable duration of the serious threat if its duration exceeds 30 days, but not exceeding six months as a measure of last resort.</i> The scope and duration of the temporary reintroduction of border control at internal borders shall not exceed what is strictly necessary to respond to the serious threat.</p>	<p><i>limited period of up to 30 days, or for the foreseeable duration of the serious threat if its duration exceeds 30 days, but not exceeding six months.</i> The scope and duration of the temporary reintroduction of border control at internal borders shall not exceed what is strictly necessary to respond to the serious threat.</p>	
<p><i>2. Border control at internal borders shall only be reintroduced as a last resort, and in accordance with Articles 27, 27a, 28 and 29. The criteria referred to, respectively, in Articles 26 and 30 shall be taken into account in each case where a decision on reintroduction of border control at internal borders is considered pursuant, respectively, to Article 27, 27a, 28 or 29.</i></p>	<p><i>2. Border control at internal borders shall only be reintroduced as a last resort, and in accordance with Articles 27, 27a, 28 and 29. The criteria referred to, respectively, in Articles 26 and 30 shall be taken into account in each case where a decision on reintroduction of border control at internal borders is considered pursuant, respectively, to Article 27, 27a, 28 or 29.</i></p>	<p><i>2. Border control at internal borders shall only be reintroduced or prolonged as a last resort, and in accordance with Articles 27, 27a, and 28 and 29. The criteria referred to, respectively, in Articles 26 and 30 shall be taken into account in each case where a decision on reintroduction or prolongation of border control at internal borders is considered pursuant, respectively, to Article 27, 27a, 28 or 29.</i></p>	
<p><i>3. If the serious threat to public policy or internal security in the Member State concerned persists beyond the period provided for in paragraph 1 of this Article, that Member State may prolong border control at its internal borders, taking account of the criteria referred to in Article 26 and in accordance with Article 27, on the same grounds as those referred to</i></p>	<p><i>3. If the serious threat to public policy or internal security in the Member State concerned persists beyond the period provided for in paragraph 1 of this Article, that Member State may prolong border control at its internal borders, taking account of the criteria referred to in Article 26 and in accordance with Article 27, on the same grounds as those referred to in</i></p>	<p><i>3. If the serious threat to public policy or internal security in the Member State concerned persists beyond the period provided for in paragraph 1 of this Article, that Member State may prolong border control at its internal borders, taking account of the criteria referred to in Article 26 and in accordance with Article 27, on the same grounds as those referred to in</i></p>	

<i>in paragraph 1 of this Article and, taking into account any new elements, for renewable periods corresponding to the foreseeable duration of the serious threat and not exceeding six months.</i>	<i>paragraph 1 of this Article and, taking into account any new elements, for renewable periods corresponding to the foreseeable duration of the serious threat and not exceeding six months.</i>	<i>paragraph 1 of this Article and, taking into account any new elements, for renewable periods corresponding to the foreseeable duration of the serious threat and not exceeding six months.</i>	
<i>4. The total period during which border control is reintroduced at internal borders, including any prolongation provided for under paragraph 3 of this Article, shall not exceed one year.</i>	<i>4. The total period during which border control is reintroduced at internal borders, including any prolongation provided for under paragraph 3 of this Article, shall not exceed one year.</i>	<i>4. The total period during which border control is reintroduced at internal borders, including any prolongation provided for under paragraph 3 of this Article, shall not exceed one year.</i>	
<i>In the exceptional cases referred to in Article 27a, the total period may be further extended by a maximum length of two years in accordance with that Article.</i>	<i>In the exceptional cases referred to in Article 27a, the total period may be further extended by a maximum length of two years in accordance with that Article.</i>	<i>4. In the exceptional cases referred to in Article 27a, the total period may be further extended by a maximum length of two years in accordance with that Article.</i>	
<i>Where there are exceptional circumstances as referred to in Article 29, the total period may be extended by a maximum length of two years, in accordance with paragraph 1 of that Article."</i>	<i>Where there are exceptional circumstances as referred to in Article 29, the total period may be extended by a maximum length of two years, in accordance with paragraph 1 of that Article."</i>	<i>Where there are exceptional circumstances as referred to in Article 29, the total period may be extended by a maximum length of two years, in accordance with paragraph 1 of that Article."</i>	
		<i><u>5. Without prejudice to Article 28; The total period during which border control is reintroduced at the internal borders, for the same reasons including any prolongation, shall not exceed one year.</u></i>	

		<u>6. This Article is without prejudice to measures that may be adopted in accordance with Article 29 in the event of exceptional circumstances where the overall functioning of the area without internal border control is at risk.</u>	
		<u>The total period during which border control is reintroduced at the internal borders under this Article shall not be prolonged or combined with measures adopted for the same reasons under Article 29.</u>	
	<p><u>Article 26 is replaced by the following:</u></p> <p>Article 26</p> <p>Criteria for the temporary reintroduction of border control at internal borders.</p> <p>Where <u>Before</u> a Member State decides, as a <u>measure of</u> last resort, on the temporary reintroduction of border control at one or more of its internal borders or at parts thereof, or decides to prolong such a <u>temporary</u> reintroduction, in accordance with Article 25 or Article 28(1), it shall assess:</p>		
	<u>(a) the extent to which such a measure is whether the temporary</u>		

	<i>reintroduction of border control at internal borders can be considered likely to adequately sufficiently remedy the threat to public policy or internal security;</i>		
	<i>(b) whether measures other than the temporary reintroduction of border control at internal borders, such as enhanced cross-border police cooperation or intensified police checks, are likely to sufficiently remedy the threat to public policy or internal security;</i>		
	<i>(c) and shall assess the proportionality of the measure temporary reintroduction of border control at internal borders in relation to that the threat to public policy or internal security, in making such an assessment, the Member State shall, in particular, take the following by taking into account;</i>		
	<i>(a) (i) the likely impact of any threats to its public policy or internal security, including following terrorist incidents or threats and including those posed by organised crime; <u>and</u></i>		
	<i>(b) (ii) the likely impact of such a measure on the temporary</i>		

	<u>reintroduction of border control at internal borders</u> on the free movement of persons within the area without internal border control.		
	<u>Where a Member State assesses under point (a) of the first subparagraph that the temporary reintroduction of internal border control is not likely to sufficiently remedy the threat to public policy or internal security, it shall not reintroduce internal border control.</u>		
	<u>Where a Member State assesses under point (b) of the first subparagraph that measures other than the temporary reintroduction of internal border control are likely to sufficiently remedy the threat to public policy or internal security, it shall not reintroduce or prolong internal border control and shall take those other measures.</u>		
	<u>Where a Member State assesses under point (c) of the first subparagraph that the proposed reintroduction of internal border control is not proportionate to the threat, it shall not reintroduce or prolong internal border control."</u>		
(2) Article 27 is amended as	(2) Article 27 is amended as	(2) Article 27 <u>replaced</u> by the	

follows:	follows:	following:	
	<i>(-i) the title is replaced by the following:</i>		
	<i>"Procedure for the temporary reintroduction of border control at internal borders under Article 25 in the event of a foreseeable serious threat to public policy or internal security";</i>	<i><u>"Procedure for the temporary reintroduction or prolongation of border control at internal borders in cases of foreseeable events</u></i>	
	<i>(-ia) in Article 27, a following new paragraph is inserted before paragraph 1:</i>		
	<i>"-1. Where, in the area without internal border control, there is a serious threat to public policy or internal security in a Member State, that Member State may, as a measure of last resort and in accordance with the criteria laid down in Article 26, reintroduce border control at all or specific parts of its internal borders for a limited period of up to 30 days or, if the serious threat persists beyond 30 days, for the foreseeable duration of the serious threat but, in any event, for no longer than two months.";</i>	<i>"-1. Where, in the area without internal border control, a Member State establishes that there is a serious threat to public policy or internal security for its territory that Member State may exceptionally reintroduce and where necessary, prolong border control at all or specific parts of its internal borders for the foreseeable duration of the serious threat, but not exceeding six months."</i>	
	<i>(-ib) in paragraph 1, the introductory part is replaced by the</i>		

	<u>following:</u>		
	"1. Where a Member State plans to reintroduce border control at internal borders under Article 25, it <u>For the purposes of paragraph -1, the Member State concerned shall notify the other Member States and the Commission at the latest four weeks before the planned reintroduction, or within a shorter period where the circumstances giving rise to the need to reintroduce border control at internal borders become known less than four weeks before the planned reintroduction. To that end, the Member State shall supply the following information:</u> ";	<u>1. Where a Member State plans to reintroduce or prolong border control at internal borders, under the criteria set out in Article 26, it shall notify the other Member States and the Commission at the latest four weeks before the planned reintroduction or prolongation, or within a shorter period where the circumstances giving rise to the need to reintroduce border control at internal borders become known less than four weeks before the planned reintroduction. To that end, the Member State shall supply the following information:</u>	
		<u>(a) the reasons for the intended reintroduction or prolongation including all relevant data detailing the events that constitute a serious threat to its public policy or internal security, as well as the reasons why alternative measures are deemed or have been found by the Member State concerned to be ineffective.;</u>	
(i) In paragraph 1, a new letter (aa) is added as follows:	(i) In paragraph 1, a new letter (aa) is added as follows:		
"(aa) a risk assessment assessing how long the identified threat is expected to persist and which	"(aa) a risk assessment assessing how long the identified threat is expected to persist and which	"(aa) a risk assessment assessing how long the identified threat is expected to persist and which	

<p><i>sections of the internal borders are affected, demonstrating that the prolongation of border control is a last resort measure and explaining how border control would help address the identified threat. Where border control has already been reintroduced for more than six months, the risk assessment shall also explain how the previous reintroduction of border control has contributed to remedying the identified threat.</i></p> <p><i>The risk assessment shall also contain a detailed report of the coordination which took place between the Member State concerned and the Member State or Member States with which it shares internal borders at which border control has been performed.</i></p> <p><i>The Commission shall share the risk assessment with the European Border and Coast Guard Agency and Europol, as appropriate."</i></p>	<p><i>sections of the internal borders are affected, demonstrating that the prolongation of border control is a last resort measure and explaining how border control would help address the identified threat. Where border control has already been reintroduced for more than six months, the risk assessment shall also explain how the previous reintroduction of border control has contributed to remedying the identified threat.</i></p> <p><i>The risk assessment shall also contain a detailed report of the coordination which took place between the Member State concerned and the Member State or Member States with which it shares internal borders at which border control has been performed.</i></p> <p><i>The Commission shall share the risk assessment with the European Border and Coast Guard Agency and Europol, as appropriate."</i></p>	<p><i>sections of the internal borders are affected, demonstrating that the prolongation of border control is a last resort measure and explaining how border control would help address the identified threat. Where border control has already been reintroduced for more than six months, the risk assessment shall also explain how the previous reintroduction of border control has contributed to remedying the identified threat.</i></p> <p><i>The risk assessment shall also contain a detailed report of the coordination which took place between the Member State concerned and the Member State or Member States with which it shares internal borders at which border control has been performed.</i></p> <p><i>The Commission shall share the risk assessment with the European Border and Coast Guard Agency and Europol, as appropriate."</i>³²</p>	
	<p><i>(i a) In paragraph 1, the following point (ab) is inserted:</i></p>		
	<p><i>"(ab) any measures other than the proposed reintroduction, taken or</i></p>		

³² Moved to Article 27(1c).

	<i><u>envisaged by the Member State, to address the threat to public policy or internal security as well as the evidence-based reason as to why alternative measures, such as enhanced cross-border police cooperation and police checks, were deemed insufficient;"</u></i>		
		<i><u>(b) the scope of the proposed reintroduction or prolongation, specifying at which part or parts of the internal borders border control is to be reintroduced, or prolonged;</u></i>	
		<i><u>(c) the names of the authorised crossing-points;</u></i>	
		<i><u>(d) the date and duration of the planned reintroduction;</u></i>	
<i>(ii) In paragraph 1, letter (e) is replaced as follows:</i>	<i>(ii) In paragraph 1, letter (e) is replaced as follows:</i>		
<i>"(e) where appropriate, the measures to be taken by the other Member States as agreed prior to the temporary reintroduction of border control at internal borders concerned."</i>	<i>(e) where appropriate, the measures to be taken by the other Member States as agreed prior to the temporary reintroduction of border control at <u>the relevant</u> internal borders concerned.</i>	<i>(e) where appropriate, the measures to be taken by the other Member States as agreed <u>arranged</u> prior to the temporary reintroduction, <u>or prolongation</u> of border control at internal borders concerned.</i>	
<i>(iii) The last sentence in paragraph 1 is replaced by the</i>	<i>(iii) The last sentence in paragraph 1 is replaced by the following:</i>		

<i>following:</i>			
		<u><i>A notification under the first subparagraph may also be submitted jointly by two or more Member States.</i></u>	
<i>"Where necessary, the Commission may request additional information from the Member State(s) concerned, including on the cooperation with the Member States affected by the planned prolongation of border control at internal borders as well as additional information needed to assess whether this is a last resort measure."</i>	Where <i>If necessary, the Commission may request additional information from the Member State(s) concerned, including on the cooperation with the Member States affected by the planned reintroduction or prolongation of border control at internal borders as well as additional further information needed to assess whether this is a last resort measure.</i>	<i>Where necessary, the Commission may request additional information from the Member State(s) concerned, including on the cooperation with the other Member States <u>directly</u> affected by the planned <u>reintroduction or</u> prolongation of border control at internal borders as well as additional information needed to assess whether this is a last resort measure.</i>	
	<u><i>(iii a) the following paragraph 1a is inserted:</i></u>		
	<u><i>"1a. If the serious threat to public policy or internal security in the Member State concerned persists beyond two months, that Member State may prolong border control at its internal borders, taking into account the criteria laid down in Article 26, on the same grounds as those referred to in paragraph -1 of this Article and, taking into account any new elements, for a period which shall correspond to the</i></u>	<u><i>1a. If the serious threat to public policy or internal security for the Member State concerned persists beyond the period provided for in paragraph -1 of this Article, that Member State may prolong or where necessary further prolong border control at its internal borders in accordance with of the criteria referred to in Article 26 and in accordance with this Article on the same reasons as those referred to in</i></u>	

	<p><u>foreseeable duration of the serious threat and shall not, in any event, exceed four months. The Member State concerned shall notify the other Member States and the Commission within the time period referred to in paragraph 1."</u></p>	<p><u>paragraph 1 of this Article and, taking into account any new elements, for renewable periods, which shall correspond to the foreseeable duration of the serious threat and not exceed six months. Such a prolongation may take place provided that alternative actions and measures to remedy the threat are deemed or have been found by the Member State concerned to be ineffective</u></p>	
		<p>³³<u>In order to implement the criteria set out in Article 26, the Member State concerned shall assess the duration the identified threat is expected to persist and which sections of the internal borders are affected, demonstrating that the border control at internal borders is a last resort measure and substantiating how this would help address the identified threat.</u></p>	
		<p><u>Along with the notification of reintroduction or prolongation of internal border controls for a total duration not exceeding two months, the Member State concerned may submit a risk assessment.</u></p>	

³³ In order to facilitate the reading of this simplified text of Art. 27(1c), there is a deviation of the general marking rules: the totally new wording is the only one marked in bold, whereas the wording that was retained from the previous version of this provision is not in bold and has kept its previous marking (underline/italics).

		<p><u>For a reintroduction or prolongation of internal border controls beyond two months but not exceeding six months the Member State concerned, may submit a risk assessment. It shall submit a risk assessment if either the Commission or a directly affected Member State issues a substantiated opinion, as referred to in paragraph 4. In such a case, the risk assessment shall be submitted within two weeks from the issue of such an opinion.</u>³⁴</p>	
		<p><u>Where border control has already been reintroduced for more than six months, including any prolongations, the Member State concerned shall submit a risk assessment or update, where appropriate, the content of a previous one. This risk assessment shall also substantiate the role of the previous reintroduction or prolongation of border control in remedying the identified threat. It shall contain a detailed report of the cooperation which took place between the Member State concerned and the Member State or Member States with which it shares internal borders at which border</u></p>	

³⁴ Moved from paragraph 4.

		<u>control has been performed.</u>	
		<u>The risk assessment referred to in this paragraph shall be submitted to the Commission and the other Member States. The Commission may request the views of the European Border and Coast Guard Agency or Europol for fact finding purposes with regard to the risk assessment, where appropriate.</u>	
	<u>(iii b) the following paragraph 1b is inserted:</u>		
	<u>"1b. For the purposes of paragraph 1a, in addition to the information provided under paragraph 1, the Member State concerned shall provide a risk assessment which shall:</u>		
	<u>(i) assess how long the identified threat is expected to persist and which section of its internal borders is affected;</u>		
	<u>(ii) outline the alternative actions or measures previously introduced to address the identified threat;</u>		

	<u>(iii) explain why the alternative actions or measures referred to in point (ii) did not sufficiently remedy the identified threat;</u>		
	<u>(iv) demonstrate that the prolongation of border control is a last resort; and</u>		
	<u>(v) explain how border control would better help address the identified threat.</u>		
	<u>The risk assessment referred to in the first subparagraph shall also contain a detailed report of the cooperation which took place between the Member State concerned and the Member State or Member States directly affected by the reintroduction of border control, including those Member States with which the Member State concerned shares internal borders at which border control is performed.</u>		
	<u>The Commission shall share the risk assessment with the Agency and Europol and may request, where appropriate, their views thereon.</u>		
	<u>The Commission is empowered to adopt delegated acts in accordance</u>		

	<i>with Article 37 supplementing this Regulation by adopting the methodology for the risk assessment.";</i>		
	<i>(iii c) paragraph 2 is replaced by the following:</i>		
	2. The information referred to in paragraphs <i>1 and 1b</i> shall be submitted to the European Parliament and to the Council at the same time as it is notified to the other Member States and to the Commission pursuant to that <i>those</i> paragraphs.	<i>2. The information referred to in paragraph 1 shall be submitted to the European Parliament and to the Council at the same time as it is notified to the other Member States and to the Commission pursuant to that paragraph.</i>	
	<i>(iii d) paragraph 3 is replaced by the following:</i>		
	"3. Member States making <i>submitting</i> a notification under paragraph 1 may <i>classify</i> , where necessary and in accordance with national law decide to classify , <i>all or parts of the information referred to in paragraphs 1 and 1b</i> . Such classification <i>shall not preclude access to information, through appropriate and secure police cooperation channels, by the other Member States affected by the temporary reintroduction of border control at internal borders and shall not preclude information from being</i>	<i>3. Member States submitting a notification under paragraph 1 and a risk assessment under paragraph 1c may, where necessary and in accordance with national law, decide to classify them or parts thereof. Such classification shall not preclude the other Member States from accessing this classified information through appropriate and secure channels of police cooperation.</i>	

	made available by the Commission to the European Parliament. The transmission and handling of information and documents transmitted to the European Parliament under this Article shall comply with rules concerning the forwarding and handling of classified information which are applicable between the European Parliament and the Commission.";		
(iv) Paragraph 4 is replaced by the following:	(iv) Paragraph 4 is replaced by the following:		
<i>"4. Following notification by a Member State under paragraph 1 and with a view to consultation provided for in paragraph 5, the Commission or any other Member State may, without prejudice to Article 72 TFEU, issue an opinion.</i>	Following notification by a Member State under paragraphs <i>1 and 1a</i> and with a view to consultation provided for in paragraph 5, the Commission or any other Member State may, without prejudice to Article 72 TFEU, issue an opinion.	<i>4. Following notification by a Member State under paragraph 1 and with a view to the consultation provided for in paragraph 5, the Commission or a <u>directly affected</u> Member State may, without prejudice to Article 72 TFEU, issue a <u>substantiated</u> opinion.</i>	
<i>Where the Commission has concerns as regards the necessity or proportionality of the planned reintroduction of border control at internal borders or where it considers that a consultation on some aspects of the notification would be appropriate, it shall issue an opinion to that effect.</i>	Where, <u>based on the information contained in the notification or on any additional information it has received</u> , the Commission has concerns as regards the necessity or proportionality of the planned reintroduction of border control at internal borders, or where it considers that a consultation on some <u>aspect</u> of the notification would be appropriate, it shall issue	<i>Where the Commission has concerns as regards the necessity or proportionality of the planned reintroduction <u>or prolongation</u> of border control at internal borders or where it considers that a consultation on some aspects of the notification would be appropriate, it shall issue an opinion to that effect. <u>The directly affected Member States may also issue an opinion on the</u></i>	

	an opinion to that effect <i>without delay</i> .	<i>impact of the reintroduction or prolongation of the internal border controls on them, as well as, if appropriate, on their necessity and proportionality.</i>	
<i>Where border control at internal borders has already been reintroduced for six months, the Commission shall issue an opinion.</i>	Where border control at internal borders has already been reintroduced for six months, the Commission shall issue an opinion.	<i>Where border control at internal borders has already been reintroduced or prolonged for more than six months, the Commission shall issue an opinion.</i>	
(v) Paragraph 5 is replaced by the following:	(v) Paragraph 5 is replaced by the following:		
<i>"The information referred to in paragraph 1 and any Commission or Member State opinion referred to in paragraph 4 shall be the subject of a consultation led by the Commission. Where appropriate, the consultation shall include joint meetings between the Member State planning to reintroduce border control at internal borders, the other Member States, especially those directly affected by such measures and the relevant Agencies. The proportionality of the intended measures, the identified threat to public policy or internal security as well as the ways of ensuring implementation of the mutual cooperation between the Member States shall be</i>	The information referred to in paragraphs <i>1 and 1b</i> and any Commission or Member State opinion referred to in paragraph 4 shall be the subject of a consultation led by the Commission. Where appropriate. The consultation shall include:	5. <i>The information referred to in paragraph 1, 1a and 1c and any Commission or Member State opinion referred to in paragraph 4 shall be the subject of a consultation led by the Commission. Where appropriate, The consultation shall include joint meetings between the Member State planning to reintroduce or prolong border control at internal borders, the other Member States, especially those directly affected by such measures and the relevant Agencies. The proportionality of the intended measures, the identified threat to public policy or internal security as well as the ways of ensuring implementation of the mutual cooperation between the Member</i>	

<p><i>examined. The Member State planning to reintroduce or prolong border control at internal borders shall take the utmost account of the results of such consultation when carrying out border controls.</i></p>		<p><i>States shall be examined. The Member State planning to reintroduce or prolong border control at internal borders shall take the utmost into account of the results of such consultation when carrying out border controls or <u>inform the Commission and the consulted Member States, about the occurred constraints that prevented it from following these results.</u></i></p>	
	<p><i>(i) joint meetings between the Member State planning to reintroduce border control at internal borders, the other Member States, especially those directly affected by such measures, and the relevant Agencies. <u>The proportionality of the intended measures, the identified threat to public policy or internal security as well as the ways of ensuring implementation of the Commission, which shall be held with a view to organising, where appropriate, mutual cooperation between the Member States shall be examined. The Member State planning to reintroduce or prolong and to examining the proportionality of the measures to the events giving rise to the reintroduction of border control, including any possible alternative measures, and the threat</u></i></p>		

	<i>to public policy or internal security:</i>		
	<i>(ii) where appropriate, unannounced on-site visits by the Commission to the relevant at internal borders shall take the utmost account of the results of such consultation when carrying out and, where appropriate, with the support of experts from Member States and from the Agency, Europol or any other relevant Union body, office or agency, to assess the effectiveness of border controls at those internal borders and the compliance with this Regulation; the reports of such unannounced on-site visits shall be transmitted to the European Parliament.</i>		
	6. The consultation referred to in paragraph 5 shall take place at least ten days before the date planned for the reintroduction of border control."	<i>6. The consultation referred to in paragraph 5 shall take place at least ten days before the date planned for the reintroduction or prolongation of border control."</i>	
(3) A new Article 27a is added:	(3) A new Article 27a is added:	(3) A new Article 27a is added:	
Specific procedure where the serious threat to public policy or internal security exceeds one year	Specific procedure where the serious threat to public policy or internal security exceeds one year <i>six months</i>.	Specific procedure where the serious threat to public policy or internal security exceeds one year	

<p><i>"1. In exceptional cases, where the Member State is confronted with the same serious threat to public policy or internal security beyond the period referred to in Article 25(4) first sentence, and where commensurate exceptional national measures are also taken within the territory to address this threat, the border control as temporarily reintroduced to respond to that threat may be further prolonged in accordance with this Article.</i></p>	<p>1. In exceptional cases <u>circumstances</u>, where the Member State is confronted with the same serious threat to public policy or internal security beyond the period referred to in Article 25(4) <u>first sentence</u> 27(1a), and where commensurate exceptional national measures are also taken within the territory to address this threat, the border control as temporarily reintroduced to respond to that threat may be further prolonged in accordance with this Article.</p>	<p>"1. — In exceptional cases, where the Member State is confronted with the same serious threat to public policy or internal security beyond the period referred to in Article 25(4) first sentence, and where commensurate exceptional national measures are also taken within the territory to address this threat, the border control as temporarily reintroduced to respond to that threat may be further prolonged in accordance with this Article.</p>	
<p>2. At the latest six weeks before the expiry of the period referred to in Article 25(4) first sentence, the Member State shall notify the other Member States and the Commission that it seeks a further prolongation in accordance with the specific procedure laid down in this Article. The notification shall contain the information required in Article 27(1)(a) to (e). Article 27 paragraphs 2 and 3 shall apply.</p>	<p>2. At the latest six <u>three</u> weeks before the expiry of the period referred to in Article 25(4) <u>first sentence</u> 27(1a), the Member State shall notify the other Member States and the Commission that it seeks a further prolongation in accordance with the specific procedure laid down in this Article. The <u>This</u> notification shall contain <u>all</u> the information required in <u>under</u> Article 27(1)(a) to (e) 27(1) and (1b). Article 27 paragraphs 2 and 3 27(2) and (3) shall apply.</p>	<p>2. — At the latest six weeks before the expiry of the period referred to in Article 25(4) first sentence, the Member State shall notify the other Member States and the Commission that it seeks a further prolongation in accordance with the specific procedure laid down in this Article. The notification shall contain the information required in Article 27(1)(a) to (e). Article 27 paragraphs 2 and 3 shall apply.</p>	
<p>3. The Commission shall issue an opinion.</p>	<p>3. The Commission shall issue an opinion <u>on whether the proposed prolongation fulfils the requirements set out in paragraphs 1 and 2 and</u></p>	<p>3. — The Commission shall issue an opinion.</p>	

	<i>on the necessity and the proportionality of the proposed prolongation. The Member States affected may make observations to the Commission before it issues that opinion.</i>		
<i>4. The Council, taking due account of the opinion of the Commission, may recommend that the Member State decide to further prolong border control at internal borders for a period of up to six months. That period may be prolonged, no more than three times, for a further period of up to six months. In its recommendation, the Council shall at least indicate the information referred to in Article 27(1) (a) to (e). Where appropriate, it shall determine the conditions for cooperation between the Member States concerned."</i>	<i>4. The Council, taking due account of Once it has taken the opinion of the Commission into account, the Council may, as a last resort, may recommend that the Member State concerned decide to further prolong border control at its internal borders for a period of up to six months. That period may be prolonged, no more than three times, for a further period of up to six months. In its recommendation, the Council shall at least indicate the information referred to in Article 27(1) (a) to (e). Where appropriate, and (1b) and it shall determine lay down the conditions for cooperation between the Member States concerned.</i>		
		<i>(4) Article 28 is replaced by the following:</i>	
		<i>"1. Where a serious threat to public policy or internal security in a Member State requires immediate action to be taken, the Member State concerned may, on an exceptional</i>	

		<u>basis, immediately reintroduce border control at internal borders, for a limited period of up to ten days.</u>	
		<u>2. Where a Member State reintroduces border control at internal borders, it shall at the same time notify the other Member States and the Commission accordingly, and shall supply the information referred to in Article 27(1). This information shall include the reasons that justify the use of the procedure set out in this Article. The Commission may consult the other Member States immediately upon receipt of the notification.</u>	
		<u>3. If the serious threat to public policy or internal security persists beyond the period provided for in paragraph 1 of this Article, the Member State may decide to prolong the border control at internal borders for renewable periods of up to 20 days. In doing so, the Member State concerned shall take into account the criteria referred to in Article 26, including an updated assessment of the necessity and the proportionality of the measure, and shall take into account any new elements.</u>	

		<u><i>In the event of such a prolongation, the provisions of Article 27(4) and (5) shall apply mutatis mutandis, and the consultation shall take place without delay after the decision to prolong has been notified to the Commission and to the Member States.</i></u>	
	<u><i>(3a) in Article 28, paragraph 4 is replaced by the following:</i></u> <i>"4. Without prejudice to Article 25(4), The total period during which border control is reintroduced at internal borders, on the basis of the initial period under paragraph 1 of this Article and any prolongations under paragraph 3 of this Article, shall not exceed two months."</i> ;	<u><i>4. The total period during which border control is reintroduced at internal borders, on the basis of the initial period under paragraph 1 of this Article and any prolongations under paragraph 3 of this Article, shall not exceed two months.</i></u>	
		<u><i>5. The Commission shall inform the Council and the European Parliament without delay of notifications made under this Article."</i></u>	
	<u><i>(3b) a new Article 28a is inserted:</i></u>		
	<u><i>"Article 28a</i></u>		
	<u><i>Calculation of the period during which border control is reintroduced or prolonged due to a foreseen threat to public policy or internal</i></u>		

	<u>security, where the serious threat to public policy or internal security exceeds six months and in cases requiring immediate action</u>		
	<u>Any reintroduction or prolongation of border controls at internal borders made before ... [the date of entry into force of this Regulation] shall be included in the calculation of the periods referred to in Articles 27, 27a and 28.”;</u>		
	<u>(3c) in Article 29(1), the following subparagraph is added:</u>	<u>(5) In Article 29 at the end of paragraph 1 the following wording is added</u>	
	<u>“The criteria referred to in Article 30 shall be taken into account in each case where a decision on the temporary reintroduction or prolongation of border control at internal borders is considered pursuant to this Article.”</u>	<u>The criteria referred to in Article 30 shall be taken into account in each case where a decision on the temporary reintroduction or prolongation of border control at internal borders is considered pursuant to this Article.</u>	
	<u>(3d) in Article 29, paragraph 5 is replaced by the following:</u>	<u>(6) In Article 29, paragraph 5, the following subparagraph is added at the end:</u>	
	<u>5. This Article shall be without prejudice to measures that may be adopted by the Member States in the event of a serious threat to public policy or internal security under Articles 25, 27, 27a and 28.</u>	<u>The total period during which border control is reintroduced at the internal borders under this Article shall not be prolonged or combined with measures adopted for the same</u>	

	<u>However, the total period during which border control at internal borders is reintroduced or prolonged under this Article shall not be prolonged by virtue of, or combined with, measures taken under Article 27, 27a or 28."</u>	<u>reasons under Articles 27 and 28.</u>	
	<u>Article 1a</u>	<u>Article 1a</u>	
	<u>This Regulation shall apply to notifications made by Member States pursuant to Article 27 of the Schengen Borders Code from ... [the date of entry into force of this Regulation].</u>	<u>This Regulation shall apply to notifications made by Member States pursuant to Article 27 of the Schengen Borders Code from [the date of entry into force of this Regulation].</u>	
	<u>Any period of ongoing notification for reintroduction or prolongation of border control at internal borders which will have passed before ... [the entry into force of this Regulation] shall be taken into account in the calculation of the period referred to in Article[s 25(4) and] 28(4).</u>	<u>Any period of on going notification for reintroduction or prolongation of border control at internal borders which will have passed before the entry into force of this Regulation shall be taken into account for the purpose of calculation of the periods referred to in Articles 25(5), 27(1b) and 28(4).</u>	
<u>Article 2</u>	<u>Article 2</u>	<u>Article 2</u>	
This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	

European Union.			
This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	
Done at Brussels,	Done at Brussels,	Done at Brussels,	
<i>For the European Parliament The President</i> <i>For the Council The President</i>	<i>For the European Parliament The President</i> <i>For the Council The President</i>	<i>For the European Parliament The President</i> <i>For the Council The President</i>	