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NOTE

From: Norwegian delegation
To: Working Party on Frontiers/Mixed Committee
(EU-Iceland/Liechtenstein/Norway/Switzerland)
Subject: Prolongation of the temporary reintroduction of border controls at the Norwegian internal borders in accordance with Articles 25 and 27 of Regulation 2016/399 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)

Delegations will find attached a copy of a letter received by the General Secretariat of the Council on 13 April 2018, concerning the prolongation of the temporary reintroduction of borders controls by Norway at its internal borders between 12 May and and 11 November 2018.

E-MAIL / FAX

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ROYAL NORWEGIAN
MINISTRY OF JUSTICE AND PUBLIC SECURITY

The Minister of Justice, Public Security and Immigration

European Commission
European Parliament
General Secretary of the Council

Your ref.

Our ref.

Date
11.04.2018

Reintroduction of temporary controls at the Norwegian internal borders

Recent history has shown that terrorists have used the possibility to move freely within the Schengen territory to plan, prepare and execute terrorist attacks. According to the Norwegian Police Security Service (PST), individuals and groups inspired by an extreme Islamist ideology still represent the most significant terrorist threat to Norway in 2018. Even though the terrorist organisation ISIL has lost its central position in Syria and Iraq, and main parts of its territory, its enemy image and propaganda live on also on the West. In the view of the PST, ISIL will maintain its message to sympathisers in the West of attacking targets in Western countries by simple means and methods. For some sympathisers of ISIL and al-Qaida, Norway is included in the general enemy image and a legitimate target for terrorist attacks.

The PST continuously monitors and evaluates trends and developments nationally and abroad. In its annual threat assessments, the PST assesses the expected developments in its areas of responsibility in the year ahead. The annual threat assessment for 2018 was published on 14. February this year. It includes an assessment of the likelihood of a possible terrorist attack against targets in Norway, and concludes that it is possible that extreme Islamists may attempt to commit a terrorist attack in Norway in the course of 2018.

According to the Frontex Risk Analysis for 2018, the Radicalisation Awareness Network estimated that about 30 % of over 5000 foreign terrorist fighters who resided in Europe, and left to Syria, Iraq or Libya, came back to the continent. As far as the PST knows, there are on the short side of 40 Norwegian-affiliated foreign terrorist fighters in Syria or Iraq. Should they manage to leave the area, and if they return to Europe, they could exploit the freedom of movement to conduct terrorist attacks in Norway.

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Although the numbers of irregular migrants arriving in Norway has declined since the first introduction of internal border control under article 25 and 28 of the Schengen Borders Code 26. November 2015, arrivals to the EU at large have until recently remained high. According to the Frontex Risk Analysis for 2018, over 200.000 detections of illegal border crossings were made at the EU external borders in 2017. Furthermore, over 400.000 cases of illegal stay were detected in the Member States in 2017, the majority of which continue to be associated with the spillover effect of secondary movements of migrants who entered the EU/Schengen area on the Central Mediterranean route.

According to the 2018 Risk Analysis, the number of document fraud detections on secondary movements within the EU/Schengen area increased by almost 9 % in 2017, and reached its second-highest number since 2013. This underscores that establishing the identity of irregular migrants remains a challenge.

It is therefore the assessment of the Norwegian authorities that the potential for significant secondary movements into Norway of migrants with an unclear identity still remains. It should also be considered that terrorists could potentially exploit irregular migratory movements to enter into the European Union.

In light of the above, the Norwegian Government has decided, in accordance with the provisions of Articles 25 and 27 of Regulation (EU) 2016/399 (Schengen Borders Code), to temporarily reintroduce border control at the Norwegian internal borders for six months from 12. May 2018. The temporary reintroduction of internal border control is an exceptional measure of last resort. As such, the carrying out of internal border controls beyond 11. May will be limited in scope, both geographically and operationally, to what is strictly necessary to prevent the possible threats to internal security and public policy.

The controls will initially, as today, be limited to ports with ferry connections to Denmark, Sweden and Germany. The controls will be targeted and based on risk assessment. The relevant authorities will regularly examine and re-evaluate the operational and geographical scope of the controls. It is our assessment that, through this approach, the negative consequences on the free movements of persons and on the internal market will be kept to a minimum, while still achieving the purpose of the controls.

In accordance with the Commission recommendation on proportionate police checks and police cooperation in the Schengen area of 12 May 2017, Norway has been carrying out, and will continue to carry out, intensified police checks in the areas of the Østfold region bordering on Sweden. The Norwegian and Swedish police authorities have a good bilateral cooperation. However, these measures cannot fully substitute internal border control in the Norwegian ports with ferry connections to Denmark, Germany

and Sweden, as it does not provide for the possibility to perform controls based on screening of passenger lists. So far, since the original reintroduction of temporary internal border controls in November 2015, more than 12 million passengers and crew have been screened against relevant registers before arriving on ferries to Norway.

The Norwegian police authorities have a longstanding close cooperation with its Nordic counterparts. This cooperative framework has been, and will continue to be, a central platform for information exchange and discussions on the effects of internal border control. Consultations have also previously been held with relevant German authorities.

Yours sincerely


Tor Mikkel Wara