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NOTE

From:	Danish delegation
To:	Working Party on Frontiers/Mixed Committee (EU-Iceland/Norway and Switzerland/Liechtenstein)
No. prev. doc.:	14985/23
Subject:	Prolongation of border controls at the Danish internal borders in accordance with Articles 25 and 27 of Regulation (EU) 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 12 April 2023 regarding the prolongation of border controls by Denmark at its internal borders for 6 months as of 12 May 2024.

E-MAIL

IM 004862 2024
29-04-2024

Ministry of Justice

Received on
12. 04. 2024

Date: 12 April 2024

Dear Colleagues,

1. Please be informed that the Danish Government, in accordance with the provisions in Article 25 and 27 of Regulation (EU) 2016/399 of 9 March 2016 (Schengen Borders Code), has decided to temporarily reintroduce border controls at the internal borders for a six months period as of 12 May 2024. The border controls may extend to all internal borders, including land, sea, and air borders, whereby the specific border sections and border crossing points are determined by the Danish National Police. The border controls will be carried out at the Danish-German land border and the Danish ports with ferry connection to Germany.

This decision has been reached in order to be able to effectively counter the significant threat to our public policy and internal security caused by terrorists who are able to exploit the free mobility within the Schengen area and the threat from espionage from foreign state intelligence. This notification provides factual information and elaborates on the circumstances and events which give rise to a new serious threat to our public policy and internal security, while considering the free movement of persons in the practical execution of the border controls.

2. First of all, it is the overall assessment of the Centre for Terror Analysis (CTA) under the Danish Security and Intelligence Service (PET) that the terrorist threat to Denmark remains at the level of significant (which is level 4 out of 5). Developments in 2023 – primarily relating to cases of perceived insults to Islam and the conflict between Israel and militant groups in Palestine – have exacerbated the terrorist threat within the current threat level.

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PET has concrete indications of a number of threats targeted against individuals as well as Denmark in general and Danish interests abroad following the Quran desecrations and the conflict between Israel and militant groups in Palestine. The Quran desecrations in 2023 have renewed the perception of Denmark as a prioritized target among militant Islamist groups, resulting in specific threats to targets in Denmark and Danish interests abroad. This increased negative focus on Denmark has contributed to the exacerbated terrorist threat to Denmark and created a renewed focus on Denmark as a prioritized target among militant Islamist groups. On 14 December 2023, a number of individuals in Denmark were remanded in custody (some in absentia) on suspicion of planning a terrorist attack. According to PET's information, the case has links to Hamas and an illegal gang. On 19 March 2024, two individuals were arrested in Germany on suspicion of planning a terrorist attack in the area surrounding the Swedish Parliament in response to the Quran desecrations, which illustrates the seriousness of the threat picture.

The Danish Defence Intelligence Service (DDIS) assesses that Islamic State (IS) and Al Qaida (AQ) still want to revenge the Quran desecrations in Sweden and Denmark.

DDIS assesses that the primary potential terrorist threat emerges from sympathizers inspired by propaganda from the aforementioned groups. Both IS and AQ have in their propaganda encouraged their sympathizers to seek revenge against Denmark and Sweden for the Quran desecrations. Furthermore, both IS and AQ continues to regularly broadcast propaganda on the war between Israel and Hamas, including by urging call for revenge attacks against Israel and its allies. The war has resulted in targeted threats against Europe in propaganda from both IS and AQ. This has contributed to the exacerbated terrorist threat.

In particular, a recent campaign of aggression from IS, in which IS calls on its sympathizers to kill Jews, Christians and their allies, is likely to increase the motivation among its supporters worldwide to carry out attacks in the coming period. This applies for both attacks in Europe and against Western interests outside the West. It is possible that AQ sympathizers in the West will respond to the calls of the AQ leadership and carry out terrorist attacks.

In general, militant Islamism is estimated to be the primary terrorist threat to Denmark. In this regard, it is noted that CTA assesses that since the

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summer of 2012 a substantial number of individuals have travelled from Denmark to the conflict zone in Syria/Iraq. Approximately one third of the travellers have died in the conflict, and approximately half have returned to Denmark or other countries outside the conflict zone. According to CTA's information, one fifth of the travellers from Denmark remain in the conflict zone or in neighboring countries, mainly Türkiye. Some of the individuals from Denmark who have been to the conflict zone in Syria/Iraq may pose a threat to Denmark or Danish interests abroad. Likewise, it is possible that individuals having departed other countries than Denmark including other European countries could potentially pose a threat to Denmark and Danish interests abroad.

Exploitation of refugee and migrant routes has previously been a key element of Islamic State attack planning against targets in Europe, and it is possible that militant Islamist still intend to exploit available routes.

Secondly, Danish Government assesses that the Russian invasion of Ukraine still constitutes an extraordinary and uncertain situation in Europe.

In this connection, the DDIS states that Denmark and the West are faced with a long-term conflict with Russia, who will use an array of different means to create fear and uncertainty in Western countries, including Denmark. The increased tension between Russia and the West means that there is a high and persistent threat of espionage from Russia.

In April 2022, Denmark expelled 15 Russian intelligence officers, and the Danish government introduced parity in September 2023, which further reduced the Russian diplomatic presence in Denmark. However, PET assesses that Russia's need for information gathering in Denmark has increased, and PET therefore expects that Russia will try to use other methods of spying in Denmark. This could be done by posting intelligence officers in Denmark outside the diplomatic representations, e.g., as journalists or business people, by using visiting intelligence officers, or by the Russian intelligence officers to a greater extent recruiting possible Danish sources in Russia or in third countries.

3. Against this backdrop and after careful consideration, the Danish Government considers temporary reintroduction of internal border controls as a necessary and effective measure to address these real and current threats to public policy and internal security.

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This is also supported by the following facts:

- From 19 August 2023 until 15 February 2024 a total of 269 weapons have been confiscated in relation to the border controls against Germany.
- From 19 August 2023 until 15 February 2024 the police have refused entry to 665 persons on the Danish-German border.

Finally, it should be noted that the recent migration developments within the Schengen area remain at a high level. In 2023, approximately 380.000 incidents of irregular entries were recorded which in comparison to 2022 is an increase of 17 percent. The number of filed applications for asylum in EU+ (EU, Norway and, Switzerland) in 2023 were 1,1 million applications, which in comparison to 2022 is an increase of 18 percent.

4. The Danish Government remains committed to the principle of free movement of persons. Please rest assured that the scope of the internal border checks will continue to be limited to what is deemed strictly necessary to respond to the threat to our public policy and internal security. Thus, it remains a matter of priority for the Danish Government that the practical execution of the temporary border controls is carried out in a manner with the least negative impact on persons crossing the border for legitimate reasons and with careful considerations taken to the free movement of persons within the EU.

The Danish police conducts the border controls in cooperation with German law enforcement authorities where cooperation is also established regarding exchange of information.

The border controls are carried out as spot-checks which in terms of quantity, location and intensity are adapted to the expected number of travelers as well as the current intelligence picture, the local conditions and the traffic patterns at the individual border crossing points. The internal border controls are thus substantially different from the systematic control of Denmark's external borders. The Danish National Police have found that the previous border controls have not had a distinctive negative impact on the free movement of persons across the internal borders. This will continue to be a priority for the Danish authorities in close cooperation with the German authorities.

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Please also note, that as previously informed in letters of 14 April 2023 and 13 October 2023 Denmark has decided to strengthen the use of alternative measures in the border regions by increasing the use of intelligent monitoring of the border areas as well as increasing the number of police patrols and the crime-fighting efforts in the border area while at the same time deescalating the intensity of the border control. This restructuring of the police efforts in the border areas is in the final stages of implementation. However, it is the assessment of the Danish Government that alternative measures at this point cannot fully remedy the need for reintroduction of internal border controls. Thus, the reintroduction of internal border controls remains a measure of last resort.

In accordance with the Schengen Borders code, the Danish Government has notified the European Commission about this decision.

Yours sincerely,



Peter Hummelgaard

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