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## NOTE

From:	Danish delegation
To:	Working Party on Frontiers/Mixed Committee (EU-Iceland/Norway and Switzerland/Liechtenstein)
No. prev. doc.:	9445/24
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 11 October 2024 regarding the prolongation of border controls by Denmark at its internal borders for 6 months as of 12 November 2024.

E-MAIL

IM 011271 2024  
11-10-2024

Commissioner Johansson

Ministry of Justice

Date: 11 October 2024

Dear Commissioner Johansson,

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 November 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.

The border controls are temporarily reintroduced in accordance with Regulation (EU) 2016/399 of 9 March 2016. In that connection it shall be noted, that the newly adopted Regulation (EU) 2024/1717 of 13 June 2024 amending Regulation (EU) 2026/399 does not yet apply to Denmark in accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark. The Danish Government is currently in the process to implement the regulation in accordance with Article 4 of the protocol. As such the Commission will be notified of the final decision no later than 24 November 2024.

The decision to temporarily reintroduce border controls at the internal borders 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,

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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 significant (level 4 out of 5), but that the implications of the Quran desecrations and the war between Israel and Hamas continue to exacerbate the terrorist threat to Denmark at the current level.

PET is aware of information indicating the presence of a number of threats to individuals as well as to Denmark and Danish interests abroad as a consequence of the Quran desecrations and the war between Israel and Hamas.

The Quran desecrations in the spring and summer of 2023 continue to generate a significant amount of negative attention, for example from militant Islamist groups, communities and individuals abroad. Among other things, this can be seen from the continued focus in parts of the militant Islamist propaganda. This leads to uncertainty in the current threat landscape, and an increased risk that people entering Denmark may pose a threat to national security.

CTA assesses that the war between Israel and Hamas holds a considerable radicalization and mobilization potential that may prompt spontaneous or premeditated actions, including terrorist attacks, by various threat actors. This may include extremist actors as well as actors that are not necessarily in contact with extremist environments, including individuals associated with organized crime. There is also a possibility that individuals from criminal networks actively support or cooperate with militant groups abroad because of their own personal convictions. Relations of this type may also affect the threat to Denmark from militant groups abroad.

CTA assesses that a further escalation of the war between Israel and Hamas to include other countries/groups in the region, for example Lebanon and Hezbollah, and high numbers of civilian casualties in these countries could potentially further contribute to the radicalization and mobilization potential in Denmark caused by the war in the Middle East and possibly introduce new threat actors. CTA notes that the most recent developments in the war are happening following a longer period of conflict escalation between Hezbollah and Israel.

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The Danish Defence Intelligence Service (DDIS) assesses that the development particularly in the Middle East, but also in Africa, will remain a source of conflicts and humanitarian crises, creating opportunities for terrorist groups to grow stronger and increasing the migratory pressure on Europe. At the same time, the consequences of the war between Israel and Hamas, the armed conflict between Israel and Hezbollah, the war in Ukraine and the stronger global strategic competition will add to the instability influencing developments in the most vulnerable countries in these regions.

DDIS and PET assess that the terrorist threat against the West, including Denmark and Danish interests abroad, increased in 2023 and that this trend will continue in 2024. This is partly due to the Quran desecrations that took place in Denmark and Sweden in the spring and summer of 2023, and in particular due to the war between Israel and Hamas and more recently the conflict between Israel and Hezbollah, as these events have a radicalizing and mobilizing effect in militant Islamist circles in Europe. For example, Islamic State (IS) has sought to exploit the situation both in Gaza and Lebanon to inspire and support terrorist attacks in Europe, among other places, and in early 2024, they launched a global attack campaign against Christians and Jews.

So far, the targets prioritized by IS in 2024 can be linked to their attack campaign (e.g. churches and synagogues), but it is still likely that IS and other terrorist groups will seek revenge for the Quran desecrations. In 2023 and 2024, propaganda from both al-Qaeda (AQ) and IS has encouraged sympathizers to take revenge on Sweden and Denmark for the Quran desecrations. As a result of the Quran desecrations, it is likely that the Scandinavian countries, particularly Sweden and Denmark, will continue to be targets of militant Islamist propaganda against the West.

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

DDIS finds that Denmark and the West are facing a long-term conflict with Russia, which will use a wide variety of means to cause fear and insecurity in Western countries, including Denmark.

In April 2022, Denmark expelled 15 Russian intelligence officers, and in September 2023, the Danish government introduced parity, which led to a

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further reduction of the Russian diplomatic representation in Denmark. However, in PET's assessment, Russia's need for collecting information in Denmark has increased, and therefore PET expects that Russia will attempt to use other methods to conduct espionage in Denmark. This could be by posting intelligence officers in Denmark in positions outside the diplomatic representations, for instance as journalists or business people, by using visiting intelligence officers, or by Russian intelligence officers recruiting Danish sources in Russia or third countries.

In 2024, there have been several examples of how individuals linked to Russia have been responsible for various acts of physical sabotage - including arson and gross vandalism - in a number of European countries. PET assesses that Russia recruits individuals and proxy groups to select targets and carry out the sabotage. Russia may incite recruited individuals to commit malicious acts in their country of residence or another country that they may travel to.

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.

This is also supported by the following facts:

- From 16 February 2024 until 8 August 2024 a total of 205 weapons have been confiscated in relation to the border controls against Germany.
- From 16 February 2024 until 8 August 2024 the police have refused entry to 558 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. While the number of irregular entries into the EU in the first eight months of 2024 had decreased about 39 percent compared to the same period of 2023, the number of filed applications for asylum in the EU+ (EU, Norway and Switzerland) stood at approximately 513.000 by the end of June, according to EUAA, representing a decrease of just 1 % compared to last year.

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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.

Please also note, that as previously informed Denmark has decided to restructure the police efforts in the border areas 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. 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.

The Danish Government will notify the other Member States about this decision.

  
Yours sincerely,  
Peter Hummelgaard

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