C/2026/4089

24.7.2026

COMMISSION OPINION

of 2 June 2026

on the necessity and proportionality of the reintroduction of border control by Norway at its sea borders with ferry connections to (Denmark, Germany and Sweden in accordance with Article 27a(3) of Regulation (EU) 2016/399 (Schengen Borders Code)

(only the English text is authentic)

(C/2026/4089)

(1) In accordance with Article 3(2) of the Treaty on European Union, the Union shall offer its citizens an area of freedom, security and justice without internal frontiers in which the free movement of persons is ensured, in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.

(2) Pursuant to Article 25 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) (codification) ([1]), a Member States may, when confronted with a serious threat to public policy or internal security, exceptionally and temporarily reintroduce border control at all or specific sections of its internal borders. This should only be done as a measure of last resort and the scope and duration of the temporary reintroduction of border control should not exceed what is strictly necessary to respond to the serious threat identified.

(3) Article 25a(4) of the Schengen Borders Code specifies that where a Member State intends to reintroduce border control at internal borders to address a foreseeable serious threat, it is to notify the European Parliament, the Council, the Commission and the other Member States of the planned reintroduction of such control, at the latest four weeks before the planned reintroduction of border control, or as soon as possible where the circumstances giving rise to the need to reintroduce border control at internal borders become known to the Member State less than four weeks before the planned reintroduction.

(4) Norway applies the Schengen *acquis* and participates in the area without controls at internal borders in accordance with 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 ([2]).

(5) Article 27a(3) of the Schengen Borders Code requires the Commission, following receipt of notifications submitted in relation to a prolongation of border control at the internal border under Article 25a(4) which leads to the continuation of border control at internal borders for more than 12 months in total, based on the same grounds, to issue an opinion on the necessity and proportionality of such border control.

(6) The framework for the reintroduction and prolongation of internal border control was substantially revised by Regulation (EU) 2024/1717 of the European Parliament and of the Council ([3]), which entered into force on 10 July 2024. Consequently, the start of all the periods referred to in Title III, Chapter II of the Schengen Borders Code have been calculated from that date.

(7) By letter dated 14 October 2024, the Norwegian authorities notified the reintroduction of border control on the basis of Article 25a of the Schengen Borders Code, at the internal sea borders with ferry connections within the Schengen area (ports of Oslo, Sandefjord, Larvik, Kristiansand, Stavanger, Bergen), from 12 November 2024 until 11 May 2025.

([1]) OJ L 77, 23.3.2016, p. 1.
([2]) OJ L 176, 10.7.1999, p. 36.
([3]) Regulation (EU) 2024/1717 of the European Parliament and of the Council of 13 June 2024 amending Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders (OJ L, 2024/1717, 20.6.2024, ELI: http://data.europa.eu/eli/reg/2024/1717/oj).

(8) By letter dated 11 April 2025, the Norwegian authorities notified the prolongation of the reintroduction of internal border control for an additional period of six months, from 12 May 2025 until 11 November 2025. By letter dated 15 October 2025, the Norwegian authorities notified a second prolongation of the reintroduction of internal border control for a further period of six months, from 12 November 2025 until 11 May 2026. By letter dated 15 October 2025, the Norwegian authorities notified a third prolongation of the reintroduction of internal border control for a further period of six months, from 12 May 2026 until 11 November 2026.

(9) Norway was included in the Commission's structured dialogue on the reintroduction of internal border control. Following the receipt of Norway's notification for a prolongation, this structured dialogue has continued as part of a consultation process provided for by Article 27a(4) of the Schengen Borders Code.

(10) The current state of play at internal borders was described in the State of Schengen Report of 23 April 2025 ([4]) and is regularly discussed at the Schengen Council.

(11) As Norway reintroduced and prolonged the border control at the internal sea borders with ferry connections on the same grounds, for a continued period of more than 12 months in total, the Commission is to issue an opinion on the necessity and proportionality of such border control.

(12) Following an assessment of all the abovementioned notifications, supplemented with the information provided in the framework of the consultation process and other official documents, publicly available, the Commission adopts the following Opinion.

ASSESMENT OF THE NOTIFICATIONS

I. FORMAL REQUIREMENTS

(13) The Commission observes that the reintroduction of internal border control as well as the prolongations thereof were notified in accordance with the time limits set out by Article 25a (4) of the Schengen Borders Code, that is at the latest four weeks prior to the entry into effect of the reintroduction or prolongation of internal border control.

(14) The Commission notes that the notifications were made in accordance with the template established for that purpose by Commission Implementing Decision (EU) 2025/315 ([5]).

(15) Article 27(2) of the Schengen Borders Code requires the MS in situations where the border control has been in place for 6 months to provide a risk assessment in any subsequent notification presenting the scale and anticipated evolution of the serious threat. Whilst a precise assessment of the scale and anticipated duration of the serious threat may be difficult to provide by the national authorities, the Commission notes that the information provided in the notifications does not make a detailed risk assessment pursuant to Article 27(2) of the Schengen Borders Code, taking into account trends in the development of the serious threat in the preceding period of reintroduction of internal border control, and using risk analyses prepared at national level and by the relevant Union agencies.

(16) The Commission notes that Norway did not submit a report in accordance with Article 33(2) of the Schengen Borders Code, which requires a Member State to submit a report on the reintroduction and prolongation of internal border control at the expiry of 12 months, which would have been 12 November 2025.

([4]) COM(2025) 185 final.

([5]) Commission Recommendation (EU) 2024/268 of 23 November 2023 on cooperation between the Member States with regard to serious threats to internal security and public policy in the area without internal border controls (OJ L, 2024/268, 17.2.2025, ELI: http://data.europa.eu/eli/reco/2024/268/oj).

II. NECESSITY AND PROPORTIONALITY

Position of the Norwegian Authorities

(17) The Norwegian authorities invoke a serious threat to public policy and internal security with reference to Norway's position as energy producer and supplier in connection with extensive, continuous intelligence and influence operations and the plausible threat of sabotage to critical on-shore and off-shore infrastructure by Russian intelligence.

(18) In its 2025 national threat assessment report, the Norwegian Police Security Service (PST) states that Russian intelligence has carried out 'dozens' of sabotage actions and disruptive activities using proxy actors since late 2023. It considers it likely that Russian intelligence will try to carry out sabotage actions against targets in Norway in 2025, with the purpose to prevent Norway from making energy deliveries to Ukraine and to negatively influence public opinion on support for Ukraine. Recent intrusions of Norwegian airspace by drones of unknow provenance, causing disruption to civil aviation, confirm a tense security situation.

(19) The Norwegian authorities underline the proportionality of the reintroduction of internal border control, which is limited, both in operational and geographical scope, to what is strictly necessary to prevent possible threats to the internal security and public policy.

(20) The controls are risk based, making use of passenger lists. The majority of checks take place virtually thanks to the extensive use of the possibilities offered by the advance receipt and processing of travel information from maritime operators. On average, in the period from May to December 2025 only 0,12 % of passengers were physically controlled.

(21) The Norwegian Police emphasises that valuable intelligence is gathered through the reintroduction of internal border control, and that it helps to prevent foreign malign actors to travel to Norway.

(22) Norwegian national legislation requires the formal reintroduction of internal border controls to allow authorities to oblige ferries operators to transmit passenger lists to the police. The Ministry of Justice and Public Security has been examining whether a new national legal framework can be established that would allow for the receipt of travel information from maritime operators without the need to resort to the reintroduction of internal border controls.

Commission Observations

(23) The Norwegian authorities have provided information on the various aspects of the identified serious threats to the internal security and public policy as well as arguments to substantiate the necessity and proportionality of the reintroduced border control.

(24) The Commission takes note of the present and serious threat to the on-shore and off-shore energy infrastructure, as established by the Norwegian Police Security Service and supported by past incidents of sabotage and hybrid attacks.

(25) The Commission finds that Norway's notifications lack sufficiently detailed information allowing it to establish how the reintroduction of internal border control helps to address the threat posed by Russian intelligence. The Commission notes that recent attacks on Norway's energy infrastructure took the form of cyber-attacks. The

consistent application by Schengen States of the Commission guidelines of 30 September 2022 on general visa issuance in relation to Russian applicants and controls of Russian citizens at the external borders should serve as an additional means to address the security concerns identified in the notification ([6]).

(26) While the Commission recognises the value of information obtained through the processing of travel information, it notes that Norwegian legislation only allows the police to receive this information following the reintroduction of internal border control.

III. ALTERNATIVE MEASURES

Position of the Norwegian Authorities

(27) The Norwegian authorities put forward two alternative measures in their notifications. However, they submit that these alternative measures cannot fully substitute the reintroduction of internal border control.

(28) Firstly, all Nordic countries participate in a format called the Nordic Police Cooperation and share operational information within the subgroup Nordic Situational Picture. Cooperation is very close, especially in border regions. A new joint police station on the Norwegian-Swedish border in Magnormoen was inaugurated in September 2025.

(29) Secondly, in 2024, Belgium, the Netherlands, Germany, Norway, the UK and Denmark agreed on a Joint Declaration on cooperation regarding protection of critical infrastructure in the North Sea. They cooperate on security measures, share information and knowledge and report relevant information at operational level. The Joint Declaration focuses on resilience and prevention and is therefore complementary to NATO's work, in which all the above-mentioned countries participate.

Commission Observations

(30) The Commission takes note of Norway's close police cooperation as well as exchange of information and intelligence with its direct neighbours.

(31) Norway has not yet adopted the necessary national legislation that would allow the police to receive travel information from maritime operators in the absence of a reintroduction of internal border control.

(32) The receipt and use of travel information related to ferry connection within the Schengen area is allowed under Article 23(a) of the Schengen Borders Code. This article enables the exercise of police or other public powers by the competent authorities of the Member States in their territory, including in their internal border areas, as conferred on them by national law, insofar as the exercise of those powers does not have an effect equivalent to border control ([7]).

(33) The Commission takes into consideration that Norway, as a Schengen Associated Country, does not have access to the same level of information regarding security threats as an EU Member State given its limited participation in cross-border cooperation on combating terrorism and cross-border crime.

([6]) C(2022) 7111 final Communication from the Commission 1. Updating guidelines on general visa issuance in relation to Russian applicants following Council Decision (EU) 2022/1500 of 9 September 2022 on the suspension in whole of the application of the Agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas to the citizens of the European Union and the Russian Federation; and 2. Providing guidelines on controls of Russian citizens at the external borders. Figures would indicate that the Member States are following the guidelines in general: overall number of visas issued to Russian applicants has decreased from more than 4 million visas issued in 2019 to around 0,5 million in 2024. The visa refusal rate has evolved from 1,5 % in 2019 to 7,5 % in 2024.

([7]) Judgment of the Court of 21 June 2022, Ligue des droits humains, Case C-817/19, ECLI:EU:C:2022:491.

(34) The Commission notes that the new Schengen Information System ([8]) as well as the entry into operation of the EES and ETIAS, in which Norway participates, will further secure the external borders ([9]).

(35) The Commission notes that the Norwegian authorities do not elaborate on the statement in their notifications that alternative measures cannot substitute for internal border control.

IV. MITIGATING MEASURES

Position of the Norwegian Authorities

(36) Norway submits that the impact on cross-border travel and the free movement within the area without internal border control is minimal, because of the way in which border control is carried out.

(37) Since 2013, Norway has put in place an online platform, SafeSeaNet Norway, facilitating the reporting obligations of maritime transport operators planning to enter or leave a port situated in the Norwegian territory.

Commission Observations

(38) The notifications submitted by the Norwegian authorities demonstrate their commitment to ensure that the impact of internal border control remains limited as required by Article 26(3) of the Schengen Borders Code.

(39) The Commission notes that border control take place in a targeted and risk-based manner, in order to limit the impact on cross-border travel and that only a very small percentage of passengers is physically checked.

(40) The SafeSeaNet Norway platform has facilitated operations for maritime transport operators.

(41) The Commission finds that the Norwegian notification does not contain information about any further mitigating measures.

([8]) Regulation (EU) 2024/982 of the European Parliament and of the Council of 13 March 2024 on the automated search and exchange of data for police cooperation, and amending Council Decisions 2008/615/JHA and 2008/616/JHA and Regulations (EU) 2018/1726, (EU) No 2019/817 and (EU) 2019/818 of the European Parliament and of the Council (Prüm II Regulation) (OJ L, 2024/982, 5.4.2024, ELI: http://data.europa.eu/eli/reg/2024/982/oj); Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56, ELI: http://data.europa.eu/eli/reg/2018/1862/oj); Regulation (EU) 2025/13 of the European Parliament and of the Council of 19 December 2024 on the collection and transfer of advance passenger information for the prevention, detection, investigation and prosecution of terrorist offences and serious crime, and amending Regulation (EU) 2019/818 (OJ L, 2025/13, 8.1.2025, ELI: http://data.europa.eu/eli/reg/2025/13/oj); Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (OJ L 119, 4.5.2016, p. 132; ELI: http://data.europa.eu/eli/dir/2016/681/oj).

([9]) Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20, ELI: http://data.europa.eu/eli/reg/2017/2226/oj); Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/1240/oj).

(42) Norway has notified its cross-border regions under Article 42b of the Schengen Borders Code.

(43) The Norwegian notification does not explain whether some border regions may be more impacted than others by the reintroduction of border controls at its sea borders with ferry connections to other Member States.

V. RECOMMENDATIONS

(44) The Commission encourages the Norwegian authorities to maintain and further develop their cooperation and information exchange with other Member States, including by – where necessary – updating multi- and bilateral police cooperation agreements with neighbouring Member States.

(45) The Norwegian authorities should make full use of any of the additional alternative measures available as laid out in Commission Recommendation (EU) 2024/268 ([10]) and the possibilities under the revised Schengen Borders Code, reinforcing and complementing existing measures.

(46) Under the Screening Regulation ([11]), which forms part of the Pact on Migration and Asylum, a security check of all relevant databases forms part of both screening at the external borders, as well as within the territory.

Norway should adopt a national legislation allowing the police to receive travel information from maritime transport operators without having to resort to the reintroduction of internal border control, and present a time path for the adoption of such national legislation.

(47) The Commission considers that by adapting its national legislation, the Norwegian authorities would be able to continue to carry out the necessary checks on ferry passengers based on passenger information, allowing it to safeguard Norway's security interest, without having to resort to a formal reintroduction of internal border control. On this basis, the Commissions recommends Norway work towards the phasing out of the reintroduction of internal border control. It will remain in close contact with all Member States concerned to achieve this goal.

Done at Brussels, 2 June 2026.

For the Commission
Magnus BRUNNER
Member of the Commission

([10]) Commission Recommendation (EU) 2024/268 of 23 November 2023 on cooperation between the Member States with regard to serious threats to internal security and public policy in the area without internal border controls (OJ L, 2024/268, 17.1.2024, ELI: http://data.europa.eu/eli/reco/2024/268/oj).

([11]) Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817 (OJ L, 2024/1356, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1356/oj).