C/2026/4099

24.7.2026

COMMISSION OPINION

of 2 June 2026

on the necessity and proportionality of the reintroduction of border control by Slovenia at its internal land borders with Croatia and Hungary in accordance with Article 27a(3) of Regulation (EU) 2016/399 (Schengen Borders Code)

(only the Slovenian text is authentic)

(C/2026/4099)

(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 State 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 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) 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.

(5) 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 ([2]), 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 has been calculated from that date.

(6) By letter dated 22 November 2024, the Slovenian authorities notified the reintroduction of border control on the basis of Article 25a of the Schengen Borders Code, at the Slovenian internal borders with Croatia and Hungary for a period of six months, from 22 December 2024 until 21 June 2025.

(7) By letter dated 22 May 2025, the Slovenian authorities notified the prolongation of this reintroduction for an additional period of six months, from 22 June 2025 until 21 December 2025.

([1]) OJ L 77, 23.3.2016, p. 1.

([2]) 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 20 November 2025, the Slovenian authorities notified the prolongation of this reintroduction for a period of additional six months, from 22 December 2025 until 21 June 2026.

(9) On 30 January 2026 and in accordance with Article 33(2) of the Schengen Borders Code, Slovenia submitted a report on the reintroduction and prolongation of internal border control, for the period between 22 December 2024 and 21 December 2025.

(10) Slovenia was included in the Commission's structured dialogue on the reintroduction of internal border control. Following the receipt of Slovenia'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.

(11) The current state of play at internal borders was described in the State of Schengen Report of 23 April 2025 ([3]) and is regularly discussed at the Schengen Council.

(12) Following receipt of notifications submitted in relation to a prolongation of border control at the internal border under Article 25a(4) of the Schengen Borders Code which leads to the continuation of border control at internal borders for 12 months in total, the Commission is to issue an opinion on the necessity and proportionality of such border control, as provided for by Article 27a(3) of the Schengen Broders Code. This obligation arose with the receipt of the notification of a prolongation of border control at all internal land borders on 22 May 2025.

(13) Following an assessment of all the above-mentioned notifications and the report, supplemented with the information provided by Slovenia in the framework of the consultation process and other official documents, publicly available, the Commission adopts the following Opinion.

ASSESSMENT OF THE NOTIFICATIONS AND REPORT

I. FORMAL REQUIREMENTS

(14) In the framework of notifications, the Schengen Borders Code imposes several formal obligations on the Member States.

(15) 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.

(16) The notifications were made in accordance with the template established for that purpose by Commission Implementing Decision (EU) 2025/315 ([4]).

(17) Article 27(2) of the Schengen Borders Code requires the Member States, in situations where the border control has been in place for six months to provide a risk assessment in any subsequent notification presenting the scale and anticipated evolution of the serious threat underlying the reintroduction of internal border control. 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 Slovenian authorities have not provided a risk assessment which takes into account trends in the development of the serious threat in the preceding period of reintroduction of internal border control, and uses risk analyses prepared at national level and by the relevant Union agencies

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

([4]) Commission Implementing Decision (EU) 2025/315 of 14 February 2025 establishing a template for the notification of the temporary reintroduction or prolongation of border control at internal borders (OJ L, 2025/315, 17.2.2025, ELI: http://data.europa.eu/eli/dec_impl/2025/315/oj).

(18) Finally, the report on the reintroduction and prolongation of internal border control, based on Article 33(2) of the Schengen Borders Code, was due on 22 December 2025 (at the expiry of 12 months) and was submitted on 26 January 2026.

II. NECESSITY AND PROPORTIONALITY

Position of the Slovenian Authorities

(19) In all their notifications the Slovenian authorities invoke the existence of a serious threat to public policy and internal security, arising in particular from a high level of terrorist threats and organised crime in the Western Balkan region, including human smuggling and arms trafficking, the risk of terrorist infiltration within migratory flows along the Balkan route as well as hybrid threats from the Russian Federation and Belarus. This security threat was exacerbated by the Winter Olympic Games which Italy was going to host in February 2026, which means that enhanced security and additional measures at the internal borders were going to be necessary due to the geographical proximity of the event.

(20) The Slovenian authorities make reference to the unstable environment in the Union's neighbourhood, including Russia's war of aggression against Ukraine, numerous crisis situations in the Sahel, the Horn of Africa and the Great Lakes region as well as the situation in the Middle East, with instability having further increased following the fall of the Assad regime in Syria in December 2024.

(21) The Slovenian authorities point at:

— the risk of radicalised persons and members of terrorist groups, in particular foreign terrorist fighters, infiltrating migration flows;

— the threat assessments of the Slovenian Inter-Ministerial Working Group on Counter-Terrorism of 16 September 2025 and subsequently confirmed on 6 March, 25 November 2025, and most recently, on 16 January 2026, maintaining threat level MEDIUM (the third of five levels);

— the elevated threat levels in other Member States and the interconnectedness of the Schengen area without internal border control;

— the continuously high number of illegal border crossings along the Western Balkan route, in particular the section of the route leading from Bosnia and Herzegovina through Croatia to Slovenia;

— the strong presence of organised criminal groups in the Western Balkans, engaging in arms trafficking and human smuggling, leading to the uncontrolled departure from reception centres;

— the high risk of illegal arms trafficking in the context of the Russia's war of aggression against Ukraine, given a large quantity of abandoned weapons and other military equipment.

(22) The Slovenian authorities submit that the reintroduction of internal border control enables the Police Authority to identify persons entering the country and to check their data in relevant databases, including the Schengen Information System (SIS) and Interpol databases.

(23) The Slovenian authorities report that from 22 December 2024 to 21 December 2025, 27 747 unauthorised border crossings were recorded, of which 26 229 at the internal borders with Croatia and Hungary. No arrests were made on the suspicion of terrorist offences or human trafficking. From 1 January to 29 December 2025 Slovenian police apprehended 225 people involved in the smuggling of a total of 1 130 migrants.

(24) The Slovenian authorities report 47 hits in the period from 1 January 2025 to 18 November 2025 on the basis of Article 36(4) of Regulation (EU) 2018/1862 of the European Parliament and of the Council ([5]), which allows for a registration in SIS of alerts on persons for discreet checks, inquiry checks or specific checks in order to prevent a serious threat posed by the person concerned or other serious threats to internal or external national security.

(25) The Slovenian authorities report that from 22 December 2024 to 21 December 2025 2 263 third country nationals were issued with a refusal of entry decision. A total of 344 person was readmitted under pre-existing bilateral readmission agreements or arrangements.

(26) The Slovenian authorities point out that although the number of unauthorised border crossings has decreased in Slovenia during 2025, the overall figure of such border crossings remains high at 28 200. In addition, from 1 January until 8 March 2025, the Slovenian police recorded 4 099 unauthorised border crossings, which represents a 50,9 percent increase as compared to the same period in 2024.

(27) In their report the Slovenian authorities acknowledge that the effect that internal border control has had on the identified serious threats cannot be easily and unambiguously determined.

Commission Observations

(28) The Slovenian 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.

(29) Whilst the difficult global security situation may give rise to serious concerns for Member States' national security, the notifications do not provide sufficient information explaining how the global security environment affects Slovenia specifically, in particular at its borders with Croatia and Hungary.

(30) The Commission notes that the Slovenian authorities link illegal migration with serious threats posed by terrorism and organised crime. However, unauthorised border crossings do not in and of themselves constitute a serious threat. The Commission points out that the European Border and Coast Guard Agency has observed a 78 % fall in detections of unauthorised border crossings on the Western Balkan route in 2024 as compared to 2023. This downward trend continued in 2025, owing to increased collective efforts to protect the EU's external borders, and cannot be solely attributed to the reintroduction of internal border control by Slovenia. In 2025, according to the EU's Integrated Situation Awareness and Analysis, the total number of unauthorised border crossings along the Western Balkan route decreased for the third year in a row, with 41 percent (12 687 in 2025 as compared to 21 637 in 2024).

(31) The reintroduction of internal border control may contribute to the detection of unauthorised border crossings into a Member State's territory as well as to the apprehension of terrorists, human smugglers or persons suspected of other forms of organised crime, as would do any other form of police checks within the territory and specifically in border areas.

(32) The Slovenian authorities have submitted a legitimate concern as regards the risk of members of terrorist groups infiltrating migratory flows, pointing at the identification of individuals who pose a serious threat to internal or external security on the basis of Article 36(4) of Regulation (EU) 2018/1862.

([5]) 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).

(33) While the Commission acknowledges that the Slovenian-Italian land border is part of the Balkan route, along which many illegal migrants travel, it remains unclear how the risks associated with the Winter Olympics materialise specifically at the Slovenian-Italian border.

(34) The Commission cannot, based on the information provided in the notifications and report, establish in detail how the reintroduction of internal border control has addressed the serious threat to public policy or national security identified by Slovenia.

(35) The there is no explanation given as to why alternative measures, including police checks in border areas and cross-border police cooperation, are insufficient to replace the reintroduction of internal border control and what legal and/or practical obstacles need to be cleared in order for internal border control to be replaced by alternative measures.

(36) The notifications do not state specific reasons justifying the choice of the temporal scope of the decision to reintroduce internal border control. The notification states that the security situation is not expected to improve over the course of six months, but no additional explanation is given.

(37) Finally the Commission observes that the human resources mobilized for the border control at the internal borders with Hungary and Croatia are not available for the deployment at Slovenia's external borders and do not contribute to the operationalisation of alternative measures.

III. ALTERNATIVE MEASURES

Position of the Slovenian Authorities

(38) The Slovenian authorities notify that they engage in close police cooperation based on bilateral agreements with all neighbouring Member States.

(39) Regional cooperation with Croatia and Hungary takes place in the framework of the Dolga Vas Centre for Law Enforcement Cooperation. In addition, the cooperation between Slovenia, Croatia and Hungary is carried out through mixed patrols to prevent cross-border crime and detect unauthorised border crossings, with particular attention paid to detecting persons based on terrorism and extremism indicators.

(40) The Slovenian authorities engage in a continuous exchange of operational and statistical data concerning problems affecting the shared internal borders, as well as in other forms of police cooperation, with its neighbouring Member States.

(41) Since November 2023, new initiatives to strengthen operational cooperation at regional level have been developed and swiftly advanced. On 20 January 2025, a trilateral Memorandum of Understanding was signed between Slovenia, Croatia and Italy in which the countries agreed on deploying joint patrols, in order to eliminate security threats and ensure proper function of the Schengen area with the ultimate objective of lifting temporarily introduced internal border controls between Italy and Slovenia, and between Slovenia and Croatia.

(42) Important advances have been made in relation to the establishment of trilateral patrols at the Croatian external border with Bosnia and Herzegovina. The first pilot patrols have commenced in June 2025, with mixed patrols performing joint border control. Monthly technical meetings are held to facilitate information exchange on illegal migration along the Balkan route.

(43) Slovenian police continue to participate in the Operational Task Force ZeBRa, which carries out complex criminal investigations that aim to disrupt organised crime groups operating in the Western Balkans region.

(44) Slovenia is a member of several regional cooperation initiatives, such as Brdo Process and Salzburg Forum.

Commission Observations

(45) The Commission takes note of Slovenia's active application of alternative measures accompanying and limiting the impact of the reintroduction of internal border control.

(46) The Commission notes Slovenia's active part in regional cooperation on migration and security with its neighbouring Member States, as well as other countries in the region, including under the 'whole of route' approach covering the Western Balkan route.

(47) Slovenia has made significant advances on strengthening regional cooperation between border and police authorities, including with the establishment of trilateral patrols at the external Schengen border under the trilateral Memorandum of Understanding between Slovenia, Croatia and Italy on 20 January 2025. These initiatives serve as examples of successful alternative measures aimed to address migration and security concerns.

(48) The Commission notes the signature of the status agreement between the Union and Bosnia and Herzegovina, which enables deployments in that country of joint operations by the European Border and Coast Guard Agency. This status agreement applies provisionally. As of 5 November 2025, over 100 standing corps have been deployed under a joint operation at seven Bosnia-Herzegovinian border crossing points and Sarajevo Airport.

(49) The Commission observes that negotiations on an updated bilateral police cooperation agreement between Croatia and Slovenia have stalled.

(50) The Slovenia authorities have not provided sufficient information to establish why intensified cross-border police cooperation, complemented by police checks in border areas, cannot provide a sufficient alternative to the reintroduction of internal border control.

(51) The scale and nature of alternative measures that have been put in place by the Slovenian authorities, in close cooperation with its neighbouring Member States, should allow for a gradual lifting of internal border control without compromising security.

(52) The Commission recalls that should Slovenia decide to replace internal border control with police checks, Article 25 of the Schengen Borders Code will continue to allow the Slovenian authorities to immediately reintroduce internal border control to address a serious threat to public policy and national security that arises unexpectedly due to unforeseeable events.

IV. MITIGATING MEASURES

Position of the Slovenian Authorities

(53) The Slovenian authorities submit that border checks are executed in a targeted manner based on risk analyses and established risk profiles, as well as information received from the Police Authorities of neighbouring countries.

(54) Only at border crossing points for international road traffic (14 in total) and border crossing points for international rail traffic (8 in total), border control is conducted on a continuous basis, albeit always targeted and risk based. No permanent infrastructure was established for the purpose of these checks.

(55) The checks are carried out in such a way as to minimise their impact on cross-border passenger flows, the environment and the economy and in particular on the lives of persons living in border regions.

(56) To ensure that the public was well informed about the reintroduction of internal border control, the list of border crossing points where crossing the national border is allowed for the duration of the temporary reintroduction of controls was published in the Official Gazette of the Republic of Slovenia and shared by the responsible authorities via different communication channels.

Commission Observations

(57) The notifications submitted by the Slovenian 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.

(58) 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.

(59) The specific information on the effect of the reintroduction of internal border control on the cross-border regions that are most concerned by the reintroduction of internal border control is lacking from the notifications and report, even if this impact may be limited.

(60) Slovenia has taken steps, under the guidance of the Commission and in close cooperation with its neighbouring Member States, to ensure the fluidity of traffic at the internal land crossing points where the controls have been reintroduced.

(61) The Commission has not received any complaints or alerts of major traffic disruptions as a result of the reintroduction of internal border control, although occasional delays have been reported, in particular at the Slovenian-Croatian border during the holiday seasons.

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

(63) The Slovenian authorities listed the cross-border regions affected by reintroduced control per internal border section but specific information on the effect of the reintroduction, even if limited, on the cross-border regions that are most concerned, namely the Police Directorates of Koper, Ljubljana, Novo mesto, Celje, Maribor, and Murska Sobota, is lacking.

V. RECOMMENDATIONS

(64) Slovenia should make full use of the available alternative measures as laid out in Commission Recommendation (EU) 2024/268 ([6]) and the possibilities under the Schengen Borders Code. These measures should reinforce and complement existing measures. Alternative measures may constitute a more efficient and effective means to ensure a high level of security, without the need to reintroduce internal border control, targeting specifically terrorist threats as well as organised crime groups in the Western Balkan region, in particular those involved in human smuggling.

(65) Security concerns are the main reasons put forward by Slovenia justifying the reintroduction of internal border control. EU law already provides a range of tools to help address these concerns. Member States should make full use of existing mechanisms to enhance security and cooperation. These include the Prüm II Regulation, the new Schengen Information System and the new Advance Passenger Information and Passenger Name Record legislation ([7]). The entry into operation of the EES and ETIAS will further secure the external borders ([8]).

(66) The Commission points out that pursuant to the Screening Regulation ([9]), 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.

(67) The Commission encourages the Slovenian authorities to further develop and where required revise their bilateral cooperation agreements with neighbouring Member States, in particular the police cooperation agreement with Croatia.

(68) The Slovenian authorities should continue and further develop their existing trilateral cooperation with Italy and Croatia while also building upon other regional cooperation initiatives involving Member States and other countries in the Western Balkan.

([6]) 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).

([7]) 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; 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).

([8]) 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. 20–82, 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).

([9]) 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).

(69) The Commission submits that, that the way in which border checks take place, namely in the form of risk-based spot checks, remains possible under Article 23 of the Schengen Borders Code, without having to resort to an official reintroduction of internal border control or having to compromise on security, provided that these checks do not have an equivalent effect to border checks, requiring that their frequency, intensity and duration remain limited ([10]).

(70) The Commission considers that the successful cooperation with neighbouring Member States and third countries, as well as the application of alternative measures, provide a solid basis upon which Slovenia can work now towards the gradual lifting of internal border control, without having to compromise on its security. 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]) Judgment of the Court of 21 June 2017, criminal proceedings against A, Case C-9/16 (OJ C 277, 21.8.2017, p. 10).