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COMMISSION OPINION

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

(only the German text is authentic)

(C/2026/4090)

(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(4) of the Schengen Borders Code specifies that where a Member State intends s 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 have been calculated from that date.

(6) By letter dated 9 September 2024, the German authorities notified the reintroduction of border control on the basis of Article 25a of the Schengen Borders Code, at the internal land borders with Belgium, Denmark, France, Luxembourg, and the Netherlands for a period of six months, from 16 September 2024 until 15 March 2025. In the same letter, the German authorities announced the reintroduction of border control at the internal land borders with Austria, as of 12 November 2024, and with Poland, Czechia and Switzerland as of 16 December 2024.

([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).

(7) By letter dated 15 October 2024, the German authorities submitted the notification template for the reintroduction of border control at the internal land border with Austria, for a period of 4 months and 3 days, from 12 November 2024 until 15 March 2025.

(8) By letter dated 10 December 2024, the German authorities submitted their notification for the reintroduction of border control at the internal land borders with Czechia, Poland and Switzerland, from 16 December 2024 until 15 March 2025.

(9) By letter dated 12 February 2025, the German authorities notified the prolongation of all above-mentioned reintroductions for an additional period of six months, from 16 March 2025 until 15 September 2025.

(10) On 7 May 2025, the German authorities publicly announced a progressive intensification of border control at its internal land borders. At the same time, a ministerial instruction ('Weisung') was issued, which enabled the refusal of entry at the internal border of asylum applicants.

(11) Following the announcement of the progressive intensification of internal border control at all internal land borders, the Commission services did not receive an update of the notification made on 12 February 2025 but were informed during contacts with the Schengen Coordinator, including at a meeting with the German authorities on 28 May 2025.

(12) By letter dated 18 August 2025, the German authorities notified a second prolongation of the reintroduction of border control at all internal land borders for a further period of six months from 16 September 2025 until 15 March 2026.

(13) By letter dated 12 February 2026, the German authorities notified a third prolongation of the reintroduction of border control at all internal land borders for a further period of six months on the same grounds, from 16 March 2026 until 15 September 2026.

(14) On 18 March 2026, and in accordance with Article 33(2) of the Schengen Borders Code, Germany submitted a report on the reintroduction and prolongation of border control at its internal land borders, with Belgium, Denmark, France, Luxembourg, and the Netherlands for the period between 16 September 2024 and 15 September 2025, at its land border with Austria for the period between 12 November 2024 and 11 November 2025, and at its land borders with Czechia, Poland and Switzerland for the period between 16 December 2024 and 15 December 2025.

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

(16) 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.

(17) 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. For the prolongation of border control at the internal land borders with Belgium, Denmark, France, Luxembourg, and the Netherlands, this was the notification submitted on 12 February 2025. For the prolongation of border control at the internal land borders with Austria, Czechia, Poland and Switzerland, this was the notification submitted on 18 August 2025.

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

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

ASSESSMENT OF THE NOTIFICATIONS AND THE REPORT

I. FORMAL REQUIREMENTS

(19) In the framework of the reintroduction of internal border control, the Schengen Borders Code imposes several formal obligations on the Member States.

(20) Article 25a(4) SBC requires Member States, where a serious threat to public policy or internal security is foreseeable in a Member State, to notify the European Parliament, the Council, the Commission and the other Member States at the latest four weeks before the planned reintroduction of border control.

(21) The Commission observes that the notifications of 16 September 2024 were submitted less than four weeks prior to the entry into effect of the reintroduction of internal border control. The Commission stresses that compliance with the obligation to timely submit a notification can only be dispensed with in case the circumstances giving rise to the need to reintroduce internal border control become known to the Member State less than four weeks before the planned reintroduction.

(22) The notifications for the prolongations of internal border control were made making use of the template established for this purpose by Commission Implementing Decision (EU) 2025/315 ([4]).

(23) Germany has not indicated the names of the authorised crossing points in its notifications as required by Article 27(1)(c) of the Schengen Borders Code.

(24) 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 information provided by the German authorities 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.

(25) The notifications made by Germany lack a detailed risk assessment and information on the sudden large-scale unauthorised movements pursuant to Article 27(3) of the Schengen Borders Code. In addition, this assessment does not include information obtained from the relevant Union agencies in line with their respective mandates or data analysis from relevant information systems as required by this same provision.

(26) The report on the reintroduction and prolongation of internal border control, based on Article 33(2) of the Schengen Borders Code, which Germany was to submit at the expiry of 12 months (on 16 September 2025 for Belgium, Denmark, France, Luxembourg, and the Netherlands; on 12 November 2025 for Austria, and on 16 December 2025 for Czechia, Poland and Switzerland) was submitted on 18 March 2026.

([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).

(27) The report on the reintroduction and prolongation of internal border control follows the uniform format established by Commission Implementing Decision (EU) 2025/308 ([5]).

II. NECESSITY AND PROPORTIONALITY

Position of the German Authorities

(28) In all their notifications the German authorities indicate the existence of a serious threat to public policy or internal security arising from an exceptional situation characterised by sudden large-scale unauthorised movements of third country nationals, within the meaning of Article 25(1)(c) of Regulation (EU) 2016/399, as the justification for the reintroduction of internal border control. In addition, the notifications refer to general challenges related to migration and security.

(29) As regards the migration situation, the German authorities refer to the cumulative effect of the high number of asylum seekers, unauthorised movements of third country nationals, and Ukrainian beneficiaries of temporary protection, and the ensuing strain on the public services, particularly the admission, integration and reception system of the Länder and municipalities, as well as the judiciary, public education and social welfare, adding to social tensions and polarisation among the public. The German authorities underline that it is important to consider not only the current illegal migration situation, but also the steady influx of illegal migration over recent years and the resulting strain on systems of admission and integration, migration authorities and courts, public education and social welfare systems. This situation affects not only particular segments of the German borders, but the entire federal territory.

(30) As regards the security situation, the German authorities refer to global security developments, including Russia's ongoing war of aggression against Ukraine, the security situation in the Middle East, the fragile situation and developments in Afghanistan and Syria, and the escalation between Israel and Iran.

(31) The temporary reintroduction of border control at internal borders makes it possible to identify at an early stage those individuals who pose a (terrorist) threat and to respond with relevant police measures. In the respective reporting periods covered by the report based on Article 33(2) of the Schengen Borders Code, the German authorities apprehended almost 1 500 persons associated with politically motivated crime.

(32) The German authorities refer to a succession of attacks and violent crimes, particularly those involving knives, adding to a sense of insecurity among the public.

(33) The German authorities consider the reintroduction of border control at its internal borders to be both necessary and proportionate in light of the current deficiencies in external border management and the malfunctioning of the Dublin system, preventing Dublin transfers to relevant Member States.

(34) The German authorities point at the strong deterrent effect of reintroduced internal border control as regards human smuggling and illegal migration. The German authorities have detected approximately 83 600 unauthorised entries in 2024 and approximately 63 000 unauthorised entries in 2025. In addition, the Federal Police recorded 1 500 instances of migrant smuggling by approximately 1 600 smugglers.

(35) The German authorities consider that alternative measures, such as police checks in border areas, the use of technology (such as drones, surveillance cameras, Automatic Number Plate Recognition) as well as cross-border police and readmission cooperation between neighbouring Member States have been exhausted and are not sufficiently effective to act as substitute for the reintroduction of internal border control.

([5]) Commission Implementing Decision (EU) 2025/308 of 14 February 2025 establishing a uniform format for the report on the reintroduction or prolongation of border control at internal borders in accordance with Article 33 of Regulation (EU) 2016/399 of the European Parliament and of the Council (OJ L, 2025/308, 17.2.2025, ELI: http://data.europa.eu/eli/dec_impl/2025/308/oj).

(36) The case law of the Federal Constitutional Court imposes limits on the systematic use of number plate recognition systems. Moreover, technical tools may be able to identify vehicles and persons but cannot verify the entry conditions for third country nationals.

(37) The German authorities submit that in the absence of a reintroduction of internal border control, national law does not allow the German Police Authority to carry out border checks solely on the ground of crossing the border and take immediate measures to refuse entry to persons who do not fulfil the entry conditions. These checks further enable the prevention and early detection of human smuggling, in a more targeted manner, protecting also the victims of human smuggling.

(38) The German authorities submit that border checks at the internal land border are carried out in moderation and adapted to the situation at each internal border section in order to minimise their impact on cross-border traffic and avoid its unnecessary disruption, in compliance with the principle of proportionality. The intensity, location, length and extent of border checks are adapted depending on, *inter alia*, the situation at the internal land border and the local traffic infrastructure. For this reason, the German authorities have not submitted a list of authorised border crossing points.

Commission Observations

(39) The German 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 internal border control.

(40) The Commission notes that, whilst the difficult global security situation may give rise to serious concerns for Member States' national security, the notifications do not provide sufficient analysis explaining how the global security environment affects Germany specifically, and how this threat materializes at specific parts of the internal land borders where the controls have been reintroduced.

(41) The Commission cannot, based on the information provided in the notifications, establish in detail how the reintroduction of internal border control will address the serious threat to public policy or national security identified by Germany, especially in relation to violent crimes perpetrated by persons who are already present in the national territory.

(42) The Commission acknowledges that Germany is facing a complex migration situation, as evidenced by data on the overall number of asylum applications, including those lodged following an unauthorised entry, by applicants for international protection registered in another Member State, by beneficiaries of international protection in another Member State, as well as the number of permits issued to the family members of recognised refugees for the purpose of family reunification. Germany's capacity to provide adequate reception conditions for applicants for international protection has also been affected by the need to support beneficiaries of temporary protection following the Russia's war of aggression against Ukraine.

(43) The Commission notes that unauthorised movements of third country nationals may constitute grounds for a reintroduction of internal border control if these unauthorised movements pose a serious threat to public policy or internal security. In this regard, in its article 25(1)(c) of the revised Schengen Borders Code refers specifically to the situation in which sudden large-scale unauthorised movements of third-country nationals between the Member States put a substantial strain on the overall resources and capacities of well-prepared competent authorities and which is likely to put at risk the overall functioning of the area without internal border control.

(44) The Commission acknowledges that deficiencies in external border control may constitute a reason to reintroduce internal border control if these deficiencies pose a serious threat to public policy or internal security. In this regard, it must be noted that Article 29(2) of the Schengen Borders Code also provides for a specific procedure under which the Council may, in exceptional circumstances, recommend that one or more Member States reintroduce border control at all or at specific parts of their internal borders, where the overall functioning of the area without internal border control is put at risk as a result of persistent serious deficiencies relating to external border control and insofar as those circumstances constitute a serious threat to public policy or internal security.

(45) Recent data show that both the European and national migratory situation have significantly improved. The European Border and Coast Guard Agency has observed a sharp drop in the Union of unauthorised border crossings at the external borders in 2024. In 2025, according to the EU's Integrated Situation Awareness and Analysis, unauthorised border crossings at the EU's external borders decreased by a quarter compared to 2024 (180 429 in 2025, as compared to 240 199 in 2024). According to publicly available data provided by the German authorities, in 2024 the number of first asylum applications fell by 30,2 % ([6]). This downward trend accelerated in the first nine months of 2025, during which the number of first asylum application fell by an additional 51 % ([7]). This decline is part of a wider trend 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 Germany.

(46) The reintroduction of internal border control may contribute to the detection of unauthorised border crossings into a Member State's territory, facilitate swift readmissions at the internal border and ensure that secondary movements of applicants for international protection are swiftly detected, which would allow for the correct application of the Dublin Regulation's rules ([8]) on the allocation of responsibility for examining an asylum application. However, the information provided in the notifications on the number of apprehensions and readmissions does not show the development of these numbers over time, nor does it justify the general prolongation of a reintroduction of internal border control and its progressive reinforcement at all internal land borders without distinction.

(47) The Commission underlines that the reintroduction of internal border control does not alter Germany's obligations under the applicable rules of EU law on asylum and return. Compliance with the EU's asylum and return acquis at the reintroduced internal borders prevents further unauthorised movements and allows for an appropriate follow-up in case a person has been identified as a security risk.

(48) The Commission notes that on 2 June 2025, the Berlin Administrative Court took an interim measure against the German authorities' refusal to apply the provisions of the Dublin Regulation to three asylum applicants at the internal border with Poland ([9]). This does not yet constitute a final decision in the main proceedings of the court.

(49) The Commission has received information from Germany's neighbouring Member States of direct turn backs at the internal border outside the framework of existing readmission agreements or arrangements, raising security concerns as well as questions as regards the effectiveness and legality of such an approach.

([6]) Bundesamt für Migration und Flüchtlinge. (2024). *Aktuelle Zahlen, Ausgabe: Dezember 2024*. https://www.bamf.de/SharedDocs/Anlagen/DE/Statistik/AsylinZahlen/aktuelle-zahlen-dezember-2024.pdf?__blob=publicationFile&v=3.

([7]) Bundesamt für Migration und Flüchtlinge. (2025). *Aktuelle Zahlen, Ausgabe: September 2025*. https://www.bamf.de/SharedDocs/Anlagen/DE/Statistik/AsylinZahlen/aktuelle-zahlen-september-2025.pdf?__blob=publicationFile&v=4.

([8]) Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 31).

([9]) VG Berlin, Beschluss vom 2.6.2025, VG 6 L 191/25, ECLI:DE:VGBE:2025:0602.6L191.25.00; VG Berlin, Beschluss vom 2.6.2025, VG 6 L 192/25, ECLI: DE:VGBE:2025:0602.6L192.25.00; VG Berlin, Beschluss vom 2.6.2025, VG 6 L 193/25, ECLI:DE:VGBE:2025:0602.6L193.25.00.

(50) The notifications do not state specific reasons for the choice of the geographical and temporal scope of the decision to reintroduce internal border control. There is no explanation as to why a six-month duration, rather than a shorter period, seems most appropriate. There is no explanation for the reintroduction of border control at all internal land borders without distinction, which would imply that the level of the serious threat to public policy and internal security is the same at all internal land borders.

(51) The Commission takes note of the German authorities' stated intent to carry out internal border control in a manner that limits the impact on cross-border traffic. The Commission further observes that the progressive intensification of internal border control announced on 7 May 2025 was verbally notified to the Commission services but has not been reflected in its subsequent notifications.

(52) The Federal Police Commissioner, in his annual report of 8 July 2025, denounced the strain that is put on the national police force by the overall reintroduction of internal border control, coming at the expense of normal policing duties, and called for a more tailored approach to the reintroduction of internal border control based on regional conditions ([10]).

III. ALTERNATIVE MEASURES

Position of the German Authorities

(53) The German authorities state that the alternative measures recommended by the Commission in its Recommendations of 23 November 2023 ([11]) are insufficient to counter the serious threat to public policy and internal security as identified on their territory.

(54) Moreover, police checks within the territory based on national law and mentioned in Article 23 of the Schengen Borders Code, most notably random spot checks, will continue to be carried out throughout the border area.

(55) The German authorities submit that police checks carried out within the territory cannot substitute for the reintroduction of internal border control, as under German law, they cannot be used to check entry conditions. Only a reintroduction of internal border control allows for a check on persons based solely on the fact that they cross an internal border and to issue a refusal of entry decision.

(56) The German authorities submit that, as a general rule, decisions on refusals of entry to German territory are communicated to neighbouring Member States within the framework of close border police cooperation. The same applies to readmission within the framework of bilateral readmission agreements.

(57) The German authorities state that the use of technology, such as drones, surveillance cameras and Automatic Number Plate Recognition (ANPR) is based on national law and may, depending on which technology is used, come with stricter requirements for their use than internal border control. Six systems for camera surveillance and ANPR are already in use for situation-based and non-systematic surveillance. These systems cannot, however, according to the German authorities, substitute the reintroduction of internal border control, as they are not focused on detecting and preventing illegal migration and can merely support the Federal Police's control tasks.

(58) Germany's Federal Police work closely with their partner authorities in the neighbouring countries. It has law enforcement agreements in place with all neighbouring Member States and is engaging in active discussions to update the existing agreements with Austria, Denmark, France, Luxembourg and the Netherlands.

([10]) Deutscher Bundestag Drucksache 21/750 --- Tätigkeitsbericht des Polizeibeauftragten über den Zeitraum vom 1. Juli 2024 bis zum 30. Juni 2025.

([11]) 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).

(59) According to the German authorities, police cooperation may vary in the different regions and is adapted to the needs on both sides of the border. This cross-border cooperation includes regular information-sharing and the coordination of (joint) measures along the common borders and in the border area, in particular joint patrols, but also training and joint risk-assessments.

(60) Joint Police and Customs Cooperation Centres and/or Joint Liaison Offices have been permanently established at all German internal land borders. Security authorities from the border regions work together there, coordinate and support cross-border operations and exchange information on the situation. In addition, liaison officers from the Federal Police are deployed at the Thörl-Maglern Police Cooperation Centre with Austria, Slovenia and Italy.

(61) The Federal Police create joint evaluation products at the central, local, and regional levels with foreign partner authorities.

Commission Observations

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

(63) The Commission has been informed by neighbouring Member States of a lack of information exchange at the reintroduced internal borders, in particular in the application of bilateral readmission agreements.

(64) The Commission welcomes the initiatives to update bilateral police cooperation agreements with Austria, Denmark, France, Luxembourg and the Netherlands.

(65) The Commission notes that Germany has readmission agreements in place with all neighbouring Member States. It welcomes recent initiatives with France and Luxembourg to come to practical arrangements for the application of the transfer procedure under Article 23a of the Schengen Borders Code.

(66) The Commissions recalls that even in the absence of a reintroduction of internal border control, Member State' authorities may continue to exercise public powers, including those aimed at reducing illegal migration in internal border areas. In this regard, the Commission notes that the limits to the use of alternative measures, in particular the use of technology and police checks in border areas, are provided in national law.

IV. MITIGATING MEASURES

Position of the German Authorities

(67) The German authorities declare that internal border checks are carried out proportionately and based on the situation on the ground, with scope and intensity adapted to traffic conditions to minimise disruption for commuters, businesses, and travellers.

(68) The German authorities engage in an ongoing and close dialogue takes at different levels with local authorities in the cross-border regions and with the authorities of neighbouring countries, particularly regarding the impact of the temporary reintroduction of border control at internal borders.

(69) The German authorities have taken traffic safety measures, including incremental speed reductions on busy roads, that are implemented as needed and coordinated with national, regional, and international partners.

(70) The German authorities continuously adapt local traffic management measures in consultation with authorities to ease congestion, with mitigation steps taken promptly when necessary.

(71) The German authorities have set up a nationwide monitoring system to detect and address short-term negative effect on cross-border traffic. So far there have been no major or lasting disruptions observed and there have been no records of delays lasting more than 30 minutes due to congestion caused by checks on cross-border traffic entering the country.

(72) The German authorities have informed the logistics sector of the reintroduction of internal border control through the Ministry for Transport and a dedicated contact point has been made available. There have been no significant complaints.

(73) The German authorities have optimised traffic infrastructure where possible. They have proposed relocating control points onto neighbouring countries' territory to ease flows. Structural adaptations on German motorways may be considered but cannot be implemented in the short term.

Commission Observations

(74) The Commission notes the German authorities' commitment to ensure that the impact of internal border control remains limited as required by Article 26(3) of the Schengen Borders Code.

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

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

(77) Despite the efforts by the German authorities to mitigate the impact of internal border control, the Commission has received many complaints from citizens and businesses that indicate the reintroduction of internal border control negatively affects them.

(78) Especially at the German-Luxembourgish, German-Polish and the German-Dutch borders, the reintroduction of internal border control have caused difficulties to local border communities, in particular cross-border workers.

(79) The Commission welcomes improvements made as the result of bilateral contacts to improve the situation at the German-Luxembourg border. This includes the adoption of a new operating procedure at the Schengen checkpoint (Markusbierg) on the A13 motorway and the joint announcement of an end to fixed border control at the Trier checkpoint (Sauertalbrücke), which will be replaced with mobile checks within German territory. Similar contacts, with a view to structurally improving the situation at the internal border, have taken place with the Dutch and Polish authorities.

(80) The Commission invites the German authorities to pay more specific attention to the cross-border regions that are concerned by the reintroduction of border control at internal land borders and explore to what extent technological or tailor-made solutions could be proposed per border region or category of essential travellers to improve the fluidity of cross-border travel in close cooperation with its neighbouring Member States.

V. RECOMMENDATIONS

(81) A well-functioning Schengen area relies on the full and effective implementation of the migration and asylum acquis. The start of application of the Pact on Migration and Asylum in June 2026 will be an important driver to address concerns about unauthorised movements of third country nationals or migratory and security concerns related to illegal migration – concerns put forward by Germany as one aspect of justifying the reintroduction of internal border control.

(82) The Commission points out that pursuant to the Screening Regulation ([12]), 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.

(83) Security concerns are one of the reasons cited by Germany justifying the reintroduction of internal border control. EU law already provides a wide range of tools to help address the concerns raised by German authorities. Member States should make full use of the existing mechanisms to enhance security and law enforcement cooperation. These include the Prüm II Regulation, the new Schengen Information System and the new Advance Passenger Information and Passenger Name Record legislation ([13]). The entry into operation of the EES and ETIAS will further secure the external borders ([14]).

(84) The Commission recalls the need to respect obligations under the applicable rules of EU law on asylum and return at the internal borders where border control has been reintroduced.

(85) The German authorities should further develop their cooperation and information exchange with its neighbouring Member States, including through the appropriate revision of existing bilateral readmission agreements or arrangements and/or the conclusion of practical arrangements for the application of the transfer procedure under Article 23a of the Schengen Borders Code, as well as its bilateral police cooperation agreements with neighbouring Member States.

([12]) 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).

([13]) 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).

([14]) 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).

(86) The German authorities should continue to address any legal or operational obstacles that stand in the way of the effective use of alternative measures, such as limitations under national law to request identification and verify compliance with the conditions for entry and legal stay within the territory, or the use of technological means, such as number plate recognition, at its internal land borders for migration management purposes.

(87) The Commission emphasises that the use of alternative measures, including technological solutions, may constitute a more efficient and effective means to ensure a high level of security, without the need to reintroduce internal border control.

(88) The German authorities should work towards the gradual lifting of internal border control, based on a tailor-made approach per part of the internal border and per threat, making full use of the available alternative measures as laid out in Commission adopted Recommendation (EU) 2024/268 and the possibilities under the revised Schengen Borders Code. These measures should reinforce and complement existing measures. Non-static, non-systematic risk-based spot checks, including police checks in the border area and reinforced police and readmission cooperation with neighbouring Member States, would constitute a first step to such a gradual lifting of internal border controls.

(89) The Commission considers that the successful cooperation with neighbouring Member States, as well as the application of alternative measures, provide a solid basis upon which Germany can work towards the gradual lifting of internal border control, without having to compromise on its security or migration 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