



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

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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) ⁽¹⁾, and in particular Article 33(4) thereof,

Whereas:

- (1) The establishment of an area where persons are free to move without internal borders is one of the main achievements of the Union. Therefore, the reintroduction of border control at internal borders should remain an exception and should only be a measure of last resort.
- (2) Regulation (EU) 2016/399 obliges Member States which have carried out border control at internal borders to present a report to the European Parliament, the Council and the Commission on the reintroduction and, where applicable, the prolongation of border control at internal borders, within 4 weeks of the lifting of border control at internal borders.
- (3) The Commission is to adopt an implementing act to establish a uniform format for the report on the reintroduction and, where applicable, the prolongation of border control at internal borders.
- (4) The uniform format should include all elements that Member States are required to provide under Regulation (EU) 2016/399.
- (5) The Commission may issue an opinion on the *ex post* assessment of the temporary reintroduction of border control at one or more internal borders or at parts thereof.
- (6) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark did not take part in the adoption of Regulation (EU) 2024/1717 of the European Parliament and of the Council ⁽²⁾ amending Regulation (EU) 2016/399 and is not bound by it or subject to its application. However, given that Regulation (EU) 2024/1717 builds upon the Schengen *acquis*, Denmark, in accordance with Article 4 of that Protocol, notified on 19 November 2024 its decision to implement Regulation (EU) 2024/1717 in its national law. Denmark is therefore bound under international law to implement this Decision.
- (7) This Decision does not constitute a development of the provisions of the Schengen *acquis*, in which Ireland takes part in accordance with Council Decision 2002/192/EC ⁽³⁾. Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

⁽¹⁾ OJ L 77, 23.3.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/399/oj>.

⁽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>).

⁽³⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20, ELI: <http://data.europa.eu/eli/dec/2002/192/oj>).

- (8) As regards Cyprus, this Decision constitutes an act building upon, or otherwise related to, the Schengen *acquis* within the meaning of Article 3(2) of the 2003 Act of Accession.
- (9) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of 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* ⁽⁴⁾, which fall within the area referred to in Article 1, point A, of Council Decision 1999/437/EC ⁽⁵⁾.
- (10) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁶⁾ which fall within the area referred to in Article 1, point A, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽⁷⁾.
- (11) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁸⁾ which fall within the area referred to in Article 1, point A, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ⁽⁹⁾.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Schengen Borders Code Committee,

HAS ADOPTED THIS DECISION:

Article 1

The uniform format for the report on the reintroduction or prolongation of border control at internal borders by Member States, as referred to in Article 33(4) of Regulation (EU) 2016/399, shall be as set out in the Annex to this Decision.

⁽⁴⁾ OJ L 176, 10.7.1999, p. 36, ELI: [http://data.europa.eu/eli/agree_internation/1999/439\(1\)/oj](http://data.europa.eu/eli/agree_internation/1999/439(1)/oj).

⁽⁵⁾ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31, ELI: <http://data.europa.eu/eli/dec/1999/437/oj>).

⁽⁶⁾ OJ L 53, 27.2.2008, p. 52.

⁽⁷⁾ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1, ELI: <http://data.europa.eu/eli/dec/2008/146/oj>).

⁽⁸⁾ OJ L 160, 18.6.2011, p. 21.

⁽⁹⁾ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19, ELI: <http://data.europa.eu/eli/dec/2011/350/oj>).

Article 2

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 14 February 2025.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Report on the reintroduction or prolongation of border control at the internal borders**1. Report submitted by:**

Please indicate Member State submitting the report.

2. Date of submission:

Please indicate date.

3. Period covered by the report:

Please indicate the period covered by the report, with reference to the notification for this reintroduction or prolongation of border control at the internal borders.

4. Report submitted:

- ☐ within 4 weeks of the lifting of border control at internal borders
- ☐ at the expiry of the first 12 months, where border control was prolonged as referred to in Article 25a(5) of Regulation (EU) 2016/39900
- ☐ at the expiry of the second 12 months, where border control was prolonged as referred to in Article 25a(5) of Regulation (EU) 2016/399

5. Report in relation to the lifting of border control at the internal border after:

- ☐ first reintroduction of border control at internal borders (unforeseeable event): Article 25a(1) of Regulation (EU) 2016/399
- ☐ prolongation of border control at internal borders (unforeseeable event): Article 25a(3) of Regulation (EU) 2016/399
- ☐ first reintroduction of border control at internal borders (foreseeable event): Article 25a(4) and (5) of Regulation (EU) 2016/399
- ☐ prolongation of border control at internal borders (foreseeable event): Article 25a(4) and (5) of Regulation (EU) 2016/399
- ☐ prolongation of border control at internal borders after 2 years, for major exceptional situation: Article 25a(6) of Regulation (EU) 2016/399
- ☐ prolongation of border control at internal borders after 2 years and 6 months, for major exceptional situation: Article 25a(6) of Regulation (EU) 2016/399
- ☐ reintroduction of border control at internal borders in accordance with a Council Implementing Decision: Article 28(1) and (5) of Regulation (EU) 2016/399

6. Description of the practical implementation of border control at internal borders (per part and/or border crossing point)

- 6.1. Number of persons and vehicles controlled.
- 6.2. Nature and modus operandi of the internal border control:
 - a) static or dynamic
 - b) continuous or spot-check
 - c) frequency
 - d) duration
 - e) intensity
 - f) authorities carrying out the border control
 - g) use of infrastructure
 - h) use of technological means
- 6.3. Number of cross-border traffic connections that have been closed (road, water, rail) in connection with the reintroduction or prolongation of border control at internal borders
- 6.4. Consultations with neighbouring Member States, either prior, during or after, the reintroduction or prolongation of border control at internal borders
- 6.5. Action taken in response to Commission opinion(s) (if applicable)
- 6.6. Action taken in response to a consultation process (if applicable)
- 6.7. Use and accuracy of the risk assessments made prior, during or after, the reintroduction of border control at internal borders.
- 6.8. Information on operational cooperation and information exchange with Member States, either prior, during or after the reintroduction of internal border control.

If the requested information is not available, please explain and provide estimates where possible.

7. Initial and follow-up assessment, as well as ex-post assessment, of proportionality and necessity

7.1. Appropriateness: extent to which the reintroduction or prolongation of border control at internal borders adequately remedied the threat

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7.2. Reasons for which it was not possible to attain the objectives by:

- a) the use of alternative measures, such as proportionate checks carried out in the context of checks within the territory as referred to in Article 23, point (a), of Regulation (EU) 2016/399;
- b) the use of the procedure laid down in Article 23a of Regulation (EU) 2016/399;
- c) other forms of police cooperation provided for under Union law;
- d) common measures regarding temporary restrictions on travel to the Member States as referred to in Article 21a(2) of Regulation (EU) 2016/399).

7.3. Impact on the movement of persons within the area without internal border control and the functioning of cross-border regions

Please provide data as to changes in cross border flows, in particular in relation to frontier workers and economic operators, waiting times and traffic congestion.
Please indicate which cross-border regions, as notified under Article 42b of Regulation (EU) 2016/399, were affected by border control at internal borders.
Please indicate the measures that were taken to mitigate the impact of border control at internal borders.
Where relevant, include information on complaints and legal challenges against the reintroduction of internal border control at national level.

7.4. If the threat consisted of an exceptional situation characterised by sudden large-scale unauthorised movements of third country nationals, within the meaning of Article 25(1), point (c), of Regulation (EU) 2016/399

- a) Evaluation of the nature and evolution of the strain that was put on the overall resources and capacities, the preparation of competent authorities and the risk to the overall functioning of the Schengen area;
- b) Evaluation of the accuracy of previous risk-assessments and the information provided, including any information from Union Agencies.

7.5. If applicable, factors that led to the decision to lift border control at internal borders

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7.6. If available, number of persons apprehended during the reintroduction of border control at internal borders

If available, please specify the number of persons apprehended on suspicion of:

- a) terrorist offences;
- b) human smuggling;
- c) human trafficking;
- d) criminal offences, not including terrorism, human smuggling, or human trafficking;
- e) irregular entry or stay (i.e. not or no longer fulfilling the entry requirements of Article 6 of Regulation (EU) 2016/399 or crossing the internal border outside authorised border crossing points).

7.7. Number of applications for international protection made at the internal border during the reintroduction or prolongation of border control at internal borders

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8. Refusal, transfer and readmission at the internal borders

- 8.1. *If available, total number of third country nationals not admitted during the reintroduction of internal border control. Please also specify, if available, the number of persons:*
- a) *issued with a return decision following apprehension and/or a refusal of entry decision under analogous application of Article 14 of Regulation (EU) 2016/399;*
 - b) *transferred under the procedure referred to in Article 23a of Regulation (EU) 2016/399 (if applied in parallel);*
 - c) *readmitted under pre-existing bilateral readmission agreements or arrangements;*
 - d) *other (please specify the applicable legal basis).*
- 8.2. *If applicable: explain the special circumstances justifying the parallel application of Article 23a of Regulation (EU) 2016/399 during the reintroduction or prolongation of border control at internal borders*

9. Overview of measures applied in parallel during the reintroduction or prolongation of border control at internal borders

- a) *Alternative measures, such as proportionate checks as referred to in Article 23 of Regulation (EU) 2016/399*
- b) *Other forms of police cooperation under Union law*
- c) *Temporary public health related restrictions on travel (Article 21a(2) of Regulation (EU) 2016/399)*
- d) *Regional and bilateral cooperation initiatives, including with third countries*

10. Confidentiality of information (Article 35 of Regulation (EU) 2016/399)

Please indicate if any part of this report is to remain confidential, and, if so, which.
