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*Ms Regina BASTOS
Chair of the European Affairs Committee of
the Assembleia da República
Palácio de S. Bento
P - 1249-068 LISBOA*

*cc. Mr Eduardo FERRO RODRIGUES
President of the
Assembleia da República
Palácio de S. Bento
P - 1249-068 LISBOA*

Dear Chair,

The Commission would like to thank the Assembleia da República for its Opinion on the Report on the application of Council Implementing Decision of 12 May 2016 setting out a Recommendation for temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk {COM(2016)635 final}.

Ensuring the Schengen area without internal border control is a top priority for the Commission. Europe has faced an increased migratory pressure and subsequent secondary movements coming from Greece, which have put the overall functioning of the Schengen area at risk. The specific procedure under Article 29 of the Schengen Borders Code was therefore triggered for the first time in May 2016 to address the above-mentioned challenges. The Council, acting on a Commission Recommendation, authorised the five most affected Schengen Member States¹ to reintroduce temporarily border controls at part of their internal borders. In line with the requirements of this specific procedure, the five Schengen Member States concerned have reported monthly to the Commission on the reintroduced border controls, in order for the Commission to monitor and assess if the controls remained proportionate.

The Commission's reporting takes place in this context and is part of the Commission's legal obligation as guardian of the Treaties.

The Commission is pleased that the Assembleia da República shares the Commission's assessment that the internal border control carried out by the five Schengen Member States under the Council recommendation of 12 May 2016 were proportionate.

¹ Austria, Denmark, Germany, Norway and Sweden.

Acting on Commission recommendations, the Council further authorised the prolongation of internal border controls for the five Schengen Member States concerned on 11 November 2016 and 7 February 2017. The last Council Recommendation was adopted on 11 May 2017, authorising the prolongation of the controls until 11 November 2017. The Commission and the Council continued to stress that the Schengen Member States concerned should ensure that internal border controls are carried out only where it is considered necessary and proportionate.

The Commission shares the concerns expressed by the Assembleia da República as regards the humanitarian conditions of migrants, both in the European Union and around the globe. Humanitarian assistance to countries in need is a top priority of the European Union. In addition, the Union is the world's biggest development aid donor. Furthermore, as outlined in the European Agenda for Migration, the Commission is committed to increase safe and legal pathways of migration to the European Union as well as fighting migrants smuggling. Achieving safer and legal ways for migrants to reach to the European Union will only be possible with the support and cooperation of all Member States. That's why the Commission in September 2017 recommended a new EU resettlement scheme to bring at least 50,000 of the most vulnerable persons in need of international protection to Europe over the next two years.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Assembleia da República and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Dimitris Avramopoulos
Member of the Commission*