

Reinforcement of checks at external borders

Controls at external borders are key to ensuring proper freedom of movement and security in the Schengen area. As the EU has been facing risks to its internal security (notably through an increase in terrorist attacks and threats posed by 'foreign fighters', many of whom are EU citizens enjoying the right of free movement), it is determined to reinforce the control of its external borders. Parliament is expected to vote during its February plenary part-session on a trilogue agreement on a proposal to ensure systematic controls, against relevant databases, of EU nationals crossing external EU borders.

Background

It is [estimated](#) that over 4 000 EU citizens have travelled to conflict zones and joined terrorist groups such as ISIL/Da'esh. In June 2015, the European Commission prepared a first set of common risk indicators concerning '[foreign fighters](#)', to prevent and detect their travel to and from those zones, and their subsequent involvement in terrorist attacks in Europe. Following the November 2015 terrorist attacks in Paris, on 20 November 2015 the Council [invited](#) the Commission to propose a targeted revision of the Schengen Borders Code to ensure mandatory checks of EU nationals at the EU external borders.

European Commission proposal

On 15 December 2015, the Commission put forward a [proposal](#) for a regulation amending Regulation (EC) No 562/2006 ([Schengen Borders Code](#)) as regards the reinforcement of checks against relevant databases at external borders. Its aim is to introduce mandatory systematic checks for persons enjoying the right of free movement under EU law (EU citizens and members of their families who are not EU citizens) who cross external land, sea and air borders. Those persons would be checked against databases, such as the Interpol stolen and lost travel documents database ([SLTD](#)) and Schengen Information System ([SIS](#)), in order to verify their real identity and that they do not represent a threat to public order and internal security. The proposal differentiates between external air borders and other external borders, to take account of different passenger flows and infrastructure. If a systematic check causes disproportionate impact on the flow of traffic, Member States would be able to carry out only targeted checks at land and sea borders (but not at air borders), provided this would not increase risks related to internal security, public policy, international relations of the Member States or a threat to public health. It stresses the need to verify biometric identifiers in passports, such as fingerprints or facial images, whenever a person's identity is in doubt. It also obliges checks of all third-country nationals who are leaving the EU against relevant databases, so as to ensure that they pose no security threat.

European Parliament position

On 21 June 2016, the Committee on Civil Liberties, Justice and Home Affairs (LIBE) adopted its [report](#) on the proposal. In subsequent trilogue negotiations, the Parliament and Council reached a [compromise agreement](#) on the draft regulation on 5 December 2016. According to the deal, Member States should fully use relevant EU databases as well as Interpol and national databases when conducting checks. At the insistence of the Parliament, the institutions agreed that Member States may, in case of overlong border delays, also introduce targeted checks at air borders: airports would be allowed a transitional period of six months to adjust their infrastructure. This period may be prolonged by a maximum of 18 months in case of infrastructure difficulties requiring more time for adaptation to enable systematic checks without disproportionate impact on the flow of traffic. The compromise text is due to be voted in the February plenary session.

First reading: [2015/0307\(COD\)](#); Committee responsible:
LIBE; Rapporteur: Monica Macovei, ECR, Romania.

