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NOTE

from :	General Secretariat
to :	Delegations
No prev. doc. :	9431/05 FRONT 97 CODEC 425 COMIX 351
No. Cion prop. :	10331/04 FRONT 111 COMIX 392 (COM(2004) 391 final)
Subject :	**Draft Regulation of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders code)**

Delegations will find attached the above-mentioned draft Regulation as it results from the discussions held in the Mixed Committee at the level of Senior Officials on 1 June 2005.

ANNEX

PROPOSAL FOR A REGULATION

OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing a Community Code on the rules governing the movement of persons across borders[1](Schengen Borders code)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 62(1) and (2)(a) thereof,

Having regard to the proposal from the Commission,[2]

Acting in accordance with the procedure laid down in Article 251 of the Treaty[3],

Whereas:

(1) Under Article 62(1) of the Treaty, the adoption of measures to ensure there is no border control on persons crossing internal borders forms part of the Union's objective of establishing an area without internal borders in which the free movement of persons is ensured, as set out in Article 14 of the Treaty.

(2) In accordance with Article 61 of the Treaty, the creation of an area in which persons may move freely should be flanked by other measures. The common policy on the crossing of external borders, as provided for by Article 62(2) of the Treaty is such a measure.

(3) The adoption of common measures on the crossing of internal borders by persons and border control at external borders should reflect the Schengen acquis incorporated in the European Union framework, and in particular the relevant provisions of the Convention implementing the Schengen Agreement of 14 June 1985[4] and the Common Manual.[5]

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1 **DE** maintained a general reservation on the draft Regulation. **FR** maintained a Parliamentary reservation. **AT**, **FR, SI** and **PT** maintained a linguistic reservation.

2 OJ C […], […], p. […].

3 OJ ....

4 OJ L 230, 22.09.2000, p. 19.

5 OJ C 313, 16.12.2002, p. 97.

(4) As regards border control at external borders, the establishment of a "common corpus" of legislation, particularly via consolidation and development of the acquis, is one of the fundamental components of the common policy on the management of the external borders, as defined in the Commission Communication of 7 May 2002 "Towards integrated management of the external borders of the Member States of the European Union".[6] This objective was included in the "Plan for the management of the external borders of the Member States of the European Union", approved by the Council on 13 June 2002 and endorsed by the Seville European Council on 21 and 22 June 2002 and by the Thessaloniki European Council on 19 and 20 June 2003.

(5) The definition of common rules on the movement of persons across borders neither calls into question nor affects the rights of free movement enjoyed by Union citizens and members of their families and by third-country nationals and members of their families who, under agreements between the Community and its Member States, on the one hand, and these countries, on the other, enjoy rights of free movement equivalent to those of Union citizens.

(6) Border control is in the interest not only of the Member State at whose external borders it is carried out but of all Member States which have abolished border control at their internal borders. Border control should help to combat illegal immigration and trafficking in human beings and to prevent any threat to the Member States' internal security, public policy, public health and international relations.

(6a) Border checks should be conducted in such a way as to fully respect human dignity. Border control should be carried out in a professional and respectful manner and be proportionate to the objectives pursued.

(7) Border control comprises not only checks on persons at border crossing-points and surveillance between these border crossing-points but also analysis of the risks for the internal security and analysis of the threats that may affect the security of external borders. It is therefore necessary to lay down the conditions, criteria and detailed arrangements governing checks at border crossing-points and surveillance.

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[6] COM(2002) 233 final.

(8) To avoid excessive waiting time at borders provision should be made for relaxing checks at external borders in the event of exceptional and unforeseeable circumstances. The systematic stamping of the documents of third country nationals remains an obligation in the case of border checks being relaxed. The stamping makes it possible to establish, with certainty, the date and place of the crossing of the border, without establishing in all cases that all required travel document control measures have been carried out.

(9) To reduce the waiting times of persons enjoying the Community right of free movement, separate lanes should, where circumstances permit, be provided at external border crossing-points, identified by uniform indications in all Member States. Separate lanes should be provided in international airports. Where it is deemed appropriate and if local circumstances so allow, Member States should consider installing separate lanes at sea and land border crossing points.

(10) Member States should ensure that control procedures do not constitute a major barrier to trade and social and cultural interchange at external borders. To this end they should deploy appropriate numbers of staff and resources.

(11) The Member States are to appoint the national service or services responsible for border-guard tasks in accordance with their national legislation. Where more than one service is responsible in the same Member State, there should be close and constant cooperation between them.

(12) Operational cooperation and assistance between Member States in relation to border control will be managed and coordinated by the "European Agency for the Management of Operational Cooperation at the External Borders of the Member States" established by Regulation (EC) No 2007/2004.[7]

[7] OJ L […], […], p. […].

(13) It should nevertheless be made clear that this Regulation is without prejudice to the checks carried out under general police powers and the security checks on persons identical to those carried out for domestic flights, to the possibilities for Member States to carry out exceptional checks on baggage in accordance with Council Regulation (EEC) No 3925/91 concerning the elimination of controls and formalities applicable to the cabin and hold baggage of persons taking an intra-Community flight and the baggage of persons making an intra-Community sea crossing,[8] and to national legislation on carrying travel or identity documents or the requirement that persons notify the authorities of their presence on the territory of the Member State in question.

(14) Member States should also have the possibility of temporarily reintroducing border control at internal borders in the event of a serious threat to their public order or internal security. The conditions and procedures for doing so should be laid down, so as to guarantee the exceptional nature of the measure and the principle of proportionality. The scope and duration of the border control should be restricted to the bare minimum needed to respond to this threat.

(15) In an area where persons may move freely, the reintroduction of border control at internal borders should remain an exception. Border control should not be carried out or formalities imposed solely because such a border is crossed.

(16) Provision should be made for a procedure enabling the Commission to adapt certain detailed practical rules governing border control. In these cases, the measures needed to implement this Regulation should be taken pursuant to Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.[9]

(17) Provision should also be made for a procedure enabling the Member States to notify the Commission of changes to other detailed practical rules governing border control.

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[8] OJ L 374, 31.12.1991, p. 4. Regulation as amended by Parliament and Council Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

[9] OJ L 184, 17.9.1999, p. 23.

(18) Since the objectives of the proposed action, namely the establishment of rules applicable to the movement of persons across borders, directly affect the Community acquis on external and internal borders and cannot thus be achieved sufficiently by the Member States acting alone, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve these objectives.

(19) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. It will be implemented in accordance with the Member States' obligations as regards international protection and non-refoulement.

(20) By way of derogation from Article 299 of the Treaty, the only territories of France and the Netherlands to which this Regulation applies are those in Europe. It does not affect the specific arrangements applied in Ceuta and Melilla, as defined in the Act of Accession of the Kingdom of Spain to the Convention implementing the Schengen Agreement of 14 June 1985.[10]

(21) In accordance with Articles 1 and 2 of the Protocol on the Position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Regulation and is not bound by it, or subject to its application. Given that this Regulation builds upon the Schengen acquis under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark should, in accordance with Article 5 of the said Protocol, decide within a period of six months after the Council has adopted this Regulation whether it will implement it in its national law or not.

(22) As regards Iceland and Norway, this Regulation constitutes a development of 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 association of those two States with the implementation, application and development of the Schengen acquis[11] which fall within the area referred to in Article 1, point A of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement.[12]

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10 OJ L 239, 22.9.2000, p. 69.
11 OJ L 176, 10.7.1999, p. 36.
12 OJ L 176, 10.7.1999, p. 31.

(23) An arrangement has to be made to allow representatives of Iceland and Norway to be associated with the work of committees assisting the Commission in the exercise of its implementing powers. Such an arrangement has been contemplated in the Exchange of Letters between the Community and Iceland and Norway[13], annexed to the abovementioned Agreement.

(24) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement signed between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen acquis [14], which fall in the area referred to in Article 1(A) of Decision 1999/437/EC read in conjunction with Article 4(1) of the Council Decisions of 25 October 2004 on the signing on behalf of the European Union, and on the signing on behalf of the European Community, and on the provisional application of certain provisions of that Agreement [15].

(25) An arrangement has to be made to allow representatives of Switzerland to be associated with the work of committees assisting the Commission in the exercise of its implementing powers. Such an arrangement has been contemplated in the Exchange of Letters between the Community and Switzerland [16], annexed to the abovementioned Agreement.

(26) This Regulation constitutes a development of the provisions of the Schengen acquis in which the United Kingdom is not participating, in accordance with Council Decision 2000/365/EC of 29 May 2000 on the request by the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis.[17] The United Kingdom is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(27) This Regulation constitutes a development of the provisions of the Schengen acquis in which Ireland does not take part, in accordance with 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.[18] Ireland is therefore not taking part in the adoption of the Regulation and is not bound by it or subject to its application.

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13 OJ L 176, 10.7.1999, p. 53.
14 Council doc. 13054/04 accessible on http://register.consilium.eu.int
15 OJ L 368, 15.12.2004, p.26. and OJ L 370, 17.12.2004, p. 78
16 Council doc. 13054/04 is accessible on http://register.consilium.eu.int
17 OJ L 131, 1.6.2000, p. 43.
18 OJ L 64, 7.3.2002, p. 20.

(28) Article 1, first sentence, Article 5(4)(a), Title III and those provisions of Title II and its annexes referring to the Schengen Information System constitute provisions building on the Schengen acquis or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession.

HAVE ADOPTED THIS REGULATION:

TITLE I

GENERAL PROVISIONS

Article 1

Object and principles

This Regulation provides for the absence of border control of persons crossing the internal borders between the Member States of the European Union.
It establishes rules governing border control of persons crossing the external borders of the Member States of the European Union.

Article 2

Definitions

For the purposes of this Regulation the following definitions shall apply:

1) "internal borders" means:
   a) the common land borders, including river and lake borders, of the Member States;
   b) the airports of the Member States for internal flights;
   c) sea, river and lake ports of the Member States for regular ferry connections;

2) "external borders" means the Member States' land borders, including river and lake borders, sea borders and their airports, river ports, sea ports and lake ports, provided that they are not internal borders;

3) "internal flight" means any flight exclusively to or from the territories of the Member States and not landing in the territory of a third State;

4) "regular ferry connection" means any ferry connection between the same two or more ports situated in the territory of the Member States, not calling at any ports outside the territory of the Member States and consisting of the transport of passengers and vehicles according to a published timetable

5) "persons enjoying the Community right of free movement" means:

a) Union citizens within the meaning of Article 17(1) of the Treaty, and nationals of third-countries who are members of the family of a Union citizen exercising his or her right to free movement to whom Directive 2004/38/EC[19] of 29 April 2004 applies,

b) nationals of third-countries and their family members, whatever their nationality, who, under agreements between the Community and its Member States, on the one hand, and these countries, on the other, enjoy rights of free movement equivalent to those of citizens of the Union;[20]

6) "third-country national" means any person who is not a Union citizen within the meaning of Article 17(1) of the Treaty and who is not covered by paragraph 5;

7) "persons for whom an alert has been issued for the purposes of refusing entry" means any third-country national for whom an alert has been issued in the Schengen Information System in accordance with and for the purposes laid down in Article 96 of the Schengen Convention;

8) "border crossing-point" means any crossing-point authorised by the competent authorities for the crossing of external borders;

9) "Border control" means the activity carried out at a border, in accordance with and for the purposes of this Regulation, in response exclusively to an intention to cross or the act of crossing that border, regardless of any other consideration, consisting of border checks and border surveillance.

10) "Border checks" means the checks carried out at border crossing points, to ensure that persons, their means of transport and the objects in their possession may be authorised to enter the territory of the Member States or authorised to leave it.

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19 OJ L 158, 30.4.2004, p. 77.

20 Declaration on holders of aliens' and non-citizens passports
"The European Parliament and the Council request the Commission to bring forward proposals, in the framework of the revision of Regulation (EC) No 539/2001, in order to exempt holders of aliens' and non-citizens' passports residing in a Member State from the visa obligation".

11) "Border surveillance" means the surveillance of borders outside border crossing points and the surveillance of border crossing points outside the fixed opening hours, in order to prevent persons from circumventing border checks.

12) "second line check" means a further check which may be carried out in a special location away from the location at which all persons are checked (first line).

13) "border guard" means any public official assigned, in accordance with national law, to a border crossing point or along the border or the immediate vicinity of that border who carries out, in accordance with this Regulation and national law, border control tasks;

14) "carrier" means any natural or legal person whose profession it is to provide transport of persons;

15) "residence permit" means:

a) all residence permits issued by the Member States according to the uniform format laid down by Regulation (EC) No 1030/2002;

b) all other documents issued by a Member State to third country nationals authorising a stay or a re-entry into their territory, with the exception of temporary permits issued pending examination of a first application for a residence permit as referred to in a) or an application for asylum;

16) "cruise ship" means a ship which follows a given itinerary in accordance with a predetermined programme, which includes a programme of tourist activities in the various ports, and which normally neither takes passengers on nor allows passengers to disembark during the voyage.

17) "pleasure boating" means the use of pleasure boats for sporting or tourism purposes;

18) "coastal fisheries" means fishing carried out with the aid of vessels which return every day or within 36 hours to a port situated in the territory of a Member State without calling at a port situated in a third State.

19) "threat to public health" means any desease with epidemic potential as defined by the International Health Regulations of the World Health Organisation and other infectious diseases or contagious parasitic diseases if they are the subject of protection provisions applying to nationals of the Member States.

Article 3

Scope

This Regulation shall apply to any person crossing the internal or external borders of Member States, without prejudice to:

a) the rights of persons enjoying the Community right of free movement;

b) the rights of refugees and persons requesting international protection, in particular as regards non-refoulement.

TITLE II

EXTERNAL BORDERS

Chapter I

Crossing of external borders and conditions for entry

Article 4

Crossing external borders

1. External borders may be crossed only at border crossing-points and during the fixed opening hours. The opening hours shall be clearly indicated at border crossing points which are not open 24 hours a day.
   Member States shall notify the list of their border crossing-points to the Commission in accordance with Article 30a.

2. By way of derogation from paragraph 1, exceptions to the obligation to cross external borders only at border crossing-points and during fixed opening hours may be allowed:
   a) in connection with pleasure boating or coastal fishing;
   b) for seamen going ashore to stay in the area of the port where their ships call or in the adjacent municipalities;
   c) for individuals or groups of persons, where there is a requirement of a special nature, provided that they are in possession of the permits required by national legislation and that it does not conflict with the interests of public policy and the internal security of the Member States;
   d) for persons or groups of persons in case of an unforeseen emergency situation.

3. Without prejudice to the exceptions provided for in paragraph 2 or to their international protection obligations, the Member States shall introduce penalties, in accordance with their national law, for the unauthorised crossing of external borders at places other than border crossing points or at times other than the fixed opening hours. These penalties shall be effective, proportionate and dissuasive.

Article 5

Entry conditions for third-country nationals

1. For stays not exceeding three months per six-month period, the entry conditions for third-country nationals are the following:

   a) they are in possession of a valid travel document or documents authorising them to cross the border;

   b) they are in possession of a valid visa, if required pursuant to Regulation (EC) No 539/2001[21], except when they are holding a valid residence permit as defined in Article 2, point 15);

   c) they justify the purpose and conditions of the intended stay, and they have sufficient means of subsistence, both for the period of the intended stay and for the return to their country of origin or transit to a third State into which they are certain to be admitted, or are in a position to acquire such means lawfully;

   d) they are not persons for whom an alert has been issued for the purposes of refusing entry in the SIS;

   e) they are not considered to be a threat to public policy, internal security, public health or the international relations of any of the Member States, in particular no alert is issued in Member States' national data bases for the purposes of refusing entry on the same grounds.

2. A non-exhaustive list of supporting documents which the border guard may request from the third-country national in order to verify the fulfilment of the conditions set out in paragraph 1c is included in Annex I.

3. Means of subsistence shall be assessed in accordance with the duration and the purpose of the stay and by reference to average prices for board and lodging in the Member State or Member States concerned, which shall be determined in budget accommodation multiplied by the number of days stayed.

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[21] OJ L 81, 21.3.2001, p.1. Last amended by Regulation No 453/2003, OJ L 69, 13.3.2003, p.10.

Reference amounts set by the Member States shall be notified to the Commission in accordance with Article 30a.

The verification of sufficient means of subsistence may be based on the cash, travellers' cheques and credit cards in the third-country national's possession. Declarations of sponsorships, where such declarations are provided for by national legislation and letters of guarantee from hosts, as defined by national legislation, in case the third country national is staying with a host, may also constitute evidence of sufficient means of subsistence.

4. By way of derogation from paragraph 1:

a) Third-country nationals who do not fulfil all the entry conditions but hold a residence permit or a re-entry visa issued by one of the Member States or, where required, both documents, shall be authorised entry to the territories of the other Member States for transit purposes so that they may reach the territory of the Member State which issued the residence permit or re-entry visa, unless their names are on the national list of alerts of the Member State whose external borders they are seeking to cross and the alert is accompanied by instructions as to refusal of entry or transit.

b) Third-country nationals who fulfil the conditions referred to in paragraph 1, except for point b), and who present themselves at the border may be granted entry into the territories of the Member States, if a visa is issued at the border in accordance with Regulation (EC) No 415/2003.

Visas issued at the border shall be recorded on a list.

If it is not possible to affix a visa in the document, it shall, exceptionally, be affixed on a separate sheet inserted in the document. In such a case, the uniform format for forms for affixing the visa, laid down by Regulation (EC) No 333/2002,[22] shall be used.

c) Third country nationals who do not fulfil one or more of the conditions referred to in paragraph 1 may be authorised by a Member State to enter into its territory on humanitarian grounds, on grounds of national interest or because of international obligations. Where the third-country national concerned is subject to an alert as referred to in paragraph 1 point d), the Member State authorising his/her entry into its territory shall inform the other Member States accordingly.

[22] OJ L 53, 23.2.2002, p. 4.

Chapter II

Control of external borders and refusal of entry

Article 5a

Conduct of border checks

1. Border guards shall, in the performance of their duties, fully respect human dignity.
   Any measures taken in the performance of their duties shall be proportionate to the objectives pursued by such measures.

2. While performing border checks, border guards shall not discriminate against persons on any of the following grounds: sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Article 6

Checks on persons at border crossing-points

1. Cross-border movement at external borders shall be subject to checks by the border guards. Checks shall be carried out in accordance with this chapter.
   The checks may also cover the means of transport and objects in the possession of the persons crossing the border. When searches are involved, the national legislation of each Member State shall apply.

2. All persons shall undergo a minimum check in order to establish their identities on the basis of the production or presentation of their travel documents. Such a minimum check consists of a rapid and straightforward verification, where appropriate by using technical devices and by consulting information exclusively on stolen, misappropriated, lost and invalidated documents in the relevant databases, of the validity of the document authorising the legitimate holder to cross the border and of the presence of signs of falsification or counterfeiting.

The minimum check referred to above shall be the rule for persons enjoying the Community right of free movement.

However, on a non-systematic basis, when carrying out minimum checks on persons enjoying the Community right of free movement, border guards may consult national and European databases in order to ensure that a person does not represent a real, present and sufficiently serious danger to the internal security, public order, international relations of the Member States or a threat to the public health.

The consequences of such consultations shall not jeopardize the right of entry of persons enjoying the Community right of free movement into the territory of the Member State concerned as contained in Directive 2004/38/EC[23].

3. On entry and exit, third-country nationals shall be subject to a thorough check[24].

   a) Thorough checks on entry shall comprise:
   the verification of the conditions governing entry laid down in Article 5(1) and, where applicable, of documents authorising residence and the pursuit of a professional activity. This shall include a detailed examination of the following aspects;

      i) the verification that the third country national is in possession of a document valid for crossing the border and which is not expired, and that it is accompanied, where applicable, by the requisite visa or residence permit;

      ii) the thorough scrutiny of the travel document for signs of falsification or counterfeiting,

      iii) the examination of the entry and exit stamps on the travel document of the third country national concerned, in order to verify, by comparing the dates of entry and exit, that the person has not exceeded already the maximum duration of authorised stay in the territory of the Member States.

      iv) the verification regarding the points of departure and destination of the third country national concerned and the purpose of the intended stay and, if necessary, checking the corresponding supporting documents;

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23 OJ L 158, 30.4.2004, p. 77.

24 **SI** entered a reservation with regard to point 3.

v) the verification that the third country national concerned has sufficient means of subsistence for the duration and purpose of the intended stay, for his return or transit to a third country, or that he can obtain these means legally;

vi) verification that the third country national concerned, his means of transport and the objects he is transporting are not likely to jeopardise the public policy, internal security, public health or international relations of any of the Member States. Such verification shall include direct consultation of the data and alerts on persons and, where necessary, objects contained in the Schengen Information System (SIS) and in national data files and the action to be performed, if any, as a result of an alert.

b) Thorough checks on exit shall comprise

i) the verification that the third-country national is in possession of a document valid for crossing the border;

ii) the verification of the travel document for signs of falsification or counterfeiting;

iii) whenever possible, the verification that the third-country national is not considered to be a threat to public policy, internal security or the international relations of any of the Member States.

Thorough checks on exit may also comprise:

i) the verification that the person is in possession of a valid visa, if required pursuant to Regulation (EC) No 539/2001[25], except when they are holding a valid residence permit as defined in Article 2, point 15);

ii) the verification that the person did not exceed the maximum duration of authorised stay in the territory of the Member States;

iii) consultation of alerts on persons and objects included in the SIS and reports in national data files.

4. Where facilities exist and if requested by the third-country national, such thorough checks shall be carried out in a non-public area.

[25] OJ L 81, 21.3.2001, p.1. Last amended by Regulation No 453/2003, OJ L 69, 13.3.2003, p.10.

5. Third country nationals subject to a thorough check in the second line shall be given information on the purpose and the procedure of such a check.
This information shall be available in all the official languages of the Institutions of the Community and in the language(s) of the country or countries bordering the Member State concerned and shall indicate that the third country national may request for the name or service identification number of the border guards conducting the thorough check in the second line as well as for the name of the border crossing point and the date at which the border was crossed.

6. Checks on a person enjoying the Community right on free movement shall be carried out in accordance with Directive 2004/38/EC[26].

7. Detailed rules governing the information to be registered are laid down in Annex II.

Article 7

Relaxation of border checks

1. Border checks at external borders may be relaxed as a result of exceptional and unforeseen circumstances. The exceptional and unforeseen circumstances are met where unforeseeable events lead to such intensity of traffic that the waiting time at the border crossing point becomes excessive, and all resources have been exhausted as regards staff, facilities and organisation.

2. Where border checks are relaxed in accordance with paragraph 1, border checks on entry movements shall in principle take priority over border checks on exit movements.
The decision to relax checks shall be taken by the border guard in command at the border crossing point.
Such relaxation of checks shall be temporary, shall be adapted to the circumstances justifying it and shall be introduced gradually.

[26] OJ L 158, 30.4.2004, p. 77.

3. Even in the event of border checks being relaxed, the border guard shall stamp the travel documents of third country nationals both on entry and exit, in accordance with Article 9.

4. Each Member State shall transmit once a year a report on the application of this Article to the European Parliament and the Commission.

Article 8

Separate lanes and information on signs

1. Member States shall provide separate lanes, in particular at air border crossing-points in order to carry out checks on persons, in accordance with Article 6. Such lanes shall be differentiated by means of the signs bearing the indications set out in the Annex III.
Member States may provide separate lanes at their sea and land border crossing points and at borders between Member States not applying Article 18 at their common borders. The signs bearing the indications set out in the Annex III shall be used if Member States provide separate lanes at these borders.
Member States shall ensure that such lanes are clearly signposted, including where the rules relating to the use of the different lanes are waived as provided for in paragraph 4, in order to ensure optimal flow levels of persons crossing the border.

2. a) Persons enjoying the Community right of free movement are entitled to use the lanes indicated by the sign in part A of Annex III .They may also use the lanes indicated by the sign in part B of Annex III.
b) All other persons shall use the lanes indicated by the sign in part B of Annex III.
The indications on the signs mentioned above may be displayed in such language or languages as each Member State considers appropriate.

3. At sea and land border crossing-points, Member States may separate vehicle traffic into different lanes for light and heavy vehicles and buses by using signs as shown in Annex III, Part C.
Member States may vary the indications on these signs where appropriate in the light of local circumstances.

4. In the event of a temporary imbalance in traffic flows at a particular border crossing point, the rules relating to the use of the different lanes may be waived by the competent authorities for the time necessary to eliminate such imbalance.

5. The adaptation of existing signs to the provisions of paragraphs 1, 2 and 3 shall be completed by 31 May 2009. Where Member States replace existing signs or put up new ones before that date, they shall respect the indications provided for in those paragraphs.

Article 9

Stamping of the travel documents of third-country nationals

1. The travel documents of third-country nationals shall be systematically stamped on entry and exit. In particular an entry or exit stamp shall be affixed to:
   a) the documents, bearing a valid visa, enabling third-country nationals to cross the border;
   b) the documents enabling third-country nationals to whom a visa is issued at the border by a Member State to cross the border;
   c) the documents enabling third-country nationals not subject to a visa requirement to cross the border.

2. The travel documents of nationals of third countries who are members of the family of a Union citizen to whom Directive 2004/38/EC applies , but who do not present the residence card provided for in Article 10 of this Directive, shall be stamped on entry or exit.

   The travel documents of nationals of third countries who are members of the family of nationals of third countries enjoying the Community right of free movement, but who do not present the residence card provided for in Article 10 of this Directive, shall be stamped on entry or exit.

3. No entry or exit stamp shall be affixed:

a) to the travel documents of Heads of State and dignitaries whose arrival has been officially announced in advance through diplomatic channels;

b) to pilots' licences or the certificates of aircraft crew members;

c) to the travel documents of seamen who are present within the territory of a Member State only when their ship puts in and in the area of the port of call;

d) to the travel documents of crew and passengers of cruise ships who are not subject to border checks in accordance with point 3.2.3. of Annex VI.

e) to documents enabling nationals of Andorra, Monaco and San Marino to cross the border.

Exceptionally, at the request of a third-country national, insertion of an entry or exit stamp may be dispensed with if insertion might cause serious difficulties for that person. In that case, entry or exit shall be recorded on a separate sheet indicating the name and passport number. This sheet shall be given to the third-country national.

4. The practical arrangements for stamping are set out in Annex IV.

5. Whenever possible, third country nationals shall be informed of the border guard's obligation to stamp their travel document on entry and exit, even when checks are relaxed in accordance with Article 7.

6. The Commission shall report to the European Parliament and the Council on the operation of the provisions on stamping travel documents by the end of 2008.

Article 9a

1. If the travel document of a third-country national does not bear an entry stamp, the competent national authorities may presume that the holder does not fulfil, or no longer fulfils, the conditions of duration of stay applicable within the Member State concerned.

2. This presumption may be rebutted where the third-country national provides, by any means, credible evidence such as transport tickets or proof of his or her presence outside the territory of the Member States, which shows that he or she has respected the conditions relating to the duration of a short stay.

In such cases:

a) where the third-country national is found on the territory of the Member States applying the Schengen acquis in full, the competent authorities shall indicate, in accordance with national law and practice, in the third-country national's travel document the date of which, and the place where, the person has crossed the external border of one of these Member States;

b) where the third-country national is found on the territory of a Member State in respect of which the decision contemplated in Article 3(2) of the 2003 Act of Accession has not been taken, the competent authorities shall indicate, in accordance with national law and practice, in the third-country national's travel document the date on which, and the place where, the person has crossed the external border of that Member State;

c) in addition to the indications as referred to in (a) and (b), a form as shown in Annex VIII may be given to the third-country national concerned;

d) Member States shall inform each other and the Commission and the Council Secretariat of their national practices with regard to the indication referred to in this Article.

3. Should the presumption referred to in paragraph 1 not be rebutted, the third-country national may be expelled by the competent authorities from the territory of the Member States concerned.

Article 10

Border surveillance between border crossing-points

1. The main purpose of surveillance of external borders at places other than border crossing-points and surveillance of these crossing-points outside opening hours shall be to prevent unauthorised border crossings, to counter cross-border criminality and to apply or to take measures against persons who have crossed the border illegally.

2. The border guards shall use stationary or mobile units to carry out external border surveillance.
This surveillance shall be carried out in such a way as to prevent and discourage persons from circumventing the checks at border crossing-points.

3. Surveillance between border crossing-points shall be carried out by border guards whose numbers and methods shall be adapted to existing or foreseen risks and threats. It shall involve frequent and sudden changes to surveillance periods, so that unauthorised border crossings will be at an ongoing risk of being detected.

4. Surveillance shall be carried out by stationary or mobile units which perform their duties by patrolling or stationing themselves at places known or perceived to be sensitive, the aim of such surveillance being to apprehend individuals crossing the border illegally.
Surveillance may also be carried out by technical means, including electronic means.

5. Additional rules governing surveillance may be adopted in accordance with the procedure provided for by Article 30(2).

Article 11

Refusal of entry

1. A third-country national who does not fulfil all the entry conditions laid down in Article 5(1) and does not belong to the categories of persons referred to in Article 5(4) shall be refused entry to the territories of the Member States. This shall be without prejudice to the application of special provisions concerning the right of asylum and to international protection or the issue of long-stay visas.

2. Entry may only be refused by a substantiated decision stating the precise reasons for the refusal. The decision shall be taken by an authority empowered to do so by national law. It shall take effect immediately.
The substantiated decision stating the precise reasons for the refusal is given by means of a standard form, as set out in Annex V, Part B, filled in by the authority empowered by national law to refuse entry. The filled in standard form shall be handed to the third-country national concerned, who shall acknowledge receipt of the decision to refuse entry by means of that form.

3. Persons refused entry shall have the right to appeal. Appeals shall be carried out in accordance with national legislation. A written indication on contact points able to provide information on representatives competent to act on behalf of the third country national in accordance with national legislation shall also be given to the third country national.
Initiating the appeal process shall not suspend the decision to refuse entry.
Without prejudice to an eventual compensation granted according to national law, the third country national concerned shall be entitled to correction of the cancelled entry stamp, and any other cancellations or additions which have been made, by the Member state which refused entry should the appeal conclude that the decision to refuse entry was ill-founded.

4. The border guards shall ensure that a third-country national refused entry does not enter the territory of the Member State concerned.

5. Member States shall collect statistics on the number of persons refused entry, the grounds for refusal, the nationality of the persons refused and the type of border (land, air, sea) at which they were refused entry. Member States shall transmit these statistics once a year to the Commission. The Commission shall publish every two years a compilation of the statistics provided by the Member States.

6. Detailed rules governing refusal of entry are given in Annex V, Part A.

Chapter III

Resources for border control and cooperation between Member States

Article 12

Resources for border control

Member States shall deploy appropriate staff and resources in sufficient numbers to carry out border control at the external borders, in accordance with Articles 5a and 6 to 11, in such a way as to ensure an efficient, high and uniform level of control at their external borders.

Article 13

Implementation of controls

1. The border control provided for by Articles 5a and 6 to 11 of this Regulation shall be carried out by the border guards in accordance with the provisions of this Regulation and with national law.

   When carrying out this border control, the powers to instigate criminal proceedings conferred on the border guards by national law and falling outside the scope of this Regulation shall remain unaffected.

   Member States shall ensure that the border guards are composed of specialised and properly trained professionals. Member States shall encourage border guards to learn languages, in particular those needed for the carrying out of their tasks.

2. Member States shall notify to the Commission the list of national services responsible for border control under their national law in accordance with Article 30a.

3. To control borders effectively, each Member State shall ensure close, permanent cooperation between its national services responsible for border control.

Article 14

Cooperation between Member States

1. The Member States shall assist each other and shall maintain constant, close cooperation with a view to the effective implementation of border control, in accordance with Articles 5a to 13 of this Regulation. They shall exchange all relevant information.

2. Operational cooperation between Member States in the field of management of external borders shall be coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation No 2007/2004/EC[27].

3. Without prejudice to the competencies of the Agency, Member States may continue cooperation at an operational level with other Member States and/or third countries at external borders, including the exchange of liaison officers**,** where such cooperation complements the action of the Agency.

   Member States shall refrain from any activity which could jeopardise the functioning of the Agency or the attainment of its objectives.

   Member States shall report to the Agency on these operational matters at the external borders outside the framework of the Agency.

4. Member States shall provide for training on the rules for border control as well as on fundamental rights. In this regard, account shall be taken of the common training standards as established and further developed by the Agency referred to in paragraph 2.

[27] OJ L 349, 25.11.2004, p. 1.

Article 15

Joint controls

1. Member States which do not apply Article 18 to their common land borders may, up to the date of application of this Article, jointly control those common borders, in which case a person may be stopped only once for the purpose of carrying out entry and exit checks, without prejudice to the individual responsibility of Member States arising from Articles 5a and 6 to 11.

   To this end, Member States may conclude bilateral arrangements between themselves.

2. Member States shall inform the Commission of arrangements concluded in accordance with paragraph 1.

Chapter IV

Specific rules for border checks

Article 16

Specific rules for different types of border and the different means of transport used for crossing the external borders

The specific rules set out in Annex VI shall apply to the checks with respect to the different types of border and the different means of transport used for crossing the external borders.

Those specific rules may contain derogations from Articles 5 and 6 to 11.

Article 17

Specific rules for checks on certain categories of persons

1. The specific rules set out in VII shall apply to the checks on the following categories of persons:

   a) Heads of State and the members of their delegation;

   b) pilots of aircraft and other crew members;

   c) seamen;

   d) holders of diplomatic, official or service passports and members of international organisations;

   e) cross-border workers;

   f) minors.

   Those specific rules may contain derogations from Articles 5 and 6 to 11.

2. Member States shall notify to the Commission the model cards issued by the Member States' Ministries of Foreign Affairs to accredited members of diplomatic missions and consular representations and members of their families in accordance with Article 30a.

TITLE III

INTERNAL BORDERS

Chapter I

Abolition of border control at internal borders

Article 18

Crossing internal borders

Internal borders may be crossed at any point without a border check on persons, irrespective of their nationality, being carried out.

Article 19

Checks within the territory

The abolition of border control at the internal borders shall not affect:

a) the exercise of police powers[28] by the competent authorities of the Member States under national legislation, insofar as the exercise of these powers does not have an equivalent effect to border checks; this also applies in border areas. Within the meaning of the first sentence the exercise of police powers can, in particular, not be considered equivalent to the exercise of border checks when the police measures:

   i) do not have border control as an objective,

   ii) are based on general police information and experience regarding possible threats to public security and aim, in particular, to combat cross-border crime,

   iii) are devised and executed in a manner clearly distinct from systematic checks on persons at the external borders,

   iv) are carried out on the basis of spot-checks;

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[28] Declaration by Hungary;
"Hungary declares pursuant to Article 19 a) of the Regulation that police powers shall mean executive powers exercised by any law enforcement and administrative authorities responsible for preventing and detecting any forms of illegal immigration and related criminal acts according to the Hungarian national law."

b) security checks on persons carried out at ports and airports by the competent authorities under the legislation of each Member State, by port or airport officials or carriers, provided that such checks are also carried out on persons travelling within a Member State;

c) the possibility for a Member State to provide by legislation for an obligation to hold or carry papers and documents;

d) the obligation on third-country nationals to report their presence on the territory of any Member State pursuant to the provisions of Article 22 of the Schengen Convention.

Article 19a

Removal of obstacles on traffic at road crossing-points at internal borders

Member States shall remove all obstacles to fluid traffic flow at road crossing-points at internal borders, in particular any speed limits not exclusively based on road-safety considerations.

At the same time, Member States have to be prepared to provide for facilities for checks in case internal border controls are reintroduced.

Chapter II

Temporary reintroduction of border control at internal borders

Article 20

Temporary reintroduction of border control at internal borders by a Member State

1. When there is a serious threat to public policy or internal security, a Member State may exceptionally reintroduce border control at its internal borders for a limited period of no more than 30 days or for the foreseeable duration of the event if its duration exceeds the period of 30 days, in accordance with the procedure laid down in Article 21 or, in an emergency, with that laid down in Article 22. The scope and duration of the control shall not exceed what is strictly necessary to respond to the serious threat.

2. If the serious threat to public policy or internal security persists beyond the time period provided for in paragraph 1, the Member State may maintain border control on the same grounds as those referred to in paragraph 1 and, taking into account any new elements, for renewable periods of up to 30 days, in accordance with the procedure laid down in Article 23.

Article 21

Procedure in case of foreseeable events

1. If a Member State is planning to reintroduce border control at internal borders under Article 20(1), it shall as soon as possible notify the other Member States in the Council and the Commission accordingly, and shall supply the following information as soon as available:
   a) the reasons for the proposed decision, detailing the events that constitute a serious threat to public policy or internal security;
   b) the scope of the proposed decision, specifying where border control is to be reintroduced;
   c) the names of the authorised crossing-points;
   d) the date and duration of the proposed decision;
   e) where appropriate, the measures to be taken by the other Member States.

2. Following the notification from the Member State concerned, and in view of the consultation provided for in paragraph 3, the Commission may issue an opinion without prejudice to Article 64 (1) of the Treaty establishing the European Community.

3. The information provided for by paragraph 1, as well as the opinion that the Commission may provide in accordance with paragraph 2, shall be the subject of consultations between the Member State planning to reintroduce border control,
the other Member States within the Council and the Commission, with a view to organising, where appropriate, mutual cooperation between the Member States and to examining the proportionality of the measures to the event giving rise to the reintroduction of border control and the threats to public policy or internal security.

4. The consultation mentioned above shall take place at least fifteen days before the date planned for the reintroduction of border control.

Article 22

Procedure for cases requiring urgent action

1. If considerations of public policy or internal security in a State demand urgent action, the Member State concerned may exceptionally and immediately reintroduce border control at internal borders.

2. The Member State reintroducing border control at its internal borders shall notify the other Member States and the Commission accordingly, without delay, and shall supply the information referred to in Article 21(1) and the reasons that justify the use of this procedure.

Article 23

Procedure for prolonging border control at internal borders

1. Member States may only prolong border control at internal borders under the provisions of Article 20(2) after having notified the other Member States in the Council and the Commission.
2. The Member State planning to prolong border control shall supply the other Member States and the Commission with all relevant information on the reasons for prolonging the border control at internal borders. The provisions of Article 21(2) shall apply.

Article 24

Informing the European Parliament

The Member State concerned or, where appropriate, the Council shall inform the European Parliament as soon as possible of the measures taken under Articles 21 to 23. As of the third consecutive prolongation pursuant to Article 23, the Member State concerned shall, if requested, report to the European Parliament on the need for border control at internal borders.

Article 25

Provisions to be applied where border control is reintroduced at internal borders

Where border control at internal borders is reintroduced, the relevant provisions of Title II shall apply mutatis mutandis.

Article 26

Report on the reintroduction of border control at internal borders

The Member State which has reintroduced border control at internal borders under Article 20 shall confirm the date on which these controls are lifted and, at the same time or soon afterwards, present a report to the European Parliament, the Council and the Commission on the reintroduction of border control at internal borders, outlining, in particular, the operation of the checks and the effectiveness of reintroducing border control.

Article 27

Informing the public

The decision to reintroduce border control at internal borders shall be taken in a transparent manner and the public informed in full thereof, unless there are overriding security reasons for not doing so.

Article 28

Confidentiality

At the request of the Member State concerned, the other Member States, the European Parliament and the Commission shall respect the confidentiality of information supplied in connection with the reintroduction and prolongation of border control and the report drawn up under Article 26.

TITLE IV

FINAL PROVISIONS

Article 29

Amendments to the Annexes

Annexes III, IV and VIII shall be amended in accordance with the procedure provided for in Article 30(2).

Article 30

Committee

1. The Commission shall be assisted by a committee, hereinafter *"the Committee"*.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof and provided that the implementing measures adopted in accordance with this procedure do not modify the essential provisions of this Regulation.
   The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

3a. Without prejudice to the implementing measures already adopted, the application of the provisions of this Regulation concerning the adoption of technical rules and decisions in accordance with the procedure referred in paragraph 2 shall be suspended four years after the entry into force of this Regulation. On a proposal from the Commission, the European Parliament and the Council may renew the provisions concerned in accordance with the procedure laid down in Article 251 of the Treaty and, to that end, shall review them prior to the expiry of the four-year period.

Article 30a

1. Member States shall notify the Commission of;

   - the list of residence permits referred to in Article 2 point 15),
   - the list of their border crossing points,
   - the reference amounts required for the crossing of their external borders fixed annually by the national authorities,
   - the list of national services responsible for border control,
   - the specimen of model cards issued by Foreign Ministries.

2. The Commission shall make the information notified in conformity with paragraph 1, available to the Member States and the public through publication in the Official Journal of the European Union and by any other appropriate means.

Article 31

Local border traffic

This Regulation is without prejudice to Community rules on local border traffic and to existing bilateral agreements on local border traffic.

Article 32

Ceuta and Melilla

The provisions of this Regulation shall not affect the special rules applying to the cities of Ceuta and Melilla, as defined in the Declaration by the Kingdom of Spain on the cities of Ceuta and Melilla in the Final Act to the Agreement on the Accession of the Kingdom of Spain to the Convention implementing the Schengen Agreement of 14 June 1985.[29]

[29] OJ L 239, 22.9.2000, p. 73.

Article 33

Notification of information by the Member States

Within ten working days of the entry into force of this Regulation, the Member States shall notify the Commission of national provisions relating to Article 19(c) and (d), the penalties as referred to in Article 4(3) and the bilateral arrangements concluded in accordance with Article 15(1). Subsequent changes to these provisions shall be notified within five working days.
The information notified by the Member States shall be published in the *Official Journal of the European Union*, C Series.

Article 34

Report on the application of Title III

The Commission shall submit to the European Parliament and the Council, no later than three years after the entry into force of this Regulation, a report on the application of Title III.
The Commission shall pay particular attention to any difficulties arising from the reintroduction of border control at internal borders. Where appropriate, it shall present proposals aimed at resolving such difficulties.

Article 35

Repeals

1. The provisions of Articles 2 to 8 of the Convention implementing the Schengen Agreement of 14 June 1985 shall be repealed with effect from ... *[date of entry into operation of this Regulation]*.

2. The following are repealed with effect from the same date:
   - the Common Manual, including its annexes;
   - the decisions of the Schengen Executive Committee of 26 April 1994 (SCH/Com-ex (94), 1 rev 2), 22 December 1994 (SCH/Com-ex (94)17, rev. 4) and 20 December 1995 (SCH/Com-ex (95) 20, rev. 2);
   - Annex 7 to the Common Consular Instructions;

– Regulation (EC) No 790/2001;
– Council Decision of 29 April 2004 determining the minimum indications to be used on signs at external border crossing points[30]:
– Council Decision on the amendment of Part II and the drawing up of Annex 16 to the Common Manual:
– Council Regulation (EC) No 2133/2004 of 13 December 2004 on the requirement for the competent authorities of the Member States to stamp systematically the travel documents of third-country nationals when they cross the external borders of the Member States and amending the provisions of the Convention implementing the Schengen agreement and the Common Manual to this end.

References to the Articles deleted and instruments repealed shall be construed as references to this Regulation and should be read in accordance with the correlation table in Annex XII.

Article 36

Entry into force

This Regulation shall enter into force 6 months after its publication in the *Official Journal of the European Union*. However, Article 30a shall enter into force on the day after its publication in the *Official Journal of the European Union.*

This Regulation shall be binding in its entirety and directly applicable in the Member States, in accordance with the Treaty establishing the European Community.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*
[…]	*[…]*

[30] OJ L 261, 6.8.2004, p. 119.

ANNEX I

Supporting documents to verify the fulfilment of entry conditions of Art. 5 (1)c)

1. The documentary evidence referred to in Article 5(2) may include the following:

a) for business trips:

– an invitation from a firm or an authority to attend meetings, conferences or events connected with trade, industry or work;
– other documents which show the existence of trade relations or relations for work purposes;
– entry tickets for fairs and congresses if attending one.

b) for journeys undertaken for the purposes of study or other types of training:

– a certificate of enrolment at a teaching institute for the purposes of attending vocational or theoretical courses in the framework of basic and further training;
– student cards or certificates for the courses attended.

c) for journeys undertaken for the purposes of tourism or for private reasons:

supporting documents as regards the lodging:

– an invitation from the host if staying with one ;
– a supporting document from the establishment providing lodging *or*
– any other appropriate document indicating the accommodation envisaged;

supporting documents as regards the itinerary:

– confirmation of the booking of an organised trip or any other appropriate document indicating the envisaged travel plans;

supporting documents as regards return:

– a return or round-trip ticket.

d) for journeys undertaken for political, scientific, cultural, sports or religious events or other reasons:

invitations, entry tickets, enrolments or programmes stating wherever possible the name of the host organisation and the length of stay or any other appropriate document indicating the purpose of the visit.

ANNEX II

Registration of information

At all border crossing points, all service information and any other particularly important information shall be registered manually or electronically. The information to be registered shall include in particular:

- the names of the border guard responsible locally for border checks and of the other officers in each team;
- relaxation of checks on persons applied in accordance with Article 7;
- the issuing, at the border, of documents in place of passports and of visas;
- persons apprehended and complaints (criminal offences and administrative breaches);
- persons refused entry in accordance with Article 11 (grounds for refusal and nationalities);
- the security codes of entry and exit stamps, the identity of border guards using the stamps at any given date or shift, as well as the information related to lost and stolen stamps;
- complaints from persons subject to checks;
- other particularly important police or judicial measures;
- particular occurrences.

ANNEX III

Model signposts identifying lanes at frontier crossing-points

Part A



[31]

[31] No logo is required for Norway and Iceland.

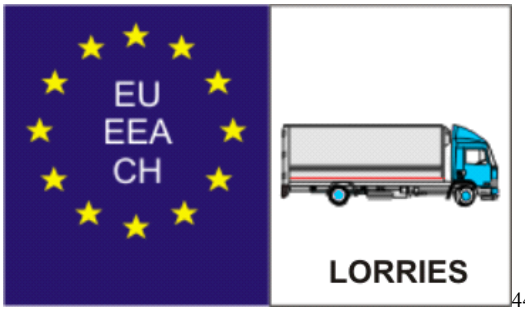
Part B



Part C



32



44

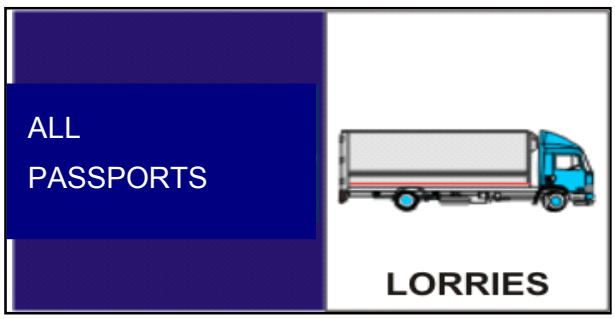


44

32 No logo is required for Norway and Iceland.


ALL
PASSPORTS
CARS


ALL
PASSPORTS
BUSES


ALL
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LORRIES

ANNEX IV
Affixing stamps

1. The travel documents of third-country nationals shall be systematically stamped on entry and exit, in accordance with Article 9. The specifications of these stamps are laid down in the Schengen Executive Committee Decision SCH/COM-EX (94) 16 rev and SCH/Gem-Handb (93) 15 (CONFIDENTIAL).

2. The security codes on the stamps shall be changed at regular intervals not exceeding one month.

3. In the case of entry and exit of third-country nationals submitted to the visa obligation, the stamp shall, if possible, be affixed so that it covers the edge of the visa without affecting the legibility of the indications on the visa or the security features of the visa sticker. If several stamps have to be affixed (for example in the case of a multiple-entry visa), this shall be done on the page facing the one on which the visa is affixed.
   If that page cannot be used, the stamp shall be entered on the following page. The machine readable zone shall not be stamped.

4. Member States shall designate national contact points responsible for exchanging information on the security codes of the entry and exit stamps used at border crossing-points and shall inform the other Member States, the General Secretariat of the Council and the Commission thereof. These contact points shall have without delay access to information regarding common entry and exit stamps used at the external border of the Member State concerned, and in particular to information on the following:

– the border crossing-point to which a given stamp is assigned;
– the identity of the border guard to whom a given stamp is assigned at any given time;
– the security code of a given stamp at any given time.

Any inquiries regarding common entry and exit stamps shall be made through the above-mentioned national contact points.
The national contact points shall also forward immediately to the other contact points, the General Secretariat of the Council, and the Commission information regarding a change in the contact points as well as lost and stolen stamps.

ANNEX V

Part A

Procedures for refusing entry at the border

1. When refusing entry, the competent border guard shall:

– fill in the standard form for refusing entry, as shown in Part B. The third-country national concerned shall sign the form and shall be given a copy of the signed form. In case the third-country national refuses to sign, the border guard shall indicate this refusal in the form under the section "comments";

– affix an entry stamp on the passport, cancelled by a cross in indelible black ink, and write opposite it on the right-hand side, also in indelible ink, the letter(s) corresponding to the reason(s) for refusing entry, the list of which is given on the abovementioned standard form for refusing entry;

– cancel the visa by applying a stamp stating “CANCELLED" in the cases referred to in paragraph 2. In such a case the optically variable feature of the visa sticker, the security feature "latent image effect" as well as the term "visa" shall be destroyed by crossing it out so as to prevent any later misuse. The border guard shall inform his/her central authorities of this decision forthwith;

– record every refusal of entry in a register or on a list stating identity, nationality, the references of the document authorising the third-country national to cross the border and the reason for, and date of, refusal of entry;

2. The visa shall be cancelled in the following cases:

a) if the holder of the visa is the subject of an alert in the SIS for the purposes of being refused entry unless when he holds a visa or re-entry visa issued by one of the Member States and wants entry for transit purposes in order to reach the territory of the Member State which issued the document.

b) if there are serious grounds to believe that the visa was obtained in a fraudulent way.

The failure of the third country national to produce, at the border, one or more of the supporting documents referred to in article 5(2), shall not automatically lead to a decision to cancel the visa.

3. If a third country national, refused entry, has been brought to the border by a carrier, the authority responsible locally shall:

− order the carrier to take charge of the third-country national and transport him or her without delay to the third State from which he was brought, to the third State which issued the document authorising him to cross the border, or to any other third State where he is guaranteed admittance, or to find means of onward transportation in accordance with Article 26 of the Schengen Convention and Council Directive 2001/51/EC of 28 June 2001;

− pending onward transportation, take appropriate measures, in compliance with national law and having regard to local circumstances, to prevent third-country nationals refused entry from entering illegally.

4. If there are grounds both for refusing entry to a third-country national and arresting him, the border guard shall contact the authorities responsible to decide on the action to be taken in accordance with national law.

Part B
Standard form for refusal of entry at the border

Name of State

LOGO OF STATE (Name of Office)

_____



[33]

REFUSAL OF ENTRY AT THE BORDER

On _____ at (time) _____ at the border point _____

We, the undersigned, _____ have before us:

Surname _____ First name _____

Date of birth _____ Place of birth _____ Sex: _____

Nationality _____ Resident in _____

Type of identity document _____ number _____

Issued in _____ on _____

Visa number_____type _____ issued by _____

valid from ____ until ____

For a period of ____ days on the following grounds: _____

Coming from _____ by means of _____ (indicate means of transport used, e.g. flight number), he/she is hereby informed that he/she is refused entry into the country pursuant to *(indicate references to the national legislation in force),* **for the following reasons:**

[33] No logo is required for Norway and Iceland.

☐ **(A) Has no valid travel document(s)**

☐ **(B) Has a false/counterfeit/forged travel document**

☐ **(C) Has no valid visa or residence permit**

☐ **(D) Has a false/counterfeit/forged visa or residence permit**

☐ **(E) Has no appropriate documentation justifying the purpose and conditions of stay**
The following document(s) could not be provided: ….

☐ **(F) Has already stayed for three months during a 6-month period on the territory of the Member States of the European Union**

☐ **(G) Does not have sufficient means of subsistence in relation to the period and form of stay, or the means to return to the country of origin or transit**

☐ **(H) Is a person for whom an alert has been issued for the purposes of refusing entry**
☐ **in the SIS**
☐ **in the national register**

☐ **(I) Is considered to be a threat to public policy, internal security, public health or the international relations of one or more of the Member States of the European Union** *(each State must indicate the references to national legislation relating to such cases of refusal of entry*).

Comments

The person concerned may appeal against the decision to refuse entry as provided for in national law. The person concerned receives a copy of this document *(each State must indicate the references to the national legislation and procedure relating to the right of appeal)*.

Person concerned	**Officer responsible for checks**

ANNEX VI

Specific rules for different types of border and the different means of transport used for crossing the Member States' external borders

1. Land borders

1.1. Checks on road traffic

1.1.1. To ensure effective checks on persons, while ensuring the safety and smooth flow of road traffic, movements at border crossing-points shall be regulated in an appropriate manner. In case of need, Member States may conclude bilateral agreements to channel and block traffic. They shall inform the Commission thereof pursuant to Article 33.

1.1.2. At land borders, Member States may, where they deem appropriate and if circumstances allow, install channels or operate separate lanes at certain border crossing-points, in accordance with Article 8.

Separate channels or lanes may be dispensed with at any time by the Member States' competent authorities, in exceptional circumstances and where traffic and infrastructure conditions so require. Member States may cooperate with neighbouring countries with a view to the installation of separate channels and lanes at external border crossing-points.

1.1.3. As a general rule, persons travelling in vehicles may remain inside them during checks. However, if circumstances so require, persons may be requested to alight from their vehicles. Thorough checks shall take place, if local circumstances allow, in areas designated for that purpose. In the interests of staff safety, checks shall be carried out, where possible, by two border guards.

1.2. Checks on rail traffic

1.2.1. Checks shall be carried out both on train passengers and on railway staff on trains crossing external borders, including those on goods trains or empty trains. These checks shall be carried out in either one of the following two ways:

– on the platform, in the first station of arrival or departure on the territory of a Member State,

– on board the train, during transit.

Member States may conclude bilateral agreements on how to conduct these checks. They shall inform the Commission thereof pursuant to Article 33.

1.2.2. By way of derogation from point 1.2.1. and in order to facilitate rail traffic flows of high speed passenger trains, the Member States on the itinerary of these trains from third States may also decide, by common agreement with third States concerned, to carry out entry checks on persons in trains from third States in either one of the following ways:

- in the stations in a third State where persons board the train,
- in the stations where persons disembark within the territory of the Member States,
- on board the train during transit between the stations on the territory of the Member States, provided that the persons stay on board the train in the previous station/stations.

1.2.3. With respect to high speed trains from third States making several stops in the territory of the Member States, if the rail transport carrier is in a position to board passengers exclusively for the remaining part of the journey within the territory of the Member States, such passengers shall be subject to entry checks either on the train or at the station of destination except where controls have been carried out pursuant to points 1.2.1. or 1.2.2. 1st indent.

Persons who wish to take the train exclusively for the remaining part of the journey within the territory of the Member States shall receive clear notification prior to the train's departure that they will be subject to entry checks during the journey or at the station of destination.

1.2.4. When travelling in the opposite direction, the persons on board the train shall be subject to exit checks under similar arrangements.

1.2.5. The border guard may order the cavities of carriages to be inspected if necessary with the assistance of the train inspector, to ensure that persons or objects subject to border checks are not concealed in them.

1.2.6. Where there are reasons to believe that persons who have been reported or suspected of having committed an offence, or third-country nationals intending to enter illegally, are hiding on a train, the border guard, if he cannot act in accordance with his national provisions, shall notify the Member States towards or within whose territory the train is moving.

2. Air borders

2.1. Procedures for checks at international airports

2.1.1. The competent authorities of the Member States shall ensure that the airport operator takes the requisite measures to physically separate the flows of passengers on internal flights from the flows of passengers on other flights. Appropriate infrastructures shall be set in place at all international airports to that end.

2.1.2. The place where border checks are carried out, shall be determined in accordance with the following procedure:

a) Passengers on a flight from a third State who board an internal flight shall be subject to an entry check at the airport of arrival of the flight from a third State. Passengers on an internal flight who board a flight for a third State (transfer passengers) shall be subject to an exit check at the airport of departure of the latter flight.

b) For flights from or to third States with no transfer passengers and flights making more than one stop-over at the airports of the Member States where there is no change of plane:

   i) passengers on flights from or to third States where there is no prior or subsequent transfer within the territory of the Member States shall be subject to an entry check at the airport of entry and an exit check at the airport of exit;

ii) passengers on flights from or to third States with more than one stop-over on the territory of the Member States where there is no change of plane (transit passengers), and provided that passengers cannot board the aircraft for the leg situated within the territory of the Member States, shall be subject to an entry check at the airport of arrival and an exit check at the airport of departure;

(iii) where an airline may, for flights from third States with more than one stop-over within the territory of the Member States, board passengers only for the remaining leg within this territory, passengers shall be subject to an exit check at the airport of departure and an entry check at the airport of arrival.

Checks on passengers who, during these stop-overs, are already on board the aircraft and have not boarded in the territory of the Member States shall be carried out in accordance with point (b)(ii). The reverse procedure shall apply to this category of flights where the country of destination is a third State.

2.1.3. Border checks shall normally not be carried out on the aircraft or at the gate, unless it is justified on the basis of an assessment of the risks related to internal security and illegal immigration. In order to ensure that, at the airports designated as border crossing-points, persons are checked in accordance with the rules set out in Articles 6 to 11, Member States shall ensure that the airport authorities take the requisite measures to channel passenger traffic to facilities reserved for checks.

Member States shall ensure that the airport operator takes the necessary measures to prevent unauthorised persons entering and leaving the reserved areas, for example the transit area. Checks shall normally not be carried out in the transit area, unless it is justified on the basis of an assessment of the risks related to internal security and illegal immigration; in particular checks in this area may be carried out on persons submitted to an airport transit visa in order to check that they are in possession of such a visa.

2.1.4. Where, in cases of force majeure or imminent danger or on the instructions of the authorities, an aircraft on a flight from a third State has to land on a landing ground which is not a border crossing-point, that aircraft may continue its flight only after authorisation from the border guards and from customs. The same shall apply where an aircraft on a flight from a third State lands without permission. In any event, Articles 6 to 11 shall apply to checks on persons on such aircraft.

2.2. Procedures for checks in aerodromes

2.2.1. It shall be ensured that persons are also checked, in accordance with the rules set out in Articles 6 to 11, in airports which do not hold the status of international airport under the relevant national law ("aerodromes") but through which the routing of flights from or to third States is authorised.

2.2.2. By way of derogation from point 2.1.1. it shall not be necessary to make appropriate arrangements in aerodromes to ensure that inflows of passengers from internal and other flights are physically separated, without prejudice to Regulation (EC) No 2320/2002 establishing common rules in the field of civil aviation security.[34] In addition, when the volume of traffic is low, the border guards need not be present at all times, provided that there is a guarantee that the necessary personnel can be deployed in good time.

2.2.3. When the presence of the border guards is not assured at all times in the aerodrome, the director of this aerodrome shall give adequate notice to the border guards about the arrival and the departure of aircrafts on flights from or to third States.

2.3. Checks on persons on private flights

2.3.1. In the case of private flights from or to third States the captain shall transmit to the border guards of the Member State of destination and, where appropriate, of the Member State of first entry, prior to take-off, a general declaration comprising inter alia a flight plan in accordance with Annex 2 to the Convention on International Civil Aviation and information concerning passengers' identity.

2.3.2. Where private flights coming from a third State and bound for a Member State make stop-overs in the territory of other Member States, the competent authorities of the Member State of entry shall carry out border checks and apply an entry stamp to the general declaration referred to in point 2.3.1.

[34] OJ L 355, 30.12.2002, p. 1.

2.3.3. Where uncertainty exists whether a flight is exclusively coming from, or solely bound for, the territories of the Member States without landing on the territory of a third State, the competent authorities shall carry out checks on persons in airports and aerodromes in accordance with points 2.1 to 2.2.

2.3.4. The arrangements for the entry and exit of gliders, micro-light aircraft, helicopters, small-scale aircraft capable of flying short distances only and airships shall be laid down by national law and, where applicable, by bilateral agreements.

3. Sea borders

3.1. General checking procedures on maritime traffic

3.1.1. Checks on ships shall be carried out at the port of arrival or departure, on board ship or in an area set aside for the purpose, located in the immediate vicinity of the vessel. However, in accordance with the agreements reached on the matter, checks may also be carried out during crossings or, upon the ship's arrival or departure, in the territory of a third State.
The purpose of checks is to ensure that both crew and passengers fulfil the conditions laid down in Article 5, without prejudice to Article 17(1)(b).

3.1.2. [...]
3.1.3. The ship's captain or, failing that, the individual or corporation who represents the shipowner in all matters relating to the shipowner's duties in fitting out the vessel ("shipowner's agent"), shall draw up a list, in duplicate, of the crew and of any passengers. At the latest upon arriving in the port he shall give the list(s) to the border guards. If, for reasons of force majeure, the list or lists cannot be sent to the border guards, a copy shall be sent to the appropriate border post or shipping authority, which shall forward it without delay to the border guards.

3.1.4. One copy of the two lists duly signed by the border guard shall be returned to the ship's captain, who shall produce it on request when in port.

3.1.5. The ship's captain, or failing that, the shipowner's agent shall report promptly any changes to the composition of the crew or the number of passengers.
In addition, the captain shall notify the competent authorities promptly, and if possible even before the ship enters port, of the presence on board of stowaways. Stowaways shall, however, remain under the responsibility of the ship's captain.

3.1.6. The ship's captain shall notify the border guards of the ship's departure in due time and in accordance with the rules in force in the port concerned; if he is unable to notify these authorities, he shall advise the appropriate shipping authority. The second copy of the previously completed and signed list(s) shall be returned to these authorities.

3.2. Specific check procedures for certain types of shipping

Cruise ships

3.2.1. The cruise ship's captain or, failing that, the shipowner agent shall transmit to the respective border guards the itinerary and the programme of the cruise, at least 24 hours before leaving the port of departure and before the arrival at each port in the territory of the Member States.

3.2.2. If the itinerary of a cruise ship comprises exclusively ports situated in the territory of the Member States, by way of derogation from Articles 4 and 6, no border checks shall be carried out and the cruise ship may dock at ports which are not border crossing points.

Nevertheless, on the basis of an assessment of the risks related to security and illegal immigration, checks may be carried out on crew and passengers of these ships.

3.2.3. If the itinerary of a cruise ship comprises both ports situated in the territory of the Member States and ports situated in third States, by way of derogation from Article 6, border checks shall be carried out as follows.

a) Where the cruise ship comes from a port situated in a third State and calls for the first time at a port situated in the territory of a Member State, crew and passengers shall be subject to entry checks on the basis of the nominal lists of crew and passengers, as referred to in point 3.2.4.

Passengers going ashore shall be subject to entry checks in accordance with Article 6 unless an assessment of the risks related to security and illegal immigration shows that there is no need to carry out such checks.

b) Where the cruise ship comes from a port situated in a third State and calls again at a port situated in the territory of a Member State, crew and passengers shall be subject to entry checks on the basis of the nominal lists of crew and passengers as referred to in point 3.2.4. to the extent that these lists have been modified since the cruise ship called in the previous port situated in the territory of a Member State.

Passengers going ashore shall be subject to entry checks in accordance with Article 6 unless an assessment of the risks related to security and illegal immigration shows that there is no need to carry out such checks .

c) Where the cruise ship comes from a port situated in a Member State and calls at such a port, passengers going ashore shall be subject to entry checks in accordance with Article 6 if an assessment of the risks related to security and illegal immigration so requires.

d) Where a cruise ship departs from a port situated in a Member State to a port in a third State, crew and passengers shall be subject to exit checks on the basis of the nominal lists of crew and passengers.
If an assessment of the risks related to security and illegal immigration so requires, passengers going on board shall be subject to exit checks in accordance with Article 6.

e) Where a cruise ship departs from a port situated in a Member State to such a port, no exit checks shall be carried out.
Nevertheless, on the basis of an assessment of the risks related to security and illegal immigration, checks may be carried out on crew and passengers of these ships.

3.2.4. The nominal lists of crew and passengers shall include:

- name and surname
- date of birth
- nationality
- number and type of travel document and, where applicable, visa number.

The cruise ship's captain or, failing that, the shipowner agent shall transmit to the respective border guards the nominal lists at least 24 hours before the arrival at each port in the territory of the Member States or, in case the journey to this port lasts less than 24 hours, immediately after the boarding is completed in the previous port.

The nominal list shall be stamped at the first port of entry into the territory of the Member States and in all cases thereafter if the list is modified. The nominal list shall be taken into account in the assessment of the risks as referred to in point 3.2.3.

Pleasure boating

3.2.5. By way of derogation from Articles 4 and 6, persons on board pleasure boats coming from or departing to a port situated in a Member State shall not be subject to border checks and may enter a port which is not a border crossing point.

However, when according to the assessment of the risks of illegal immigration, and in particular where the coastline of a third State is located in the immediate vicinity of the territory of the Member State concerned, checks on these persons and/or a physical search of the pleasure boats shall be carried out.

3.2.6. By way of derogation from Article 4, a pleasure boat coming from a third State may, exceptionally, enter a port which is not a border crossing-point. In these cases, the persons on board shall notify the port authorities in order to be authorised to enter this port. The port authorities shall contact the authorities in the nearest port designated as border crossing point in order to report the vessel's arrival. The declaration regarding passengers shall be made by lodging the list of persons on board with the port authorities. This list shall be made available to the border guards, at the latest upon arrival.

Likewise, if for reasons of force majeure the pleasure boat coming from a third State has to dock in a port other than a border crossing-point, the port authorities shall contact the authorities in the nearest port designated as a border crossing-point in order to report the vessel's presence.

3.2.7. During these checks, a document containing all the technical characteristics of the vessel and the names of the persons on board shall be handed in. A copy of this document shall be given to the authorities in the ports of entry and departure. As long as the vessel remains in the territorial waters of one of the Member States, a copy of this list shall be included amongst the ship's papers.

Coastal fishing

3.2.8. By way of derogation from Articles 4 and 6, the crews of coastal fisheries vessels who return every day or within 36 hours to the port of registration or to any other port situated in the territory of the Member States without docking in a port situated in the territory of a third State shall not be systematically checked. Nevertheless, the assessment of the risks of illegal immigration, in particular where the coastline of a third State is located in the immediate vicinity of the territory of the Member State concerned, shall be taken into account in order to determine the frequency of the checks to be carried out. According to those risks, checks on persons and/or a physical search of the vessel shall be carried out.

3.2.9. The crews of coastal fisheries vessels not registered in a port situated in the territory of a Member State shall be checked in accordance with the provisions relating to seamen.
The ship's captain shall notify the competent authorities of any alteration to the crew list and of the presence of any passengers.

Ferry connections

3.2.10. Checks shall be carried out on persons on board ferry connections with ports situated in third States. The following rules shall apply:

a) where possible, Member States shall provide separate lanes, in accordance with Article 8;
b) checks on foot passengers shall be carried out individually;
c) checks on vehicle occupants shall be carried out while they are at the vehicle;
d) ferry passengers travelling by coach shall be considered as foot passengers. These passengers shall alight from the coach for the checks;

e) checks on heavy goods vehicle drivers and any accompanying persons shall be conducted while the occupants are at the vehicle. This check shall in principle be organised separately from checks on the other passengers;

f) to ensure that checks are carried out quickly, there shall be an adequate number of gates;

g) so as to detect illegal immigrants in particular, random searches shall be made on the means of transport used by the passengers, and where applicable on the loads and other goods stowed in the means of transport;

h) ferry crew members shall be dealt with in the same way as commercial ship crew members.

4. Inland waterways shipping

4.1. "Inland waterways shipping involving the crossing of an external border" covers the use, for business or pleasure purposes, of all types of boat and floating vessels on rivers, canals and lakes.

4.2. As regards boats used for business purposes, the captain and the persons employed on board who appear on the crew list and members of the families of these persons who live on board shall be regarded as crew members or equivalent.

4.3. The relevant provisions of points 3.1 to 3.2 shall apply *mutatis mutandis* to checks on inland waterways shipping.

ANNEX VII

Special arrangements for certain categories of persons

1. Heads of State

By way of derogation from Articles 5 to 11, Heads of State and the members of their delegation, whose arrival and departure have been officially announced through diplomatic channels to the border guards, may not be subject to border checks.

2. Pilots of aircraft and other crew members

2.1. By way of derogation from Article 5 the holders of a pilot's licence or a crew member certificate as provided for in Annex 9 to the Civil Aviation Convention of 7 December 1944 may, in the course of their duties and on the basis of those documents:

- embark and disembark in the stop-over airport or the airport of arrival situated in the territory of a Member State;
- enter the territory of the municipality of the stop-over airport or the airport of arrival situated in the territory of a Member State;
- go, by any means of transport, to an airport situated in the territory of a Member State in order to embark on an aircraft departing from that same airport.

In all other cases, the requirements provided for by Article 5(1) shall be fulfilled.

2.2. Articles 6 to 11 shall apply to checks on aircraft crew members. Wherever possible, priority shall be given to checks on aircraft crews. Specifically, they shall be checked either before passengers or at special locations set aside for the purpose. By way of derogation from Article 6, crews known to staff responsible for border controls in the performance of their duties may be subject to random checks only.

3. Seamen

3.1. By way of derogation from Articles 4 and 6, Member States may authorise seamen holding a seafarer's identity document issued in accordance with the Geneva Convention of 19 June 2003 (No 185), the London Convention of 9 April 1965 and the relevant national provisions, to enter into the territory of the Member States by going ashore to stay in the area of the port where their ships call or in the adjacent municipalities without presenting themselves at a border crossing-point, on condition that they appear on the crew list, which has previously been submitted for checking by the competent authorities, of the ship they belong to.

However, according to the assessment of the risks of illegal immigration and security, seamen shall be subject to a check in accordance with Article 6 by the border guards before they go ashore.

If a seaman constitutes a threat to public policy , internal security or public health, he may be refused permission to go ashore.

3.2. Seamen who intend to stay outside the municipalities situated in the vicinity of ports shall comply with the conditions for entry to the territory of the Member States, as laid down in Article 5(1).

4. Holders of diplomatic, official or service passports and members of international organisations

4.1. In view of the special privileges or immunities they enjoy, the holders of diplomatic, official or service passports issued by third States or their Governments recognised by the Member States, as well as the holders of documents issued by the international organisations listed in point 4.4, who are travelling in the course of their duties, may be given priority over other travellers at border checks even though they remain, where applicable, subject to the requirement for a visa.
By way of derogation from Article 5 (1) c), persons holding these documents shall not be required to prove that they have sufficient means of subsistence.

4.2. If a person presenting himself at the external border invokes privileges, immunities and exemptions, the border guard may require him to provide evidence of his status by producing the appropriate documents, in particular certificates issued by the accrediting State or a diplomatic passport or other means. If he has doubts, the border guard may, in case of urgent need, apply direct to the Ministry of Foreign Affairs.

4.3. Accredited members of diplomatic missions and of consular representations and their families may enter the territory of the Member States on presentation of the card referred to in Article 17(2) and of the document authorising them to cross the border. Moreover, by way of derogation from Article 11 border guards may not refuse the holders of diplomatic, official or service passports entry to the territory of the Member States without first consulting the appropriate national authorities. This shall also apply where an alert has been entered in the SIS for this person.

4.4. The documents issued by the international organisations for the purposes specified in point 4.1 are in particular the following:

– United Nations laissez-passer issued to staff of the United Nations and subordinate agencies under the Convention on Privileges and Immunities of Specialised Agencies adopted by the United Nations General Assembly on 21 November 1947 in New York;
– European Community (EC) laissez-passer;
– European Atomic Energy Community (Euratom) laissez-passer;
– legitimacy certificate issued by the Secretary-General of the Council of Europe;
– documents issued pursuant to paragraph 2 of Article III of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Force (military ID cards accompanied by a travel order, travel warrant, or an individual or collective movement order) as well as documents issued in the framework of the Partnership for Peace.

5. Cross-border workers

5.1. The procedures for checking cross-border workers are governed by the general rules on border control, in particular Articles 6 and 11.

5.2. By way of derogation from Article 6 cross-border workers well known by the border guards due to their frequent crossing of the border at the same border crossing point, and whom, on the basis of an initial check, have not resulted as being subject of an alert in the SIS or in a national data file will be subject only to random checks to ensure that they hold a valid document authorising them to cross the border and fulfil the necessary entry conditions. Thorough checks shall be carried out on these persons from time to time, without warning and at irregular intervals.

5.3. The provisions of point 5.2 may be extended to other categories of regular cross-border commuters.

6. Minors

6.1. Border guards shall pay particular attention to minors, whether travelling accompanied or unaccompanied. Minors crossing the external border shall be subject to the same checks on entry and exit as adults, as provided for in this Regulation.

6.2. In the case of accompanied minors, the border guard shall check that the persons accompanying minors have parental care over them, especially where minors are accompanied by only one adult and there are serious grounds for suspecting that they may have been unlawfully removed from the custody of the person(s) legally exercising parental care over them. In the latter case, the border guard shall carry out further investigation in order to detect any inconsistencies or contradictions between the information given.

6.3. In the case of minors travelling unaccompanied, border guards shall ensure, by means of thorough checks on travel documents and supporting documents, that the minors do not leave the territory against the wishes of the person(s) having parental care over them.

ANNEX VIII

Name of State

LOGO OF STATE **(Name of Office)**



No logo required for Iceland and Norway

APPROVAL OF THE EVIDENCE REGARDING THE RESPECT OF THE CONDITION OF THE DURATION OF A SHORT STAY IN CASES WHERE THE TRAVEL DOCUMENT DOES NOT BEAR AN ENTRY STAMP

On _____ at (time) _____ at (place)_____

We, the undersigning authority, _____ have before us:

Surname _____ First name _____

Date of birth _____ Place of birth _____ Sex: _____

Nationality _____ Resident in _____

Travel document _____ number _____

Issued in _____ on _____

Visa number_____ (if applicable) issued by _____

for a period of ____ days on the following grounds: _____

Having regard to the evidence relating to the duration of his (her) stay on the territory of the Member States that he (she) has provided, he (she) is considered to have entered the territory of the Member State _____on _____at _____at the border point_____

Contact details of the undersigning authority:

Tel:_____

Fax:_____

e-mail:_____

The person concerned shall receive a copy of this document.

Person concerned	**Officer responsible + stamp**