

Schengen Borders Code: use of the Entry/Exit System (EES)

2016/0105(COD) - 06/04/2016 - Legislative proposal

PURPOSE: to amend Regulation (EU) 2016/399 on the Schengen Borders Code as regards the use of the Entry/Exit System.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: in February 2013, the Commission tabled a package of legislative proposals on Smart Borders to modernise the Schengen area's external border management. Since then, technical, financial and operational concerns on certain aspects of the design of the systems have been brought to light.

Therefore, the Commission has decided to:

- revise its 2013 [proposal for a Regulation for the establishment of an Entry/Exit System](#) (EES);
- revise its 2013 proposal for **Regulation amending the Schengen Borders Code** to integrate the technical changes that result from the new proposal for a Regulation establishing an Entry/Exit System (EES);
- withdraw its 2013 [proposal for a Regulation](#) for a Registered Traveller Programme (RTP).

CONTENT: this proposal aims to amend Regulation (EU) 2016/399 of the European Parliament and of the Council on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

The proposed amendments are due to the [proposed establishment of an Entry Exit System \(EES\)](#) for which a legislative proposal is presented simultaneously.

The current proposal replaces the 2013 proposal and integrates the following, *inter alia*, into the Schengen Borders Code:

Definitions: additional definitions of the **EES, self-service system, e-gate and Automated Border Control (ABC)** system.

Border checks on persons: the obligation to check the authenticity of all travel documents that contain an electronic storage medium using valid certificates has been added.

Provisions have been laid down as regards the use of automated border control systems for EU/EEA/CH citizens and for third country nationals who hold a residence card.

National facilitation programmes: the proposal foresees the possibility for each Member State to introduce **national facilitation programmes** on a voluntary basis.

Relaxation of border checks: the obligation to always enter the data of the traveller into the EES while entering or exiting the Schengen area is highlighted. Even in situations of relaxation of border check procedures the registration in the EES shall be carried out. **Fall-back solutions** are proposed in case of

technical impossibility to enter data in the Central System of the EES or in case of failure of the Central System of the EES.

Stamping of the travel document: given that the new EES targets the abolition of stamping on entry and exit of the travel documents of third country nationals admitted for a short stay, the obligation to systematically stamp on entry and exit the travel documents of third country nationals admitted for a short stay is **deleted**. However, where expressly provided under national legislation, the new proposal foresees the possibility, for each Member State to stamp on entry and exit the travel document of those third country nationals holding a residence permit issued by that same Member State.

Refusal of entry: the proposal foresees that data on third country nationals whose entry for a short stay [or for a stay on the basis of a touring visa] has been **refused** shall be registered in the EES.

Territorial provisions: the proposed Regulation constitutes a development of the provisions of the Schengen acquis in which the United Kingdom and Ireland do not take part. Therefore, they shall not be bound by it or subject to its application.