Schengen Borders Code: reinforcement of checks against relevant databases at external borders

2015/0307(COD) - 16/02/2017 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 496 votes to 120, with 42 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 as regards the reinforcement of checks against relevant databases at external borders.

The European Parliament's position adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Border checks: the amended text stipulates that the phenomenon of foreign terrorist fighters, many of whom are Union citizens, demonstrates the need to reinforce checks at external borders with regard to persons enjoying the right of free movement under Union law.

This Regulation amending the Schengen Border Code obliges the Member States to carry out systematic checks on entry and on exit to the external borders of the Member States using the SIS and Interpol's Stolen and Lost Travel Documents (SLTD) database and other relevant Union databases.

Member States are obliged to check systematically third -country nationals against all relevant databases on entry. It should be ensured that such checks are also carried out systematically **on exit**.

One of the purposes of such checks is to prevent any threat to the internal security and public policy of the Member States, irrespective of the origin of such threat, including where such a threat derives from Union citizens.

Such systematic checks should be carried out in full compliance with relevant Union law, including the **Charter of Fundamental Rights** of the European Union.

In order to facilitate systematic checks against databases, Member States should phase out travel documents without machine -readable zones.

Targeted checks: where the checks against the databases would have a **disproportionate impact on the flow of traffic**, a Member State may decide to carry out those checks on a targeted basis at specified border crossing points, following an **assessment of the risks** related to the public policy, internal security, public health or international relations of any of the Member States.

Persons who, in principle, are not subject to targeted checks against the databases, shall, as a **minimum, be subject to a check** with a view to establishing their identity on the basis of the production or presentation of travel documents. Such a check shall consist of a rapid and straightforward verification of the validity of the travel document for crossing the border, and of the presence of signs of falsification or counterfeiting.

Transitional period: as regards **air borders**, Member State may decide to carry out those checks on a targeted basis during a maximum transitional period of **six months** from the date of entry into force of this Regulation. This six-month transitional period may be prolonged for that particular airport by a maximum of 18 months in exceptional cases, where, at a particular airport, there are specific infrastructural difficulties requiring a longer period of time for adaptations.

Where a Member State intends to carry out checks against relevant databases on a targeted basis regarding persons enjoying the right of free movement under Union law, it should **notify** the other Member States, the Agency and the Commission without delay. A procedure for such notification should be developed by the Commission, in cooperation with the Member States, in accordance with the Practical Handbook for Border Guards (Schengen Handbook).