

Screening Regulation

2020/0278(COD) - 14/04/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Birgit SIPPEL (S&D, DE) on the proposal for a regulation of the European Parliament and of the Council introducing a screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Subject matter

The purpose of the screening should be to strengthen border checks at the external borders, to identify all third-country nationals subject to it and to verify against the relevant databases whether the persons subject to it might pose a threat to internal security. The screening should also include a mandatory preliminary health check and a mandatory preliminary vulnerability check, which seek to identify vulnerable persons, persons with special reception or procedural needs, and persons in need of health care. The screening should also seek to identify persons that possibly pose a threat to public health.

Requirements concerning the screening

The screening may be conducted at any appropriate and adequate location within the territory of a Member State to be designated by that Member State, including at or in proximity to the external borders. The screening should be completed as soon as possible and should not exceed **five days**. In a situation of crisis, the screening should be carried out at the latest within ten days. Member States should still always carry out the screening without delay and as quickly as possible.

Member States should ensure that all persons subject to the screening are accorded a standard of living which guarantees their subsistence, protects their physical and mental health.

Biometric surveillance technologies

Third-country nationals should not be subject to any intrusive biometric surveillance technologies nor predictive analytics and biometric categorisation in or around the reception or screening facilities or during the screening. The use of lie detection systems or long-range listening devices shall be prohibited.

Independent monitoring mechanism

The report stressed that each Member State should establish an independent monitoring mechanism to monitor compliance with Union and international law, during border surveillance and the screening procedure, including in relation to: (a) access to the asylum procedure; (b) the principle of non-refoulement; (c) the best interest of the child; (d) the right to health care; (e) reception conditions; (f) the relevant rules on detention of the person concerned; (g) the procedural safeguards applicable to the person concerned.

The Fundamental Rights Agency (FRA) should establish general guidance as to the establishment and the independent functioning of such monitoring mechanism.

Guarantees for minors

During the screening procedure, the best interests of the child should always be a primary consideration. Member States should, as soon as possible, take measures to ensure that a representative represents and assists the unaccompanied minor during the screening.