Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)

2004/0127(COD) - 26/05/2004 - Legislative proposal

PURPOSE : to clarify, restructure, consolidate and develop existing legislation on border controls on persons

PROPOSED ACT : Council Regulation.

CONTENT : this proposed Regulation aims to establish a Community Code governing the movement of persons across borders. It is a component of the measures to be taken in the short term, as announced in the Commission's May 2002 Communication "Towards integrated management of the external borders of the Member States of the European Union".

The main aim is to give a more "Community" character and form to the rules that have been developed within the Schengen intergovernmental framework and integrated into the Treaty since May 1999.

The Code set out in the proposal contains two sections: one on "external borders" and the other on "internal borders".

The first section includes all the rules on the control of persons at the external borders, including the following: the conditions for crossing the external borders and entry to Member States; the principles governing control of external borders, including surveillance between authorised border crossing-points and the conditions for refusal of entry; and cooperation between Member States, including the implementation of border checks. The Code lays down special detailed rules for border checks for different kinds of borders (land, air and maritime) and specific procedures for certain categories of persons (seamen, pilots of aircraft, diplomats, etc.).

The section on "internal borders" adopts the provisions of the Schengen Convention, adapting them to the Community institutional framework concerning the abolition of border checks on persons at internal borders and the various procedures for temporarily re-introducing checks on persons at those borders in the event of a serious threat to the public policy, public health or national security of a Member State. As part of those, a new procedure has been introduced, embodying power to re-introduce checks jointly and immediately at all or some internal borders because of an exceptionally serious cross-border threat, particularly a cross-border terrorist threat.