# External borders, illegal immigration: date stamping of travel documents of third-country nationals

2003/0258(CNS) - 13/12/2004 - Final act

PURPOSE : to require that Member States stamp the travel documents of third country nationals when they cross the external borders and to amend the Schengen agreements.

LEGISLATIVE ACT : Council Regulation 2133/2004/EC 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.

CONTENT : The purpose of this Regulation is:

- to reiterate the obligation for the competent authorities of the Member States to stamp systematically third-country nationals' travel documents when they cross the external borders of the Member States;

- to specify the conditions under which the absence of an entry stamp on third country nationals' travel documents may constitute a presumption that the authorised duration of a short stay by such nationals on the territory of the Member States has been exceeded.

The following principal amendments are made to the Schengen Agreement:

- if in exceptional circumstances, checks cannot be carried out, then priorities must be set. In that case, entry checks will as a rule take priority over exit checks. The Member State concerned must inform the Council and Commission accordingly as quickly as possible.

- if the travel document of a third-country national does not bear an entry stamp, the competent national authorities may presume that it does not respect the condition relating to the applicable duration of a short stay. This presumption may be overturned if the third-country national demonstrates by any means that he has respected the condition relating to the duration of a short stay.

- checks at land borders may be relaxed as a result of exceptional and unforeseen circumstances. This will be the case where unforeseen events lead to such intensity of traffic that the delay in the time taken to reach checking posts becomes excessive, and all resources have been exhausted as regards staff, facilities and organisation.

- even in the event of checks being relaxed, the officials locally responsible for border checks must stamp the travel documents of third-country nationals who so request.

- no entry stamp will be affixed to the documents of citizens of the EU, nationals of the countries of the European Economic Area, nationals of the Swiss Confederation, nationals of third countries, family members of citizens of the European Union exercising their right to freedom of movement.

ENTRY INTO FORCE: 16.12.2004. It shall apply from 1 December 2005.