Basic information

2003/0258(CNS) CNS - Consultation procedure Regulation	Procedure completed
External borders, illegal immigration: date stamping of travel documents of third-country nationals **Subject** 7.10.02 Schengen area, Schengen acquis 7.10.04 External borders crossing and controls, visas 7.10.08 Migration policy	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	ANGELILLI Roberta (UEN)	25/11/2003

Council of the European Union

Council configuration	Meetings	Date
General Affairs	2630	2004-12-13

European Commission

Commission DG	Commissioner
Justice and Consumers	

Key events

Date	Event	Reference	Summary
20/04/2001	Debate in Parliament		
06/11/2003	Legislative proposal published	COM(2003)0664	Summary
03/12/2003	Committee referral announced in Parliament		
18/03/2004	Vote in committee		
18/03/2004	Committee report tabled for plenary, 1st reading/single reading	A5-0229/2004	
21/04/2004	Decision by Parliament	T5-0335/2004	Summary
13/12/2004	Act adopted by Council after consultation of Parliament		
13/12/2004	End of procedure in Parliament		
16/12/2004	Final act published in Official Journal		

Technical information	
Procedure reference	2003/0258(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 062
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/20332

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0229/2004	18/03/2004	
Text adopted by Parliament, 1st reading/single reading		T5-0335/2004 OJ C 104 30.04.2004, p. 0423-0628 E	21/04/2004	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2003)0664	06/11/2003	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Regulation 2004/2133 OJ L 369 16.12.2004, p. 0005-0011	Summary

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

2003/0258(CNS) - 21/04/2004 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution based on the draft by Roberta ANGELILLI (UEN, I) and made some amendments to clarify the proposal. Parliament agreed that the Common Manual for External Borders contains provisions on the stamping of travel documents of third country nationals when they cross the external borders of Member States that have adopted the Schengen acquis. Those provisions should be amended and brought together in a European Community legal instrument that is binding in its entirety.

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.

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

2003/0258(CNS) - 06/11/2003 - Legislative proposal

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. PROPOSED ACT : Council Regulation. CONTENT : The aim of this Regulation is: - to lay down 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 in 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.