Basic information

2020/0278(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Screening Regulation Amending Regulation 2008/767 2004/0287(COD) Amending Regulation 2017/2226 2016/0106(COD) Amending Regulation 2018/1240 2016/0357A(COD) Amending Regulation 2019/817 2017/0351(COD) **Subject** 7.10.02 Schengen area, Schengen acquis 7.10.04 External borders crossing and controls, visas **Legislative priorities** Joint Declaration 2021 Joint Declaration 2022 Joint Declaration 2023-24	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	SIPPEL Birgit (S&D)	09/11/2020
	Shadow rapporteur ZOIDO ÁLVAREZ Juan Ignacio (EPP) OETJEN Jan-Christoph (Renew) STRIK Tineke (Greens/EFA) WEIMERS Charlie (ECR) VANDENDRIESSCHE Tom (ID) ERNST Cornelia (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	
BUDG Budgets	The committee decided not to give an opinion.	

Council of the European Union	
European Commission	Commission DG: Migration and Home Affairs — Commissioner: JOHANSSON Ylva

Key events

Date	Event	Reference	Summary
23/09/2020	Legislative proposal published	COM(2020)0612	Summary
11/11/2020	Committee referral announced in Parliament, 1st reading		
28/03/2023	Vote in committee, 1st reading		
28/03/2023	Committee decision to open interinstitutional negotiations with report adopted in committee		
14/04/2023	Committee report tabled for plenary, 1st reading	A9-0149/2023	Summary
17/04/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
20/04/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72 - vote)		
14/02/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2024)000944 PE759.021	
10/04/2024	Decision by Parliament, 1st reading	T9-0181/2024	Summary
10/04/2024	Results of vote in Parliament		
10/04/2024	Debate in Parliament		
14/05/2024	Act adopted by Council after Parliament's 1st reading		
14/05/2024	Final act signed		
22/05/2024	Final act published in Official Journal		

Technical information

Procedure reference	2020/0278(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation 2008/767 2004/0287(COD) Amending Regulation 2017/2226 2016/0106(COD) Amending Regulation 2018/1240 2016/0357A(COD) Amending Regulation 2019/817 2017/0351(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 077-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/04281

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE700.425	16/11/2021	
Amendments tabled in committee		PE703.276	24/01/2022	
Amendments tabled in committee		PE703.277	24/01/2022	
Amendments tabled in committee		PE703.278	24/01/2022	
Committee report tabled for plenary, 1st reading/single reading		A9-0149/2023	14/04/2023	Summary
Text agreed during interinstitutional negotiations		PE759.021	08/02/2024	
Text adopted by Parliament, 1st reading/single reading		T9-0181/2024	10/04/2024	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2024)000944	08/02/2024	
Draft final act	00020/2024/LEX	14/05/2024	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2020)0612	23/09/2020	Summary
Commission response to text adopted in plenary	SP(2024)377	29/07/2024	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	ES_PARLIAMENT	COM(2020)0612	15/12/2020	
Contribution	PT_PARLIAMENT	COM(2020)0612	21/01/2021	
Contribution	RO_SENATE	COM(2020)0612	30/03/2021	
Contribution	EL_PARLIAMENT	COM(2020)0612	16/04/2021	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES5719/2020	24/02/2021	
CofR	Committee of the Regions: opinion	CDR4843/2020	19/03/2021	

Additional information		
Source	**Document**	**Date**
European Parliament	Briefing	17/11/2020
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency				
Name	**Role**	**Committee**	**Date**	**Interest representatives**
SIPPEL Birgit	Rapporteur	LIBE	29/09/2025	European Network on Statelessness
SIPPEL Birgit	Rapporteur	LIBE	06/03/2025	Border Violence Monitoring Network Meliore Foundation
SIPPEL Birgit	Rapporteur	LIBE	29/10/2024	Verbindungsbüro Bundestag
SIPPEL Birgit	Rapporteur	LIBE	21/10/2024	Centre for European Policy Studies
SIPPEL Birgit	Rapporteur	LIBE	01/10/2024	Ludwig-Maximilians-Universität München
SIPPEL Birgit	Rapporteur	LIBE	19/09/2024	Deutscher Caritasverband e. V.
SIPPEL Birgit	Rapporteur	LIBE	05/06/2024	International Centre for Migration Policy Development
SIPPEL Birgit	Rapporteur	LIBE	29/04/2024	Eurocities
SIPPEL Birgit	Rapporteur	LIBE	04/04/2024	Permanent Representation of Germany to the EU
SIPPEL Birgit	Rapporteur	LIBE	27/03/2024	Universität Wien
SIPPEL Birgit	Rapporteur	LIBE	26/03/2024	European Policy Centre
SIPPEL Birgit	Rapporteur	LIBE	28/02/2024	Caritas Deutschland
SIPPEL Birgit	Rapporteur	LIBE	13/02/2024	Parliamentary Assembly of the Council of Europe, Member of the Committee on Migration, Refugees and Displaced Persons
SIPPEL Birgit	Rapporteur	LIBE	06/02/2024	Amnesty International Limited
SIPPEL Birgit	Rapporteur	LIBE	05/02/2024	European Network for Statelessness
SIPPEL Birgit	Rapporteur	LIBE	25/01/2024	German Permanent Representation
ERNST Cornelia	Shadow rapporteur	LIBE	24/01/2024	Border Violence Monitoring Network
SIPPEL Birgit	Rapporteur	LIBE	15/12/2023	Bundesministerium des Inneren und für Heimat
SIPPEL Birgit	Rapporteur	LIBE	13/12/2023	Pro Asyl
SIPPEL Birgit	Rapporteur	LIBE	05/12/2023	Bundesministerin des Innern und für Heimat

SIPPEL Birgit	Rapporteur	LIBE	01/12/2023	European Council on Refugees and Exiles
SIPPEL Birgit	Rapporteur	LIBE	01/12/2023	Border Violence Monitoring Network
SIPPEL Birgit	Rapporteur	LIBE	29/11/2023	Permanent Representation of the Federal Republic of Germany to the EU
SIPPEL Birgit	Rapporteur	LIBE	21/11/2023	Belgian State Secretary for Asylum and Migration
SIPPEL Birgit	Rapporteur	LIBE	16/11/2023	Border Violence Monitoring Network Platform for International Cooperation on Undocumented Migrants
SIPPEL Birgit	Rapporteur	LIBE	15/11/2023	State Secretary of Germany
SIPPEL Birgit	Rapporteur	LIBE	14/11/2023	State Secretary of Germany
SIPPEL Birgit	Rapporteur	LIBE	08/11/2023	Friedrich-Ebert-Stiftung FEPS
SIPPEL Birgit	Rapporteur	LIBE	06/11/2023	European Union Agency for Asylum
SIPPEL Birgit	Rapporteur	LIBE	31/10/2023	Auszubildende der Landkreise und Kommunen aus der Region Neckar-Alb
SIPPEL Birgit	Shadow rapporteur	LIBE	24/10/2023	Deutsches Institut für Menschenrechte e.V.
SIPPEL Birgit	Rapporteur	LIBE	19/10/2023	Médecins Sans Frontières International
SIPPEL Birgit	Rapporteur	LIBE	17/10/2023	Permanent Representation of Germany to the EU
SIPPEL Birgit	Rapporteur	LIBE	12/10/2023	AWO Bundesverband e.V. Brot für die Welt Deutscher Caritasverband e. V. Deutsches Institut für Menschenrechte e.V. Diakonie Deutschland Terre des Hommes MSF Der Paritätische
SIPPEL Birgit	Rapporteur	LIBE	12/10/2023	International Federation of Red Cross and Red Crescent Societies Jesuit Refugee Service - Europe Platform for International Cooperation on Undocumented Migrants Save the Children Europe
SIPPEL Birgit	Rapporteur	LIBE	11/10/2023	Berlin Governance Platform gGmbH Heinrich Böll Stiftung e.V. Rosa Luxemburg Stiftung Moving Cities Cities4Refugees
SIPPEL Birgit	Rapporteur	LIBE	09/10/2023	Dutch Permanent Representation to the EU
SIPPEL Birgit	Rapporteur	LIBE	04/10/2023	Permanent Represenation of the Netherlands to the EU
SIPPEL Birgit	Rapporteur	LIBE	18/09/2023	Terre des Hommes International Federation
SIPPEL Birgit	Rapporteur	LIBE	15/09/2023	European Network on Statelessness
SIPPEL Birgit	Rapporteur	LIBE	12/09/2023	European Commission, DG HOME
SIPPEL Birgit	Rapporteur	LIBE	08/09/2023	Permanent Representation of Spain to the EU
OETJEN Jan-Christoph	Shadow rapporteur	LIBE	06/09/2023	AWO Bundesverband e.V. Diakonie Deutschland Terre des Hommes International Federation PRO ASYL

SIPPEL Birgit	Rapporteur	LIBE	06/09/2023	AWO Bundesverband e.V. Diakonie Deutschland Terre des Hommes International Federation Pro asyl
SIPPEL Birgit	Rapporteur	LIBE	30/08/2023	Caritas Deutschland
SIPPEL Birgit	Rapporteur	LIBE	29/08/2023	Red Cross EU
SIPPEL Birgit	Rapporteur	LIBE	26/07/2023	ECRE
SIPPEL Birgit	Rapporteur	LIBE	25/07/2023	Police Directorate Kos
SIPPEL Birgit	Rapporteur	LIBE	25/07/2023	Frontex
SIPPEL Birgit	Rapporteur	LIBE	25/07/2023	Arsis
SIPPEL Birgit	Rapporteur	LIBE	25/07/2023	Hellenic Coast Guard
SIPPEL Birgit	Rapporteur	LIBE	24/07/2023	Equal Rights Beyond Borders AMKE Equal Rights Beyond Borders e.V.
SIPPEL Birgit	Rapporteur	LIBE	24/07/2023	Reception and Identification Service
SIPPEL Birgit	Rapporteur	LIBE	24/07/2023	Asylum Service
SIPPEL Birgit	Rapporteur	LIBE	24/07/2023	UNHCR
SIPPEL Birgit	Rapporteur	LIBE	20/07/2023	PICUM
SIPPEL Birgit	Rapporteur	LIBE	20/07/2023	Equal Rights Beyond Borders e.V.
SIPPEL Birgit	Rapporteur	LIBE	19/07/2023	Permanent Representation of the Federal Republic of Germany to the EU
SIPPEL Birgit	Rapporteur	LIBE	11/07/2023	Permanent Representation of the Federal Republic of Germany to the European Union
SIPPEL Birgit	Rapporteur	LIBE	10/07/2023	Deutsches Institut für Menschenrechte e.V.
ERNST Cornelia	Shadow rapporteur	LIBE	06/07/2023	Border Violence Monitoring Network
SIPPEL Birgit	Rapporteur	LIBE	27/06/2023	eu-LISA
SIPPEL Birgit	Rapporteur	LIBE	26/06/2023	Diakonie Deutschland Pro Asyl Evangelische Akademie zu Berlin
SIPPEL Birgit	Rapporteur	LIBE	22/06/2023	Deutscher Caritasverband e. V. Diakonie Deutschland ProAsyl Der Paritätische
SIPPEL Birgit	Rapporteur	LIBE	22/06/2023	Niedersächsisches Ministerium für Bundes- und Europaangelegenheiten und Regionale Entwicklung Vertretung des Landes Niedersachsen bei der Europäischen Union
SIPPEL Birgit	Rapporteur	LIBE	20/06/2023	Permanent Representation of Germany
SIPPEL Birgit	Rapporteur	LIBE	08/06/2023	Council of European Municipalities and Regions (
SIPPEL Birgit	Rapporteur	LIBE	31/05/2023	Friedrich-Ebert-Stiftung
SIPPEL Birgit	Rapporteur	LIBE	24/05/2023	Queen Mary University London Universitat de Barcelona College of Europe

SIPPEL Birgit	Rapporteur	LIBE	10/05/2023	Border Violence Monitoring Network
SIPPEL Birgit	Rapporteur	LIBE	04/05/2023	Kindernothilfe e.V. Lesvos Solidarity
SIPPEL Birgit	Rapporteur	LIBE	20/04/2023	Council of European Municipalities and Regions (CCRE/CEMR)
SIPPEL Birgit	Rapporteur	LIBE	19/04/2023	Permanent representation of Germany to the EU
SIPPEL Birgit	Rapporteur	LIBE	31/03/2023	Brot für die Welt Deutscher Caritasverband e. V. Diakonie Deutschland Der Paritätische Gesamtverband MSF Deutschland Pro Asyl
SIPPEL Birgit	Rapporteur	LIBE	30/03/2023	Austrian Permanent Representation
SIPPEL Birgit	Rapporteur	LIBE	29/03/2023	Swedish Permanent Representation
SIPPEL Birgit	Rapporteur	LIBE	27/03/2023	AWO Bundesverband e.V. Danish Refugee Council Brussels International Federation of Red Cross and Red Crescent Societies ECRE Red Cross EU Equal Rights Beyond Borders
SIPPEL Birgit	Rapporteur	LIBE	22/03/2023	Border Violence Monitoring Network
SIPPEL Birgit	Rapporteur	LIBE	21/03/2023	DG HOME European Commission
SIPPEL Birgit	Rapporteur	LIBE	20/03/2023	United Nations High Commissioner for Refugees (UNHCR)
STRIK Tineke	Shadow rapporteur	LIBE	15/03/2023	Platform for International Cooperation on Undocumented Migrants
SIPPEL Birgit	Rapporteur	LIBE	09/03/2023	German Ministry of the Interior
SIPPEL Birgit	Rapporteur	LIBE	08/03/2023	Swedish Ministry of Justice
SIPPEL Birgit	Rapporteur	LIBE	07/03/2023	Friedrich-Ebert-Stiftung Swedish Institute for European Policy Studies
SIPPEL Birgit	Rapporteur	LIBE	07/03/2023	Gewerkschaft der Polizei
SIPPEL Birgit	Rapporteur	LIBE	28/02/2023	Caritas Europa Deutscher Caritasverband e. V.
SIPPEL Birgit	Rapporteur	LIBE	27/02/2023	DG HOME
SIPPEL Birgit	Rapporteur	LIBE	22/02/2023	Platform for International Cooperation on Undocumented Migrants
SIPPEL Birgit	Rapporteur	LIBE	21/02/2023	European Network of Statelessness
SIPPEL Birgit	Rapporteur	LIBE	16/02/2023	Bundesministerium des Innern und für Heimat
SIPPEL Birgit	Rapporteur	LIBE	15/02/2023	Queen Mary University of London University of Barcelona University of Girona
SIPPEL Birgit	Rapporteur	LIBE	06/02/2023	Bundesministerium des Innern und für Heimat
SIPPEL Birgit	Rapporteur	LIBE	03/02/2023	Pro Asyl
SIPPEL Birgit	Rapporteur	LIBE	02/02/2023	European Council on Refugees and Exiles

SIPPEL Birgit	Rapporteur	LIBE	31/01/2023	German Ministry of Foreign Affairs
SIPPEL Birgit	Rapporteur	LIBE	10/01/2023	Partij van de Arbijd (PvdA)
SIPPEL Birgit	Rapporteur	LIBE	08/12/2022	Amnesty International Limited
SIPPEL Birgit	Rapporteur	LIBE	30/11/2022	Austrian journalists
SIPPEL Birgit	Rapporteur	LIBE	28/11/2022	Diakonie Deutschland
SIPPEL Birgit	Rapporteur	LIBE	22/11/2022	Dutch Permanent Representative to the European Union
SIPPEL Birgit	Rapporteur	LIBE	17/11/2022	Deutscher Anwaltverein (German Bar Association)
SIPPEL Birgit	Rapporteur	LIBE	07/11/2022	EUROPEAN TRADE UNION CONFEDERATION Eurocities European Council on Refugees and Exiles Friedrich-Ebert-Stiftung SOLIDAR Minister of State for Migration, Refugees and Integration DG Home
SIPPEL Birgit	Rapporteur	LIBE	07/11/2022	German Minister of State for Migration, Refugees and Integration
SIPPEL Birgit	Rapporteur	LIBE	03/11/2022	Diakonie Deutschland
SIPPEL Birgit	Rapporteur	LIBE	03/11/2022	German journalists Netzwerk EBD Verbindungsbüro des Europäischen Parlaments in Deutschland
SIPPEL Birgit	Rapporteur	LIBE	27/10/2022	Nordkirche weltweit
SIPPEL Birgit	Rapporteur	LIBE	18/10/2022	Leiterin Referat E14 – Angelegenheiten des Europäischen Parlaments, Auswärtiges Amt
SIPPEL Birgit	Rapporteur	LIBE	06/09/2022	Czech Ministery of Interior
SIPPEL Birgit	Rapporteur	LIBE	19/07/2022	Equal Rights Beyond Borders Frontex PROKEKA
SIPPEL Birgit	Rapporteur	LIBE	18/07/2022	Equal Rights Beyond Borders (ERBB) Director of Kos Reception and Identification Centre at Ministry of Migration and Asylum and Secretary General for Reception of Asylum Seekers Head of GAS Kos, Hellenic Asylum Service UNHCR Office Kos
SIPPEL Birgit	Rapporteur	LIBE	13/07/2022	Director Fundamental Rights Agency
SIPPEL Birgit	Rapporteur	LIBE	06/07/2022	Czech Ambassador to the EU
SIPPEL Birgit	Rapporteur	LIBE	30/06/2022	Staatsministerin beim Bundeskanzler und Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration
SIPPEL Birgit	Rapporteur	LIBE	28/06/2022	Friedrich-Ebert-Stiftung
SIPPEL Birgit	Rapporteur	LIBE	23/06/2022	Caritas Europa
SIPPEL Birgit	Rapporteur	LIBE	21/06/2022	Council of European Municipalities and Regions
SIPPEL Birgit	Rapporteur	LIBE	16/06/2022	Parlamentarische Staatssekretärin BMI
SIPPEL Birgit	Rapporteur	LIBE	19/04/2022	Platform for International Cooperation on Undocumented Migrants
SIPPEL Birgit	Rapporteur	LIBE	24/03/2022	Ministers of the Interior of the German Länder

SIPPEL Birgit	Rapporteur	LIBE	24/03/2022	European Council on Refugees and Exiles
SIPPEL Birgit	Rapporteur	LIBE	23/03/2022	International Federation for Human European Center for Constitutional and Human Rights (ECCHR) Lawyers for Justice in Libya (LFJL)
SIPPEL Birgit	Rapporteur	LIBE	02/02/2022	NADOE Organisation
SIPPEL Birgit	Rapporteur	LIBE	27/01/2022	CARE International Aisbl

Other Members

Transparency

Name	Date	Interest representatives
CUFFE Ciarán	12/12/2022	OXFAM INTERNATIONAL EU ADVOCACY OFFICE
STRIK Tineke	06/09/2022	European Council on Refugees & Exiles

Final act

Regulation 2024/1356
OJ OJ L 22.05.2024 — Summary

Corrigendum to final act 32024R1356R(01)
OJ OJ L 25.11.2025

Screening Regulation

2020/0278(COD) - 23/09/2020 - Legislative proposal

PURPOSE: to establish a seamless pre-entry screening procedure at the external borders of the Member States applicable to all non-EU citizens crossing without authorisation.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the New Pact on Migration and Asylum advocates integrated policy-making bringing together policies in the areas of asylum, migration, return, external border protection, fight against migrants' smuggling and relations with key third countries reflecting a whole of government approach. It recognises that a comprehensive approach also means a stronger, more sustainable and tangible expression of the principle of solidarity and fair sharing of responsibility.

The challenges of migration management, related in particular to ensuring a quick identification of those in need of international protection or effective returns (for those who are not in need of protection), should be dealt with in an uniform manner by the entire EU as a whole. The available data demonstrate that the arrival of third-country nationals with clear international protection needs as observed in 2015-2016 has been partly replaced by mixed arrivals of persons. It is therefore important to develop a new effective process allowing for better management of mixed migration flows.

It is also important to create a tool allowing for the identification, at the earliest stage possible, of persons who are unlikely to receive protection in the EU. Such a tool should be built in the process of controls at the external borders, with a swift outcome as well as clear and fair rules, and should result in accessing the appropriate procedure (asylum or the procedure respecting the Return Directive).

CONTENT: given that the external border is where the EU needs to close the gaps between external border controls and asylum and return procedures, the Commission is proposing to establish a seamless procedure at the border applicable to all non-EU citizens crossing without authorisation, comprising pre-entry screening, an asylum procedure and where applicable a swift return procedure – thereby integrating processes which are currently separate.

This proposal seeks to put in place a pre-entry screening that should be applicable to all third-country nationals who are present at the external border without fulfilling the entry conditions or after disembarkation, following a search and rescue operation.

Objectives and main elements of the screening

The objective of the screening is to contribute to the new comprehensive approach to migration and mixed flows by ensuring that the identity of the persons but also any health and security risks are quickly established.

The screening shall include:

- a preliminary health and vulnerability check;

- an identity check against information in European databases;

- registration of biometric data (i.e. fingerprint data and facial image data) in the appropriate databases, to the extent it has not occurred yet; and

- a security check through a query of relevant national and Union databases, in particular the Schengen Information System (SIS), to verify that the person does not constitute a threat to internal security.

Scope

The proposed Regulation shall apply to:

- all third-country nationals who are present at the external border without fulfilling the entry conditions and for whom Member States are required to collect fingerprints under the Eurodac Regulation;

- persons who, although not eligible for entry to the EU, request international protection at border checks;

- people brought ashore following search and rescue operations at sea;

- persons apprehended on the territory if they first evaded external border checks on entering the Schengen area.

Location and duration of the screening

The location shall be at the external borders, except in certain cases. The proposed duration of the screening process is five days, unless the person concerned has already been kept at the border for 72 hours, in relation to unauthorised crossing of the external border. In such a case, the screening should not exceed 2 days. In case of the screening of persons apprehended within the territory the screening should not exceed three days. The proposal also stressed the need for the Member States to involve child protection authorities and the national Anti-trafficking rapporteurs in cases of vulnerable persons or minors.

Identification and security checks

Specific rules are proposed concerning the identification of third-country nationals by means of consulting the Common Identity Repository (CIR) established by the Interoperability Regulation. Consultation of the CIR allows consulting identity data present in the EES, VIS, ETIAS, Eurodac and ECRIS-TCN in one go, in a fast and reliable manner, while ensuring a maximum protection of the data and avoiding unnecessary processing of or duplication of data.

Competent authorities should also consult the Interpol Travel Documents Associated with Notices (TDAWN) database in order to verify whether the third country nationals do not present a security threat. All such checks should be carried out, to the extent possible, on the basis of biometric data, in order to minimise the risk of false identification, and the results of the searches should be restricted to reliable data only.

Role of EU agencies

Lastly, the proposal recognises the role of the EU agencies – Frontex and the European Union Agency for Asylum, which may accompany and support the competent authorities in all their tasks related to the screening. It also gives an important role to the Fundamental Rights Agency in supporting Member States in development of the independent monitoring mechanisms of fundamental rights in relation to the screening.

Budgetary implications

The proposed Regulation has implications for the EU budget. The total financial resources necessary to support the implementation of this proposal is estimated at an amount of EUR 417.626 million, for the period 2021-2027.

The following elements of the screening will potentially require financial support: (i) infrastructure for the screening: creation and use/upgrade of the existing premises at the Border Crossing Points, reception centres etc.; (ii) access to the relevant databases at new locations; (iii) hiring of additional staff to carry out the screening; (iv) training of border guards and other staff to carry out the screening; (v) recruitment of medical staff; (vi) medical equipment and premises for the preliminary health checks, where appropriate; (vii) setting up the independent monitoring mechanism of fundamental rights during the screening.

The expenses related to these new tasks can be covered by the resources available to the Member States under the new Multiannual Financial Framework 2021-2027.

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.

Screening Regulation

2020/0278(COD) - 10/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 366 votes to 229, with 26 abstentions, a legislative resolution 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.

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

New rules for checks at EU borders and within its territory for people who entered the EU in an irregular manner

The new Regulation establishes:

- **the screening at the external borders of the Member States of third-country nationals who, without fulfilling the entry conditions**, have crossed the external border in an unauthorised manner, have applied for international protection during border checks, or have been disembarked after a search and rescue operation, before they are referred to the appropriate procedure, and

- **the screening of third-country nationals illegally staying within the territory of the Member States** where there is no indication that those third-country nationals have been subject to controls at external borders, before they are referred to the appropriate procedure.

The objective of the screening should be to strengthen the control of third-country nationals crossing the external borders, to identify all third-country nationals subject to the screening and to check against the relevant databases whether the persons subject to the screening might pose a **threat to internal security**. The screening should also entail **preliminary health and vulnerability checks** to identify persons in need of health care and persons that might pose a threat to public health, and to identify vulnerable persons.

Screening within the territory

Member States should carry out the screening of third-country nationals illegally staying within their territory only where such third-country nationals have crossed an external border to enter the territory of the Member States in an unauthorised manner and have not already been subjected to the screening in a Member State. Member States should lay down in their national law provisions to ensure that those third-country nationals remain available to the authorities responsible for carrying out the screening for the duration of the screening, to **prevent any risk of absconding** and potential threats to internal security resulting from such absconding.

The screening should be conducted at any adequate and appropriate location designated by each Member State, generally situated at or in proximity to the external borders or, alternatively, in other locations within its territory. It should be carried out without delay and in any case be completed within **seven days** from the apprehension in the external border area, the disembarkation in the territory of the Member State concerned or the presentation at the border crossing point.

Security checks should also be carried out by accessing the relevant databases (in particular the Schengen Information System, the Entry/Exit System, the European Information and Travel Authorisation System ETIAS and the European Criminal Records Information System - Third Country Nationals ECRIS-TCN system).

Requirements concerning the screening

Where it proves necessary and on the basis of an individual assessment of each case, Member States may **detain** a person subject to the screening, if other less coercive alternative measures cannot be applied effectively. Detention should only be applied as a measure of last resort in accordance with the principles of necessity and proportionality and should be subject to an effective remedy.

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 and respects their rights under the European Union Charter of Fundamental Rights.

Monitoring of fundamental rights

The Regulation provides that each Member State should provide for an **independent monitoring mechanism**, which should:

- monitor compliance with Union and international law, including the Charter, in particular as regards access to the asylum procedure, the principle of non-refoulement, the best interest of the child and the relevant rules on detention, including relevant provisions on detention in national law, during the screening; and

- ensure that substantiated allegations of failure to respect fundamental rights in all relevant activities in relation to the screening are dealt with effectively and without undue delay, trigger , where necessary, investigations into such allegations and monitor the progress of such investigations.

The independent monitoring mechanism should carry out its tasks on the basis of on-the-spot checks and random and unannounced checks. It should also have the power to issue annual recommendations to Member States.

Provision of information

Member States should ensure that third-country nationals subject to the screening are informed about: (a) the purpose, duration and elements of the screening, as well as the manner in which it is carried out and its possible outcomes; (b) the right to apply for international protection and the applicable rules on making an application for international protection. In the case of minors, the information should be provided in a child-friendly and age-appropriate manner and with the involvement of the representative.

Guarantees for minors

During the screening, the minor should be accompanied by, where present, an adult family member. The **best interests of the child**, in particular unaccompanied minors, should always be a primary consideration during screening.

Member States should, as soon as possible, take measures to ensure that a **representative** or, where a representative has not been appointed, a person trained to safeguard the best interests and general wellbeing of the minor accompanies and assists the unaccompanied minor during the screening in a child-friendly and age-appropriate manner and in a language that he or she understands.

The person in charge of accompanying and assisting an unaccompanied minor should act independently and should not receive orders either from persons responsible for the screening or from the screening authorities. Even if the unaccompanied minor is not represented, they should always have the right to apply for international protection.

Screening Regulation

2020/0278(COD) - 22/05/2024 - Final act

PURPOSE: to strengthen the control of third-country nationals crossing the external borders and to provide for the identification or verification of identity of all third-country nationals subject to the screening and for the consultation of relevant databases in order to verify whether the third-country nationals subject to the screening might pose a threat to internal security and contribute to their referral to the appropriate procedures.

LEGISLATIVE ACT: Regulation (EU) 2024/1356 of the European Parliament and of the Council introducing the 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.

CONTENT: another pillar of the Pact is the screening regulation. Its aim is to **strengthen controls of persons at external borders**. It also ensures fast identification of the correct procedure – such as return to their country of origin or start of an asylum procedure – when a person enters the EU without fulfilling the right entry conditions.

Screening objectives

The objective of the screening should be to strengthen the control of third-country nationals crossing the external borders, to **identify all third-country nationals** subject to the screening and to check against the relevant databases whether the persons subject to the screening might pose a threat to internal security. The screening also entails **preliminary health and vulnerability checks** to identify persons in need of health care and persons that might pose a threat to public health, and to identify vulnerable persons. Such checks shall facilitate the referral of such persons to the appropriate procedure.

This Regulation also provides for an **independent monitoring mechanism** in each Member State to monitor compliance with Union and international law, including the Charter of Fundamental Rights of the European Union, during the screening.

Screening at the external border

Screening should apply to all third-country nationals, regardless of whether they have made an application for international protection, who do not fulfil the entry conditions and who: (a) are apprehended in connection with an **unauthorised crossing of the external border** of a Member State by land, sea or air, or (b) are disembarked in the territory of a Member State following a **search and rescue operation**. The screening should apply to all third-country nationals who have made an application for international protection at external border crossing points or in transit zones and who do not fulfil the entry conditions.

Persons undergoing the screening process should **not be authorised to enter the territory of a Member State** and must remain at the disposal of the authorities at the screening location. They may be placed in **detention** in accordance with the conditions and guarantees laid down in existing EU legislation. **Detention** should only be applied as a measure of last resort in accordance with the principles of necessity and proportionality and should be subject to an effective remedy.

The screening should be carried out without delay and in any case be completed within **seven days** from the apprehension in the external border area, the disembarkation in the territory of the Member State concerned or the presentation at the border crossing point.

Screening within the territory

The Regulation should apply to persons apprehended on EU territory who have escaped external border controls (in the latter case the screening should be carried out in **3 days**).

Requirements concerning screening

The screening should include identification, health and security checks, as well as fingerprinting and registration in the Eurodac database. **Security checks** should also be carried out by accessing the relevant databases (in particular the Schengen Information System, the Entry/Exit System, the European Information and Travel Authorisation System ETIAS and the European Criminal Records Information System - Third Country Nationals ECRIS-TCN system).

Member States should ensure that only duly authorised staff of the screening authorities responsible for the identification or verification of identity and the security check have access to the data, systems and databases referred to in this Regulation.

Guarantees for minors

During the screening, the minor should be accompanied by, where present, an adult family member. The **best interests of the child** should always be a primary consideration during screening. Member States should, as soon as possible, take measures to ensure that a representative or, where a representative has not been appointed, a person trained to safeguard the best interests and general wellbeing of the minor accompanies and assists the unaccompanied minor during the screening in a child-friendly and age-appropriate manner and in a language that he or she understands.

ENTRY INTO FORCE: 11.6.2024.

APPLICATION: from 12.6.2026.