

Schengen Borders Code: reinforcement of checks against relevant databases at external borders

2015/0307(COD) - 27/06/2016 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Monica MACOVEI (ECR, RO) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 as regards the reinforcement of checks against relevant databases at external borders.

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

Respect for Fundamental Rights: it is recalled that the implementation of the Regulation shall take account the Universal Declaration of Human Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms and Article 2 of the Treaty on European Union (TEU) as well as all Union law relating to data protection. It is also stated that border checks shall be carried out in such a way as to **fully respect human dignity** and that that should be carried out in a professional and respectful manner and should be proportionate to the objectives pursued.

Access to relevant databases: in order to guarantee security of the Union's external borders, Member States shall ensure that their competent authorities (including their border guards):

- have an electronic connection to Interpol 's Stolen and Lost Travel Documents database (SLTD) at external border crossing points;
- have access to the relevant national and European data banks, including the Schengen Information System (SIS) and the Europol Information System (EIS).

In this regard, it is stated that Member States that are not in the Schengen area and whose borders constitute the external borders should be fully integrated into SIS in order to conduct better border management and help preserve the security of the Union.

Targeted checks: as a general rule, systematic checks should be carried out at all external borders. However, if these checks have a disproportionate impact on the flow of traffic, the Member States concerned may carry out those checks on a **targeted basis**, provided that an assessment of the risks shows that this derogation will not harm the internal security of the Union.

Such risk assessment should be based on a set of **common risk indicators developed by the Commission** , in close cooperation with Frontex.

It should be possible for border guards to decide **not to check relevant databases** regarding a person enjoying the right of free movement under Union law if it can be clearly assessed that that person does not jeopardise the internal security of any of the Member States. Such persons could include, inter alia:

- children under the age of 12 and minors accompanied by parents;
- school pupils when travelling on organised excursions;
- elderly persons when travelling in an organised manner;
- pilots of aircraft and other crew members;
- Heads of State or government and the members of their delegations;
- holders of diplomatic, official or service passports and members of international organisations;

- rescue services, police and fire brigades and border guards;
- off-shore workers;
- holders of permits required by national law in accordance with specific Member States' arrangements in bilateral agreements.

Where a Member State intends to carry out targeted checks, it should notify the other Member States, Frontex and the Commission without delay.

The duration and location of the targeted checks shall **not go beyond what is strictly necessary**.

Risk analysis: Frontex shall transmit without delay its evaluations of the Member State's initial assessment and subsequent reports to all other Member States, indicating whether or not it deems the Member State concerned to have conducted an appropriate security risk and traffic flow assessment, and whether or not the Member State has appropriately decided to apply targeted checks on the basis of that assessment.

The risk assessment shall provide statistics on passengers and incidents related to cross-border crime.

Enhance biometric elements included in Member States' identity cards: many identity cards produced by the Member States do not have any security features such as facial image or fingerprints. In order to make it possible for systematic verification to be carried out on travel documents other than passports, taking into account internal security issues, the Commission should take swift action to propose the **establishment of common standards** for the security features and biometrics that are to be included in identity cards issued by the Member States.

Impact of the Regulation: the Commission shall publish a study on the impact of this Regulation on the flow of traffic on the entry and exit at Schengen external borders by one year after the date of entry into force of this Regulation. Then every two years, it shall submit a general evaluation report.