

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

2004/0127(COD) - 23/06/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution based on the report by Michael **CASHMAN** (PES, UK) and made some amendments to the proposal. (Please see the summary of 13/06/2005.)

Prior to the vote in plenary, Members had successfully negotiated with the Council for a better balance between stricter controls and the rights of individuals. Since the Council, Commission and Parliament's political groups are now in agreement, the legislation has been adopted at first reading. today.

- Safeguarding individual rights: Parliament succeeded in introducing an article on the "conduct of checks," recalling the obligation to respect the human dignity and not to discriminate on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

- Parliament also managed to strengthen the rights of individuals on a number of other points. Member States will have to give "precise" and "justified" reasons to refuse the entry of a third country national, using a written standard form.

- Parliament added detail on clauses relating to the verification of the means of subsistence.

- All persons refused entry will have the right to appeal.

- Each country will have to collect statistics on the number of persons refused entry and the grounds for refusal, and transmit this information to the Commission once a year.

- Member States are required to provide more information to third country nationals on what documents they must provide.

- On a non-systematic basis, border guards may consult national and European databases to ensure that a person does not represent a real danger to internal security.

- Third-country nationals will be subject to thorough checks to verify their entry and exit stamps (which now become mandatory), their points of departure and destination and whether they have sufficient means of subsistence during their stay.

- The rapporteur's proposal to give the EU Court of Justice the power to rule on all parts of the border code was not accepted by the Council and was dropped from the text before the vote took place.

This is the first time that the Parliament exercises co-decision powers over this field. Following a decision by the European Council at Hague summit in November 2004, the Parliament has had the power of co-decision over border controls, visa and illegal immigration policy since January 2005.