



Basic information	
<b>2003/0258(CNS)</b> CNS - Consultation procedure Regulation	Procedure completed
External borders, illegal immigration: date stamping of travel documents of third-country nationals  <b>Subject</b> 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	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>
	<span style="border: 1px solid red; padding: 2px;">LIBE</span> Civil Liberties, Justice and Home Affairs		ANGELILLI Roberta (UEN)	25/11/2003
Council of the European Union	<b>Council configuration</b>		<b>Meetings</b>	<b>Date</b>
	General Affairs		2630	2004-12-13
European Commission	<b>Commission DG</b>		<b>Commissioner</b>	
	Justice and Consumers			

Key events			
Date	Event	Reference	Summary
20/04/2001	Debate in Parliament	<a href="#">CRE link</a>	
06/11/2003	Legislative proposal published	<a href="#">COM(2003)0664</a> 	<a href="#">Summary</a>
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	<a href="#">A5-0229/2004</a>	
21/04/2004	Decision by Parliament	<a href="#">T5-0335/2004</a>	<a href="#">Summary</a>
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	
<b>Procedure reference</b>	2003/0258(CNS)

<b>Procedure type</b>	CNS - Consultation procedure
<b>Procedure subtype</b>	Legislation
<b>Legislative instrument</b>	Regulation
<b>Legal basis</b>	EC Treaty (after Amsterdam) EC 062
<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	LIBE/5/20332

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A5-0229/2004</a>	18/03/2004	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T5-0335/2004</a> <a href="#">OJ C 104 30.04.2004, p. 0423-0628 E</a>	21/04/2004	<a href="#">Summary</a>
European Commission				
Document type	Reference	Date	Summary	
Legislative proposal	<a href="#">COM(2003)0664</a> 	06/11/2003	<a href="#">Summary</a>	

Additional information		
Source	Document	Date
European Commission	<a href="#">EUR-Lex</a>	

Final act	
<a href="#">Regulation 2004/2133</a> <a href="#">OJ L 369 16.12.2004, p. 0005-0011</a>	<a href="#">Summary</a>

## 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.