

Union Code on the rules governing the movement of persons across borders (Schengen Borders Code). Codification

2015/0006(COD) - 02/02/2016 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 533 votes to 86, with 36 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (codified text).

Parliament adopted its position at first reading under the ordinary legislative procedure taking over the Commission proposal.

The proposal is a straightforward codification of existing texts, without any change in their substance.

The proposed Regulation provides for the absence of border control of persons crossing the internal borders between the Member States of the Union:

- it lays down rules governing border control of persons crossing the external borders of the Member States of the Union;
- it applies to any person crossing the internal or external borders of Member States, without prejudice to: (a) the rights of persons enjoying the right of free movement under Union law; (b) the rights of refugees and persons requesting international protection, in particular as regards non-refoulement.

Moreover, the proposed Regulation provides:

- that it is necessary to set out the conditions, criteria and detailed rules governing checks at border crossing points and surveillance at the border, including checks in the Schengen Information System (SIS); border checks should be carried out in such a way as to fully respect human dignity;
- for rules dealing with the calculation of the authorised length of short-term stays in the Union should be provided;
- for provisions to be made for the use at external borders of the Visa Information System (VIS) provided for under Regulation (EC) No 767/2008 of the European Parliament and of the Council; in order to verify whether the entry conditions for third-country nationals laid down in this Regulation are fulfilled and to manage their tasks successfully, border guards should use all necessary information available, including data which may be consulted in the VIS;
- that since only a verification of fingerprints can confirm with certainty that a person wishing to enter the Schengen area is the person to whom the visa has been issued, the use of the VIS should entail a systematic search in the VIS using the number of the visa sticker in combination with a verification of fingerprints. However, given the potential impact of such searches on waiting times at border crossing points, it should be possible, for a transitional period by way of derogation and in strictly defined circumstances, to consult the VIS without a systematic verification of fingerprints;
- that it should be possible to have checks at external borders relaxed in the event of exceptional and unforeseeable circumstances in order to avoid excessive waiting time at border crossing points. The systematic stamping of the documents of third-country nationals remains an obligation in the event of border checks being relaxed;
- that in order to reduce the waiting times of persons enjoying the Union right of free movement, separate lanes, indicated by uniform signs in all Member States, should, where circumstances allow, be provided at border crossing points. Separate lanes should be provided in international airports. Where it is deemed appropriate and if local circumstances so allow, Member States should consider installing separate lanes at sea and land border crossing points;
- Member States should designate the national service or services responsible for border-control tasks in accordance with their national law;
- for the temporary reintroduction of internal border control in exceptional circumstances, but without jeopardising the principle of the free movement of persons. The scope and duration of any temporary reintroduction of such measures should be restricted to the bare minimum needed to respond to a serious threat to public policy or internal security. In any case, the reintroduction of internal border control should remain an exception and should only be effected as a measure of last resort. Any decision to reintroduce such control should be taken in accordance with commonly agreed criteria and should be duly notified to the Commission or recommended by a Union institution;
- for the possibility to trigger a specific procedure for the temporary reintroduction of border control at internal borders where an evaluation report has concluded that the evaluated Member State is seriously neglecting its obligations.