

Schengen Borders Code: use of the Entry/Exit System (EES)

2016/0105(COD) - 30/11/2017 - Final act

PURPOSE: to amend the Schengen Borders Code as regards the entry / exit system for third-country nationals crossing external borders.

LEGISLATIVE ACT: Regulation (EU) 2017/2225 of the European Parliament and of the Council amending Regulation (EU) 2016/399 as regards the use of the Entry/Exit System (EES).

CONTENT: this Regulation amends [Regulation \(EU\) 2016/399](#) on the Schengen Borders Code to take account of the adoption of [Regulation \(EU\) 2017/2226](#) of the European Parliament and of the Council on the creation of a centralised system for the registration of entry and exit data and refusal of entry data concerning third-country nationals crossing the external borders of the Member States of the Union for a short stay.

The Regulation:

- amends the entry requirements for third-country nationals by including an obligation to provide biometric data where such data must be provided by third-country nationals for the purpose of border checks. In case of refusal to provide biometric data, a refusal of entry decision will be taken. Data on third-country nationals whose entry for a short stay has been refused will be recorded in the EES;
- now provides for the verification of the identity and the nationality of the third-country national and of the authenticity and validity of the travel document for crossing the border, including by consulting the relevant databases, in particular: (i) the Schengen Information System (SIS) ; (ii) the Interpol Stolen and Lost Travel Document Database (SLTD); and (iii) national databases containing information on stolen, misappropriated, lost or invalid travel documents;
- aims to abolish on entry and exit the stamping of the travel documents of third-country nationals admitted for a short stay by replacing it by the electronic recording of the entry and exit directly in the EES. However, where provided expressly by its national law, a Member State may, on entry and exit, stamp the travel document of third-country nationals holding a residence permit or long-stay visa issued by that Member State;
- allows Member States to decide whether and to what extent to make use of technologies such as self-service systems, e-gates and automated border control systems. When using such technologies, an appropriate level of security should be ensured. The results of border checks carried out by automated means must be available to border guards so as to enable them to take the appropriate decisions;
- allows Member States to establish national facilitation programmes on a voluntary basis in order to allow pre-vetted third-country nationals to benefit on entry from derogations from certain aspects of thorough checks;
- provides for transitional measures for those Member States that are not yet implementing the EES: the latter will have to continue to systematically stamp travel documents of third-country nationals admitted for a short stay, on entry and exit.

ENTRY INTO FORCE: 29.12.2017.