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EUROPEAN COMMISSION

Brussels, 06/11/2006*
C (2006) 5186 final

COMMISSION RECOMMENDATION

06/11/2006

**establishing a common "Practical Handbook for Border Guards (Schengen Handbook)"
to be used by Member States' competent authorities when carrying out the border
control of persons**

* This is a consolidated version taking into account the amendments adopted by the Commission on 25 June 2008 (C (2008)2976 final), on 29 September 2009 (C (2009)7376 final), on 16 August 2010 (C(2010) 5559 final) , on 20 June 2011 (C(2011)3918 final), on 14 December 2012 (C(2012)9330 final) and on 15 June 2015 (C(2015)3894 final)..

COMMISSION RECOMMENDATION

06/11/2006

establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)¹ lays down Community rules for carrying out the border control of persons, covering both border checks and surveillance.
- (2) There is a need to ensure that Community rules on border control are implemented in a uniform way by all national authorities competent for carrying out border control tasks. For this purpose, a "Practical Handbook for Border Guards (Schengen Handbook)" containing common guidelines, best practices and recommendations on border control needs to be established.
- (3) In order to ensure its optimal use by all relevant Member States' authorities, the Commission will make the Practical Handbook available to Member States in electronic form, together with any other available factual information needed to perform border guard duties, such as lists of border crossing points, specimen of travel documents and similar.
- (4) The Commission will ensure the regular update of the Practical Handbook and of any other factual information necessary to effectively perform border guard duties.
- (5) In order to enhance the uniform implementation of Community rules on border control, Member States should instruct their national authorities competent for carrying out border control on persons to use the annexed Practical Handbook as the main tool when performing their border control tasks.
- (6) Member States are also encouraged to use the practical handbook for the purpose of training the personnel to be affected to border control duties.

¹ [Regulation No 562/2006 of 15 March 2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders \(Schengen Borders Code\), OJ L 105, 13.4.2006, p.1](#)

HAS ADOPTED THIS RECOMMENDATION:

1. In order to ensure an effective and harmonised implementation of the common rules on border control, as laid down in Regulation (EC) No 562/2006, Member States should:

- transmit the annexed Practical Handbook for Border Guards (hereinafter "Practical Handbook") to their national authorities competent for carrying out border control on persons;
- instruct the above authorities to use the Practical Handbook as the main tool when performing their border control tasks.

2. Member States should also use the Practical Handbook for the purpose of training all the personnel to be affected to border control tasks.

Done at Brussels, 06/11/2006

For the Commission
Franco FRATTINI
Vice-President of the Commission

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(Schengen Handbook)**

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FOREWORD

The objective of this Practical Handbook for Border Guards is to lay down guidelines, best practices and recommendations relating to the performance of border guard duties in the Schengen States. The handbook is intended to be as well a user guide for border guards in respect of the measures and decisions to be taken along the external borders.

The content of this handbook deals essentially with the control of persons at the border and is based on Community instruments regulating the crossing of external borders (and in particular the Schengen Borders Code²) the issuance of visas, the Community right of free movement and the application for asylum. A list of acts regulating the areas covered by this handbook is contained in Part IV.

When reference is made in this handbook to other types of control which may or should be carried out at the border (for example, customs, phytosanitary or health-related controls), the relevant Community and national legislation will apply to such types of controls. In any case, Member States should always ensure a close cooperation between the different authorities carrying out control at external borders, as well as with authorities carrying out controls within the territory.

This handbook is not intended to create any legally binding obligations upon Member States, or to establish new rights and duties for border guards or any other person who might be concerned by it. Only the legal acts on which this handbook is based on, or refers to, produce legally binding effects and can be invoked before a national jurisdiction.

² Regulation No 562/2006 of 15 March 2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L 105, 13.4.2006, p.1

PART ONE - DEFINITIONS

1. **SCHENGEN STATES** (States fully implementing the Schengen *acquis* and having abolished border control at their internal borders)³:

- | | | |
|-------------------|-------------------|-----------------|
| 1. Austria | 9. Greece | 18. Netherlands |
| 2. Belgium | 10. Hungary | 19. Norway |
| 3. Czech Republic | 11. Iceland | 20. Poland |
| 4. Denmark | 12. Italy | 21. Portugal |
| 5. Estonia | 13. Latvia | 22. Slovakia |
| 6. Finland | 14. Liechtenstein | 23. Slovenia |
| 7. France | 15. Lithuania | 24. Spain |
| 8. Germany | 16. Luxembourg | 25. Sweden |
| | 17. Malta | 26. Switzerland |

2. **EU MEMBER STATES:**

- | | | |
|-------------------|----------------|---------------------|
| 1. Austria | 11. Germany | 20. The Netherlands |
| 2. Belgium | 12. Greece | 21. Poland |
| 3. Bulgaria | 13. Hungary | 22. Portugal |
| 4. Croatia | 14. Ireland | 23. Slovakia |
| 5. Czech Republic | 15. Italy | 24. Slovenia |
| 6. Cyprus | 16. Latvia | 25. Spain |
| 7. Denmark | 17. Lithuania | 26. Sweden |
| 8. Estonia | 18. Luxembourg | 27. Romania |
| 9. Finland | 19. Malta | 28. United Kingdom |
| 10. France | | |

3. **EEA Countries:** Norway (NO), Iceland (IS) and Liechtenstein (LI).

4. **'Internal borders'** are:

³ Bulgaria, Cyprus and Romania are not yet full Schengen States, but apply the common rules on external border control.

- a) the common land borders, including river and lake borders, of the Schengen States;
- b) the airports of the Schengen States for internal flights;
- c) sea, river and lake ports of the Member States for regular internal ferry connections.
5. **'External borders'** are the Schengen States land borders, including river and lake borders, sea borders and their airports, river ports, sea ports and lake ports, provided that they are not internal borders.
6. **'Persons enjoying the Union right of free movement'** are nationals of EU Member States, EEA countries and Switzerland, as well as members of their family, regardless of their nationality accompanying or joining them.
7. **'Members of the family of citizens of EU/EEA/CH countries'** are, irrespective of their nationality:
- the spouse and, if this is contracted on the basis of the legislation of a Member State and recognised by the legislation of the host Member State as equivalent to marriage, the partner with whom the EU/EEA/CH citizen has contracted a registered partnership;
 - the direct descendants under the age of 21 or dependants, including those of the spouse or registered partner;
 - the dependent direct relatives in the ascending line, including those of the spouse or registered partner.
8. **'EU citizen'** refers to any person holding the nationality of a Member State of the European Union.
9. **'Third-country national'** refers to any person who is not a person enjoying the Community right of free movement.
10. **'Border guard'** refers to any public official assigned, in accordance with national law, to a border crossing point or along the border or the immediate vicinity of that border who carries out border control tasks, in accordance with Community and national law.

11. **'Border control'** is the activity carried out at a border in response exclusively to an intention to cross or the act of crossing the border, regardless of any other consideration, consisting of border checks and border surveillance.
12. **'Border checks'** are the checks carried out at border crossing points, to ensure that persons, their means of transport and the objects in their possession may be authorised to enter or leave the territory of Schengen States.
13. **'Border surveillance'** is the surveillance of borders between border crossing points and the surveillance of border crossing points outside their fixed opening hours, in order to prevent persons from circumventing border checks.
14. **'Minimum check'** is the check to be carried out on all persons including EU citizens and persons enjoying the Union right of free movement, in order to verify their identity and nationality for EU/EEA/CH citizens or their identity and family ties with an EU/EEA/CH citizen for their family members who are not EU/EEA/CH citizens themselves. It consists of a rapid and straightforward verification of the travel document, with the aim of checking the validity of it and of detecting the presence of signs of falsification or counterfeiting, and includes, where considered necessary on the basis of a risk assessment, consultation of the relevant databases, notably the documents section of SIS and Interpol.
15. **'Thorough check'** is the check to be carried out on third-country nationals. It consist of the verification by the border guard that a third-country national fulfils all the conditions to enter (and exit) the territory of a Schengen State and includes consultation of the relevant databases, notably the documents section of SIS and Interpol.
16. **'Second-line checks'** are further checks which may be carried out in a special location away from the place at which all persons are checked ("first line").
17. **'Asylum seeker'** or **'Asylum applicant'** refers to a third-country national or a stateless person who has made an application for asylum in respect of which no final decision has yet been taken.
18. **'Application for international protection'** refers to a request made by a third-country national or a stateless person for protection from a Member State, who can be understood as seeking refugee status or subsidiary protection status.

19. **'Refugee'** refers to a third-country national or a stateless person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above is unable or, owing to such fear, unwilling to return to it.
20. **'Person eligible for subsidiary protection'** refers to a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his/her country of origin, or in case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15 of Council Directive 2004/83/EC, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country.
21. **'Stateless person'** refers to a person who is not considered as a national by any State under the operation of its law.
22. **'Threat to public health'** refers to any disease with epidemic potential as defined by the International Health Regulations of the World Health Organisation and other infectious diseases or contagious parasitic diseases if they are subject of protection provisions applying to nationals of the Member States. For more details see the [guidelines on public health threats](#), Section I point 1.6.
23. **'Visa'** means an authorisation issued by a Member State with a view to:
 - (a) transit through or an intended stay in the territory of the Member State of duration of no more than 90 days in any 180 days period from the date of first entry in the territory of the Member States;
 - (b) transit through the international transit areas of airports of the Member States.
24. **'Visa with limited territorial validity'** means a visa valid for the territory of one or more Member States but not all Member States.

25. **'Airport transit visa'** means a visa valid for transit through the international transit areas of one or more airports of the Member States.
26. **'Long-stay visa'** means a national visa issued by one of the Member States for stays exceeding three months in accordance with its national law or Union law.

PART TWO - BORDER CHECKS

SECTION I: Border check procedures

1. *Checks at border crossing points*

1.1 The main purpose of border checks at border crossing points is to verify that all persons crossing the border fulfil the entry conditions in the territory of the Schengen States.

The **entry conditions to be fulfilled by third-country nationals** when entering the territory of a Schengen State are the following:

- a) the possession of a valid travel document or documents authorising them to cross the border, whereby its validity shall extend at least three months after the intended date of departure from the Member States (although in a justified case of emergency, this obligation may be waived) and it shall have been issued within the previous 10 years;
- b) the possession of a valid visa, when this is required, except where a third-country national holds a residence permit issued by a Schengen State which is deemed to be equivalent to a visa or a valid long-stay visa. This equivalence does not apply to temporary permits issued pending examination of a first application for a residence permit or an application for asylum;
- c) the justification of the purpose and of the conditions of stay in the Schengen State(s) to be visited, including the possession of sufficient means of subsistence for the duration of the intended stay and for the return to their country of origin (or for transit to a third country into which they are certain to be admitted, for instance because they have a residence permit issued by that country), or the possibility to acquire such means lawfully;
- d) not being a person for whom an alert has been issued in the Schengen Information System (SIS) for the purpose of refusing entry;
- e) not being a person considered as a threat to public policy, internal security, public health or the international relation of any of the Schengen States. This may particularly be the case where no alert exists in a national database entailing a refusal of entry towards the person concerned.

The main **condition** to be verified at **exit** consists in the verification of the validity of the document authorising the holder to cross the border and, where possible, that the third-country national does not represent a threat to public policy, internal security or the international relations of any of the Schengen States.

* *Legal basis:*

- [Schengen Borders Code \(Article 5\)](#);
- [Regulation \(EU\) No 265/2010 of the European Parliament and of the Council amending the Convention Implementing the Schengen Agreement and Regulation \(EC\) No 562/2006 as regards movement of persons with a long-stay visa](#)
- [Council Regulation \(EC\) No 539/2001, as amended by:](#)
 - [Council Regulation \(EC\) No 2414/2001](#)
 - [Council Regulation \(EC\) No 453/2003](#)
 - [Council Regulation \(EC\) No 851/2005](#)
 - [Council Regulation \(EC\) No 1932/2006](#)

Link:

- [List of third countries whose nationals must be in possession of visas when crossing the external borders and of those whose nationals are exempt from that requirement.](#)
- [Information on national derogations from the visa requirements](#)
- [Common list of third countries whose nationals are required to be in possession of an airport transit visa when passing through the international transit area of airports situated on the territory of the Member States](#)
- [List of third countries whose nationals are required to be in possession of an airport transit visa, when passing through the international transit area of airports situated on the territory of one Member State](#)
- [List of residence permits entitling their holders to transit through the airports of Member States without being required to hold an airport transit visa](#)

N. B. The above conditions do not apply to EU citizens and other beneficiaries of the Union right to free movement, who are entitled, as a general rule, to enter the territory of any Member State on simple presentation of an identity card or a passport. For further details, see points 1.6 and 3.1 below.

1.2 Fundamental Rights enshrined in the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union must be guaranteed to any person seeking to cross borders. Border control must notably fully comply with the prohibition of inhuman and degrading treatments and the prohibition of discrimination enshrined, respectively, in Articles 3 and 14 of the European Convention on Human Rights and in Articles 4 and 21 of the Charter of Fundamental Right of the European Union.

In particular, border guards must, in the performance of their duties, fully respect human dignity and must not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Any measures taken in the performance of their duties must be proportionate to the objectives pursued by such measures.

All travellers have the right to be informed on the nature of the control and to a professional, friendly and courteous treatment, in accordance with applicable international, Union and national law.

1.3 The border guard in command of the crossing point must deploy the appropriate staff in sufficient numbers to carry out effective border control. Border guards must always try to strike a balance between the need, on the one hand, to ensure the smooth crossing of the border by persons who fulfil the entry conditions, and who represent the great majority of travellers (e.g., tourists, businessmen, students etc.) and the need, on the other hand, of always being vigilant in order to detect persons posing a risk to public policy and internal security as well as potential illegal immigrants.

- * Advice for border guards when conducting the border check:**
- when you take the travel document always have a look at the face of the traveller at first (try to remember as much as possible of the noticeable features of the traveller's face);
 - compare the features of the traveller with the photo and description included in the travel document, match them also with the visa when this is required (this could help to eliminate impostors);
 - check the travel document through in order to rule out the possibility that it is counterfeit or forged (the numbering, printing and stitching of pages, seals and

stamps inserted, the inclusion of other persons; all corrections made in the document especially at the personal data page should be clarified by the traveller);

- check the data in the file system in particular the documents section of SIS and Interpol's Lost and Stolen Documents; while doing this keep always verbal contact and observe the behaviour and reaction of the traveller (e.g., nervousness, an aggressive attitude, excessive willingness to co-operate); also cross-check the data in the Visa Information system if indicated on the visa sticker that data is contained in the VIS. Depending on the marking of the visa sticker, this shall be done by using the number of the visa sticker (marking “O”, or the number of the visa sticker in combination with verification of fingerprints of the visa holder (marking “FP”);
- before you put the border's stamp make sure that the person did not overstay the allowed period during his/her last stay within the Schengen States territory, i.e. 90 days within any 180 days;
- do not interrogate the traveller as a potential criminal or illegal immigrant. All the questions should be well balanced and asked in a friendly way.
- questions posed by the traveller should not be considered as intrusive and should be answered in a factual and polite manner.

1.4 All persons must undergo a minimum check upon entry and exit, involving the matching of the identity of the person with the documents enabling them to cross the border. The minimum check usually consists of a rapid and straightforward verification of the travel document, with the aim of checking the validity of it and of detecting the presence of signs of falsification or counterfeiting. This check should involve the consultation, in the relevant databases, notably the documents section of SIS and Interpol's Lost and Stolen Documents database, of information concerning stolen, misappropriated, lost and invalidated documents, based, where considered necessary, on a risk assessment. In case such consultation reveals a SIS alert on the need to seize a document, a document in question should be seized immediately and the information to that effect has to be passed on to the Sirene Bureau without any delay in line with the rules set out in the SIRENE manual.

The minimum checks should be the rule for persons enjoying the Union right of free movement (see point 3.1 below), unless there are considerations that the person represents a genuine, present and sufficiently serious danger to the internal security or public policy or international relations of Member States.

1.5 Third-country nationals must be subject to a **thorough check**, which must be carried out as described below. However, **special rules** apply to the following categories of persons:

- a) Heads of State and members of their delegations (point 3.2);
- b) Pilots of aircraft and other crew members (point 3.3);
- c) Seamen (point 3.4);
- d) Holders of diplomatic, official or service passports and members of international organisations (point 3.5);
- e) Border residents benefiting from a local border traffic regime (point 3.6);
- f) Minors (point 3.7);
- g) School pupils from third countries resident in a Member State or in a third country not subject to the visa obligation (point 3.8);
- h) Cross border workers (point 3.9)
- i) ADS tourists (point 3.10)
- j) Rescue services, police, fire brigades and border guards (point 3.14)
- k) Offshore workers (point 3.15)

Checks on **stateless persons** and **refugees** are carried out in the same way than for third-country nationals in general (see point 10, Section I on [asylum seekers](#)).

N.B. For checks of third-country nationals who are members of the family of EU, EEA or CH citizens (persons enjoying the union right of free movement) see [point 3.1](#)

* *Link:*

- [Documents issued to stateless persons and refugees by the Schengen States](#)

- [Information on national derogations from the visa requirements](#)

1.6 The **thorough check at entry** consists of the verification of the fulfilment of all entry conditions, i.e.:

- the verification that the third-country national is in possession of a [document or documents valid for crossing the border](#) and which has not expired, and that it is accompanied, where applicable, by the requisite [visa, residence permit](#) or long-stay visa.

A third-country national subject to the visa obligation may travel with two passports, i.e. with a valid passport (without visa) and with an invalidated passport containing a valid visa;

- the thorough scrutiny of the travel document for signs of falsification or counterfeiting. Where appropriate, the examination of travel documents, visas and residence permits should be carried out through comparison with specimen of current documents which entitle to cross the border and with specimens of visa stickers, and by using equipment such as UV lamps, magnifying glasses, retrieval lamps, microscopes, document boxes and, where necessary, more advanced equipment such as video spectrum etc. Moreover, the relevant databases (notably relevant sections of SIS and Interpol) shall be consulted. The same applies to the Visa Information System, if indicated on the visa sticker that data is contained in the VIS. Depending on the marking of the visa sticker, this shall be done by using the number of the visa sticker (marking “O”, or the number of the visa sticker in combination with verification of fingerprints of the visa holder (marking “FP”). thorough scrutiny of the travel document for signs of falsification or counterfeiting. Where appropriate, the examination of travel documents, visas and residence permits should be carried out through comparison with specimen of current documents which entitle to cross the border and with specimens of visa stickers, and by using equipment such as UV lamps, magnifying glasses, retrieval lamps, microscopes, document boxes and, where necessary, more advanced equipment such as video spectrum etc. Moreover, the relevant databases (notably relevant sections of SIS and Interpol) shall be consulted. The same applies to the Visa Information System, if indicated on the visa sticker that data is contained in the VIS. Depending on the marking of the visa sticker, this shall be done by using the number of the visa sticker (marking “O”, or the number of the visa sticker in combination with verification of fingerprints of the visa holder (marking “FP”);
- the examination of the entry and exit stamps in the travel document of the third-country national concerned, in order to verify, by comparing the dates of entry and exit, that the person has not already exceeded the maximum duration of authorised stay in the

territory of the Schengen States i.e. 90 days in any 180 period. The period of three months must be counted starting from the date of first entry;

- the verification regarding the points of departure and destination of the third-country national concerned and the purpose of the intended stay and, where necessary, checking the corresponding [supporting documents](#);
- the verification that the third-country national concerned has sufficient means of subsistence for the duration and purpose of the intended stay, for his/her return to the country of origin or transit to a third country, or that he/she can obtain these means legally. In order to assess the means of subsistence, the [reference amounts](#) set by each Schengen State must be taken into account;
- The verification of sufficient means of subsistence may be based on the cash, travellers' cheques and credit cards in the third-country national's possession. Declarations of sponsorships, where such declarations are provided for by national legislation [and letters of guarantee/invitation from hosts](#), as defined by national legislation, in case the third-country national is staying with a host, may also constitute evidence of sufficient means of subsistence;
- The validity of a credit card can be verified by contacting the issuing company or by using other facilities available at the border crossing point (e.g. exchange offices);
- Invitation from hosts can be verified by contacting the host directly or by verifying the host's good faith through the national contact points of the MS of residence of the host;
- the verification that the third-country national concerned, his/her means of transport and the objects he/she is transporting are not likely to jeopardise the public policy, internal security, public health or international relations of any of the Schengen States. Such verification must include direct consultation of the data and alerts on persons and, where necessary, objects contained in the Schengen Information System (SIS) and in national data files and the action to be performed, if any, as a result of an alert.

*** Guidelines on the notion of 'threat to public health' for the purpose of refusing entry:**

This notion covers "any disease with epidemic potential as defined by the International Health Regulations (IHR) of the World Health Organisation (WHO) and other infectious

diseases or contagious parasitic diseases if they are subject of protection provisions applying to nationals of Member States".

For the purpose of this Handbook, any threat to the health of the European citizens, as well as decisions on effective measures to be taken, will be assessed and decided through the Community Network set up under Decision 2119/98/EC and its Early Warning and Response System (EWRS) and the ECDC, set up by Regulation (EC) No 851/2004 establishing a European centre for disease prevention and control. The EWRS-authorities comprise the Member States' public health authorities and they work at national level together with national recognised surveillance institutes. The ECDC performs the risk assessment of the threat (ecdc.europa.eu).

Therefore, the authorities of each Member State which are competent for implementing health measures should always be associated, in accordance with national and Union public health legislation and with the procedures established by each Member State, in the assessment of the public health risk for the purposes of allowing or refusing entry at the border.

Guidelines on calculation of the length of stay:

For the 90 days within 180 days-period, the day of entry shall be calculated as the first day of stay in the Member States and the day of exit shall be calculated as the last day of stay in the Member States. The notion of "any" implies the application of a "moving" 180-day reference period, looking backwards, at each day of the stay, into the last 180 days period, in order to verify if the 90 days/180 day requirement continues to be fulfilled. This means that an absence for an uninterrupted period of 90 days allows for a new stay for up to 90 days. See: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/border-crossing/docs/short_stay_schengen_calculator_user_manual_en.pdf

The "short-stay calculator" on the European Commission's/DG HOME's website (or as downloaded from CIRCA) can be used for calculating the period of allowed stay under the new rules. The user's guide contains information on the new rules, the use of the calculator and practical examples. See: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/border-crossing/index_en.htm

This way of calculating short stays, which applies as of 18 October 2013, does not apply to the visa waiver agreements concluded between the EU and Antigua and Barbuda, The Bahamas, Barbados, Brazil, Saint Kitts and Nevis, Mauritius, and Seychelles with respect to which the old definition ("3 months during a 6 months period following the date of first entry") continues to apply. The length of stay of non-EU citizens traveling with a visa issued in accordance with the visa facilitation agreements concluded by the EU and certain third countries is to be calculated according to the new calculation method since in these agreements there is a reference to "90 days per period of 180 days".

1.7 The **thorough check on exit** consists of:

- the verification that the third-country national is in possession of a [document valid](#) for crossing the border;
- the verification of the travel document for signs of falsification or counterfeiting;
- wherever possible, the verification that the third-country national is not considered to be a threat to public policy, internal security or the international relations of any of the Schengen States.

Further checks on exit may comprise:

- the verification that the person is in possession of a valid [visa](#), if required, except when he/she is holding a valid [residence permit](#) issued by the Schengen States or a valid long-stay visa or other documents authorising a stay or a re-entry into their territory.

A third-country national subject to the visa obligation may hold two passports, i.e. a valid passport (without visa) and an invalidated passport containing a valid visa;

- the verification that the person did not exceed the maximum duration of authorised stay in the territory of the Schengen States;
- consultation of alerts on persons and objects included in the SIS and reports in national data files.

1.8 Third-country nationals holding a [residence permit](#) issued by a Schengen State should, as a general rule, not be asked to prove the purpose of the intended stay nor the possession of

means of subsistence. The other checks – and in particular the examination of travel and residence documents, the searches in the SIS and in national databases – must, however, be carried out as explained in points 1.4, 1.5, 1.6 and 1.7 above.

- 1.9 Upon request from the person subject to a thorough check, the border guard conducting the check should show him/her his/her service badge, must provide him/her with the service identification number and, if circumstances allow for it, give her/his name. The provision of the name can be refused if there is any reason to assume that the border guard might be severely disadvantaged (for example, if he/she is threatened with retaliation). In this latter case, only the number of the badge and the name and address of his/her authority must be provided.
- 1.10 In order not to slow down the checking procedures at the entry/exit booths in the first line, and where there is a need for making additional verifications, the thorough checks referred to above may be carried in a location separate from the booths ('second-line checks').

If requested by the third-country national, and where appropriate facilities exist, such thorough checks must be carried out in a non-public area designated for that purpose. In this case, the third-country national concerned must be given information, about the purpose of such checks, as well as about the procedure. This information may take the form of a poster or of a leaflet to be handed over to the person. The leaflet or the poster must be available in all the official languages of the Union and in the language(s) of the countries bordering the Member States concerned.

** Legal basis:*

- [Schengen Borders Code \(Articles 6 and 7; annexes I and IV\)](#)
- [Decision 2119/98/EC of the European Parliament and of the Council of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community \(OJ L 268, 3.10.1998, p.1\)](#)
- [Regulation \(EC\) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European centre for disease prevention and control \(OJ L 142, 30 04.2004, p.1\)](#)
- [Council Regulation No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States \(OJ L 385, 29.12.2004, p. 1\)](#)
- [International Health Regulations \(WHO\)](#)

2. *Searches in the Schengen Information System*

2.1 The SIS must be used to search for information on persons and objects, and in particular on:

- persons wanted for arrest and surrender on the basis of a European Arrest Warrant or persons wanted for provisional arrest with a view to extradition;
- third-country nationals who must be refused entry to the territory of the Schengen States;
- missing persons or persons who, for their own protection or in order to prevent threats, need to be placed under temporary police protection;
- persons wanted for judicial procedure;
- persons and objects to be subject to discreet surveillance or specific checks;
- objects included for seizure or use as evidence in criminal proceedings.

2.2. Conduct to be followed in case of a hit in the SIS:

2.2.1 The individuals wanted for arrest must be turned over to the authorities competent to take a decision on temporary custody with the intention of extradition or surrender to the requesting Member State.

2.2.2 Third-country nationals to whom entry is refused must be returned to the place they came from or to their country of origin as quickly as possible, if the circumstances allow it. Such persons must remain under supervision by border guards until their departure from the territory of the Schengen State.

2.2.3 An adult person must be asked for prior consent before informing the party who reported him/her as missing.

2.2.4 Special attention must be paid to minors or persons who on the basis of a decision of the state authorities (court, administrative authorities) must be put under protection. Further steps can only be taken following consultation with these authorities.

2.2.5 Data included for the purposes of discreet surveillance should allow the obtaining of information such as:

- the place, time or reason for the check,
- the route and destination of the journey,
- the persons accompanying the person concerned or the occupants of the vehicle, boat or aircraft,
- the vehicle, boat, aircraft or container used,
- objects carried,
- the circumstances under which the person or the vehicle boat, aircraft or container was found,

During the collection of this information the discreet nature of the surveillance should be maintained.

*** Best practice - Request of information about an SIS alert:**

If a person requests information about the processing of his/her personal data in the SIS and about his/her access rights, the border guard should provide the person with the coordinates of the [competent national authorities](#), including data protection authorities, where he/she can exercise his/her rights.

2.2.6 Objects for seizure or use as evidence in criminal proceedings include:

- (a) motor vehicles with a cylinder capacity exceeding 50cc, boats and aircraft which have been stolen, misappropriated or lost;
- (b) trailers with an unladen weight exceeding 750 kg, caravans, industrial equipment, outboard engines and containers which have been stolen, misappropriated or lost;
- (c) firearms which have been stolen, misappropriated or lost;
- (d) blank official documents which have been stolen, misappropriated or lost;

- (e) issued identity papers such as passports, identity cards, driving licenses, residence permits and travel documents which have been stolen, misappropriated, lost or invalidated;
- (f) vehicle registration certificates and vehicle number plates which have been stolen, misappropriated, lost or invalidated;
- (g) banknotes (registered notes);
- (h) securities and means of payment such as cheques, credit cards, bonds, stocks and shares which have been stolen, misappropriated, lost or invalidated.

For further information on the conduct to be followed in case of a SIS alert, border guards should consult the SIRENE Manual.

** Legal basis:*

- [Regulation 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System \(SIS II\), Art.24-26](#)

- [Council Decision 2007/533 of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System \(SIS II\), Chapter V-IX](#)

3. *Special rules for checks on certain categories of persons*

3.1 **Persons enjoying the Union right of free movement**

3.1.1 Persons enjoying the Union right of free movement are authorised to cross the border of a Member State on the basis of the following documents, as a general rule:

- EU, EEA, CH citizens: identity card or passport;
- members of the family of EU, EEA and CH citizens who are nationals of a third country: passport. They may also be required to have an entry visa, if they are nationals of a third country subject to the [visa obligation](#), unless they are in possession of a valid [residence permit](#), issued by a Schengen State or, when accompanying or joining the EU

and EEA citizen who has exercised the right to move and reside freely by virtue of Directive 2004/38/EC, a valid [residence permit](#) or card⁴, issued by a Member State.

Family member subject to the visa obligation might also present two passports, i.e. a valid passport (without visa) and an invalidated passport containing a valid visa.

For further information on the specific rules relating to family members of EU, EEA and CH citizens, see [PART III of the Handbook for the processing of visa application and the modification of issued visas](#), hereinafter referred to as the "Visa Code Handbook".

N.B. On the basis of the Agreement between the European Community and its Member States, of one part, and the **Swiss Confederation**, of the other, on the free movement of persons, the above also covers the employees, irrespective of their nationality, of persons providing services, who are integrated in the labour market of Switzerland or one of the Member States and posted for the provision of a service in the territory of Switzerland or one of the Member States (Article 17 of Annex I to the Agreement).

3.1.2 However, if a person enjoying the Union right of free movement does not have the necessary travel documents or, if required, the necessary visas, the Member State concerned must, before turning him/her back, give such person every reasonable opportunity to obtain the necessary documents or have them brought to him/her within a reasonable period of time or corroborate or prove by other means that he/she is covered by the right of free movement.

In case the traveller presents a travel document without a machine readable zone and there is a doubt about his/her identity, a second line check should be carried out.

3.1.3 Checks on persons enjoying the Union right of free movement should be limited, as a general rule, to the verification of their identity and nationality /family ties (so-called “minimum check”, [see above point 1.4](#)). In principle no questions concerning employment certificate, pay slips, bank statements, accommodation, means of subsistence or other personal data should therefore be asked to them. 3.1.4 However, on a non-systematic basis, and in order to ensure that the presence of these persons does not represent a

⁴ Only residence cards issued under Article 10 and Article 20 of Directive 2004/38/EC (i.e. those issued to family members of an EU citizen who moved to a Member State other than that of his/her nationality) exempt third country family members from the visa requirement

genuine, present and sufficiently serious danger to the internal security or public policy or international relations of Member States or a threat to public health, border guards may carry out a **further check** on these persons by consulting national and European databases.

Non-systematic checks on persons enjoying the right of free movement under Union law can be carried out at all border crossing points on the basis of risk assessment or, as an ancillary measure - on a random basis.

Based on an analysis of the **risks for internal security** or analysis of the threats that may affect the security of external borders, checks **may be carried out systematically on those persons which fall under this risk assessment**. Those persons who do not fall under the risk assessment would generally not be checked against the databases. This also means, that the passenger data of EU citizens transmitted for the performance of border control may be checked in the databases for the purposes of allowing their use as evidence to ensure that there is no threat to the national security. In particular, to better target checks, API data should be used on passengers on incoming flights according to the current and updated risk assessment.

Example in view of identifying foreign fighters

With a view of detecting persons returning back to the EU from the conflict zones where they were combatting or supporting terrorist organizations, the border guards may systematically check against the databases on particular travel patterns (e.g. flights coming from the geographical areas in the vicinity of conflict zones) a certain category of persons falling under the risk assessment. In that context Member States are invited to use the common risk indicators established by the Commission together with Member States and relevant agencies.

In any case, these checks shall remain proportional to the objective pursued, i.e. to the protection of internal security or security of external borders, but shall be adapted to the evolving threats identified by the Member States. They should be intensified in case the risk increases and should be carried out as long as the relevant risk assessment indicates the need for such intensified checks.

A hit in the SIS or in other databases is not in itself a sufficient ground to deny entry to any persons enjoying the Union right of free movement (see point [6.3., Section I](#), on the rules applying to the refusal of entry of beneficiaries of the Union right of free movement).

Previous criminal convictions shall not in themselves constitute grounds for refusing entry.

- 3.1.4 However, on a non-systematic basis, and in order to ensure that the presence of these persons does not represent a genuine, present and sufficiently serious danger to the internal security or public policy or international relations of Member States or a threat to public health, border guards may carry out a further check on these persons by consulting national and European databases.

A hit in the SIS or in other databases is not in itself a sufficient ground to deny entry to any persons enjoying the Community right of free movement (see point [6.3, Section I](#), on the rules applying to the **refusal of entry** of beneficiaries of the Community right of free movement).

Previous criminal convictions shall not in themselves constitute grounds for refusing entry.

** Legal basis – Case law:*

- [Directive 38/2004/EC \(Articles 4, 5 and 27\)](#)

- [Schengen Borders Code \(Article 7\)](#)

- [Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, 21 June 1999](#)

- [Judgement of the ECJ of 25 July 2002, Case C-459/99, MRAX vs. Belgium](#)

- [Judgement of the ECJ of 17 February 2005, Case C-215/03, Salah Oulane vs. Minister voor Vreemdelingenzaken en Integratie](#)

- [Judgement of the ECJ of 31 January 2006, Case C-503/03, Commission vs. Spain.](#)

3.2 Heads of State

Heads of State and members of their delegations, whose arrival and departure have been officially announced through diplomatic channels to the border guards, may not be subject to border checks.

** Legal basis:*

3.3 Pilots of aircraft

3.3.1 Pilots of aircraft and other crew members may cross the border in the course of their duties on the basis of their pilot's licence or crewmember certificate as provided for in Annex 9 to the Convention of 7 December 1944 on International Civil Aviation (ICAO Convention), when they:

- (a) embark and disembark in a stop-over airport or airport of arrival situated in the territory of a Schengen State;
- (b) enter the territory of a municipality of a stop-over airport or airport of arrival situated in the territory of a Schengen State;
- (c) travel, by any means of transport, to an airport situated in the territory of a Schengen State in order to embark on an aircraft departing from that same airport.

In all other cases, the general entry conditions for third-country nationals must be fulfilled.

3.3.2. Wherever possible, during the checks at airports, priority should be given to checks on aircraft crews, i.e. they should be checked either before passengers or at special dedicated locations. Crews known to staff responsible for border controls in the performance of their duties may be subject to random checks only.

* *Legal basis:*

- [Schengen Borders Code \(Annex VII\)](#)

- [ICAO Convention](#)

3.4 Seamen

3.4.1 Member States may authorise seamen holding a seafarer's identity document issued in accordance with the International Labour Organization (ILO) Seafarers' Identity Documents Convention No 108 (1958) or No 185 (2003), the Convention on Facilitation of International Maritime Traffic (FAL Convention) and the relevant national law, to enter the Member States by going ashore to stay in the area of the port where their ships call or

in the adjacent municipalities, or exit the Member States by returning to their ships, without presenting themselves at a border crossing point, on condition that they appear on their ship's crew list, which has previously been submitted for checking by the competent authorities.

However, on the basis of an assessment of the risks of internal security and illegal immigration, seamen shall be subject to a check in accordance with Article 7 by the border guards before they go ashore.

3.4.2 Seamen who intend to stay outside the municipalities situated in the vicinity of ports must comply with the general conditions for entry into the territory of the Schengen States.

However, holders of a seaman's book or a seafarer's identity document may be authorised to enter the territory of a Schengen State, even if they are not in possession of a valid visa and/or they cannot demonstrate the possession of sufficient means of subsistence in the circumstances set out below:

- boarding a ship which has already anchored or is about to arrive in a port of a Schengen State;
- transit to a third country or return to the country of origin;
- emergency cases or cases of necessity (illness, dismissal, end of contract etc).

In such cases, holders of a seaman's book or a seafarer's identity document who are required to hold a visa on account of their nationality and are not in possession of one when entering the territory of a Schengen State may be issued with a visa at the border ([see point 7, Section I below](#)).

** Legal basis:*

- [Schengen Borders Code \(Annex VII\)](#)
- [Geneva Convention No 185](#)
- [FAL Convention](#)

3.5 Holders of diplomatic, official or service passports and members of international organisations

3.5.1 In view of the special privileges or immunities they enjoy, the holders of diplomatic, official or service passports issued by third States and their Governments recognised by the

Schengen States, who are travelling in the course of their duties, may be given priority over other travellers at border checks even though they remain, where applicable, subject to the requirement for a visa. Persons holding these documents must not be required to prove that they have sufficient means of subsistence.

- 3.5.2 If a person presenting himself/herself at the external border invokes privileges, immunities and exemptions, the border guard may require him/her to provide evidence of his/her status by producing the appropriate documents, in particular certificates issued by the accrediting State or a diplomatic passport or other means. Where there are doubts, the border guard may, in urgent cases, apply directly to the Ministry of Foreign Affairs.

Moreover, border guards may not refuse the holders of diplomatic, official or service passports entry to the territory of the Schengen States without first consulting the appropriate national authorities. This also applies where an alert on the person has been entered in the SIS

- 3.5.3 Accredited members of diplomatic missions and of consular representations and their families may enter the territory of the Schengen States on presentation of [a card issued by the Schengen States' Ministries of Foreign Affairs](#) and of the document authorising them to cross the border.

The check of the entry conditions is not necessary when the diplomat enters the territory of the Schengen State where he/she is accredited, and where he/she has a right of long-term stay.

- 3.5.4 Diplomats who are accredited outside the territory of the Schengen States must satisfy the general entry requirements when travelling for private purposes.

- 3.5.5 When there is a risk and justified suspicion of wrongdoing or criminal activity by diplomats, the Foreign Ministry of the country concerned must be informed immediately.

- 3.5.6 In accordance with the Vienna Convention on Diplomatic Relations of 18 April 1961, diplomats only enjoy inviolability and other immunities in the country in which they are accredited and in those countries they transit through to take up or to return to their post or when returning to their own country. This does not apply if they are travelling for private purposes.

3.5.7. Members of international organisations holding documents issued by the international organisations listed below and carrying out their duties may, where possible, be granted preferential treatment during border checks.

The following documents, in particular, must be taken into consideration:

- United Nations laissez-passer issued to staff of the United Nations and subordinate agencies under the Convention on Privileges and Immunities of Specialised Agencies adopted by the United Nations General Assembly on 21 November 1947 in New York;
- European Community (EC) laissez-passer;
- European Atomic Energy Community (Euratom) laissez-passer;
- legitimacy certificate issued by the Secretary-General of the Council of Europe;
- documents issued pursuant to paragraph 2 of Article III of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Force (military ID cards accompanied by a travel order, travel warrant, or an individual or collective movement order) as well as documents issued in the framework of the Partnership for Peace.

As general rule, holders of these documents are not required to prove that they have sufficient means of subsistence.

** Legal basis:*

- [Schengen Borders Code \(Annex VII\)](#)

- [Vienna Convention on Diplomatic Relations of 18 April 1961](#)

Link:

- [Information on national derogations from the visa requirements](#)

3.6 Border residents benefiting from a local border traffic regime

3.6.1 Border residents of a neighbouring third country who are in possession of a local border traffic permit (LBTP) issued in the framework of a local border traffic regime, based on a [bilateral agreement](#) between a Member State and the third country concerned, benefit from a special treatment when crossing the border, i.e.:

- they are not required to be in possession of a visa, if they hold an LBTP. They may be required to be in possession of a passport, together with the LBTP, if this is foreseen in the bilateral agreements with the third country concerned;
- after ascertaining the validity and authenticity of the LBTP, which proves the status of border resident of the person, no further checks on the purpose of the journey or on the possession of means of subsistence, should be carried out;
- neither the LBTP, nor the passport when it is required, should be stamped at entry and exit.

3.6.2 Border crossing for these people may be further facilitated, in the framework of the bilateral agreements between a Member State and a third country, in accordance with point 3 of Section II.

* *Legal basis:*

- [Regulation \(EC\) No 1931/2006 on local border traffic;](#)

- [Bilateral agreements concluded by Schengen States on local border traffic](#)

3.7 Minors

3.7.1 Minors deserve the particular attention of border guards, whether they are travelling accompanied or not.

3.7.2 In the case of accompanied minors, the border guard must check that the persons accompanying minors have parental custody over them, especially where minors are accompanied by only one adult and there are serious grounds for suspecting that they may have been unlawfully removed from the care of the person legally exercising parental custody over them. If so, the border guard will have to make all necessary investigations in order to prevent the abduction or in any case unlawful removal of the minor.

3.7.3 Unaccompanied minors must be scrutinised, by means of a thorough check of their travel and supporting documents, in order to ensure that they do not leave the territory against the wishes of the person(s) having parental custody.

3.7.4 If there is doubt whether a minor who is a citizen of the EU or a third-country national legally residing in the EU is authorised to cross the border on exit, the national point of contact of the Member State of the minor's nationality or residence should be contacted.

If information is received indicating the possibility of abduction or suspicion of a unauthorised exit of a minor who is a citizen of the EU or a third-country national legally resident in the EU, the border guard should:

- refuse the exit of the minor, or
- in circumstances where there are insufficient grounds to refuse the exit of a minor but there are concerns on the right of parental care, collect information about the person accompanying the minor and their destination. That information should, in accordance with the applicable national legislation, be forwarded immediately to the national point of contact of the Member State of nationality or residence of the minor.

In the context of the above-mentioned procedure, the tasks for the national contact points should include:

- providing, where possible, information on the identity (name, nationality and date of birth) of the minor and of the person accompanying the minor and on the relationship between them;
- alerting other national agencies concerned with minors who give cause for concern and informing them about any precautionary measures concerning the minors;
- providing advice and assistance to other Member States on national procedures and document requirements.

* *Legal basis:*

- [Schengen Borders Code \(Annex VII\)](#)

* *Link:*

- [List of national contact points for consultation purposes on minors](#)

- [List of contact points in Member States for border management issues](#)

3.8 School pupils from third countries resident in a Member State or in a third country not subject to the visa obligation⁵

3.8.1 School pupils who are nationals of a third country subject to the visa obligation but who are legally residents in an EU Member State and who travel in the framework of a school

⁵ This section does not apply to Norway, Iceland and Switzerland.

excursion are not required to be in possession of a visa for a transit or for a short stay on the territory of another Member State provided that the following conditions are fulfilled:

- (a) they are accompanied by a teacher from the school in question, who is in possession of a valid travel document and of a visa if required;
- (b) the teacher is able to produce a [form](#), issued by the school in question, and which allows to identify all the school pupils participating to the excursion, and where the purpose and circumstances of the intended stay or transit are clearly specified;
- (c) the school pupils are in possession of a document valid for crossing the border.

However, this last requirement – the possession of a valid travel document – is to be waived if:

- the above-mentioned form contains a current photo of those pupils who are not able to identify themselves with an ID card bearing a photograph;
- the competent authority of the Member State where the school pupils reside confirms their residence status as well as their right to re-entry on its territory and ensures that the form is authenticated accordingly (i.e., with the stamp of the national competent authority);
- the Member State where the school pupils reside has notified other Member States that it wishes its lists to be recognised as a valid travel document.

3.8.2 The above provisions do not exempt school pupils, nor the teacher(s) accompanying them from being subject to border checks in accordance with the general rules ([point 1, Section I](#)).

Entry or transit may be refused to them if there are grounds for doing so, in accordance with [point 6, Section I](#).

3.8.3 The visa exemption may also be extended to school pupils on a school excursion who are nationals of third countries subject to the visa obligation but who reside on a third country

which is exempted from that obligation (for example, school pupils of Turkish nationality legally residing in Montenegro).

** Legal basis:*

- [Council Decision 94/795/JHA of 30 November 1994](#)
- [Regulation \(EC\) No 539/2001 \(Article 4\)](#) as amended by:
- [Council Regulation \(EC\) No 1932/2006 of 21 December 2006](#)

3.9 Cross border workers

Cross-border workers and other categories of regular cross-border commuters who are well known to the border guards owing to their frequent crossing of the border at the same border crossing point and who have not been revealed by an initial check to be the subject of an alert in the SIS or in a national data file must be subject only to random checks to ensure that they hold a valid document authorising them to cross the border and fulfil the necessary entry conditions. The random checks have to be carried out in accordance with the procedures applicable, respectively, to third-country nationals in general and to persons enjoying the Union right of free movement.

Thorough checks must be carried out on those persons from time to time, without warning and at irregular intervals.

** Legal basis:*

- [Schengen Borders Code \(Annex VII\)](#)

3.10 ADS tourists

The Memorandum of Understanding between the European Community and the National Tourism Administration of the Peoples' Republic of China on visa and related issues concerning tourist groups from the Peoples' Republic of China (Approved Destination Status) specifically regulates the travel of tourist groups of Chinese citizens from China to the territory of the Union.

- 3.11 Participants of such Chinese travel groups ("ADS tourists"), which should be composed of at least 5 persons, must enter and leave the territory of the Union as a group. They must as well travel within the territory of the Union as a group according to the pre-established travel programme.

3.12 As a rule, ADS tourists must be accompanied by a tour leader, who must ensure that they enter and leave the Union as a group

3.13 The normal checking procedures ([point 1, Section I](#)) must be carried out on groups of ADS tourists. Checks may also include the verification of the ADS status, which should, in any case, be indicated in the visa sticker. Visas carrying the reference "ADS" are always individual visas. Also the tour leader must be submitted to the normal checking procedures which include the verification of its status of tour leader.

Supporting documents, proving the ADS and tour leader status, may also be requested by the border guard.

3.14 Rescue services, police, fire brigades and border guards

The arrangements for the entry and exit of members of rescue services, police, fire brigades acting in emergency situations as well as border guards crossing the border in exercise of their professional tasks shall be laid down by national law.

3.15 Offshore workers

Offshore workers, who regularly return to the Member States without having stayed on the territory of a third country shall not be systematically checked. Nevertheless, an assessment of the risks of illegal immigration shall be taken into account in order to determine the frequency of the checks to be carried out."

* *Legal basis:*

- [Council Decision of 8 March 2004 concerning the conclusion of the Memorandum of Understanding between the European Community and the National Tourism Administration of the Peoples' Republic of China on visa and related issues concerning tourist groups from the Peoples' Republic of China \(ADS\).](#)

4. *Stamping of travel documents.*

4.1 As a general rule, the travel documents of all third country nationals must be stamped systematically on entry and exit. The stamp does not constitute proof that a thorough check has been carried out; it only makes it possible to establish, with certainty, the date and place of the crossing of the border. Stamping is also intended to ensure that it is possible to

verify, during checks on entry to and exit from the Schengen territory, whether the allowed maximum duration of a third-country national's stay in the Schengen territory – 90 days in any 180 days period – has been respected.

4.2 **No entry or exit stamp** must be affixed in the following cases:

- a) to the travel documents of nationals of the EU, Norway, Iceland, Liechtenstein and Switzerland;
- b) to the travel documents of Heads of State and dignitaries whose arrival has been officially announced in advance through diplomatic channels;
- c) to pilots' licences or the certificates of aircraft crew members;
- d) to the travel documents of seamen who are present within the territory of a Member State only when their ship calls in and in the area of the port of call;
- e) to the travel documents of crew and passengers of cruise ships who are not subject to border checks, in those cases provided for in [point 2, Section IV](#);
- f) to documents enabling nationals of Andorra, Monaco and San Marino to cross the border;
- g) to documents of border residents enjoying a local border traffic regime ([point 3, Section II](#)).
- h) to the travel documents of crews of passengers and goods trains on international connections;
- i) to the travel documents of nationals of third countries who present a residence card provided for in Directive 2004/38/EC."

4.3 The travel document of family members of EU, EEA and CH citizens who are third-country nationals must also be stamped, unless they present a residence permit or card issued in accordance with Directive 2004/38/EC as submitted in line with Art.34 of the Schengen Border Code or otherwise clearly indicating a family member of an EU citizen or a family member of an EEA or CH citizen.

*** Examples:**

1) An Ukrainian national, wife of a German citizen, holder of a Dutch residence permit/card (indicating her quality of a family member of an EU citizen) and who is accompanied by her husband or who subsequently joins her husband, thus exercising the right to freedom of movement. The travel document of this woman **must not** be stamped

2) A Moldavian husband of a British national, who is in possession of a British residence permit/card (indicating his status of family member of a EU citizen) and who is accompanied by his wife. The travel document of this man **must not** be stamped

3) An Indian national, wife of French citizen, holder of a Schengen visa but not (yet) of a French residence permit/card, joining her husband. In this case, the travel document of this woman **must be** stamped.

4.4 Exceptionally, at the request of a third-country national, and if the insertion of the entry/exit stamp might cause serious difficulties to the person, it can be affixed on a separate sheet. The sheet must be given to the third-country national.

4.5 It may also happen that, in practice, the document enabling a third-country national to cross the border is no longer suitable for affixing a stamp, as there are no longer available pages. In such a case, the third-country national should be recommended to apply for a new passport, so that stamps can continue to be affixed there in the future.

However, exceptionally – and particularly in the case of regular cross-border commuters - a separate sheet can be used, to which further stamps can be affixed. The sheet must be given to the third-country national.

In any case, **the lack of empty pages in a passport is not, in itself, a valid and sufficient ground to refuse the entry of a person** (see [point 6, Section I](#), on the grounds for refusal).

*** Recommended practice:**

The sheet referred to in point 4.4 and 4.5 should contain the following details, as a minimum requirement:

- Name and location of the border posts;
- Date of issue;

- Name of the holder of the travel document;
- Number of the travel document;
- Stamp and official seal of the border crossing point;
- Name and signature of the border guard.

4.6 In the case of entry and exit of third-country nationals submitted to the visa obligation, the stamp will, if possible, be affixed so that it covers the edge of the visa without affecting the legibility of the indications on the visa or the security features of the visa sticker. If several stamps have to be affixed (for example in the case of a multiple-entry visa), this must be done on the page facing the one on which the visa is affixed. If that page cannot be used, the stamp must be entered on the following page. The machine readable zone must not be stamped, and the stamps cannot be affixed on the personal data and other pages where original formal notes are made.

*** Recommended practices:**

- stamps should be affixed, if possible, in chronological order to make it easier to find the date at which the person has crossed the border for the last time;
- the exit stamp should be affixed in the proximity of the entry stamp;
- the stamp should be affixed in a horizontal position so that it can be easily read;
- no stamp should be affixed over already existing stamps, including those affixed by other countries.

4.7 Different types of stamps are used to furnish proof of entry and exit (a rectangular stamp for entry, a rectangular stamp with rounded corners for exit). These stamps contain the letter(s) designating the country as well as indicating the border post, date, check number and a pictogram indicating the mode of travel used upon entry and exit (overland, by air or by sea).

Queries about entry and exit stamps, as well as documentation relating to forged, counterfeit, lost or incorrectly affixed stamps, can be asked to the [contact point](#) established by each Schengen State for this purpose.

4.8 Each border crossing point must keep record of the entry and exit stamps handed over to and returned by each border guard carrying out the checks. This will also include the

reference of each respective stamp, which may need to be used for comparative purposes at a later date.

When the stamps are not used, they must be locked and access to them must be limited to the authorised border guards.

- 4.9 The security codes on the stamps must be changed at regular intervals not exceeding one month.
- 4.10 If, at exit, it appears that the travel document of a third-country national does not bear an entry stamp, the border guard may presume that the holder has entered illegally the territory of the Schengen States and/or has exceeded the maximum duration of stay. If so, a penalty according to the national law may be imposed.
- 4.11 On entry and exit of third-country nationals subject to the visa obligation, the stamp shall, as a general rule, be affixed on the page facing the one on which the visa is affixed. If that page cannot be used, the stamp shall be entered on the following page. The machine readable zone must not be stamped, and the stamps cannot be affixed on the personal data and other pages where original formal notes are made.

** Legal basis:*

- [Schengen Borders Code \(Article 10 and Annex IV\)](#);
- [Directive 2004/38/EC \(Article 5\)](#) read in conjunction with [Commission Communication COM \(2009\) 313 final](#);
- [Schengen Convention \(Article 21\)](#).

5. ***Relaxation of checks***

- 5.1 Border checks at external borders may be relaxed as a result of exceptional and unforeseen circumstances. Such exceptional and unforeseen circumstances are met where unforeseeable events lead to such intensity of traffic that the waiting time at the border crossing point becomes excessive, and all resources have been exhausted as regards staff, facilities and organisation. This could be the case if, for example, there is a flood or another serious natural disaster which prevents the crossing of the border at other border

crossing points, so that the traffic flows of several border crossing points are diverted to only one.

- 5.2 Where border checks are relaxed, border checks on entry movements must in principle take priority over border checks on exit movements. The decision to relax checks must be taken by the border guard in command at the border crossing point. Such relaxation of checks must be temporary, must be adapted to the circumstances justifying it and must be introduced gradually.
- 5.3 Even in the event of border checks being relaxed, the border guard must stamp the travel documents of third-country nationals both on entry and exit, in accordance with [point 4, Section I](#), and must carry out at least a minimum check.

* *Legal basis:*

- [Schengen Borders Code \(Article 8\)](#)

6. ***Refusal of entry***

6.1 Third-country nationals must be refused entry in the following cases:

- a) they have no valid travel documents;
- b) they have false (counterfeit/forged) travel document;
- c) they have no valid visa, when this is required, residence permit or a long-stay visa issued by a Schengen State;
- d) they are in possession of false (counterfeit/forged) visas or residence permits;
- e) they do not have appropriate documentation justifying the purpose and conditions of stay;
- f) they have already stayed for 90 days during any 180-days period (which entails considering the 180-day period preceding each day of stay) on the territory of the Schengen States;
- g) they lack sufficient means of subsistence in relation to the period and form of stay, or the means to return to the country of origin or transit;

- h) they are persons for whom an alert has been issued in the SIS or in national databases call for the purpose of refusing entry;
- i) they are a threat to public policy, internal security, public health or the international relations of one or more Schengen States.

*** Examples:**

1) A team of cyclists from Nigeria is going to Ukraine, claiming they are going to take part in a cycling race organised there. They arrive in Warsaw-Airport (PL), stating that they will reach Ukraine by bus. During the first-line check it is found that, though they have a valid transit visa for Poland, they are not in possession of a visa valid for entering Ukraine. A more in-depth interrogation is done in the second line, where they present a document confirming the participation to the race and they claim that there will be no problem with obtaining visas at the Ukrainian border. However, the cyclists do not even possess the bicycles needed for the race nor can explain convincingly where and how they will get them once in Ukraine. After consultations with the Ukrainian border guards about the question, and taking account of their negative opinion about the possibility of issuing a visa at the border in such a case, a decision of refusal of entry is taken.

2) A Moldovan citizen arrives at the Hungarian/Ukrainian border by car, claiming to travel to Germany for tourist purposes. At the first line check it is ascertained that the traveller is not able to show any document (hotel booking, letter of invitation etc), proving where he is going to stay in Germany, nor can he prove that he has enough means of subsistence to cover the stay and the return. In such a case, a decision of refusal is taken.

3) A Tunisian citizen arrives at Schiphol (NL) airport. His purpose of travel is to see his relatives (brothers and sisters) residing in Brussels (BE). He has a valid Schengen visa, a return ticket and a letter of invitation/guarantee by his hosts residing in Belgium. However, this letter is not authenticated by the competent Belgian authorities (as the Belgian law requires). In such a case, before taking a decision about allowing entry or not, further verifications should be made such as: examining the passport to see if the person has been issued previous Schengen visas; comparing previous entry/exit stamps to see whether the person has overstayed in the Schengen territory in the past; taking contacts with the competent Belgian authorities asking them to make the necessary verifications about the

hosts. These verifications aim to check the good faith of the person; a decision will be taken only on the basis of the result of such verifications.

4) A plane from Shanghai lands at Helsinki-Vantaa Airport (FI). The WHO has declared a public health emergency of international concern (on the basis of the risk of SARS), which requires strict precautions to be taken on all passengers arriving from China. All passengers are requested to fill in a locator card, including plane seat number and contact details in case they subsequently need to be traced. In the terminal all passengers go through a special designated corridor where medical equipment is installed. Some Chinese and EU nationals present symptoms of SARS and are still infective. After consultations with doctors a decision is taken to refuse entry to the Chinese nationals and to hospitalise the EU nationals immediately because of the serious threat of spread of disease. Other passengers on the plane are contacted using the details on the locator cards and asked to report to a doctor. This does not exclude the possibility of taking alternative measures, such as quarantine, where appropriate and justified on public health grounds.

5) A group of football fans from Ukraine arrive at the Polish-Ukrainian border. They travel by coach. During the border checks it is found that they possess some dangerous tools like baseball sticks, nunchaku, knives and other objects which could be used against other people. In this case, entry must be refused on grounds of public policy, unless the travellers accept to depose the dangerous equipment before crossing the Polish border.

6) A group of young Moroccan tourists travelling by ferry from Tanger arrive at Alicante harbour (ES). The itinerary of the group is said to include two cities in Spain (Barcelona and Madrid) and several cities of France. They are going back to Morocco by plane, from Paris-Charles de Gaulle airport; they have valid tickets for the return journey. During the border check one of them does not have a valid Schengen visa, stating that this was due to lack of time. The purpose of the journey is ascertained and the travellers have enough means of subsistence. However, the person cannot prove in any way that he could not apply for a visa in advance nor that there are unforeseeable or imperative reasons to allow him to enter. In such a case, and in the absence of any humanitarian grounds and/or international obligations, the person without the visa is to be refused entry.

7) A Russian family is crossing the Estonian border by car. However, the vehicle appears to have a serious mechanical problem (i.e., the brakes not functioning), which could put

other people in danger. In such conditions, the persons cannot be allowed entry with that car until the problem is fixed. However, if all other entry conditions are fulfilled, they must be allowed to enter the territory on foot or by other means.

- 6.2 A Member State shall not refuse entry and let the third-country national enter into its territory in the following cases:
- a) on humanitarian grounds, on grounds of national interests or because of international obligations (for example, if a person [asks for asylum](#) or is otherwise in need of international protection);
 - b) if a person not in possession of a visa fulfils the criteria for being issued a visa at the border ([point 7, Section I](#));
 - c) if the person holds a residence permit, a long-stay visa or a re-entry visa issued by a Schengen State, or where required, a residence permit or a long stay visa and a re-entry visa or when the person holds a residence permit issued by a Schengen State and passport older than 10 years, in order to allow the person to transit and reach the territory of such a State. Transit can, however, be refused in case there is an alert concerning this person in national databases of a Schengen State whose external borders the person is seeking to cross and the alert is accompanied by instructions to refuse entry or transit.

* *Legal basis:*

- [Schengen Borders Code \(Article 1, 3, 5\)](#)

- [Visa Code \(Article 32, 35 and Annex VI\)](#)

6.3 Persons enjoying the Union right of free movement may only be refused entry on grounds of public policy or public security, i.e. when their personal conduct represents a genuine, immediate, and sufficiently serious threat affecting one of the fundamental interests of society.

6.3.1. Consequently, even an alert in the SIS cannot be considered, in itself, as a sufficient ground for automatically refusing the entry of these persons; in such a case, the border

guard must always make a thorough assessment of the situation and assess it in the light of the above principles.

If the alert has been entered by another Schengen State, the border guard must take immediate contact, via the SIRENE Bureaux network or by any other available means, with the responsible authorities of the Schengen State that has entered the alert. The latter must check, in particular, the reason(s) why the alert was inserted and whether these reasons are still valid. This information must be transmitted without any delay to the authorities of the requesting Member State.

On the basis of the information received, the competent authorities will make an assessment based on the criteria explained above. On that basis, the border guard will admit or refuse entry to the person in question.

If it is not possible to obtain the information within a reasonable delay, the person in question must be allowed to enter the territory. In this case, the border guards, as well as the other competent national authorities, can make the necessary verifications after the person entered the territory and take afterwards, where necessary, the appropriate measures.

The above is without prejudice to other actions to be performed as a consequence of a SIS alert, such as the arrest of the person, the adoption of protection measures, information on lost and stolen documents etc. In case such consultation reveals a SIS alert on the need to seize a document, it has to be seized immediately and the Sirene Bureau must be contacted for further information without any delay.

** Legal basis/Case-law:*

- [Directive 2004/38/EC \(Articles 27-33\)](#)

- [Decision 2119/98/EC of the European Parliament and of the Council of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community \(OJ L268, 3.10.1998, p.1\)](#)

- [Regulation \(EC\) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European centre for disease prevention and control \(OJ L 142, 30.4.2004, p.1\)](#)

- [Judgement of the ECJ of 3 July 1980, Case C 157/79, Regina vs. Stanislaus Pieck.](#)

- [Judgement of the ECJ of 31 January 2006, Case C 503/03, Commission vs. Spain.](#)

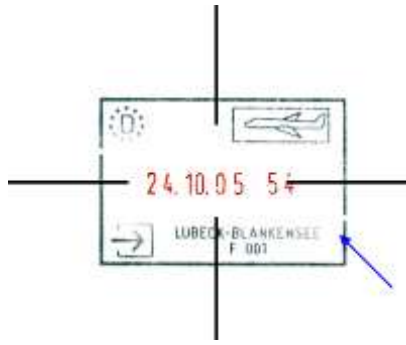
- 6.3.2. If a person enjoying the Union right of free movement does not have the necessary travel documents or, if required, the necessary visas, the Member State concerned must, before turning him/her back, give such person every reasonable opportunity to obtain the necessary documents or have them brought to him/her within a reasonable period of time or corroborate or prove by other means that he/she is covered by the right of free movement.

** Legal basis/Case-law:*

- [Directive 2004/38/EC \(Articles 5 and 27-33\) read in conjunction with Commission Communication COM \(2009\) 313 final](#)
- [Judgement of the ECJ of 25 July 2002, Case C 459/99, MRAX vs. Belgium.](#)
- [Judgement of the ECJ of 17 February 2005, Case C 215/03, Salah Oulane vs. Minister voor Vreemdelingenzaken en Integratie.](#)

- 6.4 When refusing the entry to third-country nationals, the checking officer must:
- a) fill in a [standard form](#) for refusing entry substantiating the reason(s) for refusal, and give it to the third-country national concerned, who must sign the form and must be given a copy of the signed form. In case the third-country national refuses to sign, the border guard will indicate this refusal in the form under the section "comments";
 - b) affix an entry stamp on the passport, cancelled by an indelible cross in black ink and write opposite it on the right-hand side, also in indelible ink, the letter(s) corresponding to the reason(s) for refusing entry, as listed in the form for refusing entry (see below).

Example of a cancelled stamp:



Letter indicating the reason for refusal of entry in accordance with uniform form

- 6.5 Where the officer responsible for checks finds that the holder of a visa has been the subject of an alert in the SIS for the purposes of being refused entry, he/she must revoke the visa by applying a stamp stating ‘REVOKED’. For further details, see [point 8, Section I](#).
- 6.6 The visa must not be annulled or revoked solely because the third-country national was not able to produce the [supporting document\(s\)](#) requested to justify the purpose of the journey. In this latter case, a further enquiry must be made by the border guard in order to assess whether the person obtained the visa in a fraudulent way and represents a risk in terms of illegal immigration. If necessary, contacts with the competent authorities of the Schengen State having issued the visa will be taken. Only if it is ascertained that the visa was obtained in a fraudulent way, such visa must be annulled by the border guard. For further details, see [point 8, Section I](#).

Best practice: annulment of an entry or exit stamp in cases other than refusal of entry:

There can be cases where a stamp that has already been affixed on a passport has to be annulled (for example, if the wrong stamp was affixed by mistake by the border guard). In such cases, the traveller bears no responsibility for it and therefore the stamp cannot be cancelled in the same ways as when a person is refused entry. It is therefore recommended to annul the stamp by running two parallel lines through the top left-hand corner of it like in the example below:



6.7 All persons to whom entry has been refused or a visa holder whose visa has been annulled or revoked shall have the right to appeal in accordance with national law. A written indication on procedures for appeal and on contact points able to provide information on representatives competent to act on behalf of the third-country national must be given to the third-country national concerned.

When a visa has been annulled or revoked, as appropriate, the border guard must fill in the standard form for notifying and motivating annulment of a visa substantiating the reason(s) for the annulment, and submit it to the third-country national concerned⁶.

6.8 If a person enjoying the Union right of free movement is refused entry, the border guard must always provide the person with a written decision. The decision must be drafted in such a way that the person concerned is able to comprehend its content and the implications. The decision must also include precise and full indication of the public policy or public security grounds on which the decision taken is based, unless this is contrary to the interests of State security. The decision must also specify the court or administrative authority with which the person concerned may lodge an appeal and the time limit for the appeal.

6.9 The decision to refuse entry must be performed immediately.

6.10 If the refused third-country national has been brought by a carrier by air, sea or land the carrier must be obliged immediately to assume responsibility for him/her again. The carrier must, in particular, be obliged to return the third-country nationals to the third State from which they were transported or to the third State which issued the travel document on

⁶ This procedural requirement will become applicable as of 5 April 2011.

which they travelled or to any other third State to which they are certain to be admitted. When the refused third-country national cannot be taken back immediately, the carrier must be made to bear all necessary costs of lodging, maintenance and return travel. If the carrier is not able to return the third-country national, it must be obliged to ensure his/her return by any other means (e.g., by contacting another carrier).

- 6.11 Penalties must be imposed on the carrier in accordance with Directive 2001/51/EC and with national law.
- 6.12 The border guards must take all appropriate measures, based on local circumstances, in order to prevent third-country nationals refused entry from entering illegally (for instance, by ensuring that they remain in the transit area of an airport, or by prohibiting them from going ashore in a seaport).

* *Legal basis:*

- [Directive 2004/38/EC \(Articles 5, and 27-33\) read in conjunction with Commission Communication COM \(2009\) 313 final](#)
- [Schengen Borders Code \(Article 13 and Annex V\)](#);
- [Schengen Convention \(Article 26\)](#);
- [Directive 2001/51/EC](#);
- [Visa Code \(Article 34 and Annex VI\)](#)

7. *Visas applied for at the border, including to seafarers in transit, and refusal of such visas*

7.1 Types of visas:

- 'Visa' means an authorisation issued by a Member State with a view to:
 - a) transit through or an intended stay in the territory of the Member State of duration of no more than 90 days in any 180-days period in the territory of the Member States;
 - b) transit through the international transit areas of airports of the Member States;

- 'Visa with limited territorial validity' means a visa valid for the territory of one or more Member States but not all Member States;
- 'Airport transit visa' means a visa valid for transit through the international transit areas of one or more airports of the Member States;
- 'Long-stay visa' means a national visa issued by one of the Member States for stays exceeding three months in accordance with its national law or Union law.

For further information on the different types of visas, see [point 9 of Part II of the Visa Code Handbook](#).

For further information on specific rules for issuing visas at border to members of the family of EU/EEA citizens and CH citizens, see [PART III of the Visa Code Handbook](#)

For further information on the issuance of visas at the border, see the respective provisions of [part IV of the Visa Code Handbook](#)

* *Legal basis:*

- [Council Regulation 539/2001](#);
- [Visa Code \(Article 2\)](#)

* *Links:*

- [Filling in the visa sticker](#)
- [Examples of filled in visa stickers](#)

8. *Annulment and revocation of Schengen uniform visas*

See the respective provisions of [points 2 and 3 of Part V of the Visa Code Handbook](#).

* *Legal basis:*

- [Visa Code \(Article 34 and Annex VI\)](#)

9. *Special transit schemes*

9.1 **Facilitated Transit Document (FTD) and Facilitated Railway Transit Document (FRTD)**

- 9.1.1 On 1 July 2003, a new travel regime for transit between Kaliningrad and mainland Russia entered into force. It introduced two types of documents – a Facilitated Transit Document (FTD) and a Facilitated Railway Transit Document (FRTD) - needed for crossing the territory of Lithuania in order to enable and facilitate the travel of third-country nationals who travel between two parts of their own country which are not geographically contiguous.
- 9.1.2 The FTD serves for multiple entry direct transit by any kind of transport by land through the territory of Lithuania. It is issued by Lithuanian authorities and is valid for a maximum period of up to three years. A transit based on FTD cannot exceed 24 hours.
- 9.1.3 The FRTD serves for single return trips by train and is valid for up to three months. A transit based on a FRTD cannot exceed six hours.
- 9.1.4 FTD/FRTD have the same value as a visa and must be issued in a [uniform format](#) by consular authorities in accordance with Council Regulation (EC) No 693/2003 and Council Regulation (EC) No 694/2003. They cannot be issued at the border.

* *Legal basis:*

- [Council Regulation \(EC\) No 693/2003](#);
- [Council Regulation \(EC\) No 694/2003](#).

9.2. **Transit through the territory of Member States not fully implementing the Schengen acquis⁷**

- 9.2.1 Until Bulgaria, Croatia, Cyprus and Romania join the Schengen area, they may recognise
- a Schengen uniform visas valid for two or multiple entries;
 - long-term visas and residence permits issued by a Schengen State;

⁷ This paragraph only applies to Bulgaria, Cyprus and Romania.

as equivalent to their national visas for the purpose of transit through their territory or intended stays on their territory exceeding 90 days in any 180 days period.

- 9.2.2 The holders of the above-mentioned documents must be subject to normal checking procedures ([point 1, Section I](#)).

* *Legal basis:*

- [Decision of the European Parliament and of the Council No. 895/2006/EC of 14 June 2006](#)

- [Decision No 582/2008/EC of the European Parliament and of the Council of 17 June 2008](#)

10. *Asylum-seekers/applicants for international protection*⁸

* **General principles:**

All applications for international protection (including asylum) lodged at the border must be examined by Member States in order to assess, on the basis of the criteria laid down in Directive 2011/95/EU of 13 December 2011, whether the applicant qualifies either for refugee status, in accordance with the Geneva Convention relating to the Status of Refugees of 28 July 1951 as supplemented by the New York Protocol of 31 January 1967, or for subsidiary protection status, as defined in the same Directive.

The Member State actually responsible for examining the application is to be determined in accordance with Council Regulation (EU) No 604/2013 of 26 June 2013 (Dublin III Regulation).

The nature of the examination must be determined in accordance with [Council Directive 2005/85/EC*](#) (Directive on asylum procedures).

⁸ This section does not apply to Norway, Iceland, Liechtenstein and Switzerland. This section applies to Denmark as far as the determination of the Member State responsible for examining an asylum application is concerned."

* This Directive will be repealed and replaced by Directive 2013/32/EU with effect from 21 July 2015.]

- 10.1 A third-country national must be considered as an applicant for asylum/international protection if he/she expresses – in any way – fear of suffering serious harm if he/she is returned to his/her country of origin or former habitual residence.

The wish to apply for protection does not need to be expressed in any particular form. The word “asylum” does not need to be used expressly; the defining element is the expression of fear of what might happen upon return. In case of doubt on whether a certain declaration can be construed as a wish to apply for asylum or for another form of international protection, the border guards must consult the national authority(-ies) responsible for the examination of applications for international protection.

- 10.2 All third-country nationals who express the wish to apply for asylum/international protection at the border (including airport and seaport transit zones) must be given the opportunity to do so. To this end, border authorities must inform the applicants, in a language they may reasonably be expected to understand, of the procedure to be followed (how and where to make the application), as well as of their rights and obligations, including of the possible consequences of not complying with their obligations and not cooperating with the authorities.

In order to avoid misunderstandings, and to be sure that applicants are adequately informed of their rights and obligations, as well as of the procedure, if an applicant for international protection does not have sufficient knowledge of the language spoken in the Member State concerned, the services of an interpreter must be called upon where necessary.

- 10.3 Any application for international protection must be transmitted either to the competent national authority designated by each Member State for the purpose of its examination/processing or to the authority which is responsible for deciding whether to permit the applicant entry to the territory so that his/her application can be examined by the competent authority.

No decision to return the applicant must be taken by the border guard without prior consultation with the competent national authority or authorities.

- 10.4 Fingerprints of all fingers of every applicant for asylum of at least 14 years of age must be taken, in accordance with the national legislation of each Member State, and sent to the Eurodac Central Unit to make checks in the EURODAC system possible.

* *Legal basis:*

- [Geneva Convention 28 July 1951](#) and [New York Protocol](#);
 - [Council Regulation \(EC\) 2725/2000](#);
 - [Council Regulation \(EC\) No 407/2002](#);
 - [Council Regulation \(EU\) No 603/2013](#);
 - [Council Regulation \(EU\) No 604/2013](#);
 - [Council Regulation \(EU\) No 118/2014](#);
 - [Council Directive 2011/95/EU](#);
 - [Council Directive 2005/85/EC](#).
- Charter of Fundamental Rights of the European Union, in particular Article 4 (prohibition of torture and inhuman or degrading treatment or punishment) and Article 18 (right to asylum) and Article 19 (protection in the event of removal, expulsion or extradition).

11. Registration of information at the border

At all border crossing points, all service information and any other particularly important information must be registered manually or electronically. The information to be registered must include, in particular:

- the names of the border guard responsible locally for border checks and of the other officers in each team;
- any relaxation of checks on persons;
- the issuing, at the border, of visas and of documents in place of passports and of visas;
- persons apprehended and complaints (criminal offences and administrative breaches);
- persons refused entry (grounds for refusal and nationality);

- the security codes of entry and exit stamps, the identity of border guards using the stamps at any given date or shift, as well as the information related to lost and stolen stamps;
- complaints from persons subject to checks;
- other particularly important police or judicial measures;
- particular occurrences.

* *Legal basis:*

- [Schengen Borders Code \(annex II\)](#)

12. Cooperation with other services

Border guard must cooperate closely with all state authorities deployed at the border e.g. with customs authorities or other services competent for goods-related security matters or services responsible for transport security.

13. Marking of fraudulent documents

In cases where a border guard, while performing border checks detects a document which is fraudulent he/she shall refuse entry to the third country national, and mark the document according to the Schengen Borders Code (Annex V, Part B).

The border guard should take all the necessary measures to prevent the further use of the fraudulent document. In order to achieve this objective he/she should, as a general rule, seize the document.

Where it is necessary to hand over the document to the competent authorities (border control or others) of the third country/country of origin concerned (directly, through the carrier companies or through diplomatic channels), the border guard should:

- Invalidate the document - by hole-punching or cutting the document, where possible, in the machine readable zone (MRZ),

or, if this is not possible:

– Mark the document as follows (only in cases when the document is not marked as described above):

1) Paper

Marking the lower left corner of a passport's last page and, if possible, marking as well the page on which the signs of falsification or counterfeiting can be found, by building in a small triangle around letter "F", with a red hard-nibbed pen (unless that page is full, in which case the adjoining pages should be used);

2) Polymer

Marking a void area on a polymer based stand-alone document, by building in a small triangle around letter "F", using an UV ink pen, preferably red;

Or (only for completely counterfeit documents)

Marking a void area on a polymer based stand-alone counterfeit document by punching or cutting the document in the area where personal data and security features imitations are not affected.

In the particular case of fraud concerning documents which appear to have been issued by another Schengen State, the seized document should be returned to that State, once the national proceedings linked to the seizure of the document are completed.

14. *Verification of the authenticity of the data stored in a biometric passport*

To ensure efficient border checks, the authenticity and integrity of the data stored in the microchip should be verified when checking biometric passports. In order to verify that the data on the chip have been entered by an authorized authority and have not been tampered with, the content of the chip should be authenticated by Passive Authentication. The certificate of the document producer should be verified against the respective root certificate of the issuing country. If supported, chip authentication should be used to verify that the chip is genuine.

15. *Validity of children entries in parent's passports*

Regulation (EC) No 444/2009⁹ provides that at the end of a three year transitional period on 26 June 2012, the following regime applies to holders of passports issued by Schengen States:

1. From 26 June 2012 onwards all children regardless of their age need their own passport;
2. After this date, children are not allowed to travel only on the basis of inscription in their parents' passports;
3. Passports of the parents remain valid after 26 June 2012 even if they contain inscription of their children's names for themselves (the holder).

Regulation (EC) No 2252/2004¹⁰ as amended by Regulation (EC) No 444/2009 does not apply to the UK and Ireland. It does also not apply to passports issued by countries outside the EU and Schengen area.

The provisions of Directive 2004/38/EC¹¹ apply when EU families travel from one Member State to another (either between Schengen States - without controls when crossing the internal borders – or between a Schengen and a non-Schengen State), when they leave to a third country or when they return from a third country to a Member State.

In accordance with Article 5(4) of this Directive, the absence of an individual passport for children entered in the passport of their parents should not automatically lead to a refusal to leave or to enter the territory of a Member State. Unless there are reasonable doubts as to the identity and nationality of the children entered into the passports of their parents, the presentation of the parent's passport should in principle be considered as proof that the children concerned are, as EU citizens, covered by the right of free movement under the Directive.

However, the right of EU citizens, regardless of their age, to move and reside freely should not be used to circumvent Regulation (EC) No 444/2009.

⁹ OJ L 142, 6.6.2009, p.1

¹⁰ OJ L 385, 29.12.2004, p.1

¹¹ OJ L 158, 30.4.2004, p.77

SECTION II: Land borders

1. *Checks on road traffic*

- 1.1 The border guard in command of a crossing point must ensure that effective checks on persons and documents are carried out, while at the same time ensuring the safety and flow of road traffic. To that end technical improvements should be introduced, where necessary, to reduce the response times of consultation with the relevant data. Where relevant, the technical infrastructure of border crossings should be improved, including the increased use of passport readers and mobile terminals.
- 1.2 If possible, there should be separate lanes installed for persons enjoying the Union right of free movement and other third-country nationals, in accordance with general rules on the separation of lanes."
- 1.3 Checks should be carried out, wherever possible, by two border guard officers.

* *Legal basis:*

- [Schengen Borders Code \(Article 7, Annex VI\)](#)

* **Best practices:**

- The means of transportation should be searched when:
 - a) there is a justified suspicion that people, drugs, explosive materials and/or weapons are hidden inside a vehicle,
 - b) there is a justified suspicion that the driver or passengers of the vehicle committed a crime or an administrative breach,
 - c) the presented vehicle documents are incomplete or false.

In any case, the national law of the Schengen State concerned will apply to such searches.

- Sniffer dogs should be used for random checks in order to detect explosive materials, drugs and hidden people.

Checks on private vehicles:

• Checks on persons travelling in private vehicles should be carried out as follows, wherever possible:

- the driver and passengers may remain inside the vehicle during checks;

- the border guard officer checks documents and compares them with the persons crossing the border;

- a second border guard officer watches at the same time the persons inside the car and secures the checking officer.

• When there is a suspicion that a travel document, driving licence, insurance or registration document has been forged all travellers should leave the car. The car should be searched thoroughly. These activities should be performed at the second line of control.

Checks on buses:

• Checks on persons travelling by bus can be performed in a passenger terminal or inside the bus, depending on the circumstances. When the check is performed inside the bus the following measures should be taken, wherever possible:

- the checking of documents should start with a check on the driver of the bus and the group leader, if it is a case of organised travel;

- in case of doubts about the travel document or the purpose of the journey, or where there are indications that a person may be a threat to public policy, internal security or public health of the Schengen States, he/she should be asked to leave the bus and be subjected to an in-depth check at the second line, a second border guard officer watches at the same time the persons inside the bus and secures the checking officer.

• In the event of heavy traffic, bus passengers on regular local lines should be checked first if local circumstances allow for it.

While checking travel documents inside the bus, officers should use portable electronic devices, particularly for the searches in the SIS.

Checks on lorries:

Checks on lorries should be carried out as follows; in such cases, the competent customs administrations should always be involved:

a) Wherever possible there should be a special lane for lorries where:

- the lorry and its contents can be searched in a convenient way;
- sniffer dogs can be used without any disturbance;
- technical equipment for searching can be used (i.e. x-ray devices and carbon dioxide detectors).

b) During checks on lorries the border guard officer should pay special attention to lorries with containers where stolen cars, trafficked people or dangerous materials may be hidden. All documentation of the contents should be carefully checked.

c) All lorries should be searched thoroughly where:

- customs seals were broken;
- tarpaulin was destroyed or sewn;
- there is a suspicion that some people, drugs, dangerous or explosive materials may be hidden inside.

● The following additional checks may also be performed:

a) road traffic control, including compliance with social provisions (e.g., roadworthiness of the car, the driver's working hours, the driver's insurance);

b) road transportation control (the accordance of the transport of goods with documents);

c) control of the presence of radioactive and hazardous goods.

All these additional controls are conducted according to relevant Union law and to the national regulations of each Schengen State.

1.4 Member States may conclude or maintain bilateral agreements with neighbouring third countries concerning the establishment of shared border crossing points, at which Member State border guards and third-country border guards carry out exit and entry checks one after another in accordance with their national law on the territory of the other party. Such shared border crossing points may be located either on the territory of a Member State territory or on the territory of a third country.

2. *Checks on rail traffic*

2.1 The commanding border guard officer on duty at the rail border crossing point should gather information about rail schedules and the foreseeable number of rail passengers in order to ensure efficient border checks.

2.2 Checks can be carried out in one of the following three ways:

- a) in the first station of arrival or last station of departure in a Schengen State,
- b) on board the train, during transit between the last station of departure in a third country and the first station of arrival in a Schengen State or vice versa,
- c) in the last station of departure or the first station of arrival on the territory of a third country."

2.3 The border check comprises a check on:

- a) the crew of the train,
- b) passengers going abroad,
- c) passengers coming from abroad who were not checked previously,
- d) the train's exterior.

2.4 The border control of passengers of high-speed trains coming from a third State may be performed in either one of the following ways:

- a) in the stations in a third country where persons board the train,
- b) in the stations where persons disembark within the territory of the Schengen States,
- c) on board the train during transit between stations in a third country and stations in the Schengen States, provided that the persons stay on board the train.

2.5 With respect to high-speed trains from third countries making several stops in the territory of the Member States, if the rail transport carrier is in a position to board passengers exclusively for the remaining part of the journey within the territory of the Schengen States, such passengers must be subject to entry checks either on the train or at the station of destination except where checks have been carried out in the station where the person boarded the train.

In such a case, persons who wish to take the train exclusively for the remaining part of the journey within the territory of the Schengen States must receive clear notification prior to the train's departure that they will be subject to entry checks during the journey or at the station of destination.

When travelling in the opposite direction, the persons on board the train must be subject to exit checks under similar arrangements.

2.6 The border guard may inspect the cavities of carriages in order to ensure that persons or objects subject to border checks are not concealed in them. Border guard officers will always search the train thoroughly when there is a suspicion of hidden explosive materials or drugs.

2.7 Where there are reasons to believe that persons who have been reported or suspected of having committed an offence, or third-country nationals intending to enter illegally, are hiding on a train, the border guard, if he/she cannot act in accordance with his/her national provisions, must notify the authorities of the Schengen State towards or within whose territory the train is moving.

**Legal basis:*

- [Schengen Borders Code \(Article 7, Annex VI\)](#)

*** Best practices:**

- While performing the check on the platform in the first station of arrival or the last station before departure, the train should be guarded in order to prevent individuals from avoiding the border check. The checking officers and the officers guarding the train should be in contact at all times.

- During the checks on passengers on board the train, passengers should not be allowed to move along the train.
- The check of a goods train should consist of checking documents of the train crew and examining the carriages of the train.
- During the border control of passenger and goods trains the border guard should pay special attention to passengers and objects where there is a risk of transporting of explosive materials. To perform this duty correctly sniffer dogs should be used.
- The border check on board a train should be completed before the agreed railway station.
- Control measures should, in principle, not lead to delays in the scheduled departure of trains. If a delay is nevertheless caused, the station master should be notified as soon as possible.

3. *Local border traffic*

3.1 Member States may conclude bilateral agreements with neighbouring third countries in order to establish a facilitated regime of “local border traffic” for border residents. This regime applies to third-country nationals residing in the border area (50 km maximum) of a third country neighbouring a Member State, who, as a general rule, reside since at least one year in that area (exceptions can be provided for in the [bilateral agreements](#)) and have legitimate reasons (family links, economic, social or cultural motives) to cross the border very frequently. Under this regime, border residents are only allowed to cross the border to stay in the border area of a Member State for a maximum uninterrupted stay of three months.

3.2 The bilateral agreements may provide the following:

- a) the setting up of specific border crossing points reserved for border residents;
- b) the definition of specific lanes at border crossing points reserved for border residents;
- c) in exceptional cases justified by the local circumstances, the authorisation for border residents to cross the border outside border crossing points and fixed hours. This applies, for example, to situations where a farmer needs to cross the border frequently to work on his/her field, or where a town is cut across by the border. In such cases, the place where the

border may be crossed should be specified in their local border traffic permit (LBTP) ([see point 3.6, Section I](#)).

- 3.3 Border residents who cross the border in accordance with points a) and b) above, and who are well known to the border guards due to their frequent crossing of the border, can usually be subject only to random checks. However, thorough checks must be carried out on them from time to time, without warning and at irregular intervals.
- 3.4 When the facilitation under point 3.2, letter c), is foreseen in the bilateral agreement with a third country (i.e., to allow the crossing of the border outside authorised border crossing points), the Member State concerned must carry out random checks and maintain regular surveillance along the border in order to prevent unauthorised border crossing.
- 3.5 Further details on the checks to be carried out on border residents benefiting from the local border traffic regime are specified in [point 3.6 of Section I](#).

* *Legal basis:*

- [Regulation \(EC\) No 1931/2006 of the European Parliament and of the Council](#)
- [Bilateral agreements on local border traffic](#)

SECTION III: Air borders

1. Checks at the airport

- 1.1 To ensure efficient border checks at the airport, border guards must gather all necessary information about the air traffic schedule in order to deploy sufficient staff in accordance with the flow of passengers and taking into account that priority should be given to arriving passengers.

The technical infrastructure of border crossings should be improved, including the increased use of passport readers, e-gates and mobile terminals.

Technical improvements should be introduced, where necessary, to reduce the response times of consultation with the relevant data

- 1.2 Appropriate infrastructures must be put in place in order to separate intra-Schengen flights from extra-Schengen flights and prevent unauthorised circulation of persons and/or documents between these two areas.
- 1.3 Border checks will usually be carried out at the authorised border crossing point within the airport; however, when there is a risk related to internal security and illegal immigration, the border check may be carried out on the aircraft or at the gate.
- 1.4 Access to the transit area must be controlled; checks will normally not be carried out in the transit area, unless the assessment of the risks related to illegal migration or internal security justifies it.

*** Best practices:**

- Checks on crew members should be performed prior to those on passengers and in a separate location.
- Wherever possible, a separate place for the second line of border check should be created.
- Wherever possible, there should be a separate line for diplomats and passengers with disabilities.
- All parts of the airport should be under strict surveillance through monitoring and patrolling especially of the area where passengers go through check-in, the passport control zone and the transit area. For security reasons any luggage abandoned by its owner or other suspicious objects left should be immediately reported to the security authorities.

- 1.5 The place where border checks are carried out must be determined in accordance with the following procedure:
- a) Passengers on a flight from a third State who board an internal flight must be subject to an entry check at the airport of arrival of the flight from a third State. Passengers on an internal flight who board a flight for a third State (transfer passengers) must be subject to an exit check at the airport of departure of the latter flight.

Examples:

- Flight from Brasilia to Lisbon with a connection in Lisbon to Paris, the entry check is in Lisbon.
- Flight from Paris to Lisbon with a transfer to Brasilia, the exit check is in Lisbon.

- b) For flights from or to third States with no transfer passengers and flights making more than one stopover at the airports of the Schengen States where there is no change of plane:
- (i) passengers on flights from or to third States where there is no prior or subsequent transfer within the territory of the Schengen States must be subject to an entry check at the airport of entry and an exit check at the airport of exit;

Examples:

- Flight from New York to Berlin, the entry check is in Berlin.
- Flight from Berlin to New York, the exit check is in Berlin.

- (ii) passengers on flights from or to third States with more than one stopover on the territory of the Member States where there is no change of plane (transit passengers), and provided that passengers cannot board the aircraft for the leg situated within the territory of the Schengen States, must be subject to an entry check at the airport of arrival and an exit check at the airport of departure;

Examples:

- Flight from Beijing-Helsinki-Frankfurt-Paris, with stops in Helsinki, Frankfurt only for disembarking passengers (boarding for the remaining leg is prohibited), the entry checks are performed for passengers disembarking in Helsinki, Frankfurt and Paris respectively
- Flight from Paris-Frankfurt-Helsinki-Beijing, stopovers in Frankfurt and Helsinki only for boarding passengers (disembarking is prohibited). The exit checks are in Paris, Frankfurt and Helsinki.

- (iii) where an airline may, for flights from third States with more than one stopover within the territory of the Schengen States, board passengers only for the

remaining leg within this territory, passengers must be subject to an exit check at the airport of departure and an entry check at the airport of arrival. Checks on passengers who, during these stopovers, are already on board the aircraft and have not boarded in the territory of the Schengen States must be carried out in accordance with point (b)(ii). The reverse procedure must apply to this category of flights where the country of destination is a third State.

Examples:

1. Flight from New York-Paris-Frankfurt-Rome, boarding being authorised at the Paris and Frankfurt stopovers. Entry checks for passengers landing in Paris, Frankfurt (including those who boarded in Paris) and Rome (including those who boarded in Paris and Frankfurt).
2. Flight from Hamburg-Brussels-Paris-Cairo, landings being authorised at the stopovers in Brussels and in Paris. Exit checks take place in Hamburg, Brussels and Paris.

- 1.6 When a plane has to land on the nearest landing ground which is not a border crossing point, the plane can continue its flight after authorisation of border guards and, as far as customs checks are concerned, of customs administrations.

*** Best practices:**

- After the landing of a plane a border guard officer should come to the parking place of the plane before the disembarking of passengers when:
 - a crime or an offence was committed on board,
 - there is a threat to internal security,
 - there is a risk of illegal migration,
 - there are expelled persons from other countries,
 - to gather all necessary information from the crew when there is a need.
- All passengers to whom entry was refused should be separated from others. When their immediate departure to the place of embarking is not possible, they should stay until their departure in separated areas under the control of border guards.

● Persons who committed a crime or an offence should be transported directly from the aircraft to the specially designated places and handed over to the relevant authorities.

* *Legal basis:*

- [Schengen Borders Code \(Annex VI\)](#)

1.7 In order to better target checks on all passengers including EU citizens advanced passenger data in accordance with the Council Directive 2004/82/EC shall be used based on a current and updated risk assessment on incoming flights. It is for the national authorities to determine on which incoming flights crossing the external borders the advance passenger data will be used.

1.8 Where relevant, the technical infrastructure of border crossings should be improved, including the increased use of passport readers, e-gates and mobile terminals.

Technical improvements should be introduced, where necessary, to reduce the response times of consultation with the relevant data.

1.9 The advanced passenger data in accordance with the Council Directive 2004/82/EC to enable more targeted checks on incoming flights crossing the external borders on all passengers including EU citizens should be used on a more regular basis. It is for the national authorities to determine on which incoming flights crossing the external borders the advance passenger data will be used, according to the current and up- dated risk assessment. Member States may use these API data for law enforcement purposes

2. ***Check in aerodromes***

2.1 It must be ensured that persons are also checked, in accordance with the general rules, in airports which do not hold the status of international airport under the relevant national law (“aerodromes”) but through which the routing of flights from or to third countries is authorised.

2.2 It is not necessary to make appropriate arrangements in aerodromes to ensure that inflows of passengers from internal and other flights are physically separated, without prejudice to Regulation (EC) No 2320/2002 establishing common rules in the field of civil aviation security. In addition, when the volume of traffic is low, the border guards need not be

present at all times, provided that there is a guarantee that the necessary personnel can be deployed in good time.

- 2.3 When the presence of border guards is not assured at all times in the aerodrome, the manager of the aerodrome must give adequate notice to the border guards about the arrival or departure of aircraft from or to third States.

* *Legal basis*

- [Schengen Borders Code \(Annex VI\)](#)

- [Regulation \(EC\) No 2320/2002](#)

3. ***Checks on persons on private flights***

- 3.1 The captain of a private plane flying from or to a third State must transmit to the border guards of the Member State of destination and, where appropriate, of the Member State of first entry, prior to take-off, a general declaration comprising *inter alia* a flight plan in accordance with Annex 2 to the Convention on International Civil Aviation, as well as information concerning passengers' identity.
- 3.2 Where private flights coming from a third State and bound for a Schengen State make stop-overs in the territory of other Schengen States, the competent authorities of the Schengen State of entry must carry out border checks and apply an entry stamp to the general declaration.
- 3.3 Where uncertainty exists whether a flight is exclusively coming from, or solely bound for, the territories of the Schengen States without landing on the territory of a third State, the competent authorities must carry out checks on persons in airports and aerodromes in accordance with the general rules.
- 3.4 The arrangements for the entry and exit of gliders, micro-light aircraft, helicopters, small-scale aircraft capable of flying short distances only and airships are laid down by national law and, where applicable, by bilateral agreements.

* *Legal basis:*

- [Schengen Borders Code \(Annex VI\)](#)

SECTION IV: Sea borders

1. *General checking procedures on maritime traffic*

1.1 The border guard in command of a crossing point must ensure that effective checks are carried out on passengers and crew of the vessels. The checks will be based upon risk analysis consisting of constant and comprehensive surveillance of the sea area.

1.2 Checks on ships shall be carried out at the port of arrival or departure, or in an area set aside for that purpose, located in the immediate vicinity of the vessel or on board ship in the territorial waters as defined by the United Nations Convention on the Law of the Sea. However, in accordance with the agreements reached on the matter, checks may also be carried out during crossings or, upon the ship's arrival or departure, in the territory of a third country.

No systematic border checks shall be carried out on persons staying aboard. However, a search of the ship and checks on the persons staying aboard shall be carried out when this is justified on the basis of an assessment of the risks related to internal security and illegal immigration

1.3 The master, the ship's agent or some other person duly authorised, shall draw up a list of the crew and any passengers containing the information required in the forms 5 (crew list) and 6 (passenger list) of the Convention on Facilitation of International Maritime Traffic (FAL Convention) as well as, where applicable, the visa or residence permit numbers.

Crew members include all persons actually employed for duties on board during a voyage in the working or service of a ship and included in the crew list.

1.4 The above list(s) must be handed over to the border guards or to other authorities which shall forward the list without delay at the latest twenty-four hours before arriving in the port, or at the latest at the time the ship leaves the previous port, if the voyage time is less than twenty-four hours, or, if the port of call is not known or it is changed during the voyage, as soon as this information is available.

- 1.5 A confirmation of receipt (signed copy of the list(s) or an electronic receipt confirmation) shall be returned to the master, who shall produce it on request when the ship is in port.
- 1.6 Any changes in the crew or passenger lists must be notified immediately to the border guards by the captain or the ship owner's agent.
- 1.7 The master of the ship is obliged to inform border guards about the presence of stowaways on his/her ship at the latest twenty-four hours before arriving in the port, or at the latest at the time the ship leaves the previous port, if the voyage time is less than twenty-four hours, or, if the port of call is not known or it is changed during the voyage, as soon as this information is available. Stowaways remain under the responsibility of the master.
- 1.8 The captain must notify the border guards of the ship's departure. When it is impossible he must advise the appropriate shipping authority and give them the second copy of the previously completed and signed list.

* *Legal basis:*

- [Schengen Borders Code \(Annex VI\)](#)

2. ***Checks on cruise ships***

- 2.1 Cruise ships are ships which follow a given itinerary in accordance with a predetermined programme, which includes a programme of tourist activities in the various ports, and which normally neither take passengers on nor allow passengers to disembark during the voyage.
- 2.2 The cruise ship's master shall transmit to the border guards the itinerary and the programme of the cruise, as soon as they have been established and no later than twenty-four hours before arriving in the port, or at the latest at the time the ship leaves the previous port, if the voyage time is less than twenty-four hours, or, if the port of call is not known or it is changed during the voyage, as soon as this information is available.
- 2.3 If the itinerary of a cruise ship comprises exclusively ports situated in the territory of Schengen States, no border checks must be carried out and the cruise ship may dock at ports which are not border crossing points. Nevertheless, checks shall be carried out on the

crew and passengers of those ships only when this is justified on the basis of an assessment of the risks related to internal security and illegal immigration.

2.4 If the itinerary of a cruise ship comprises **both ports situated in the territory of the Schengen States and ports situated in other States** the border checks must be carried out as follows:

- a) where the cruise ship comes from a port situated in a third State and calls for the first time at a port situated in the territory of a Schengen State, crew and passengers must be subject to entry checks on the basis of the nominal lists of crew and passengers.

Example:

- a cruise ship sailing from Saint Petersburg to Stockholm.

Passengers going ashore must be subject to entry checks according to the general rules unless an assessment of the risks related to security and illegal immigration shows that there is no need to carry out the checks.

- b) where the cruise ship comes from a port situated in a third State and calls again at a port situated in the territory of a Schengen State, crew and passengers must be subject to entry checks on the basis of the nominal lists of crew and passengers referred to above to the extent that these lists have been modified since the cruise ship called in the previous port situated in the territory of a Schengen State.

Example:

- a cruise ship's route is: from Istanbul to Athens then to Tunis and next to Barcelona.

Passengers going ashore must be subject to entry checks according to the general rules unless an assessment of the risks related to security and illegal immigration shows that there is no need to carry out the checks. If there are no changes in the nominal list, there is no need to identify each passenger with the travel document. Nevertheless, the disembarking passengers must have their travel documents with them all the time and show them to the border guard officers upon request.

- c) where the cruise ship comes from a port situated in a Schengen State and calls at such a port, passengers going ashore must be subject to entry checks in accordance

with the general rules if an assessment of the risks related to security and illegal immigration so requires.

Example:

- a cruise ship coming originally from Saint Petersburg and then docking, successively to the ports of Helsinki, Stockholm and Copenhagen. In this case, the checks carried out in Stockholm and Copenhagen should take into account the fact that the cruise ship has already been checked in Helsinki.

d) where a cruise ship departs from a port situated in a Schengen State to a port in a third State, crew and passengers must be subject to exit checks on the basis of the nominal lists of crew and passengers. If an assessment of the risks related to security and illegal immigration so requires, passengers going on board must be subject to exit checks in accordance with general rules.

Example:

- a cruise ship sailing from Helsinki to Saint Petersburg.

e) where a cruise ship departs from one port situated in a Schengen State to another, no exit checks must be carried out. Nevertheless, checks shall be carried out on the crew and passengers of those ships only when this is justified on the basis of an assessment of the risks related to internal security and illegal immigration.

Example:

- a cruise ship sailing from Stockholm to Helsinki and then continuing outside the Schengen area (e.g., Saint Petersburg). In this case, normally no exit checks must be carried out in Stockholm, since such checks are to be carried out in Helsinki before the ship exits the Schengen area.

2.5 The crews and passengers lists must be transmitted to the respective border guards by the cruise ship's captain or, failing that, the ship owner's agent at the latest twenty-four hours before arriving in the port, or at the latest at the time the ship leaves the previous port, if the voyage time is less than twenty-four hours, or, if the port of call is not known or it is changed during the voyage, as soon as this information is available. A confirmation of

receipt (signed copy of the list(s) or an electronic receipt confirmation) shall be returned to the master, who shall produce it on request when the ship is in port.

- 2.6 In those cases where, on the basis of the assessment of the risks related to internal security and illegal migration, border guards decide that it is not necessary to carry out checks on cruise passengers in accordance with the general rules on border checks, there is no requirement to stamp travel documents.
- 2.7 In the assessment of the security and migratory risks, border guards should take into account *inter alia* the following elements: the nationality of the travellers, any available information on the shipping company and its reliability, any situation report and relevant information in their possession, including information obtained from other Schengen States or neighbouring third countries.

* *Legal basis:*

- [Schengen Borders Code \(Annex VI\)](#)

3. ***Checks on pleasure boating***

- 3.1 Pleasure boating is the use of pleasure boats for sporting or tourism purposes.
- 3.2 Persons on board of pleasure boats coming from or departing to a port situated in a Schengen State must not be subject to border checks and may enter a port which is not a border crossing point.

However, when according to the assessment of the risks of illegal immigration, and in particular where the coastline of a third State is located in the immediate vicinity of the territory of the concerned Schengen State, checks on these persons and/or a physical search of the pleasure boats must be carried out.

- 3.3 A pleasure boat coming from a third State may, exceptionally, enter a port which is not a border crossing-point. In these cases, the persons on board must notify the port authorities in order to be authorised to enter this port. The port authorities must contact the authorities in the nearest port designated as border crossing point in order to report the vessel's arrival. The declaration regarding passengers must be made by lodging the list of persons on board with the port authorities. This list must be made available to the border guards, at the latest

upon arrival. Likewise, if for reasons of force majeure the pleasure boat coming from a third State has to dock in a port other than a border crossing-point, the port authorities must contact the authorities in the nearest port designated as a border crossing-point in order to report the vessel's presence.

- 3.4 During these checks, a document containing all the technical characteristics of the vessel and the names of the persons on board must be handed in. A copy of this document must be given to the authorities in the ports of entry and departure. As long as the vessel remains in the territorial waters of one of the Schengen States, a copy of this list must be included amongst the ship's papers.
- 3.5 Random checks on pleasure boats must be carried out irrespective of the assessment of the risks of illegal immigration.

* *Legal basis:*

- [Schengen Borders Code \(Annex VI\)](#)

4. *Checks on coastal fishing*

- 4.1 Coastal fishing is fishing carried out with the aid of vessels which return every day or within 36 hours to a port situated in the territory of a Schengen State without calling at a port situated in a third State.
- 4.2 The crews of coastal fisheries' vessels who return every day or within 36 hours to the port of registration or to any other port situated in the territory of the Schengen States without docking in a port situated in the territory of a third State must not be systematically checked.
- 4.3 When there is a risk of illegal immigration, in particular where the coastline of a third State is located in the immediate vicinity of the territory of the concerned Schengen State, checks on persons and/or a physical search of the vessel must be carried out.
- 4.4 The crews of coastal fisheries' vessels not registered in a port situated in the territory of a Schengen State must be checked in accordance with the provisions relating to seamen (point 3.4, Section I) . The ship's captain must notify the competent authorities of any alteration to the crew list and of the presence of any passengers.

* *Legal basis:*

- [Schengen Borders Code \(Annex VI\)](#)

5. *Checks on ferry connections*

5.1 Checks must be carried out on persons on board ferry connections with ports situated in non-Schengen States. The following rules must apply:

- a) where possible, separate lanes for EU Member States, EEA and Switzerland must be provided,
- b) checks on foot passengers must be carried out individually;
- c) checks on vehicle occupants must be carried out while they are at the vehicle;
- d) ferry passengers travelling by coach must be considered as foot passengers. These passengers must alight from the coach for the checks;
- e) checks on heavy goods vehicle drivers and any accompanying persons must be conducted while the occupants are at the vehicle. This check will in principle be organised separately from checks on the other passengers;
- f) to ensure that checks are carried out quickly, there must be an adequate number of gates;
- g) so as to detect illegal immigrants in particular, random searches must be made on the means of transport used by the passengers, and where applicable on the loads and other goods stowed in the means of transport;
- h) ferry crew members must be dealt with in the same way as commercial ship crew members;
- i) Point 1.3 (the obligation to submit passenger and crew lists) does not apply. If a list of the persons on board has to be drawn up in accordance with Council Directive 98/41/EC on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community, a copy of that list shall be transmitted not later than thirty minutes after departure from a third- country port by

the master to the competent authority of the port of arrival on the territory of the Member States.

* *Legal basis:*

- [Schengen Borders Code \(Annex VI\)](#)

- 5.2 Where a ferry coming from a third country with more than one stop within the Member States takes passengers on board only for the remaining leg within that territory, those passengers shall be subject to an exit check at the port of departure and an entry check at the port of arrival. Checks on persons who, during those stop-overs, are already on board the ferry and have not boarded in the Member States shall be carried out at the port of arrival. The reverse procedure shall apply where the country of destination is a third country.

6. *Cargo connections between Member States*

- 6.1 No border checks shall be carried out on cargo connections between the same two or more ports situated on the territory of the Schengen States, not calling at any ports outside the Schengen States and consisting of the transport of goods.

Nevertheless, checks shall be carried out on the crew and passengers of those ships only when they are justified on the basis of an assessment of the risks relating to internal security and illegal immigration.

SECTION V: Checks on inland waterways shipping

1. *Inland waterways shipping*

- 1.1 Inland waterways shipping involving the crossing of an external border covers the use, for business or leisure purposes, of all types of boat and floating vessels on rivers, canals and lakes.
- 1.2 The checks to be carried out on inland waterways shipping are the same as those to be carried out on maritime traffic in general.

1.3 As regards boats used for business purposes, the captain and the persons employed on board who appear on the crew list and members of the families of these persons who live on board must be regarded as crew members or equivalent.

* *Legal basis:*

- [Schengen Borders Code \(Annex VI\)](#)

PART THREE: BORDER SURVEILLANCE

1. *Purpose of surveillance*

1.1 The main purposes of the surveillance of external borders at places other than border crossing-points and surveillance of these crossing-points outside opening hours are:

- a) to prevent and discourage unauthorised border crossings;
- b) to counter cross-border criminality;
- c) to apply or to take measures against persons who have crossed the border illegally.

1.2 The officer in command must take all necessary measures to prevent the unauthorised crossing of the border and deploy the staff based upon the assessment of the risk of illegal immigration and of cross-border criminality.

The resources used should be selected in accordance with the type and nature of the border (land, inland waterway or sea).

2. *The methods of surveillance*

2.1 The surveillance may be carried out by using either stationary or mobile units which perform their duties by:

- a) patrolling,
- b) stationing at places known or perceived to be sensitive.

2.2 Frequent and sudden changes to the periods of surveillance should be made so to detect effectively the unauthorised border crossing.

2.3 The main tasks of patrolling are:

- a) to monitor the terrain they operate in,
- b) to ensure that there is no risk to public policy and internal security in the patrolling area,

- c) to check documents of persons being in the area, who are not known to the patrol team,
- d) to stop all suspected persons who do not have any documents and ask them to explain in detail their reasons for being in that area,
- e) to stop and bring to the nearest border guard's station persons who crossed or tried to cross the border illegally.

Special dogs for tracking should be used during patrolling. Helicopters, patrol boats and terrain vehicles should also be used in order to enhance the patrolling and monitoring of the border.

2.4 The main tasks of stationing are:

- a) to observe the places which are perceived to be sensitive to illegal border crossing or smuggling;
- b) to stop and bring to the border guard station people who tried or crossed the border illegally.

2.5 According to the obtained information, ambushes should be organised in order to catch trafficked people and traffickers.

2.6 Surveillance should also be carried out, where appropriate, using technical and electronic means (i.e., radars, sensors, and infrared vision at night).

* *Legal basis:*

- [Schengen Borders Code \(Article 12\)](#)

PART IV: LIST OF RELEVANT LEGAL INSTRUMENTS

- **Union law:**

- [Convention implementing the Schengen Agreement of 14 June 1985](#) between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, signed at Schengen on 19 June 1990 ([OJ L 239, 22.9.2000, p. 19](#));
- [Council Regulation \(EC\) N° 1683/95 of 29 May 1995](#) laying down a uniform format for visas ([OJ L 164, 14.7.1995, p.1](#)) as amended by Council Regulation (EC) N° 334/2002 of 18 February 2002 amending Council Regulation (EC) N° 1683/95 of 29 May 1995 laying down a uniform format for visas ([OJ L 53, 23.2.2002, p. 7](#));
- [Decision 2119/98/EC of the European Parliament and of the Council of 24 September 1998](#) setting up a network for the epidemiological surveillance and control of communicable diseases in the Community ([OJ L268, 3.10.1998, p. 1](#));
- [Council Regulation \(EC\) N° 2725/2000 of 11 December 2000](#) concerning the establishment of ‘Eurodac’ for the comparison of fingerprints for the effective application of the Dublin Convention ([OJ L 316, 15.12.2000, p.1](#));
- [Charter of Fundamental Rights of the European Union \(OJ C 364, 18.12.2000, p.1\)](#) ;
- [Council Directive N° 2001/51 of 28 June 2001](#) supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 ([OJ L 187 7. 7.2001, p. 45](#));
- [Council Regulation \(EC\) N° 539/2001 of 15 March 2001](#) listing the third countries whose nationals must be in possession of visas when crossing the external borders ([OJ L 81 of 21.3.2001, p.1](#)), amended by the following:
 - [Council Regulation \(EC\) N° 2414/2001 \(OJ L 327 of 12.12.2001\)](#);
 - [Council Regulation \(EC\) N° 453/2003 \(OJ L 69 of 13.3.2003, p.10\)](#);
 - [Council Regulation \(EC\) N° 851/2005 of 2 June 2005](#) amending Regulation (EC) N° 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement as regards the reciprocity mechanism;
 - [Council Regulation \(EC\) No 1932/2006 of 21 December 2006](#) amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and

those whose nationals are exempt from that requirement ([OJ L 405, 30.12.2006](#), corrigendum: OJ L 29, 3.2.2007, p. 10)

- [Council Regulation \(EC\) N° 333/2002 of 18 February 2002](#) on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form ([OJ L 53, 23.2.2002, p.4](#));
- [Council Regulation \(EC\) N° 407/2002 of 28 February 2002](#) (OJ L 62, 5.3.2002, p. 1) laying down certain rules to implement [Regulation \(EC\) N° 2725/2000](#) concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 316, 15.12.2000, p.1)
- [Council Regulation N° 1030/2002 of 13 June 2002](#) laying down a uniform format for residence permits for third-country nationals ([OJ L 157, 15.6.2002, p. 1](#));
- [Regulation \(EC\) N° 2320/2002 of the European Parliament and the Council of 16 December 2002](#) establishing common rules in the field of civil aviation security ([OJ L 355, 30.12.2002, p.1](#));
- [Council Regulation \(EC\) No 343/2003 of 18 February 2003](#) establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (Dublin Regulation) ([OJ L 50 of 25.2.2003, p. 1](#))
- [Council Regulation \(EC\) N° 693/2003 of 14 April 2003](#) establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual ([OJ L 099, 17.4.2003, p. 8](#));
- [Council Regulation \(EC\) N° 694/2003 of 14 April 2003](#) on uniform formats for Facilitated Transit Documents (FTD) and Facilitated Rail Transit Documents (FRTD) provided for in Regulation (EC) N° 693/2003 ([OJ L 099, 17.4.2003, p. 15](#));
- [Council Decision of 8 March 2004](#) concerning the conclusion of a Memorandum of Understanding between the European Community and the National Tourism Administration of the Peoples' Republic of China on visa and related issues concerning tourist groups from the Peoples' Republic of China (ADS) ([OJ L 83, 20.3.2004, p. 12](#));
- [Regulation \(EC\) N° 851/2004](#) of the European Parliament and of the Council of 21 April 2004 establishing a European centre for disease prevention and control ([OJ L 142, 30.4.2004, p. 1](#));
- [Council Directive 2004/38/EC of the European Parliament and the Council of 29 April 2004](#) on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States ([OJ L 229, 29.6.2004, p. 35](#));

- [Council Directive N° 2004/83/EC of 29 April 2004](#) on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted ([OJ L 304, 30.9.2004, p. 12](#))
- [Council Directive 2005/85/EC of 1st December 2005](#) on minimum standards on procedures in Member States for granting and withdrawing refugee status ([OJ L 326, 13.12.2005, p. 13](#));
- [Council Regulation No 2252/2004 of 13 December 2004](#) on standards for security features and biometrics in passports and travel documents issued by Member States ([OJ L 385, 29.12.2004, p. 1](#));
- [Regulation N° 562/2006 of 15 March 2006](#) of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) ([OJ L 105, 13.4.2006, p. 1](#));
- [Decision N° 895/2006 of the European Parliament and of the Council of 14 June 2006](#) introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, Slovakia of certain documents as equivalent to their national visas for the purposes of transit through their territories ([OJ L 167, 20.6.2006, p.1](#));
- [Decision N° 896/2006 of the European Parliament and of the Council of 14 June 2006](#) establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein for the purpose of transit through their territory ([OJ L 167, 20.6.2006, p.8](#));
- [Regulation \(EC\) No 1931/2006 of the European Parliament and of the Council of 20 December 2006](#) laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention ([OJ L 405, 30.12.2006](#); corrigendum [OJ L 29, 3.2.2007, p. 3](#));
- [Council Decision No 2007/801/EC of 6 December 2007](#) on the full application of the provisions of the Schengen *acquis* in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Republic of Poland, the Republic of Slovenia and the Slovak Republic ([OJ L 323, 8.12.2007, p. 34](#))
- [Decision No 582/2008/EC of the European Parliament and of the Council of 17 June 2008](#) introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, Cyprus and Romania of certain documents as equivalent to their national visas for the purposes of transit through their territories ([OJ L 161, 20.6.2008, p. 30](#))
- Council Decision No 2008/903/EC of the European Parliament and of the Council of 27 November 2008 on the full application of the provisions of the Schengen *acquis* in the Swiss Confederation ([OJ L 327, 5.12.2008, p. 15](#))

- Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) ([OJ L 243, 15.9.2009, p. 1](#))
- Regulation (EU) No 265/2010 of the European Parliament and of the Council of 25 March 2010 amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa ([OJ L 85, 31.3.2010, p. 1](#))
- Commission Decision of 19 March 2010 ([C\(2010\)1620 final](#)) establishing the Handbook for the processing of visa applications and the modifications of issued visas.
- Council Decision 2011/842/EU of 13 December 2011 on the full application of the provisions of the Schengen acquis in the Principality of Liechtenstein ([OJ L 334, 16.12.2011, p. 27](#))

- **International law:**

- [Convention of 7 December 1944 on International Civil Aviation \(ICAO Convention, Annex 2 and 9\);](#)
- [European Convention for the protection of Human Rights of 4 November 1950 and its Protocols;](#)
- [Geneva Convention relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967;](#)
- [Convention on Facilitation of International Maritime Traffic \(FAL\) of 9 April 1965;](#)
- [ILO Convention on Seafarers' Identity Documents \(No 185\) of 19 June 2003;](#)
- [Agreement between the European Community and its Member States, of one part, and the Swiss Confederation, of the other, on the free movement of persons \(OJ L 114, 30.4.2002, p. 6\);](#)
- [Bilateral agreements on local border traffic.](#)