

Schengen borders code: Council adopts regulation to reinforce checks at external borders

On 7 March 2017, the Council adopted a regulation amending the Schengen borders code to reinforce checks against relevant databases at the external borders.

"Reinforcing our external border controls is an important tool for fighting the terrorist threat in Europe and improving the security of our citizens. Systematic checks at the external borders will provide us with a means to address potential risks to internal security, including that posed by foreign terrorist fighter returnees."

Carmelo Abela, Maltese Minister for Home Affairs and National Security

The amendment obliges member states to carry out **systematic checks against relevant databases on all persons, including those enjoying the right of free movement** under EU law (i.e. EU citizens and members of their families who are not EU citizens) when they cross the external borders. The databases against which checks will be carried out include the Schengen Information System (SIS) and Interpol's database on stolen and lost travel documents (SLTD). The checks will also enable member states to verify that those persons do not represent a threat to public policy, internal security or public health. This obligation shall apply at **all external borders** (air, sea and land borders), **both at entry and exit**.

However, where systematic consultation of databases could lead to a disproportionate impact on traffic flows at a sea or land border, member states are permitted to carry out only targeted checks against databases, provided that this will not lead to risks related to internal security, public policy, or the international relations of the member states, or pose a threat to public health.

With regard to air borders, member states may only carry out targeted checks against databases for a transitional period of 6 months from the entry into force of the regulation. This period may be extended by up to 18 months in exceptional and specific cases, where there are infrastructural difficulties requiring a longer period of time to make the necessary changes.

Next steps

The Council and the European Parliament now need to sign the adopted regulation. The signed text will be published in the EU Official Journal and will enter into force 20 days later.

Background

This regulation amending the Schengen borders code (SBC) was presented by the European Commission in December 2015. It is a response to the increase in terrorist threats and to the call from the Council in its conclusions of 9 and 20 November 2015 for a targeted revision of the SBC in the context of the response to "foreign terrorist fighters".

While member states are already obliged to check third country nationals systematically on entry against all databases for reasons of public order and internal security, the current provisions do not provide for such a check on exit in all databases. Moreover, persons enjoying the right to free movement are subject to a minimum check to establish their identities. This amendment will align the obligations to carry out systematic checks both at entry and at exit on third country nationals, as well as persons who enjoy the right of free movement.

The amendment provides for greater use of the Schengen Information System, the Interpol Stolen and Lost Travel Documents and national databases to improve the security of the EU and its citizens.

[Regulation amending regulation 2016/399 as regards the reinforcement of checks against relevant databases at external borders](#)
[EU fight against terrorism](#)

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