

PRESS RELEASE

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Schengen Borders Code: agreement to reinforce checks at external borders

On 7 December 2016, the Permanent Representatives Committee (Coreper) approved a compromise text agreed with the European Parliament on an amendment to the Schengen Borders Code to reinforce checks against relevant databases at external borders.

"This achievement was only made possible through the hard work and commitment of everyone involved", said Robert Kaliňák, Interior Minister of Slovakia and President of the Council. "It is an important response to the increase of terrorist threat in Europe and particularly crucial in the context of tackling the problem of foreign fighters."

The amendment obliges member states to carry out systematic checks on all persons, including persons 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 border against databases on lost and stolen documents, as well as in order to verify that those persons do not represent a threat to public order and internal security. This obligation shall apply at all external borders (air, sea and land borders), both at entry and exit.

However, where a systematic consultation of databases on all persons enjoying the right of free movement under Union law could lead to a disproportionate impact on the flow of traffic at a sea and land border, member states may carry out only targeted checks against databases, provided that a risk assessment shows this does not lead to risks related to internal security, public policy, international relations of the member states or a threat to public health.

As regards air borders, the institutions agreed that member states may use this possibility, but only during a transitional period of 6 months from the entry into force of the amended regulation. This period may be prolonged by a maximum of 18 months in exceptional cases, where at a specific airport there are infrastructural difficulties requiring a longer period of time for adaptations to allow for the carrying out of systematic consultations of databases without disproportionate impact on the flow of traffic.

Background

This regulation to amend the Schengen Borders Code (SBC) was presented by the European Commission in December 2015. It is a response to the increase of 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". The agreement is also a tangible outcome of the Bratislava Declaration and Roadmap, agreed by the leaders of the 27 member states on 16 September 2016.

While member states are 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. Nor do they provide for a systematic check of persons enjoying the right of free movement under EU law. The amendment will align the obligations to include systematic checks on exit to ensure that both third country nationals and EU citizens and their family members do not present a threat to public policy and internal security.

The amendment makes the use of the Schengen Information System and other relevant Union databases more intensive and it gives the possibility for consulting other Interpol databases. Consultation of the Interpol database on stolen and lost travel documents is an obligation for checks of third country nationals and persons enjoying the right of free movement under Union law both, on entry and on exit.

Next steps

Now that the agreement has been confirmed by the Permanent Representatives Committee, on behalf of the Council, the regulation will be submitted to the European Parliament for a vote at first reading, and to the Council for adoption.

- [EU fight against terrorism \(background information\)](#)

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