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**NOTE**

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from : the Presidency  
to : Working Party on Frontiers/Mixed Committee (EU-Iceland/Norway/Switzerland)  
Subject : **Practical Handbook for Border Guards - State of play**

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At its meeting on 21 February 2006, the Justice and Home Affairs Council adopted the Schengen Borders Code.

In accordance with the provision that the Code will enter into force six months after its publication in the Official Journal, entry into force can be expected in September 2006.

When presenting the proposal on the Schengen Borders Code, the European Commission announced that a “practical handbook” should be developed in parallel, containing practical instructions and all the information border guards need to carry out their work.

In the meantime, agreement was reached that such a handbook should be ready at least three months before the Schengen Borders Code enters into force in order to give Member States time to inform and train their border guards adequately.

In order to speed up drafting procedures, agreement was reached on the following key issues during the discussions in the Working Party on Frontiers on 1 February 2006:

- **The Practical Handbook – legally binding or not?**

A very large majority of Member States favoured the option of making the handbook a Council General Secretariat or Commission document, and possibly involving FRONTEX at a later stage in the updating process.

In the meantime, the Commission has once again expressed its willingness to issue the handbook as a Commission recommendation. Although not legally binding, the document would have formal legal status.

It should be noted that a Commission recommendation is adopted in accordance with the inter-services consultation procedure within the Commission. This would mean that the time available for drafting the handbook will be even shorter and that it should be ready by the end of March or beginning of April 2006.

- **Structure and format - short version and/or long version?**

With regard to the structure and format of the handbook, a large majority of delegations favoured drafting one single long version in electronic format. The CIRCA system could offer a platform for uploading the document. Bearing in mind that uploading of documents classified "RESTREINT UE" is not currently possible under CIRCA, there are nevertheless still questions remaining as regards the updating of certain annexes to the practical handbook.

Some delegations stated that it might also be useful to prepare a short version in paper format, but agreed to postpone this to a second phase.

- **Updates and distribution**

In line with the idea of a Commission recommendation, the general responsibility for updating would – in principle - lie with the Commission. Contacts between the different Member States and the Commission would be channelled through a three-level system, consisting of one single point of contact at the top level, national contact points at the level of the Member States and points of contact at operational level.

- **The question of country-based fiches**

It emerged from the discussions that preparing such fiches, although considered to be very useful, would indeed be a complex and time-consuming exercise.

Considering the time available to produce the practical handbook, it was generally agreed that the introduction of the country-based fiches should be postponed to a second phase.

- **Links to other existing databases**

Common agreement was finally reached on the need for existing databases to be integrated or at least linked, where technically feasible, in order to avoid duplication of work and effort. Technical possibilities, especially concerning FADO, should be explored further.

### **Practical handbook for border guards – next steps to be undertaken**

Taking into account the time remaining until the handbook has to be ready, the Presidency, recalling the work already done in the context of the two expert meetings organised by the Commission Services, invites the Working Party on Frontiers to consider the following specific issues:

- In order to achieve further progress on the topic, questions concerning the text will have to be addressed as well as questions concerning the technical side (the creation of a CIRCA application).
- As regards the text, delegations are invited to consider the annexed version of the handbook reflecting the results of the expert meetings organised by the Commission Services as well as the comments and contributions from various Member States. Although the text would eventually become a Commission recommendation, the existing text could – in the preparatory phase - serve as the "core" of the practical handbook and thus be a starting-point for further work on the text as well as on the annexes.
- As regards the technical side, a solution within the CIRCA system should be further explored. If agreement can be reached on this, that could in principle mean that the creation of the CIRCA application could already be initiated (i.e. various technical questions on user-friendly design as well as registration and password procedures could already be worked out in detail) and available annexes could be uploaded.

In order to achieve further progress in this field and move towards a common solution, delegations are kindly invited to comment on these ideas and offer their views, proposals for amendments and alterations at the forthcoming meeting of the Working Party on Frontiers as well as in writing by 15 March 2006.

#### ANNEX

Draft Practical Handbook

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## PART ONE - DEFINITIONS

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

- |            |                     |
|------------|---------------------|
| 1. Austria | 9. Italy            |
| 2. Belgium | 10. Luxembourg      |
| 3. Denmark | 11. The Netherlands |
| 4. Finland | 12. Norway          |
| 5. France  | 13. Portugal        |
| 6. Germany | 14. Spain           |
| 7. Greece  | 15. Sweden          |
| 8. Iceland |                     |

### 2. EU MEMBER STATES:

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

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\* The Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia are not yet full Schengen States but apply the common rules on external border control.



3. **EEA COUNTRIES:** Norway, Iceland and Liechtenstein.
4. **‘Internal borders’** are:
  - 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 Schengen States for regular 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. **‘EU citizen’** refers to any person having the nationality of an EU Member State.
7. **‘Persons enjoying the Community right of free movement’** are nationals of EU Member States, EEA countries and Switzerland, as well as members of their family accompanying or joining them.
8. **‘Members of the family of an EU/EEA/CH citizen’** are:
  - - the spouse and, if this is recognised by the legislation of the host member State and of the Member State of origin, the partner with whom the EU/EEA/CH citizen has established a registered partnership;
  - - the direct descendants under the age of 21 or dependents, including those of the spouse or partner;
  - - the dependent direct relatives in the ascending lines, including those of the spouse or partner.
  -
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. **‘Second-line checks’** are in-depth checks which may be carried out in a special location away from the place at which all persons are checked (“first line”).
15. **‘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.
16. **‘Stateless person’** refers to a person who is not considered as a national by any State under the operation of its law.

## PART TWO - BORDER CHECKS

### SECTION I: Border check procedures

#### § 1. Checks at border crossing points

1.1. The main purposes of border checks are:

- to ascertain the identity of persons crossing the border based on their documents,
- to check that the persons are in possession of the necessary travel documents and of a visa where required,
- to prevent illegal immigration, by checking that third-country nationals can justify the purpose of their journey and have sufficient means of subsistence for the duration of their stay;
- to prevent any threat to public policy, internal security, public health and the international relations of all Schengen States.

1.2. Border guards shall, in the performance of their duties, fully respect human dignity and shall 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 shall be proportionate to the objectives pursued by such measures.

1.3. The border guard in command of the crossing point shall deploy the appropriate staff in sufficient numbers to carry out effective border control. Border checks shall be carried out in a manner that ensures the smooth crossing of the border by *bona fide* travellers (tourists, businessmen etc.), while at the same time preventing the entry of potential illegal immigrants and of any type of criminal. During the check, border guard officers pay special attention to the behaviour of the passengers. Each suspicious person shall be checked very carefully especially concerning possible security risks.

1.4. Third-country nationals shall always be subject to a **thorough check**, which shall be carried out as described below. However, **special rules and exceptions** apply to the following categories of persons (see § 3 - *link*):

- a) Persons enjoying the Community right of free movement;
- b) Heads of State and members of their delegations;
- c) Pilots of aircraft and other crew members;
- d) Seamen;
- e) Holders of diplomatic, official or service passports;
- f) Border residents benefiting from a local border traffic regime;
- g) Minors.

1.5. The **thorough check at entry** consists of:

- the verification that the third country national is in possession of a document valid for crossing the border and which has not expired, and that it is accompanied, where applicable, by the requisite visa or residence permit (*links to annexes 4, 5, 6, 13 and 14*),
- the thorough scrutiny of the travel document for signs of falsification or counterfeiting. **DELETED**
  
- 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. three months within a six-month period),
- 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 **DELETED**,

- 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 or transit to a third country, or that he/she can obtain these means legally. In order to assess means of subsistence, the reference amounts set by each Schengen State shall be taken into account

**DELETED**;

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 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 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 shall 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.

1.6. The **thorough check at 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.

If necessary, and on the basis of risk assessment, **further checks at exit** may comprise:

- the verification that the person is in possession of a valid visa, if required pursuant to Regulation (EC) No 539/2001, except when he/she is holding a valid residence permit issued by the Schengen States or other documents authorising a stay or a re-entry into their territory, with the exception of temporary permits issued pending examination of a first application for a residence permit or an application for asylum.

- 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.
- 1.7. Where appropriate facilities exist and if requested by the third-country national, such thorough checks shall be carried out in a non-public area designated for that purpose.
- 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 - should be carried out as explained in points 1.5 and 1.6.

## § 2. Searches in the Schengen Information System

- 2.1. The SIS shall be used to search for information on persons and objects, and in particular on:
- persons wanted for arrest, surrender or extradition on the basis of a European Arrest Warrant or persons wanted for provisional arrest with a view to extradition,
  - third-country nationals who should 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.

**DELETED**

2.2.5 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,
- the vehicle used,
- objects carried,
- the circumstances under which the person or the vehicle was found,
- the type and origin of the travel and identification documents presented. During the collection of this information the discreet nature of the surveillance should be maintained.

#### 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 or lost.

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

#### **3.1. Persons enjoying the Community right of free movement**

3.1.1 Persons enjoying the Community right of free movement are authorised to cross the border of a Member State on presentation of a valid identity card or passport. EU Citizens' family members who are not nationals of a Member State (or NO, IC, CH, FL) are authorised to cross the border of a Member State on presentation of a valid 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 Member State (or NO, IC, CH, FL) specifying their status of family member.



3.1.2 As a consequence, checks on persons enjoying the Community right of free movement should be limited, as a general rule, to the verification of their identity and nationality (so-called “**minimum check**”). This verification may be carried out by using appropriate technical devices to detect the presence of signs of falsification and counterfeiting, as well as by consulting, where appropriate, databases on stolen, misappropriated, lost and invalidated documents. No questions concerning the purpose of travel or means of subsistence shall be asked.

3.1.3 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 of Member States or a threat to public health, border guards may carry out a further check on these persons by consulting the SIS and other national databases.

### **3.2. Heads of State**

Heads of State and members of their delegations, whose arrival and departure have been officially notified to border guards through diplomatic channels, may be exempted from border checks.

### **3.3. Pilots of aircraft**

3.3.1 Pilots of aircraft and other crew members may cross the border on the basis of their pilot’s licence or crewmember certificate as provided for in Annex 9 to the ICAO Convention of 7 December 1944, 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 entry conditions for third-country nationals must be fulfilled.

3.3.2. Wherever possible, during the checks at airports, priority shall be given to checks on aircraft crews, i.e. they shall 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.

### **3.4. Seamen**

3.4.1 Seamen may go ashore, i.e. stay in the area of the port where their ship calls or in the adjacent municipalities, using their seafarer's identity document issued in accordance with the Geneva Convention of 19 June 2003 (No 185), the London Convention of 9 April 1965 and the relevant national provisions, provided that such a document is recognised by the Schengen State concerned. In such a case they do not need present 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.

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

### **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 shall 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.
- 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. 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 shall also apply where an alert on the person has been entered in the SIS.
- 3.5.4 Diplomats who are accredited outside the territory of the Schengen States should 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 should be informed immediately.
- 3.5.6. 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, are 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.

### **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, shall be stamped at entry and exit.

3.6.2. **DELETED**

### 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 shall check that the persons accompanying minors have parental custody for 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 shall make all necessary investigations in order to prevent the abduction or in any case unlawful removal of the minor.
- 3.7.3 Unaccompanied minors shall be scrutinised in order to ensure that they do not leave the territory against the wishes of the person(s) having parental custody.

### § 4. Stamping of travel documents of third-country nationals

- 4.1. As a general rule, the travel documents of third-country nationals shall 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.

No entry or exit stamp shall be affixed:

- a) to the travel documents of Heads of State and dignitaries whose arrival has been officially announced in advance through diplomatic channels (*link*),
- b) to pilots' licences or the certificates of aircraft crew members (*link*),
- c) 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 (*link*),
- d) to the travel documents of crew and passengers of cruise ships who are not subject to border checks, in those cases provided for in Section V § 2 (*link*),
- e) to documents enabling nationals of Andorra, Monaco and San Marino to cross the border,
- f) to documents of border residents enjoying a local border traffic regime (*link*).

4.2. The travel document of family members of EU, NO, IC, FL and CH citizens shall also be stamped, unless they present a residence card with the indication “family member of an EU citizen” or “family member of a NO, IC, FL or CH citizen” (*annex 14*).

[*Examples*]

4.3. Exceptionally, at the request of a third-country national, the entry or exit may be stamped on a separate sheet indicating the name and passport number. This sheet shall be given to the third-country national.

4.4. In the case of entry and exit of third-country nationals submitted to the visa obligation, the stamp should, 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 shall be done 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 shall not be stamped, and the stamps cannot be affixed on the personal data and other pages where original formal notes are made.

**DELETED**

4.5. The security codes on the stamps shall be changed at regular intervals not exceeding one month.

4.6. The exchange of information on the security codes of the entry and exit stamps used at border crossing-points by other Schengen States shall take place via the appropriate contact points (*annex 3*).

- 4.7. 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.
- 4.8. However, if the third-country national provides by any means credible evidence, such as transport tickets or proof of his/her presence outside the territory of the Members States, no penalty shall be imposed and the border guard shall give such a person either a special confirmation on a form (*see annex 17*) or, where foreseen by national legislation, indicate directly in the travel document the date and place where the person has crossed the external border.

## **§ 5. Relaxation of checks**

- 5.1. Border checks at external borders may be relaxed as a result of exceptional and unforeseen circumstances. The 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, for example, if 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 shall in principle take priority over border checks on exit movements. The decision to relax checks shall be taken by the border guard in command at the border crossing point. Such relaxation of checks shall be temporary, shall be adapted to the circumstances justifying it and shall be introduced gradually.
- 5.3. Even in the event of border checks being relaxed, the border guard shall stamp the travel documents of third country nationals both on entry and exit, in accordance with § 4 (*link*).

## § 6. Refusal of entry

6.1. Third-country nationals shall in principle 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, or residence permit 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 three months during a 6-month period 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.

6.2. **DELETED**



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6.6. **DELETED**

6.7. All persons to whom entry has been refused 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 shall be given to the third-country national concerned.

6.8. The decision to refuse entry shall be performed immediately.

6.9. If the refused person has been brought by a carrier by air, sea or land the carrier shall be obliged immediately to assume responsibility for him/her again. The carrier shall, in particular, be obliged to return the aliens to the third State from which they were transported or to the third State which issued the travel document on which they travelled or to any other third State to which they are certain to be admitted.

When the refused alien cannot be taken back immediately, the carrier may be made to bear all necessary costs of lodging, maintenance and return travel.

6.10. Penalties shall be imposed on the carrier in accordance with Directive 2001/51/EC and with national law (link).

6.11. The border guards shall take all appropriate measures in order to prevent aliens refused entry from entering illegally (i.e. by keeping them in a specially designated area).

## § 7. Issuing of visas at the border

7.1. A visa may be issued at the border provided that the third-country national:

- a) holds a valid document entitling him/her to cross the border,
- b) he/she can justify the purpose of the journey, has sufficient means of subsistence and is not a threat to public order, internal security, public health or the international relations of the Schengen States,
- c) submits documentary evidence of the existence of unforeseeable and imperative reasons for entry.

In addition, the border guard shall be able to verify that the return of the person to the country of origin or to a third country is ensured.

7.2. The visa may be issued :

- a) without restrictions on territorial validity (valid for all Schengen States),
- b) with restricted territorial validity, i.e. limited to the territory of one or more Schengen States.

In both cases the visa must not be valid for more than one entry and the validity of the short-stay visa must not exceed 15 days.

7.3. A transit visa may be issued to the applicant at the border provided that he/she has a valid visa for a country of destination outside the Schengen States. Such a transit visa may not exceed 5 days' duration.

7.4. A visa cannot be issued in a travel document which is not valid. When a document is not recognised as valid by some Schengen States the issued visa must be territorially restricted.

7.5. A third-country national falling within a category of persons for which it is obligatory to consult one or more of the central authorities of other Schengen States (annex 9) shall not, in principle, be issued with a visa at the border. Nevertheless, a visa may be issued at the border for such persons in exceptional cases, namely on humanitarian grounds, in the national interest, on account of international obligations. A visa of such kind may only be issued with territorial validity restricted to the State of issuance.

- 7.6. Visas issued at the border shall be recorded on a list.
- 7.7. The fees to be charged for the issue of visas are shown in [annex 12](#).
- 7.8. Special rules for issuing transit visas at the border apply to **seamen**. A seaman who is required to be in possession of a visa when crossing the external borders may be issued with a transit visa at the border where:
- he/she fulfils the conditions in point 7.1,
  - he/she has not been in a position to apply for a visa in advance,
  - he/she submits, if required, supporting documents substantiating unforeseeable and imperative reasons for entry,
  - the reason for crossing the border is to embark on, re-embark on or disembark from a ship on which he/she will work or has worked as a seaman,
  - return to his/her country of origin or transit to a third State shall be assured. Seamen who are of the same nationality and travelling in a group of between five and 50 individuals may be issued with a group transit visa which shall be affixed to a separate sheet. The sheet shall include surname and forename, date of birth, nationality, and travel document number.

Before issuing a visa at the border to a seaman or seamen in transit the competent national authorities shall comply with the instruction given in [Annex 19](#).

## **§ 8. Facilitated Transit Document (FTD) and Facilitated Railway Transit Document (FRTD)**

- 8.1. 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 live in two parts of their own country which are not geographically contiguous.
- 8.2. 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 shall not exceed 24 hours.

8.3. The FRTD serves for single return trips by train and is valid for up to three months. A transit based on a FRTD shall not exceed six hours.

8.4. FTD/FRTD have the same value as a visa and can be issued by consular authorities in accordance with Council Regulation (EC) No 693/2003 and (EC) No 694/2003 (see [Annex 20](#)). They cannot be issued at the border.

## **§ 9. Asylum-seekers**

9.1. All asylum applications lodged at the border by third-country nationals must be examined in accordance with Directive [*the Asylum Procedures Directive*] to assess whether the applicant qualifies for international protection (refugee status or other forms of international protection) under Council Directive 2004/83/EC (*link*).

9.2. Asylum-seekers should be informed, in a language they may reasonably be expected to understand, of the procedure to be followed and of their rights and obligations.

9.3. The border guard shall take fingerprints of all fingers of every applicant for asylum of at least 14 years of age as required under Regulation 2725/2000 (Eurodac Regulation).

9.4. Any asylum application shall be transmitted to the competent national authority designated by each Schengen State for that purpose. [*Link to national legislation/procedure*]

## **§ 10. Registration of information at the border**

At all border crossing points, all service information and any other particularly important information shall be registered manually or electronically. The information to be registered shall 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.

## **SECTION II: Land borders.**

### **§ 1. Checks on road traffic.**

- 1.1. The border guard in command of a crossing point shall ensure that effective checks on persons are carried out, while at the same time ensuring the safety and flow of road traffic.
- 1.2. If possible, there should be separate lanes installed for persons enjoying the Community right of free movement and other third-country nationals, in accordance with general rules on the separation of lanes (cross-reference).
- 1.3. Checks should be carried out, wherever possible, by two border guard officers.

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1.8. Checks on persons travelling by bus can be performed in a passenger terminal or inside the bus, depending on the circumstances. **DELETED**

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**§ 2. Checks on rail traffic.**

- 2.1. The commanding border guard officer on duty at the rail border crossing point shall gather information about rail schedules and the foreseeable number of rail passengers in order to ensure efficient border checks.
  
- 2.2. The rail check can be carried out:
  - a) on the platform in the first station of arrival or the last one before departure on the territory of a Schengen State,
  - b) on board the train, during transit.

- 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 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.
- 2.5. 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, shall notify the authorities of the Schengen State towards or within whose territory the train is moving.
- 2.6. The border control of passengers of high-speed trains coming from a third State may be performed :
- a) in the stations in a third State 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 on the territory of the Schengen States, provided that the persons stay on board the train in the previous station/stations.

Domestic passengers travelling on such a train inside the territory of the Schengen States are subject to border control (on board or at the station of destination). The passengers should be informed about this prior to travel. When travelling in the opposite direction, the persons on board the train shall be subject to exit checks.

**§ 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. A list of bilateral local border traffic agreements concluded by Member States is included in Annex 21 (*link*). Such agreements may provide the following:
- a) the setting up of specific border crossing points reserved for border residents (*link to Annex 2*);
  - 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 the LBT permit.
- 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, should usually be subject only to random checks. However, thorough checks should be carried out on them from time to time, without warning and at irregular intervals.
- 3.4. When the facilitation under c) is foreseen in the bilateral agreement with a third country, the Member State concerned should 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 § 3.6 of Section II (*link*).

## **SECTION III: Air borders.**

### **§ 1. Checks at the airport.**

- 1.1. To ensure efficient border checks at the airport the border guard shall 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.
- 1.2. Appropriate infrastructures shall separate intra-Schengen flights from extra-Schengen flights.
- 1.3. Border checks shall 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 shall be controlled; checks shall not be carried out in the transit area, unless the assessment of the risks related to illegal migration or internal security justifies it.
- 1.5. Checks on crew members shall be performed prior to those on passengers and in a separate location.
- 1.6. A separate place for the second line of border check should be created.
- 1.7. Wherever possible, there should be a separate line for diplomats and passengers with disabilities.

- 1.8. 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. When patrolling, sniffer dogs for explosive materials should be used. Any luggage abandoned by its owner should be immediately moved to a safe place far away from the passengers.
- 1.9. The place where border checks are carried out shall be determined in accordance with the following procedure:
- a) Passengers on a flight from a third State who board an internal flight shall 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) shall 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 shall 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, shall 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 shall 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 shall be carried out in accordance with point (b)(ii). The reverse procedure shall 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.

1.2.1 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 risk of illegal migration,
- there are expelled persons from other countries,
- to gather all necessary information from the crew when there is a need.

1.2.2 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.

1.2.3 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.

1.2.4 In case of emergency landing at the airport normal check procedures take place.

1.2.5 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 customs.



## **§ 2. Check in aerodromes**

- 2.1. It shall be ensured that persons are also checked on general principles. 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 States 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 director of this aerodrome shall give adequate notice to the border guards about the arrival or departure of aircraft from or to third States.

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

- 3.1. The captain of a private plane flying from a third State shall 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 and information concerning passengers’ identity.
- 3.2. Where private flights coming from a third State and bound for a Schengen State make stopovers in the territory of other Schengen States, the competent authorities of the Schengen State of entry shall 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 shall carry out checks on persons in airports and aerodromes on general principles.
- 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 shall be laid down by national law and, where applicable, by bilateral agreements.

## **SECTION IV: Sea borders**

### **§ 1. General checking procedures on maritime traffic**

- 1.1. The border guard in command of a crossing point shall 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.. The officer on duty shall contact previous and forthcoming ports for further information when there is a risk of illegal migration or of other illegal activities. In such cases, the vessels and their crews shall be put under special surveillance which may involve using technical equipment. Such surveillance may be carried out together with other national and international partners.
- 1.3. Checks on ships shall be carried out at the port of arrival or departure, on board ship or in an area set aside for the purpose, located in the immediate vicinity of the vessel. 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 State.

- 1.4. The ship's captain or the shipowner's agent shall draw up a list (nominal list), in duplicate, of the crew and of any passengers. In the list shall be included:
- name and surname,
  - date of birth,
  - nationality,
  - number and type of travel document and, where applicable, visa number.

At the latest upon arriving in the port he/she shall give the list(s) to the border guards. If, for reasons of *force majeure*, the list or lists cannot be sent to the border guards, a copy shall be sent to the appropriate border post or shipping authority, which shall forward it without delay to the border guards.

- 1.5. One copy of the two lists duly signed by the border guard shall be returned to the ship's captain, who shall produce it on request when in port.
- 1.6. Any changes in the crew or passenger lists shall be notified immediately to the border guards by the captain or the shipowner's agent.
- 1.7. The captain is obliged to inform border guards about stowaways before the ship enters a port.
- 1.8. The captain shall notify the border guards of the ship's departure. When it is impossible he shall advise the appropriate shipping authority and give them the second copy of the previously completed and signed list.

## § 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 captain or the shipowner's agent shall transmit to the respective border guards the itinerary and the programme of the cruise, at least 24 hours before leaving the port of departure and before the arrival at each port in the territory of the Schengen States.
- 2.3. If the itinerary of a cruise ship comprises exclusively ports situated in the territory of Schengen States, no border checks shall be carried out and the cruise ship may dock at ports which are not border crossing points. Nevertheless, on the basis of an assessment of the risks related to security and illegal immigration, checks may be carried out on crew and passengers of these ships.
- 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 shall 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 shall 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 shall 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 shall 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 shall 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. In this latter case, the assessment shall be based upon the nominal list, checks at the SIS and national data systems and the information obtained from the previous Schengen State's port as well. 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 should 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 shall 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 sailing from Oslo to Stockholm and then to 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 shall 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 shall 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 shall be carried out. Nevertheless, on the basis of an assessment of the risks related to security and illegal immigration, checks may be carried out on the crew and passengers of these ships.

**Example:** a cruise ship sailing from Oslo to Reykjavik.

- 2.5. The nominal lists shall be transmitted to the respective border guards by the cruise ship's captain or, failing that, the shipowner's agent at least 24 hours before the arrival at each port or in case the journey to this port lasts less than 24 hours immediately after boarding is completed in the previous port. The nominal lists shall be stamped at the first port of entry into the territory of the Schengen States and in all cases if it is modified.
- 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 shall take into account *inter alia* the following elements: the nationality of the travellers, any 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.

### **§ 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 pleasure boats coming from or departing to a port situated in a Schengen State shall 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 shall 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 shall notify the port authorities in order to be authorised to enter this port. The port authorities shall contact the authorities in the nearest port designated as border crossing point in order to report the vessel's arrival. The declaration regarding passengers shall be made by lodging the list of persons on board with the port authorities. This list shall 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 shall 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 shall be handed in. A copy of this document shall 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 shall be included amongst the ship's papers.
- 3.5. Random checks on pleasure boats should be carried out irrespective of the assessment of the risks of illegal immigration.

#### **§ 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 shall 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 shall be carried out.
- 4.4. The crews of coastal fisheries' vessels not registered in a port situated in the territory of a Schengen State shall be checked in accordance with the provisions relating to seamen. The ship's captain shall notify the competent authorities of any alteration to the crew list and of the presence of any passengers.

#### **§ 5. Checks on ferry connections**

- 5.1. Regular ferry connection is any ferry connection between the same two or more ports situated in the territory of the Schengen States, not calling at any ports outside the territory of the Schengen States and consisting of the transport of passengers and vehicles according to a published timetable.



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

- a) where possible, separate lanes for EU Member States, EEA and Switzerland should be provided,
- b) checks on foot passengers shall be carried out individually;
- c) checks on vehicle occupants shall be carried out while they are at the vehicle;
- d) ferry passengers travelling by coach shall be considered as foot passengers. These passengers shall alight from the coach for the checks;
- e) checks on heavy goods vehicle drivers and any accompanying persons shall be conducted while the occupants are at the vehicle. This check shall in principle be organised separately from checks on the other passengers;
- f) to ensure that checks are carried out quickly, there shall be an adequate number of gates;
- g) in order to detect illegal immigrants in particular, random searches shall 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 shall be dealt with in the same way as commercial ship crew members.

## **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. 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 shall be regarded as crew members or equivalent.
- 1.3. The border check comprises :
  - checking of travel documents of the crew and passengers,
  - comparison between documents and transporting goods,
  - searching of the vessel when there is a risk of illegal migration or transporting of drugs and dangerous materials.

## **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 unauthorised border crossings,
  - b) to counter cross-border crime,
  - c) to apply or to take measures against persons who have crossed the border illegally.
  
- 1.2. The officer in command shall 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 border crime. The resources used should be selected in accordance with the type and nature of the border (land, inland waterway or sea).

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